

complete the application for examination, the remainder of the filing fees and the required surcharge (\$65.00 for small entities and \$130.00 for other applicants) would be due within the 12-month time period set in the missing parts notice. Thus, an additional \$445.00 for small entities and \$890.00 for other applicants would be due for payment of the surcharge and the search and examination fees (plus any required excess claims fees and application size fee). Furthermore, the publication fee would not be required until mailing of a notice of allowance (unless early publication is requested).

Applicants are reminded that the disclosure of an invention in a provisional application should be as complete as possible because the claimed subject matter in the later-filed nonprovisional application must have support in the provisional application in order for the applicant to obtain the benefit of the filing date of the provisional application. Applicants are also advised that the extended missing parts period would not affect the 12-month priority period provided by the Paris Convention for the Protection of Industrial Property (Paris Convention) and, thus, any foreign filings would still need to be made within 12 months of the filing date of the provisional application if applicant wishes to rely on the provisional application in the foreign-filed application.

As discussed, the USPTO would require the nonprovisional application to be in condition for publication. In addition, the USPTO would publish the application promptly after the expiration of eighteen months from the earliest filing date for which a benefit is sought. Thus, if there are informalities in the application papers that need correction for the application to be in condition for publication (such as the specification pages contain improper margins or line spacing or the drawings are not acceptable because they are not electronically reproducible), the USPTO would still send a missing parts notice that sets a two-month (extendable) time period (not the 12-month extended missing parts period) for the applicant to correct the informalities as well as submit any missing items or required fees.

The USPTO is also considering offering applicants an optional service of having an international style search report prepared during the 12-month extended missing parts period. The optional service would provide the applicant with information concerning the state of the prior art and may be useful in determining whether to complete the application and the claims

to pursue if the application is completed. The search report that would be prepared would be similar to the search report that is prepared for international applications. *See* PCT Rule 43 and *Manual of Patent Examining Procedure* (MPEP) § 1844. The fee for this service would be set, through rule making, to recover the estimated average cost of providing the service and is anticipated to be consistent with the current cost of conducting an international search. *See* 35 U.S.C. 41(d)(2) and 37 CFR 1.445(a)(2). It should be noted that if applicant decides to file a reply to the missing parts notice and complete the nonprovisional application after having received such a search report, the applicant would still be required to pay the search fee (set forth in 35 U.S.C. 41(d)(1) and 37 CFR 1.16) with the reply to the missing parts notice, and the examiner would still conduct the search that is currently done as part of the examination of nonprovisional applications. *See* MPEP §§ 704.01 and 904–904.03. This is analogous to international applications where applicant is required to pay the search fee set forth in 37 CFR 1.445(a)(2) and the USPTO will conduct a search and prepare an international search report when the USPTO is the International Searching Authority; and then, after the international application enters the national stage in the United States, applicant is required to pay the national stage search fee set forth 37 CFR 1.492(b) and the examiner will conduct a search as part of the examination of the application.

Any patent term adjustment (PTA) accrued by an applicant based on certain administrative delays by the USPTO is offset by a reduction for failing to reply to a notice by the USPTO within three months. *See* 37 CFR 1.704(b). Thus, if an applicant replies to a notice to file missing parts more than three months after mailing of the notice, the additional time would be treated as an offset to any positive PTA that will be accrued by applicant. The USPTO envisions that no change would be made to the current regulations (including the patent term adjustment regulations) except to provide for the fee for the optional service of an international style search report, if the USPTO decides to implement the proposed change to the missing parts practice.

The USPTO is publishing this request for comments to gather public feedback on, and to determine the level of interest in, the proposed change to missing parts practice as well as the optional service to provide a search report during the

extended missing parts period discussed in this notice. Comments or suggestions are solicited on whether or how the USPTO should revise the missing parts practice.

Dated: March 29, 2010.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2010–7520 Filed 4–1–10; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–863]

#### **Honey from the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* April 2, 2010.

**FOR FURTHER INFORMATION CONTACT:** FOR FURTHER CONTACT INFORMATION: Catherine Bertrand, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3207.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 1, 2009, the Department of Commerce (“the Department”) published a notice of opportunity to request an administrative review of the antidumping duty order on honey from the People's Republic of China (“PRC”). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 74 FR 62743 (December 1, 2009). On December 31, 2009, American Honey Producers Association and the Sioux Honey Association (collectively “Petitioners”) requested that the Department conduct an administrative review of the exports to the United States of 51 companies for the period December 1, 2008, through November 30, 2009. Those companies are: Ahcof Industrial Development Corp., Ltd.; Alfred L. Wolff (Beijing) Co. Ltd.; Anhui Honghui Foodstuff (Group) Co., Ltd.; Anhui Honghui Import&Export Trade Co., Ltd.; Anhui Cereals Oils and Foodstuffs I/E (Group) Corporation; Anhui Native Produce Imp& Exp Corp.; APM Global Logistics (Shanghai) Co.; Baiste Trading Co., Ltd.;

