

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****Notice of Proposed Change to Section IV of the Virginia State Technical Guide**

**AGENCY:** Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

**ACTION:** Notice of Availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

**SUMMARY:** It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #356, Dike; #378, Pond; #402, Dam; #554, Draining Water Management; #587, Structure for Water Control; and #606, Subsurface Drain. These practices will be used to plan and install conservation practices on cropland, pastureland, woodland, and wildlife land.

**DATES:** Comments will be received for a 30-day period commencing with the date of this publication.

**FOR FURTHER INFORMATION CONTACT:**

Inquire in writing to John A. Bricker, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229-5014; Telephone number (804) 287-1691; Fax number (804) 287-1737. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site: <http://www.va.nrcs.usda.gov/technical/draftstandards.html>.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: July 21, 2009.

**John A. Bricker,**

State Conservationist, Natural Resources Conservation Service, Richmond, Virginia.

[FR Doc. E9-19014 Filed 8-7-09; 8:45 am]

**BILLING CODE 3410-16-P**

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****Patent Reexaminations**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the new information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before October 9, 2009.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [Susan.Fawcett@uspto.gov](mailto:Susan.Fawcett@uspto.gov). Include A0651-00XX Patent Reexaminations comment@ in the subject line of the message.

- *Fax:* 571-273-0112, marked to the attention of Susan K. Fawcett.

- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Administrative Management Group, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Robert A. Clarke, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7735; or by e-mail at [Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents.

Chapter 30 of Title 35 U.S.C. provides that any person at any time may file a request for reexamination by the USPTO of any claim of a patent on the basis of prior art patents or printed publications. Once initiated, the reexamination proceedings under Chapter 30 are substantially *ex parte* and do not permit input from third parties. Chapter 31 of Title 35 U.S.C. provides for *inter partes* reexamination allowing third parties to participate throughout the reexamination proceeding. If a request for *ex parte* or *inter partes*

reexamination is denied, the requester may petition the Director to review the examiner's refusal of reexamination. The rules outlining *ex parte* and *inter partes* reexaminations are found at 37 CFR 1.510-1.570 and 1.902-1.997.

Information requirements related to patent reexaminations are currently covered under OMB Control Number 0651-0033, along with other requirements related to patent issue fees and reissue applications. The USPTO is proposing to move the following items that are under 0651-0033 into a new information collection for Patent Reexaminations: Request for *Ex Parte* Reexamination Transmittal Form; Request for *Inter Partes* Reexamination Transmittal Form; Petition to Review the Refusal to Grant *Ex Parte* Reexamination; Petition to Review the Refusal to Grant *Inter Partes* Reexamination; and Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination.

The USPTO is also proposing to include additional items related to patent reexaminations in this new information collection: Request for *Ex Parte* Reexamination; Request for *Inter Partes* Reexamination; Patent Owner's 37 CFR 1.530 Statement; Third Party Requester's 37 CFR 1.535 Reply; Amendment in *Ex Parte* or *Inter Partes* Reexamination; Third Party Requester's 37 CFR 1.947 Comments in *Inter Partes* Reexamination; Response to Final Rejection in *Ex Parte* Reexamination; Patent Owner's 37 CFR 1.951 Response in *Inter Partes* Reexamination; and Third Party Requester's 37 CFR 1.951 Comments in *Inter Partes* Reexamination. These additional items are existing information requirements that previously were not fully covered by an information collection and are now being included in order to more accurately reflect the burden on the public for submitting requests related to patent reexaminations.

The Requests for *Ex Parte* and *Inter Partes* Reexamination are distinct collections from the Request for *Ex Parte* Reexamination Transmittal Form and the Request for *Inter Partes* Reexamination Transmittal Form, respectively. Whereas the transmittal forms are used by a requester (patent owner or third party) as a checklist to ensure compliance with the requirements of the statutes and rules for *ex parte* and *inter partes* reexaminations, the newly added collections represent the substantive analysis undertaken by a requester of reexamination. Thus, the Requests for *Ex Parte* and *Inter Partes* Reexamination are not new requirements. The other items being included in this new

collection cover additional information that may be submitted by patent owners and third party requesters in relation to a reexamination proceeding. Likewise, these items are existing requirements that previously were not fully covered by an information collection.

The public uses this information collection to request reexamination proceedings and to ensure that the associated fees and documentation are submitted to the USPTO.

## II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

## III. Data

*OMB Number:* 0651-00XX.

*Form Number(s):* PTO/SB/57 and PTO/SB/58.

*Type of Review:* New collection.

*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.

*Estimated Number of Respondents:* 5,124 responses per year.

*Estimated Time per Response:* The USPTO estimates that it will take the public from 18 minutes (0.30 hours) to 90 hours to gather the necessary information, prepare the appropriate

form or other documents, and submit the information to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 111,336 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$34,514,160 per year. The USPTO expects that the information in this collection will be prepared by attorneys. Using the professional rate of \$310 per hour for attorneys in private firms, the USPTO estimates that the respondent cost burden for this collection will be approximately \$34,514,160 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Request for Ex Parte Reexamination Transmittal Form (PTO/SB/57) .....	18 minutes .....	845	254
Request for Ex Parte Reexamination .....	40 hours .....	845	33,800
Request for Inter Partes Reexamination Transmittal Form (PTO/SB/58) .....	18 minutes .....	380	114
Request for Inter Partes Reexamination .....	90 hours .....	380	34,200
Petition to Review Refusal to Grant Ex Parte Reexamination .....	15 hours .....	25	375
Petition to Review Refusal to Grant Inter Partes Reexamination .....	25 hours .....	9	225
Patent Owner's 37 CFR 1.530 Statement .....	7 hours .....	105	735
Third Party Requester's 37 CFR 1.535 Reply .....	7 hours .....	60	420
Amendment in Ex Parte or Inter Partes Reexamination .....	20 hours .....	1,165	23,300
Third Party Requester's 37 CFR 1.947 Comments in Inter Partes Reexamination. ....	25 hours .....	300	7,500
Response to Final Rejection in Ex Parte Reexamination .....	15 hours .....	320	4,800
Patent Owner's 37 CFR 1.951 Response in Inter Partes Reexamination .....	25 hours .....	120	3,000
Third Party Requester's 37 CFR 1.951 Comments in Inter Partes Reexamination. ....	25 hours .....	95	2,375
Petition to Request Extension of Time in Ex Parte or Inter Partes Reexamination. ....	30 minutes .....	475	238
Totals .....	.....	5,124	111,336

*Estimated Total Annual Non-hour Respondent Cost Burden:* \$5,577,265 per year. There are no capital start-up or maintenance costs associated with this information collection. However, this collection does have annual (non-hour)

costs in the form of filing fees, postage costs, and recordkeeping costs.

There are filing fees associated with requests for reexamination and for the petition to request an extension of time in a reexamination. The total fees for

this collection are calculated in the accompanying table. The USPTO estimates that the total fees associated with this collection will be approximately \$5,568,400 per year.

Item	Estimated annual responses	Fee Amount	Estimated annual filing costs
Request for Ex Parte Reexamination Transmittal Form (PTO/SB/57) .....	845	\$2,520.00	\$2,129,400.00
Request for Ex Parte Reexamination .....	845	0.00	0.00
Request for Inter Partes Reexamination Transmittal Form (PTO/SB/58) .....	380	8,800.00	3,344,000.00
Request for Inter Partes Reexamination .....	380	0.00	0.00
Petition to Review Refusal to Grant Ex Parte Reexamination .....	25	0.00	0.00
Petition to Review Refusal to Grant Inter Partes Reexamination .....	9	0.00	0.00
Patent Owner's 37 CFR 1.530 Statement .....	105	0.00	0.00
Third Party Requester's 37 CFR 1.535 Reply .....	60	0.00	0.00
Amendment in Ex Parte or Inter Partes Reexamination .....	1,165	0.00	0.00
Third Party Requester's 37 CFR 1.947 Comments in Inter Partes Reexamination .....	300	0.00	0.00
Response to Final Rejection in Ex Parte Reexamination .....	320	0.00	0.00
Patent Owner's 37 CFR 1.951 Response in Inter Partes Reexamination .....	120	0.00	0.00
Third Party Requester's 37 CFR 1.951 Comments in Inter Partes Reexamination .....	95	0.00	0.00
Petition to Request Extension of Time in Ex Parte or Inter Partes Reexamination .....	475	200.00	95,000.00
Totals .....	5,124	.....	\$5,568,400.00

There may also be postage costs and recordkeeping costs associated with this collection. The USPTO expects that approximately 50 percent of the responses for this collection will be submitted by mail and 50 percent will be submitted electronically. The USPTO estimates that the postage cost for a mailed submission will be from 44 cents to \$4.95, depending on the size of the submission, and that approximately 2,558 mailed submissions will be received per year, for a total postage cost of approximately \$8,565 per year.

When submitting the information in this collection to the USPTO electronically, the applicant is strongly urged to retain a copy of the acknowledgment receipt as evidence that the submission was received by the USPTO on the date noted. The USPTO estimates that it will take 5 seconds (0.001 hours) to print and retain a copy of the acknowledgment receipt and that approximately 2,566 responses per year will be submitted electronically, for a total of approximately 3 hours per year for printing this receipt. Using the paraprofessional rate of \$100 per hour, the USPTO estimates that the recordkeeping cost associated with this collection will be approximately \$300 per year.

The total non-hour respondent cost burden for this collection in the form of filing fees, postage costs, and recordkeeping costs is approximately \$5,577,265 per year.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 4, 2009.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer, Administrative Management Group.*

[FR Doc. E9-19027 Filed 8-7-09; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **University of Texas at Austin, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 3705, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Docket Number:* 09-038. *Applicant:* University of Texas at Austin, Austin, TX 78758. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 74 FR 32890, July 9, 2009.

*Docket Number:* 09-039. *Applicant:* National Institutes of Health, Hamilton, MT 59840. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 74 FR 32890, July 9, 2009.

*Docket Number:* 09-040. *Applicant:* Stanford University, Stanford, CA 94305. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* See notice at 74 FR 32890, July 9, 2009.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: August 4, 2009.

**Gregory Campbell,**

*Acting Director, Subsidies Enforcement Office, Import Administration.*

[FR Doc. E9-19087 Filed 8-7-09; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **National Renewable Energy Laboratory, et al.; Notice of Decision on Applications for Duty-Free Entry of Scientific Instruments**

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 3705, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC.

*Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as these are intended to be used, that were being manufactured in the United States at the time of its order.

*Docket Number:* 09-032. *Applicant:* National Renewable Energy Laboratory, Golden, CO 80401. *Instrument:* MicroTime 200 Single Molecule Fluorescence Lifetime Imaging System. *Manufacturer:* PicoQuant GmbH, Germany. *Intended Use:* See notice at 74 FR 33207, July 10, 2009. *Reasons:* This instrument will be used in biomass characterization. The instrument will be capable of doing Fluorescence Lifetime Imaging, measuring Fluorescence Resonance Energy Transfer and Fluorescence Correlation Spectroscopy for single fluorescent molecules. No domestic sources make devices with similar capabilities.

*Docket Number:* 09-034. *Applicant:* University of Georgia, Athens, GA 30605. *Instrument:* Gasification Unit. *Manufacturer:* Termoquip Energia Alternative LTDA, Brazil. *Intended Use:* See notice at 74 FR 32207, July 10, 2009. *Reasons:* This instrument will be used to turn biomass into syngas, which is composed of hydrogen and carbon monoxide that can be catalytically upgraded to liquid fuel, chemicals and energy. No domestic sources make devices with similar capabilities.