



Federal Register

**Monday,
May 11, 2009**

Part IV

**Department of
Commerce**

Semiannual Regulatory Agenda

DOC—NOAA

Completed Actions

halibut, to provide greater angler opportunity where available, and to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries.

Timetable:

Action	Date	FR Cite
NPRM	01/14/09	74 FR 2032
NPRM Comment Period End	02/01/09	
Final Action	03/19/09	74 FR 11681
Correction	04/24/09	74 FR 11880

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
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RIN: 0648-AX44

140. VIRGINIA MODIFIED POUND NET LEADER INSPECTION PROGRAM

Legal Authority: 16 USC 1531et seq

Abstract: With this action, NMFS issues a rule to implement an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Previous regulations (71 FR 36024, June 23, 2006) required modified pound net leaders in a portion of the Virginia Chesapeake Bay from May 6 to July 15 each year, and this action would ensure that leaders used in that area do in fact meet the definition of a modified pound net leader. To comply with the inspection program, a pound net fisherman intending to set a modified leader must call NMFS to arrange for

an inspection meeting. Then, the fisherman must meet NMFS and allow for the inspection of his or her gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations. The purpose of this action is to help protect threatened and endangered sea turtles, while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9297
NPRM Comment Period End	04/02/07	
Final Action	11/18/08	73 FR 68348
Final Action Effective Date	12/18/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Carrie Upite, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
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RIN: 0648-AU98

141. ENDANGERED AND THREATENED SPECIES; DESIGNATION OF CRITICAL HABITAT FOR ELKHORN AND STAGHORN CORALS

Legal Authority: 16 USC 1531 to 1544

Abstract: The National Marine Fisheries Service designates critical habitat for elkhorn and staghorn corals, which we recently listed as threatened under the Endangered Species Act (ESA). Areas proposed for designation will be within the current geographic

ranges of these species that are under U.S. jurisdiction, including areas in Southeast Florida, Puerto Rico, and the U.S. Virgin Islands. Comments from the public on all aspects of the proposal, including information on the economic, national security, and other relevant impacts of the proposed designation, as well as the benefits to elkhorn and staghorn corals from designation will be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposal.

Proposed rule was published February 6, 2008 (73 FR 6895). This final rule designates 1,329 sq mi of marine habitat in the Florida area, 1,383 sq mi in the Puerto Rico area, 121 sq mi in the St. John/St. Thomas area, and 126 sq mi in the St. Croix area.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6895
Correction	03/06/08	73 FR 12068
NPRM Comment Period End	05/06/08	
Final Action	11/26/08	73 FR 72210
Final Action Effective	12/26/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-1401
Fax: 301 427-2523
Email: marta.nammack@noaa.gov

RIN: 0648-AV35

**Department of Commerce (DOC)
Patent and Trademark Office (PTO)**

Long-Term Actions

142. EXAMINATION OF PATENT APPLICATIONS THAT INCLUDE CLAIMS CONTAINING ALTERNATIVE LANGUAGE

Legal Authority: 35 USC 2(b)(2)

Abstract: The U.S. Patent and Trademark Office (Office) is considering revising the rules of practice to address Markush-type and other claims written so as to claim an invention in the alternative. The search

and examination of Markush-type and other claims written in the alternative generally consume a disproportionate amount of Office resources as compared to other types of claims, because these claims can encompass multiple independent and distinct inventions and determining the patentability of such a claim may require a separate examination of each of the alternatives within the claim. The Office anticipates

that requiring applicants who choose this claim-drafting format to ensure a certain degree of relatedness among the members of a Markush group or the alternatives presented in the claims will allow the Office to do a better, more thorough and reliable examination of Markush-type and other claims written in the alternative.

