

Directorate Identifier 2005-CE-16-AD” in your request.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 97-24-09, Amendment 39-10216 (62 FR 62945, November 26, 1997), and by adding a new AD to read as follows:

**Burkhart Grob Luft-und:** Docket No. FAA-2005-20768; Directorate Identifier 2005-CE-16-AD.

**When Is the Last Date I Can Submit Comments on This Proposed AD?**

(a) We must receive comments on this proposed airworthiness directive (AD) by July 25, 2005.

**What Other ADs Are Affected by This Action?**

(b) This AD supersedes AD 97-24-09, Amendment 39-10216.

**What Sailplanes Are Affected by This AD?**

(c) This AD affects the Model G 103 C Twin III SL sailplanes, serial numbers 35002 through 35051, that are certificated in any category.

**What is the Unsafe Condition Presented in This AD?**

(d) This AD is the result of increased play of the propeller bearing. The actions specified in this AD are intended to prevent loss of the sailplane propeller caused by increased play in the current design propeller bearing and upper pulley wheel. This could result in loss of control of the sailplane.

**What Must I Do To Address This Problem?**

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
Modify the propeller bearing and upper pulley wheel by installing a new securing plate (part number 103SL-W-6400.12) and tightening the grooved nut. Use the new torque values as specified in the Burkhart Grob Service Bulletin MSB869-18/3, dated May 24, 2002.	Within 25 engine operating hours after the effective date of this AD.	Follow Burkhart Grob Service Bulletin MSB869-18, dated March 7, 1996 (including the reissued page 6 from Burkhart Grob Service Bulletin MSB869-18/2, dated July 3, 1996, issued as a complement and a correction to Burkhart Grob Service Bulletin MSB869-18, dated March 7, 1996) and Burkhart Grob Service Bulletin MSB869-18/3, dated May 24, 2002. Use the new torque values as specified in the Burkhart Grob Service Bulletin MSG869-18/3, dated May 24, 2002.

**May I Request an Alternative Method of Compliance?**

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any alternative methods of compliance, contact Gregory A. Davison, Aerospace Engineer, ACE-112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; facsimile: (816) 329-4149.

**Is There Other Information That Relates to This Subject?**

(g) LBA Airworthiness Directive 1996-206/3, dated August 22, 2002; Burkhart Grob Service Bulletin MSB869-18, dated March 7, 1996; Grob Service Bulletin MSB869-18/2, dated July 3, 1996; and Grob Service Bulletin MSB869-18/3, dated May 24, 2002, also address the subject of this AD.

**May I Get Copies of the Documents Referenced in This AD?**

(h) To get copies of the documents referenced in this AD, contact GROB LUFT-und, Raumfahrt, Lettenbachstrasse 9, D-86874 tussenhausen-Mattsies, Federal Republic of Germany; telephone: +49 8268 998139; facsimile: +49 8268 998200. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., NASSIF Building,

Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA-2005-20768; Directorate ID 2005-CE-16-AD.

Issued in Kansas City, Missouri, on June 15, 2005.

**John R. Colomy,**  
*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 05-12178 Filed 6-20-05; 8:45 am]  
**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

**[REG-134030-04 and REG-133791-02]**

**RIN 1545-BD60 and RIN 1545-BA88**

**Credit for Increasing Research Activities; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking relating to the computation and allocation of the credit for

increasing research activities for members of a controlled group of corporations, including consolidated groups, or a group of trades or businesses under common control.

**FOR FURTHER INFORMATION CONTACT:** Nicole R. Cimino at (202) 622-3120 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The proposed regulations that are the subject of these corrections are under section 951(a) of the Internal Revenue Code.

**Correction of Publication**

Accordingly, the publication of the notice of proposed rulemaking (REG-134030-04 and REG-133791-02), which was the subject of FR Doc. 05-10236, is corrected as follows:

1. On page 29662, column 3, in the preamble, under the paragraph heading “Background and Explanation of Provisions”, line 5 from the bottom, the language “December 31, 2004. The text

of those” is corrected to read “May 24, 2005. The text of those”.

Cynthia E. Grigsby,

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 05-12138 Filed 6-20-05; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### 37 CFR Part 1

[Docket No.: 2004-P-038]

RIN 0651-AB79

#### Changes To Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the patent application filing fee into a separate filing fee, search fee and examination fee. The Consolidated Appropriations Act also provides that the United States Patent and Trademark Office (Office) may refund part or all of the excess claim fee and the search fee in certain situations. This notice proposes changes to the rules of practice to implement the provisions for refunding the search fee for applicants who file a written declaration of express abandonment before an examination has been made of the application.

**COMMENT DEADLINE DATE:** To be ensured of consideration, written comments must be received on or before August 22, 2005. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message over the Internet addressed to [AB79.Comments@uspto.gov](mailto:AB79.Comments@uspto.gov). Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, or by facsimile to (571) 273-7735, marked to the attention of Robert W. Bahr. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office prefers that the comments be submitted on a DOS

formatted 3½ inch disk accompanied by a paper copy.

Comments may also be sent by electronic mail message over the Internet via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (<http://www.regulations.gov>) for additional instructions on providing comments via the Federal eRulemaking Portal.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the Office Internet Web site (address: <http://www.uspto.gov>). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:**

Robert W. Bahr, Senior Patent Attorney, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-8800, by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, or by facsimile to (571) 273-7735, marked to the attention of Robert W. Bahr.

**SUPPLEMENTARY INFORMATION:** Among other changes, the Consolidated Appropriations Act (section 801 of Division B) provides that 35 U.S.C. 41(a), (b), and (d) shall be administered in a manner that revises patent application fees (35 U.S.C. 41(a)) and patent maintenance fees (35 U.S.C. 41(b)), and provides for a separate filing fee (35 U.S.C. 41(a)), search fee (35 U.S.C. 41(d)(1)), and examination fee (35 U.S.C. 41(a)(3)) during fiscal years 2005 and 2006. The Consolidated Appropriations Act also provides that the Office may, by regulation, provide for a refund of: (1) Any part of the excess claim fee specified in 35 U.S.C. 41(a)(2) for any claim that is canceled before an examination on the merits has been made of the application under 35 U.S.C. 131; (2) any part of the search fee for any applicant who files a written declaration of express abandonment as prescribed by the Office before an examination has been made of the application under 35 U.S.C. 131; and (3) any part of the search fee for any applicant who provides a search report that meets the conditions prescribed by the Office. The Office is proposing to revise the rules of practice to implement the provisions for a refund of the search fee for any applicant who files a written declaration of express abandonment as prescribed by the Office before an

examination has been made of the application under 35 U.S.C. 131.

#### Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, Part 1, is proposed to be amended as follows:

*Section 1.138:* Section 1.138(c) is amended to change “section” (*i.e.*, § 1.138) to “paragraph” (*i.e.*, § 1.138(c)) to clarify that a petition to expressly abandon an application to avoid publication of an application is filed under § 1.138(c) (rather than § 1.138).

Section 1.138 is also amended to include a new paragraph (d), which implements the provision in 35 U.S.C. 41(d)(1)(D) that the Office may provide for a refund of any part of the search fee “for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under [35 U.S.C.] 131.” Section 1.138(d) specifically provides that an applicant seeking to abandon an application filed under 35 U.S.C. 111(a) and § 1.53(b) on or after December 8, 2004, to obtain a refund of any search fee paid in the application must submit a petition and declaration of express abandonment in sufficient time to permit the appropriate officials to recognize the abandonment before the application has been taken up for examination.

The Office will consider an application to be “taken up for examination” for purposes of 35 U.S.C. 41(d)(1)(D) and § 1.138(d) when the application is placed on the examiner’s docket for action. Since the patent fee provisions of the Consolidated Appropriations Act expire (in the absence of subsequent legislation) on September 30, 2006 (at the end of fiscal year 2006), the patent fee structure provided for in the Consolidated Appropriations Act will be in effect for less than two years (in the absence of subsequent legislation). Thus, the information technology investment necessary to permit an application to be considered “taken up for examination” at some later point in time (*e.g.*, based upon the anticipated time to first action in the class/subclass to which the application is assigned) for purposes of 35 U.S.C. 41(d)(1)(D) and § 1.138(d) is not warranted in the absence of the enactment of legislation which makes the patent fee structure provided for in the Consolidated Appropriations Act permanent.

A petition under § 1.138(d) will be granted when it is recognized in sufficient time to process the abandonment before the application has been taken up for examination and will