

*doctm/tmcal.html*) and other Internet Web sites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Recruitment for the mission will begin immediately and conclude no later than September 15, 2010. The U.S. Department of Commerce will review all applications immediately after the deadline. We will inform applicants of selection decisions as soon as possible after September 15, 2010. Applications received after that date will be considered only if space and scheduling constraints permit.

#### Contacts

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[FR Doc. 2010-17742 Filed 7-26-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

#### Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On February 5, 2010, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan. The period of review is May 1, 2008, through April 30, 2009. We gave interested parties an opportunity to comment on the preliminary results. We received comments from Far Eastern Textile Limited. The final weighted-average dumping margin for Far Eastern Textile Limited is listed below in the "Final Results of the Review" section of this notice.

**DATES:** *Effective Date:* July 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Romani or Richard

Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0198 or (202) 482-4477, respectively.

#### Background

On February 5, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber (PSF) from Taiwan. See *Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 5964 (February 5, 2010) (*Preliminary Results*). We invited interested parties to comment on the *Preliminary Results*. We received comments from the respondent. The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order

The product covered by the order is PSF. PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.00.20 is specifically excluded from the order. Also specifically excluded from the order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from the order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to the order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

#### Analysis of Comments Received

All issues raised in the case briefs by parties to this review are addressed in the "Issues and Decision Memorandum" from Edward C. Yang, Acting Deputy Assistant Secretary, to Ronald K. Lorentzen, Deputy Assistant Secretary, dated July 19, 2010 (Decision Memorandum), and hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded is in the Decision Memorandum and attached to this notice as an Appendix. The Decision Memorandum, which is a public document, is on file in the Department's Central Records Unit of the main Commerce building, Room 1117, and is accessible on the Web at <http://trade.gov/ia>. The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Ministerial Errors

In the *Preliminary Results*, we indicated that we had matched products sold in the United States with identical products sold in the home market. In fact, in our calculation for the *Preliminary Results*, one product sold in the United States did not match to an above-cost, contemporaneous, physically identical product sold in the home market in the ordinary course of trade. Instead, from the pool of home-market sales that passed the cost-of-production test, we had selected for comparison purposes the product sold in the home market with the most similar physical characteristics to the product sold in the United States. For this comparison, we made a differences-in-merchandise adjustment to normal value.

In the *Preliminary Results* we stated erroneously that the preliminary margin we had found for the respondent was 2.11 percent; the correct margin resulting from our preliminary calculations was 2.43 percent. See "Certain Polyester Staple Fiber from Taiwan: Far Eastern Textile Limited Analysis Memorandum of the Preliminary Results of the Administrative Review of the Antidumping Duty Order (5/1/08-4/30/09)" dated February 1, 2010.

We received no comments from parties concerning these inadvertent errors in the *Preliminary Results*.

#### Final Results of the Review

We have made no changes to our calculations and, as announced in the *Preliminary Results*, we disregarded sales made at prices below the cost of production in the home market when determining normal value in this

administrative review. As a result of our review, we determine that a weighted-average dumping margin of 2.43 percent exists for Far Eastern Textile Limited for the period May 1, 2008, through April 30, 2009.

#### Assessment Rates

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. Although Far Eastern Textile Limited indicated that it was not the importer of record for any of its sales to the United States during the period of review, it reported the names of the importers of record for all of its U.S. sales. Because Far Eastern Textile Limited also reported the entered value for all of its U.S. sales, we have calculated importer-specific assessment rates for the merchandise in question by aggregating the dumping margins we calculated for all U.S. sales to each importer and dividing this amount by the total entered value of those sales.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by Far Eastern Textile Limited for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

The Department intends to issue assessment instructions directly to CBP 15 days after publication of these final results of review.

#### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of PSF from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash-deposit rate for Far Eastern Textile Limited will be 2.43 percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or previous reviews, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in

this review, a prior review, or the original investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash-deposit rate for all other manufacturers or exporters will continue to be 7.31 percent, the all-others rate established in *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000). These cash-deposit requirements shall remain in effect until further notice.

#### Notifications

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. 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 the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the 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.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 19, 2010.

**Ronald K. Lorentzen.**

*Deputy Assistant Secretary for Import Administration.*

#### Appendix

1. Exchange Rates.
2. Selection of Normal Value.

[FR Doc. 2010-18391 Filed 7-26-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-P-2010-0067]

#### Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of *Bilski v. Kappos*

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

**ACTION:** Notice; Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) has prepared *Interim Guidance for Determining Subject Matter Eligibility for Process Claims in view of Bilski v. Kappos (Interim Bilski Guidance)* for its personnel to use when determining subject matter eligibility under 35 U.S.C. 101 in view of the recent decision by the United States Supreme Court (Supreme Court) in *Bilski v. Kappos*, No. 08-964 (June 28, 2010). It is intended to be used by Office personnel as a supplement to the previously issued *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. 101* dated August 24, 2009 (*Interim Instructions*) and the memorandum to the Patent Examining Corps on the Supreme Court Decision in *Bilski v. Kappos* dated June 28, 2010. This guidance supersedes previous guidance on subject matter eligibility that conflicts with the *Interim Bilski Guidance*. Any member of the public may submit written comments on the *Interim Bilski Guidance*. The Office is especially interested in receiving comments regarding the scope and extent of the holding in *Bilski*. **DATES:** The *Interim Bilski Guidance* is effective July 27, 2010. This guidance applies to all applications filed before, on or after the effective date of July 27, 2010.

*Comment Deadline Date:* To be ensured of consideration, written comments must be received on or before September 27, 2010. No public hearing will be held.

**ADDRESSES:** Comments concerning this *Interim Bilski Guidance* should be sent by electronic mail message over the Internet addressed to [Bilski\\_Guidance@uspto.gov](mailto:Bilski_Guidance@uspto.gov) or facsimile transmitted to (571) 273-0125. Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Although comments may be submitted by facsimile or mail, the Office prefers to receive comments via the Internet.