DOC—PTO

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	08/10/07	72 FR 44992
NPRM Comment Period End	10/09/07	
Second NPRM	03/10/08	73 FR 12679
Second NPRM Comment Period End	04/09/08	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Robert W. Bahr
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RIN: 0651-AC00

**143. FISCAL YEAR 2009 REVISION OF
REQUEST FOR CONTINUED
EXAMINATION, EIGHTEEN-MONTH
PUBLICATION, AND OTHER
MISCELLANEOUS COST-RECOVERY
PATENT FEES**

Legal Authority: 35 USC 2(b)(2); 35 USC 41(d); 35 USC 132(b)

Abstract: The USPTO is proposing to revise the rules of practice to adjust the fee or set a fee for certain processes and services for which the USPTO is required to set a cost-recovery fee. The USPTO is specifically proposing to adjust the fee for a request for continued examination, eighteen-month publication, and a certificate of correction (applicant's mistake) fee, and

set a fee for requesting a corrected republication of a patent application publication. The rules of practice currently do not set a fee, or do not set a fee that recovers the USPTO's costs, for these processes or services. The USPTO is proposing to adjust or set these fee amounts such that they more accurately reflect the Office costs for these processes or services.

Timetable: Next Action Undetermined

**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Robert W. Bahr
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Email: robert.bahr@uspto.gov

RIN: 0651-AC29

**Department of Commerce (DOC)
Patent and Trademark Office (PTO)**

Completed Actions

**144. FISCAL YEAR 2009 CHANGES TO
PATENT COOPERATION TREATY
SEARCH FEES**

Legal Authority: 35 USC 2(b)(2) and 376

Abstract: The United States Patent and Trademark Office (USPTO) is proposing to revise the rules of practice to adjust the transmittal and search fees for international applications filed under the Patent Cooperation Treaty (PCT). The USPTO is proposing to adjust the PCT transmittal and search fees to recover the estimated average cost to

the USPTO of processing PCT international applications and preparing international search reports and written opinions for PCT international applications.

Timetable:

Action	Date	FR Cite
NPRM	06/18/08	73 FR 34672
NPRM Comment Period End	08/18/08	
Final Rule	11/12/08	73 FR 66754
Final Rule Effective	01/12/09	

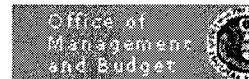
**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Robert W. Bahr,
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RIN: 0651-AC28

[FR Doc. E9-10267 Filed 05-08-09; 8:45 am]

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RIN: 0651-AB55

Publication ID: Spring 2009

Title: Changes to Representation of Others Before the U.S. Patent and Trademark Office

Abstract: The U.S. Patent and Trademark Office (USPTO) amends its regulations to update the procedures regarding enrollment and discipline. The office also replaces the current USPTO Code of Professional Responsibility, which is based on the Model Code of Professional Responsibility of the American Bar Association, with USPTO Rules of Professional Conduct, which are based largely on the Model Rules of Professional Conduct of the American Bar Association.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Final Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1; 37 CFR 2; 37 CFR 10; 37 CFR 11 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: [5 USC 500\(a\)](#); [35 USC 2\(b\) 2\(D\)](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/12/2003	68 FR 66648
NPRM Comment Period End	02/12/2004	
Notice	03/03/2004	69 FR 9986
Notice Comment Period End	06/11/2004	
Final Action - Part I	06/24/2004	69 FR 35428
Supplemental NPRM	02/28/2007	72 FR 9196
Supplemental NPRM Comment Period End	05/29/2007	
Final Action (Disciplinary)	08/14/2008	73 FR 47650
Final Action Effective (Disciplinary)	09/15/2008	
Final Action; Correction (Disciplinary)	10/09/2008	73 FR 59513
Final Action (Annual Fee)	11/17/2008	73 FR 67750
Final Action (Continuing Education)	04/00/2009	
Final Action Amending Correction (Disciplinary)	04/00/2009	
Final Action (Ethics)	06/00/2009	

Additional Information: See 69 FR 9986-9987. Final rules: disciplinary; annual fee; continuing education; ethics.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

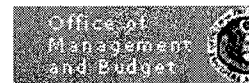
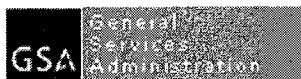
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

Related RINs: Related to 0651-AB38

Agency Contact:

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RIN: 0651-AB89

Publication ID: Spring 2009

Title: Miscellaneous Changes to Trademark Rules of Practice

Abstract: The U.S. Patent and Trademark Office (USPTO) is amending its rules to simplify and clarify procedures for (1) registering trademarks, (2) maintaining trademark registrations, (3) processing petitions to the Director in trademark cases, and (4) filing applications for international trademark registration and other documents pertaining to international registrations under the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) through the USPTO.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Completed Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 2.6, 2.21, 2.26, 2.32, 2.33, 2.34; 37 CFR 2.44, 2.45, 2.47, 2.52, 2.53, 2.56; 37 CFR 2.65, 2.67, 2.74, 2.76, 2.77, 2.85; 37 CFR 2.86, 2.87, 2.88, 2.89, 2.99, 2.145; 37 CFR 2.146, 2.153, 2.161, 2.171, 2.172; 37 CFR 2.173, 2.175, 2.184, 2.198, 3.31; 37 CFR 3.85, 7.14, 7.25; 37 CFR 2.63

Legal Authority: 15 USC 1123; 35 USC 2

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/12/2008	<u>73 FR 33356</u>
NPRM Comment Period End	08/11/2008	
Final Action	11/17/2008	<u>73 FR 67759</u>
Final Action Effective	01/16/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

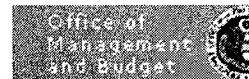
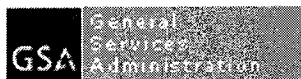
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AB95

Publication ID: Spring 2009

Title: Changes to Information Disclosure Statement Requirements and Other Related Matters

Abstract: The U.S. Patent and Trademark Office (Office) amends its regulations on information disclosure statement (IDS) requirements and other related matters to improve the quality and efficiency of the examination process. These changes would enable the examiner to focus in on the relevant portions of submitted prior art at the very beginning of the examination process, give higher quality first actions, and minimize wasted steps. This action would make the following changes relating to submissions of IDS's by applicants: impose a requirement for the personal review of, and to provide information about, certain citations; eliminate the fees for, but permit only timely, IDS submissions; and only permit the filing of an IDS after the mailing of a notice of allowance if a claim is admitted to be unpatentable and a narrowing amendment is also submitted. The Office would also permit third parties to submit prior art up until the mailing of a notice of allowance after application publication; to no longer permit an IDS to meet the submission requirement for a request for continued examination (RCE); to permit, after payment of the issue fee, certain amendments and petitions so applicants will not have to file a continuation application or an RCE for such items; and to revise the protest rule to better set forth options that applicants have for dealing with unsolicited information received from third parties.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: [35 USC 2\(b\)\(2\)](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/10/2006	71 FR 38808
NPRM Comment Period End	09/08/2006	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

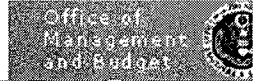
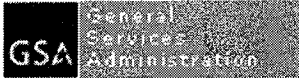
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AB99

Publication ID: Spring 2009

Title: Revision to the Time for Filing of a Biological Deposit and the Date of Availability of a Biological Deposit

Abstract: The United States Patent and Trademark Office (USPTO) is considering changes to the rules of practice to require that any deposit of biological material be made before publication of a patent application, and that all restrictions on access to the deposited material imposed by the depositor be removed upon publication. The changes will provide that the public has access to biological materials referenced in the disclosure of a patent application to the same extent that access to the remainder of the disclosure is available. When any item is referenced in the disclosure of a patent application publication or patent, then a special circumstance exists that warrants release of the referenced item. The public policy basis for allowing access to a referenced item is the same whether the item is another patent application or a deposited biological material.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: [35 USC 122](#); [35 USC 2\(b\)\(2\)](#)

Legal Deadline: None

Timetable:

	Action	Date	FR Cite
NPRM		02/20/2008	73 FR 9254
NPRM Comment Period End		04/21/2008	
Final Action		To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

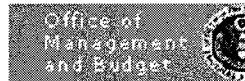
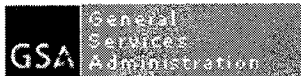
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC00

Publication ID: Spring 2009

Title: Examination of Patent Applications That Include Claims Containing Alternative Language

Abstract: The U.S. Patent and Trademark Office (Office) is considering revising the rules of practice to address Markush-type and other claims written so as to claim an invention in the alternative. The search and examination of Markush-type and other claims written in the alternative generally consume a disproportionate amount of Office resources as compared to other types of claims, because these claims can encompass multiple independent and distinct inventions and determining the patentability of such a claim may require a separate examination of each of the alternatives within the claim. The Office anticipates that requiring applicants who choose this claim-drafting format to ensure a certain degree of relatedness among the members of a Markush group or the alternatives presented in the claims will allow the Office to do a better, more thorough and reliable examination of Markush-type and other claims written in the alternative.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: [35 USC 2\(b\)\(2\)](#)

Legal Deadline: None

Timetable:

	Action	Date	FR Cite
NPRM		08/10/2007	72 FR 44992
NPRM Comment Period End		10/09/2007	
Second NPRM		03/10/2008	73 FR 12679
Second NPRM Comment Period End		04/09/2008	
Final Action		To Be Determined	

Additional Information: Regulatory Flexibility Analysis Required: Undetermined

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Small Entities Affected: Businesses

Federalism: No

Included in the Regulatory Plan: No

RIN Data Printed in the FR: Yes

Agency Contact:

Robert W. Bahr

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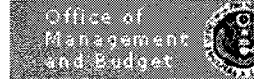
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RIN: 0651-AC05

Publication ID: Spring 2009

Title: Institution of a Fee to File on Paper a Request for Reconsideration of a Final Office Action in a Trademark Case

Abstract: The Office amends 37 CFR part 2.64 to require that a request for reconsideration of an examining attorney's final refusal or requirement be filed through TEAS within 3 months of the mailing date of the final action. The purpose of this rule is to streamline the processing of applications in which a final refusal has been issued, and to reduce pendency.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Final Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: [37 CFR 2.64](#)

Legal Authority: [15 USC 1123](#); [35 USC 2](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/14/2007	72 FR 6984
NPRM Comment Period End	04/16/2007	
Supplemental NPRM	04/28/2008	73 FR 22894
Supplemental NPRM Comment Period End	06/27/2008	
Final Action	12/00/2009	
Final Action Effective	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

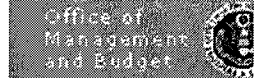
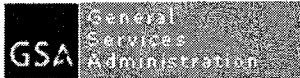
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC08

Publication ID: Spring 2009

Title: Correspondence With the United States Patent and Trademark Office, Office of the General Counsel

Abstract: The United States Patent and Trademark Office, Office of the General Counsel, is revising the rules of practice to update the address for mail and service.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Final Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 102; 37 CFR 104 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: [35 USC 2\(b\)\(2\)](#), [10, 23, 25](#); [44 USC 3101](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	04/00/2009	
Final Action Effective	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

Included in the Regulatory Plan: No

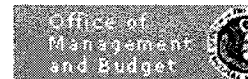
RIN Data Printed in the FR: No

Related RINs: Related to 0651-AB86

Agency Contact:

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RIN: 0651-AC13

Publication ID: Spring 2009

Title: Changes to Rules of Practice Before the Board of Appeals and Interferences in Inter Partes Appeals

Abstract: The United States Patent and Trademark Office (USPTO) is revising the rules of practice with respect to inter partes appeals before the Board of Patent Appeals and Interferences. For example, (1) the requirements for filing appeal briefs are changed to reorganize the manner in which the appeal brief and reply brief are presented, (2) lengths of briefs would be established to shorten briefs, (3) times for taking action in an appeal would be reduced, and (4) authority to decide requests for extensions of time to file certain documents would be assigned to the Chief Administrative Patent Judge obtained by petition. The change is not related to the USPTO's Strategic Plan. The change is expected to have some positive impact on the USPTO's appeal backlog and pendency.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Proposed Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: [37 CFR 1.959](#)

Legal Authority: [35 USC 132](#); [35 USC 133](#); [35 USC 134](#); [35 USC 2\(b\)\(2\)](#); [35 USC 315](#); [35 USC 6\(b\)](#)

Legal Deadline: None

Timetable:

	Action	Date	FR Cite
NPRM		10/00/2009	
NPRM Comment Period End		12/00/2009	
Final Action		05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

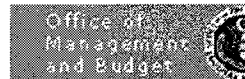
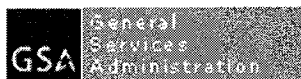
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC14

Publication ID: Spring 2009

Title: Changes to Rules of Practice Before the Board of Appeals and Interferences in Interferences

Abstract: The United States Patent and Trademark Office (USPTO) is revising the rules of practice with respect to interferences before the Board of Patent Appeals and Interferences. For example, (1) the requirements for filing a motion are changed to reorganize the manner in which a motion is presented, (2) lengths of motions would be established to shorten motions, and (3) the required content of a motion would be changed. The change is not related to the USPTO's Strategic Plan.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 41 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: [35 USC 135](#); [35 USC 2\(b\)\(2\)](#); [35 USC 23](#); [35 USC 24](#); [35 USC 6\(b\)](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	
NPRM Comment Period End	06/00/2010	
Final Action	11/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

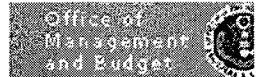
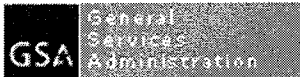
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC18

Publication ID: Spring 2009

Title: Changes in Procedures for Filing Trademark Correspondence by Express Mail or Under a Certificate of Mailing or Transmission

Abstract: The United States Patent and Trademark Office amends the Trademark Rules of Practice to provide that the procedures for filing trademark correspondence by Express Mail or under a certificate of mailing or transmission do not apply to certain specified documents for which an electronic form is available in the Trademark Electronic Application System. The purpose of the rule change is to promote electronic filing.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: [37 CFR 2.197](#); [37 CFR 2.198](#); [37 CFR 7.4](#)

Legal Authority: [15 USC 1123](#); [35 USC 2](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/29/2008	73 FR 11079
NPRM Comment Period End	04/29/2008	73 FR 11079
Next Action Undetermined	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

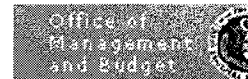
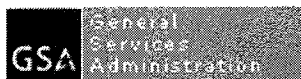
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC19

Publication ID: Spring 2009

Title: Changes to Implement Electronic Patent Publication

Abstract: The United States Patent and Trademark Office (Office) is proposing to revise the rules of practice to implement electronic patent publication. The electronic patent publication process would permit the Office to issue patents and reexamination certificates, and publish statutory invention registrations more quickly and to reduce the pendency of the application or reexamination proceeding by about two weeks. The electronic patent publication process would also increase the accessibility of patents and reexamination certificates. A copy of the patent including the cover sheet and the reexamination certificate(s), if applicable, would be electronically available upon the issuance. The patentees, the requesters, and any member of the public would be able to view and print a copy of the patent including the cover sheet in color, the reexamination certificate(s), and statutory invention registrations through the Patent Application Image Retrieval (PAIR) system. The Office would no longer provide a ribbon copy of the letters patent, paper copy of a reexamination certificate(s), paper copy of a statutory invention registration or paper copy of a certificate of correction to the patentee or the requester. The Office is proposing to amend the rules to provide that patentees may request paper bound copies of a patent including the cover sheet for a fee.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: [35 USC 2\(b\)\(2\)](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

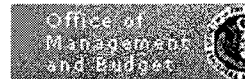
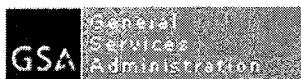
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC22

Publication ID: Spring 2009

Title: Revision of Patent Fees for Fiscal Year 2010

Abstract: The United States Patent and Trademark Office (USPTO) (referred to as "Office" in this notice) proposes to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). Also, the Office is proposing to adjust, by a corresponding amount, a few patent fees that track the affected fees. The Director is authorized to adjust these fees annually by the CPI to recover the higher costs associated with doing business.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Proposed Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1.16 a-e; 37 CFR 1.17 a 2-5; 37 CFR 1.18 a-c; 37 CFR 1.20 c; 37 CFR 1.492 a b; 37 CFR 41.20

Legal Authority: 35 USC 41; PL 103-465; PL 105-358; PL 108-447; 35 USC 120; 35 USC 119; 35 USC 132(b); 35 UCS 376

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2009	
NPRM Comment Period End	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

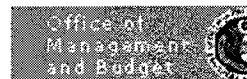
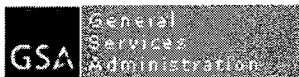
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC25

Publication ID: Spring 2009

Title: Elimination of Issuance of Trademark Registration Certificates in Paper Form

Abstract: The United States Patent and Trademark Office (USPTO) proposes to revise the rules of practice to eliminate the issuance of paper trademark registration certificates and provide for issuance of electronic certificates that may be reproduced from the USPTO's electronic databases available on the USPTO website. The purpose of the rule change is to streamline USPTO processes and provide faster issuance of registration certificates.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: [37 CFR 2.151](#); [37 CFR 2.201](#); [37 CFR 2.6](#)

Legal Authority: [15 USC 1123](#); [35 USC 2](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

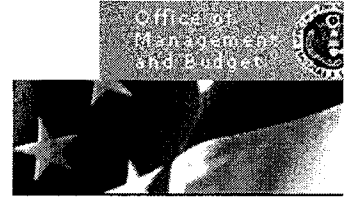
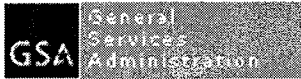
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC26

Publication ID: Spring 2009

Title: Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases

Abstract: The Office proposes to revise the Trademark Rules of Practice (37 CFR part 2) to set forth the requirements for signature of documents filed in the Office, recognition of representatives, and establishing and changing the correspondence address in trademark cases. The purpose of the rule is to codify and clarify current practice.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Final Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: [37 CFR 2.17, 2.18](#); [37 CFR 2.19, 2.22](#); [37 CFR 2.23, 2.24](#); [37 CFR 2.62, 2.64](#); [37 CFR 2.68, 2.74](#)

Legal Authority: [15 USC 1123](#); [35 USC 2](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/12/2008	73 FR 33345
NPRM Comment Period End	08/11/2008	
Final Action	07/00/2009	
Final Action Effective	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

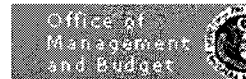
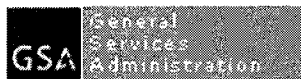
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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DOC/PTO

RIN: 0651-AC27

Publication ID: Spring 2009

Title: Changes To Practice for Documents Submitted to the United States Patent and Trademark Office

Abstract: The United States Patent and Trademark Office (USPTO) is proposing to amend the rules of practice to limit the types of correspondence that may be submitted to the USPTO by facsimile. The USPTO is also proposing a higher minimum font size for use on paper submitted to the USPTO for a patent application or reexamination proceeding, and to clarify that papers that are to become part of the file of a patent application or reexamination proceeding must be readily readable. The proposed changes will improve the legibility of documents in the USPTO's file of patent applications and reexamination proceedings.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Final Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1; 37 CFR 2; 37 CFR 3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: [35 USC 2\(b\)\(2\)](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/06/2008	73 FR 45662
NPRM Comment Period End	10/06/2008	73 FR 45662
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

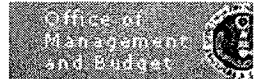
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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DOC/PTO

RIN: 0651-AC28

Publication ID: Spring 2009

Title: Fiscal Year 2009 Changes to Patent Cooperation Treaty Search Fees

Abstract: The United States Patent and Trademark Office (USPTO) is proposing to revise the rules of practice to adjust the transmittal and search fees for international applications filed under the Patent Cooperation Treaty (PCT). The USPTO is proposing to adjust the PCT transmittal and search fees to recover the estimated average cost to the USPTO of processing PCT international applications and preparing international search reports and written opinions for PCT international applications.

Agency: Department of Commerce(DOC)

Priority: Other Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Completed Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: [35 USC 2\(b\)\(2\)](#) and [376](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/18/2008	73 FR 34672
NPRM Comment Period End	08/18/2008	
Final Rule	11/12/2008	73 FR 66754
Final Rule Effective	01/12/2009	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Small Entities Affected: Businesses

Federalism: No

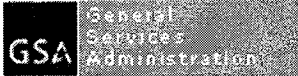
Included in the Regulatory Plan: No

RIN Data Printed in the FR: Yes

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RIN: 0651-AC29

Publication ID: Spring 2009

Title: Fiscal Year 2009 Revision of Request for Continued Examination, Eighteen-Month Publication, and Other Miscellaneous Cost-Recovery Patent Fees

Abstract: The USPTO is proposing to revise the rules of practice to adjust the fee or set a fee for certain processes and services for which the USPTO is required to set a cost-recovery fee. The USPTO is specifically proposing to adjust the fee for a request for continued examination, eighteen-month publication, and a certificate of correction (applicant's mistake) fee, and set a fee for requesting a corrected republication of a patent application publication. The rules of practice currently do not set a fee, or do not set a fee that recovers the USPTO's costs, for these processes or services. The USPTO is proposing to adjust or set these fee amounts such that they more accurately reflect the Office costs for these processes or services.

Agency: Department of Commerce(DOC)

Priority: Economically Significant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: Yes

Unfunded Mandates: No

CFR Citation: 37 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: [35 USC 2\(b\)\(2\)](#); [35 USC 41\(d\)](#); [35 USC 132\(b\)](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Small Entities Affected: Businesses, Organizations

Federalism: No

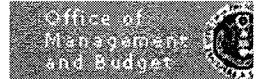
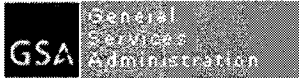
Included in the Regulatory Plan: No

RIN Data Printed in the FR: Yes

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RIN: 0651-AC31

Publication ID: Spring 2009

Title: Change to Disciplinary Proceeding Hearing

Abstract: Revise existing fee to recover the estimated average cost of processing applications for registration as well as for the registration process.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Proposed Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: [37.CFR 11.41\(c\)](#)

Legal Authority: [35 USC 2\(b\)\(2\)\(D\)](#)

Legal Deadline: None

Timetable:

	Action	Date	FR Cite
NPRM		06/00/2009	
NPRM Comment Period End		08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

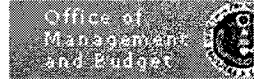
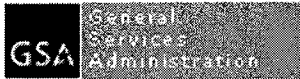
Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

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RIN: 0651-AC32

Publication ID: Spring 2009

Title: Revision of Fees for Application for Registration and for Registration

Abstract: Revise existing fee to recover the estimated average cost of processing applications for registration as well as for the registration process.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: Previously published in the Unified Agenda

Agenda Stage of Rulemaking: Proposed Rule Stage

Major: No

Unfunded Mandates: No

CFR Citation: [37 CFR 1.21\(a\)\(1\)](#); [37 CFR 1.21\(a\)\(2\)](#)

Legal Authority: [35 USC 2\(b\)\(2\)\(D\)](#); [35 USC 41\(d\)](#)

Legal Deadline: None

Timetable:

	Action	Date	FR Cite
NPRM		06/00/2009	
NPRM Comment Period End		08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

Agency Contact:

Harry I. Moatz

Director of Enrollment and Discipline

Department of Commerce

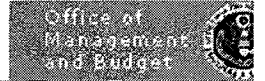
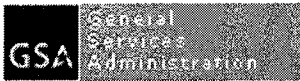
Patent and Trademark Office

Office of Enrollment and Discipline, P. O. Box 1450,

Alexandria, VA 22313

Phone:571 272-4097

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DOC/PTO

RIN: 0651-AC33

Publication ID: Spring 2009

Title: ☐Revision of Patent Fees for Fiscal Year 2011

Abstract: The United States Patent and Trademark Office (USPTO) (referred to as "Office" in this notice) is proposing to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). Also, the Office is proposing to adjust, by a corresponding amount, a few patent fees that track the affected fees. The Director is authorized to adjust these fees annually by the CPI to recover the higher costs associated with doing business.

Agency: Department of Commerce(DOC)

Priority: Substantive, Nonsignificant

RIN Status: First time published in the Unified Agenda

Agenda Stage of Rulemaking: Long-Term Actions

Major: No

Unfunded Mandates: No

CFR Citation: 37 CFR 1.16(a-e); 37 CFR 1.17(a)(2-5); 37 CFR 1.18 (a-c); 37 CFR 1.20(c)(3-4); 37 CFR 1.492 (a); 37 CFR 41.20

Legal Authority: 35 U.S.C. 41, 119, 120, 132(b) and 376; PL 103-465; PL 108-447

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

Agency Contact:

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