

under section 772(d)(1)(B) of the Tariff Act of 1930, as amended (the Act). See *NSK Ltd. v. United States*, 217 F. Supp 2d. 1291 (CIT 2002). NSK appealed the CIT's judgment to the United States Court of Appeals for the Federal Circuit (CAFC). The CAFC vacated and remanded the Department's decision to classify NSK's repacking expenses as selling expenses and not movement expenses under section 772(d)(1)(B) of the Act. On February 18, 2005, pursuant to the CAFC's decision, the CIT remanded this case to the Department to revisit its classification of U.S. repacking expenses as selling expenses and provide an explanation for the inconsistent treatment of U.S. repacking expense, U.S. warehousing expense, and U.S. expense for shipping from warehouse to customer. See *NSK Ltd. v. United States*, Consol. Court No. 98-07-02527, slip op. 05-26 (CIT 2005). In accordance with the CIT's remand order in *NSK Ltd.*, slip op. 05-26, the Department filed its remand results on May 18, 2005. On June 27, 2005, the CIT affirmed the Department's final results of remand redetermination in their entirety. See *NSK Ltd.*, slip op. 05-77.

The changes to our calculations with respect to NSK resulted in a change in the weighted-average margin for ball bearings (BBs) from 2.35 percent to 2.34 percent and a change in the weighted-average margin for cylindrical roller bearings (CRBs) from 2.21 percent to 2.19 percent for the period of review. Accordingly, absent an appeal, or, if appealed, upon a "conclusive" decision by the CAFC which is consistent with the CIT's decision, we will amend our final results of these reviews to reflect the recalculation of margins for NSK.

#### Suspension of Liquidation

The CAFC held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. See *The Timken Company v. United States*, 893 F.2d 337, 341 (CAFC 1990). Publication of this notice fulfills that obligation. The CAFC also held that, in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. *Id.* Therefore, the Department must suspend liquidation pending the expiration of the period to appeal the CIT's June 27, 2005, decision affirming the Department's remand results or pending a final decision of the CAFC if that decision is appealed.

Because entries of the BBs and CRBs from Japan produced by, exported to, or imported into the United States by NSK are currently being suspended pursuant to the court's injunction order in effect,

the Department does not need to order U.S. Customs and Border Protection to suspend liquidation of affected entries. The Department will not order the lifting of the suspension of liquidation on entries of the BBs and CRBs made during the review period before a court decision in this lawsuit becomes final and conclusive.

We are issuing and publishing this notice in accordance with section 516A(c)(1) of the Act.

Dated: July 8, 2005.

**Susan Kuhbach,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-3750 Filed 7-13-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Applications Concerning Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 60/656,551 entitled "Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity," filed February 17, 2005; as well as the invention set forth in related U.S. Provisional Patent application Serial No. 60/660,024 entitled "Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity," filed February 23, 2005. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-ZA-J, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**FOR FURTHER INFORMATION CONTACT:** For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

**SUPPLEMENTARY INFORMATION:** Botulinum neurotoxins (BoNTs A-G) are zinc metalloendoproteases that exhibit extraordinary specificities for proteins

involved in neurotransmitter release. In view of the extreme toxicities of these molecules, their applications in human medicine, and potential for misuse, it is of considerable importance to elucidate the mechanisms underlying substrate recognition and to develop inhibitors, with the ultimate goal of obtaining anti-botulinum drugs.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 05-13856 Filed 7-13-05; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Prospective Grant of Exclusive Patent License

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209 and 37 CFR 404, U.S. Army Research, Development and Engineering Command (RDECOM) hereby given notice that it is contemplating the grant of an exclusive license in the United States to practice the below referenced invention owned by the U.S. Government to TSI Incorporated, 500 Cardigan Road, Shoreview, MN 55126.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Biffoni, Intellectual Property Attorney, U.S. Army Research, Development and Engineering Command, ATTN: AMSRD-CC (Bldg E4435), Aberdeen Proving Ground, MD 21010-5424, phone: (410) 436-1158; Fax: 410-436-2534 or e-mail: [u.john.biffoni@us.army.mil](mailto:u.john.biffoni@us.army.mil).

**SUPPLEMENTARY INFORMATION:** The prospective exclusive license may be granted, unless REDECOM receives written evidence and argument to establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7 on or before July 29, 2005. The following Patent Number, Title, and Issue Date is provided:

*Title:* "Low Concentration Aerosol".

*Description:* The present invention relates to an apparatus useful in generating and counting low concentrations of individual aerosol particles.

*Patent Number:* 5,918,254.

*Issue Date:* June 29, 1999.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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**BILLING CODE 3710-08-M**