Cheng Du Wai Yuan Bee Products Co., Ltd.; Chengdu Stone Dynasty Art Stone; Dongtai Peak Honey Industry Co., Ltd.; Eurasia Bee's Products Co., Ltd.; Fresh Honey Co., Ltd. (formerly Mgl. Yun Shen); Golden Tadco Int'l; Hangzhou Golden Harvest Health Industry Co., Ltd.; Haoliluck Co., Ltd.; Hengjide Healthy Products Co. Ltd.; Hubei Yusun Co., Ltd.; Inner Mongolia Altin Bee-Keeping; Inner Mongolia Youth Trade Development Co., Ltd.; Jiangsu Cereals, Oils Foodstuffs Import Export (Group) Corp.; Jiangsu Kanghong Natural Healthfoods Co., Ltd.; Jiangsu Light Industry Products Imp & Exp (Group) Corp.; Jilin Province Juhui Import; Maersk Logistics (China) Company Ltd.; Nefelon Limited Company; Ningbo Shengye Electric Appliance; Ningbo Shunkang Health Food Co., Ltd.; Ningxia Yuehai Trading Co., Ltd.; Product Source Marketing Ltd.; Qingdao Aolan Trade Co., Ltd.; QHD Sanhai Honey Co., Ltd.; Qinhuangdao Municipal Dafeng Industrial Co., Ltd.; Renaissance India Mannite; Shaanxi Youthsun Co. Ltd.; Shanghai Bloom International Trading Co., Ltd.; Shanghai Foreign Trade Co., Ltd.; Shanghai Hui Ai Mal Tose Co. Ltd.; Shanghai Taiside Trading Co., Ltd.; Shine Bal Co., Ltd.; Sichuan-Dujiangyan Dubao Bee Industrial Co., Ltd.; Silverstream International Co., Ltd.; Suzhou Shanding Honey Product Co. Ltd.; Tianjin Eulia Honey Co., Ltd.; Wuhan Bee Healthy Co., Ltd.; Wuhan Shino-Food Trade Co., Ltd.; Wuhu Fenglian Co., Ltd.; Wuhu Qinshi Tangye; Wuhu Qinshgi Tangye; Xinjiang Jinhui Food Co., Ltd.; and, Zhejiang Willing Foreign Trading Co. Pursuant to this request, the Department published a notice of the initiation of the administrative review of the antidumping duty order on honey from the PRC. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 4770 (January 29, 2010).

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the requests within 90 days of the date of publication of the notice of initiation. On March 22, 2010, Petitioners timely withdrew their request that the Department conduct an administrative review of the entries of subject merchandise of the 51 companies listed above, and no other interested party requested a review of these or any other companies for this POR. Therefore, the Department is rescinding this administrative review of

the antidumping duty order on honey from the PRC covering the period December 1, 2008, through November 30, 2009, in accordance with 19 CFR 351.213(d)(1).

#### Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the publication of this notice in the **Federal Register**.

#### Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO, in accordance with 19 CFR 351.305 and as explained in the APO itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 29, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-822]

#### Certain Helical Spring Lock Washers From the People's Republic of China: Rescission of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** April 2, 2010.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Tran, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1503.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 1, 2009, the Department of Commerce ("the Department") published a notice announcing the opportunity to request an administrative review of the antidumping duty order on certain helical spring lock washers from the People's Republic of China for the period October 1, 2008 through September 30, 2009. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 74 FR 50772 (October 1, 2009). On November 2, 2009, in accordance with 19 CFR 351.213(b), the Department received a timely request from Shakeproof Assembly Components Division of Illinois Tool Works Inc., the petitioner, to conduct an administrative review of Hangzhou Spring Washer Co., Ltd., also known as Zhejiang Wanxin Group Co., Ltd ("Hangzhou"). No other party requested an administrative review.

On November 25, 2009, the Department published a notice of initiation of an antidumping duty administrative review of Hangzhou. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 74 FR 61658 (November 25, 2009).

#### Rescission of Administrative Review

If a party that requested an administrative review withdraws the request within 90 days of the date of publication of notice of initiation of the requested administrative review, the Secretary will rescind the administrative review pursuant to 19 CFR 351.213(d)(1). On March 16, 2010, the petitioner withdrew its request with