NOTICES

regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is on file for public inspection during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00690-33-46040. Applicant: University of Florida, College of Medicine, Department of Pathology, Gainesville, Fla. 32601. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the following:

1. Introductory training of research fellows in electron microscopy.
2. Training of research fellows in the ultrastructure of tumor cells and viruses.
3. Training of research staff in elementary electron microscopy for supportive research purposes.
4. Rapid screening of a large volume of tumor specimens for cytological detection of viral particles in Burkitt tumor cells.
5. Study and identification of viral particles particularly in relationship to tumor producing cells.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

CHARLEY M. DENTON, Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[FR Doc. 68-12775; Filed, Oct. 21, 1968; 8:45 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(a) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 86-651, 80 Stat. 987) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00690-33-46040. Applicant: University of Virginia School of Medicine, Charlottesville, Va. 22903. Article: Electron Microscope, Model EM 9A and recommended spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article:

The Zeiss EM 9A will be used for teaching and research. The Department of Physiology give a series of courses for graduate and medical students and the microscopist will be used in the department. The course will be taught by one of the staff and will be open to all graduate students in the university. Emphasis will be placed on correlation of structure and function of biological systems. In research the instrument will be used by several members of the Department who are engaged in physiological studies on cardiovascular and nervous systems. In these studies it is essential to have detailed information about the fine structure of the tissues under investigation. Such information can only be provided by electron microscopy. Examples of the tissues to be studied are cultured heart cells, smooth muscle cells of the microvascular system and the innervation of the heart and peripheral vessels.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

CHARLEY M. DENTON, Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[FR Doc. 68-12781; Filed, Oct. 21, 1968; 8:45 a.m.]

Patent Office

EXAMINATION OF PATENT APPLICATIONS ON COMPUTER PROGRAMS

Notice of Issuance of Guidelines

Notice of the Patent Office's intent to prescribe guidelines for the examination of patent applications on computer programs was issued on July 6, 1968, and published in the Official Gazette of the Patent Office on August 16, 1968 (839 O.G. 855). Full consideration has been given to the written comments and suggestions filed in response to the public notice, and will be to the statements received at the public hearings held on October 4, 1968.

The following guidelines for the examination of patent applications on computer programs are adopted, effective immediately. They reflect a tentative analysis of applicable statutory law.

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and judicious precedents and hence are subject to modification on the basis of later decisions. While there may be some question as to exactly what is meant by computer processing, it is believed that the essential meaning of this terminology is generally understood and that no specific definition is necessary here.

Process. Special problems of patentability arise in computer and processing fields revolving around logical processes and mathematical equations. Mental processes may not be patented although they may be of enormous importance; In re Abrams, 1961 C.D. 264, 38 C.C.P.A. 945, 89 U.S.P.Q. 266. A process or method is directed to patentable subject matter only if it is performed on physical materials and produces some appreciable change in their character or condition; In re Shao Wen Yuan, 1951 C.D. 286, 38 C.C.P.A. 967, 89 U.S.P.Q. 324; Cichon v. Deener, 94 U.S. 780, 1877 C.D. 244. Accordingly, a computer programming process which produces no more than a numerical, statistical or other informational result is not directed to subject matter. Such a process may, however, form a part of a patentable invention if it is combined in an unobvious manner with physical steps of the character above referred to as, for example, in the knitting of a pattern or the shaping of metal.

Apparatus. In accordance with 35 U.S.C. 112, the claims of an application must point out the invention. If the actual inventions lie in a series of steps which can be performed mentally, or which are otherwise not directed to subject matter which is patentable under the statutes, a patent cannot properly be obtained merely by reciting broadly a means for performing each of those steps. To permit this would be tantamount to granting a patent on the unpatentable process, since the process could not be performed unless some means are provided for carrying out each of the steps.

Further, it is well settled that a patent cannot be granted merely on the broad basis of doing automatically what has previously been done by hand; In re Hamilton, 17 U.S.P.Q. 245, and cases there cited, and for similar reasons, it would not be proper to patent apparatus, broadly, for doing what it is not patentable to do mentally.

Moreover, if, given the process to which an application relates, it would be obvious to a skilled programmer what tape or other apparatus was necessary to carry out the process, then the invention, if any, resides in the process and not in the apparatus; Nestor Co. v. Universal Business Machine Co., Ltd., 12 U.S.P.Q. 335, 55 F. 2d 854; Whitman v. Andrus et al., 92 U.S.P.Q. 291, 194 F. (2d) 270. As was said in the former case:

"Where one discovers a new and useful process for accomplishing a given result, is the obvious mechanical or electrical device, obvious to anyone to whom the proposed method is disclosed, patentable apart from the process? We are constrained to the opinion that it is not."

However, as in the case of a corresponding process, it is probable that computer may be part of patentable invention if unobviously combined with other elements to produce a physical result of the character referred to above.

The basic principle to be applied is that computer programming per se, whether defined in the form of process or apparatus, shall not be patentable.

Issued: October 17, 1968.

Edwin L. Reynolds,
Acting Commissioner of Patents.

[FR Doc. 68-12820; Filed, Oct. 21, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PNM-40-13]

NEFARIN ASSOCIATES

Notice of Filing of Petition

Notice is hereby given that Nefarin Associates, 39 Pinecrest Street, Boston, Mass. 02114, by letter dated October 2, 1967, has filed a petition for rule making to amend the Commission's regulation "Licensing of Source Material," 10 CFR Part 40.

The petitioner requests the Commission to amend its regulation to provide an exemption from licensing requirements of uranium-238 in the form of small bar-shaped cuf links for decorative purposes. The petitioner estimates that a pair of the cuff links would contain 15 microcuries of uranium-238.

A copy of the petition for rule making and copies of related correspondence from the petitioner are available for public inspection in the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

Dated at Washington, D.C., this 15th day of October 1968.

For the Atomic Energy Commission,

W. B. McCoo, Secretary.

[FR Doc. 68-12773; Filed, Oct. 21, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19692]

MILWAUKEE-SHORT HAUL INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 8, 1968, at 10 a.m., at Room 1057, Universal Building, 1835 Connecticut Avenue NW, Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 1, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.


[Seal]

THOMAS L. WREN, Chief Examiner.

[FR Doc. 68-12821; Filed, Oct. 21, 1968; 8:49 a.m.]

[Sedalia, Marshall, Boonville Stage Line, Inc.]

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority on October 15, 1968.

By petitions filed on October 4 and October 16, 1967, Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), requested the Board to establish final service mail rates for the transportation of mail by aircraft. The proposed rates per great circle aircraft mile were (1) 49.63 cents between Chicago, Ill., and Louisville, Ky., in Docket No. 19127; (2) 50.03 cents between Cleveland, Ohio, and Indianapolis, Ind., in Docket No. 19075; and (3) 49.54 cents between Minneapolis, Minn., Sault Claire, Wausau, and Green Bay, Wis., in Docket No. 19149. These petitions were supported by the Postmaster General. Subsequently, these final mail rates were established by Order E-28231.

On September 19, 1968, the Postmaster General filed petitions on behalf of Sedalia stating that since the submission by Sedalia of the proposals which resulted in establishment of the above rates the air taxi operator has experienced increased costs as a result of additional requirements imposed by the Post Office Department and in some cases new or increased landing and ramp fees imposed by airport operators. The Postmaster General further states that these increases in costs were not known nor reasonably foreseeable at the time the original petitions were filed. Because of these increased costs, the Postmaster General petitions for new final service mail rates for the transportation of mail by aircraft. The proposed rates per great circle aircraft mile were (1) 50.63 cents between Chicago, Ill., and Louisville, Ky., in Docket No. 19074; (2) 57.65 cents between Cleveland, Ohio, and Indianapolis, Ind., in Docket No. 19075; and (3) 54.91 cents between Minneapolis, Minn., Sault Claire, Wausau, and Green Bay, Wis., in Docket No. 19127. The Postmaster General states that the proposed rates are acceptable to the Department and the carrier and reflect fair and reasonable rates of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is pro-