

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 100598A]

Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Fall Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section of ICCAT will hold its annual fall meeting on November 1 through 3, 1998.

DATES: The open sessions will be held on November 1, 1998, from 1 p.m. - 6 p.m. and November 2, 1998, from 8 a.m. - 1:00 p.m. Closed sessions will be held on November 2 from 2:15 p.m. - 6 p.m. and on November 3 from 8 a.m. - 1 p.m. Written comments should be received no later than October 30, 1998.

ADDRESSES: The meeting will be held at the Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD. Written comments should be sent to Kim Blankenbeker, