

applications, applicant may file the application and the certification and request electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Certification and Request for Missing Parts Pilot" for the certification and request on the EFS-Web screen. Form PTO/AIA/421 is available on the USPTO Web site at <http://www.uspto.gov/forms/aia0421.pdf>. Information regarding EFS-Web is available on the USPTO Web site at <http://www.uspto.gov/ebc/index.jsp>.

The utility application including the certification and request to participate in the pilot program may also be filed by mail (e.g., by "Express Mail" in accordance with 37 CFR 1.10) or hand-carried to the USPTO. However, applicants are advised that, effective November 15, 2011, as provided in the Leahy-Smith America Invents Act, a new additional fee of \$400.00 for a non-small entity (\$200.00 for a small entity) is due for any nonprovisional utility patent application that is not filed by EFS-Web. See Public Law. 112–29, § 10(h), 125 Stat. 283, 319 (2011). This non-electronic filing fee is due on filing of the utility application or within the two-month (extendable) time period to reply to the Notice to File Missing Parts of Nonprovisional Application. Applicants will not be given the twelve-month time period to pay the non-electronic filing fee. Therefore, utility applicants are strongly encouraged to file their utility applications via EFS-Web to avoid this additional fee.

For plant patent applications, applicant must file the application including the certification and request to participate in the pilot program by mail or hand-carried to the USPTO since plant patent applications cannot be filed electronically using EFS-Web. See *Legal Framework for Electronic Filing System Web* (EFS-Web), 74 FR 55200 (Oct. 27, 2009), 1348 *Off. Gaz. Pat. Office* 394 (Nov. 24, 2009).

II. *Processing of Requests*: If applicant satisfies the requirements (discussed above) on filing of the nonprovisional application and the application is in condition for publication, the USPTO will send applicant a Notice to File Missing Parts of Nonprovisional Application that sets a twelve-month (non-extendable) time period to submit the search fee, the examination fee, any excess claims fees (under 37 CFR 1.16(h)–(j)), and the surcharge under 37 CFR 1.16(f) (for the late submission of the search fee and examination fee). The twelve-month time period will run from the mailing date, or notification date for e-Office Action participants, of the Notice to File Missing Parts. For

information on the e-Office Action program, see *Electronic Office Action*, 1343 *Off. Gaz. Pat. Office* 45 (June 2, 2009), and [http://www.uspto.gov/patents/process/status/e-Office\\_Action.jsp](http://www.uspto.gov/patents/process/status/e-Office_Action.jsp). After an applicant files a timely reply to the Notice to File Missing Parts within the twelve-month time period and the nonprovisional application is completed, the nonprovisional application will be placed in the examination queue based on the actual filing date of the nonprovisional application.

For a detailed discussion regarding treatment of applications that are not in condition for publication, processing of improper requests to participate in the program, and treatment of authorizations to charge fees, see *Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application*, 75 FR 76401, 76403–04 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44, 47–49 (Jan. 4, 2011).

III. *Important Reminders*: Applicants are reminded that the disclosure of an invention in a provisional application should be as complete as possible because the claimed subject matter in the later-filed nonprovisional application must have support in the provisional application in order for the applicant to obtain the benefit of the filing date of the provisional application.

Furthermore, the nonprovisional application as originally filed must have a complete disclosure that complies with 35 U.S.C. 112(a) which is sufficient to support the claims submitted on filing and any claims submitted later during prosecution. New matter cannot be added to an application after the filing date of the application. See 35 U.S.C. 132(a). In order to be accorded a filing date, a nonprovisional application must include a specification concluding with at least one claim as prescribed by 35 U.S.C. 112 and a drawing as prescribed by 35 U.S.C. 113. See 35 U.S.C. 111(a). While only one claim is required in a nonprovisional application for filing date purposes and applicant may file an amendment adding additional claims later during prosecution, applicant should consider the benefits of submitting a complete set of claims on filing of the nonprovisional application. This would reduce the likelihood that any claims added later during prosecution might be found to contain new matter. Also, if a patent is granted and the patentee is successful in litigation against an infringer, provisional rights to a reasonable royalty under 35 U.S.C. 154(d) may be available only if the claims that are

published in the patent application publication are substantially identical to the patented claims that are infringed, assuming timely actual notice is provided. Thus, the importance of the claims that are included in the patent application publication should not be overlooked.

Applicants are also advised that the extended missing parts period does not affect the twelve-month priority period provided by the Paris Convention for the Protection of Industrial Property (Paris Convention). Thus, any foreign filings must still be made within twelve months of the filing date of the provisional application if applicant wishes to rely on the provisional application in the foreign-filed application or if protection is desired in a country requiring filing within twelve months of the earliest application for which rights are left outstanding in order to be entitled to priority.

For additional reminders, see *Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application*, 75 FR 76401, 76405 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44, 50 (Jan. 4, 2011).

Dated: January 3, 2013.

**Teresa Stanek Rea,**

*Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.*

[FR Doc. 2013–00336 Filed 1–9–13; 8:45 am]

**BILLING CODE 3510–16–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Wednesday, January 16, 2013, 10:00 a.m.–12:00 p.m.

**PLACE:** Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public

### Matters To Be Considered

#### Decisional Matters

1. Section 1110 Certificated of Compliance—Notice of Proposed Rulemaking;

2. Fiscal Year 2013 Operating Plan

A live webcast of the Meeting can be viewed at [www.cpsc.gov/webcast](http://www.cpsc.gov/webcast)

For a recorded message containing the latest agenda information, call (301) 504–7948.

### CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product

Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: January 8, 2013.

**Todd A. Stevenson,**  
Secretary.

[FR Doc. 2013-00420 Filed 1-8-13; 4:15 pm]

**BILLING CODE 6355-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 13-1]

### Notice of Telephonic Prehearing Conference

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** Notice of telephonic prehearing conference for the case: In the Matter of BABY MATTERS LLC, CPSC Docket No.13-1.

**DATES:** January 28, 2013, 11:00 a.m. Eastern.

**ADDRESSES:** Members of the public are welcome to attend the prehearing conference to be held at the U.S. Customs House, 40 S. Gay Street, 4th Floor, Room 403 (U.S. Coast Guard Administrative Law Judge Courtroom), Baltimore, Maryland 21202.

**FOR FURTHER INFORMATION CONTACT:** Regina Maye, Paralegal Specialist, U.S. Coast Guard ALJ Program, (212) 825-1230.

**SUPPLEMENTARY INFORMATION:** Any or all of the following shall be considered during the prehearing conference:

- (1) Petitions for leave to intervene;
- (2) Motions, including motions for consolidation of proceedings and for certification of class actions;
- (3) Identification, simplification and clarification of the issues;
- (4) Necessity or desirability of amending the pleadings;
- (5) Stipulations and admissions of fact and of the content and authenticity of documents;
- (6) Oppositions to notices of depositions;
- (7) Motions for protective orders to limit or modify discovery;
- (8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;
- (9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;
- (10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive

standards, regulations, and consumer product safety rules;

(11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;

(12) Consideration of offers of settlement;

(13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and

(14) Such other matters as may aid in the efficient presentation or disposition of the proceedings.

Telephonic conferencing arrangements for the parties will be made by the court. Mary Murphy, Esq. and Kelly Moore, Esq., Counsel for the U.S. Consumer Product Safety Commission, and Raymond G. Mullady, Jr. and Adrien C. Pickard of BLANK ROME, LLP, Counsel for BABY MATTERS LLC shall be provided with a phone number and passcode in a separate notice of pre-hearing conference so they may participate telephonically if they so choose.

**Authority:** Consumer Product Safety Act, 15 U.S.C. 2064.

Dated: January 4, 2013.

**Todd A. Stevenson,**  
Secretary.

[FR Doc. 2013-00312 Filed 1-9-13; 8:45 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Board of Regents of the Uniformed Services University of the Health Sciences; Quarterly Meeting Notice

**AGENCY:** Uniformed Services University of the Health Sciences (USU), Department of Defense.

**ACTION:** Quarterly meeting notice.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), this notice announces the following meeting of the Board of Regents of the Uniformed Services University of the Health Sciences.

**DATES:** Tuesday, February 5, 2013, from 8:00 a.m. to 11:30 a.m. (Open Session); 11:30 a.m. to 12:00 p.m. (Closed Session).

**ADDRESSES:** Everett Alvarez Jr. Board of Regents Room (D3001), Uniformed Services University of the Health

Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joshua Girton, Alternate Designated Federal Officer, 4301 Jones Bridge Road, Bethesda, Maryland 20814; telephone 301-295-3028. Mr. Girton can also provide base access procedures.

#### SUPPLEMENTARY INFORMATION:

**Purpose of the Meeting:** Meetings of the Board of Regents assure that USU operates in the best traditions of academia. An outside Board is necessary for institutional accreditation.

**Agenda:** The actions that will take place include the approval of minutes from the Board of Regents Meeting held November 9, 2012; recommendations regarding the approval of faculty appointments and promotions in the School of Medicine and Graduate School of Nursing; and recommendations regarding the awarding of master's and doctoral degrees in the biomedical sciences and public health. The Board will also receive reports from the President, USU and the Executive Director of the Center for Deployment Psychology. All of these actions are necessary for the University to pursue its mission, which is to provide outstanding health care practitioners and scientists to the uniformed services.

**Meeting Accessibility:** Pursuant to Federal statute and regulations (5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165) and the availability of space, most of the meeting is open to the public. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Mr. Joshua Girton at the address and phone number previously noted. The closed portion of this meeting is authorized by 5 U.S.C. 552b(c)(6) as the subject matter involves personal and private observations.

**Written Statements:** Interested persons may submit a written statement for consideration by the Board of Regents. Individuals submitting a written statement must submit their statement to the Alternate Designated Federal Officer at the address listed in **FOR FURTHER INFORMATION CONTACT**. If such statement is not received at least 10 calendar days prior to the meeting, it may not be provided to or considered by the Board of Regents until its next open meeting. The Alternate Designated Federal Officer will review all timely submissions with the Board of Regents Chairman and ensure such submissions are provided to Board of Regents Members before the meeting. After reviewing the written comments, submitters may be invited to orally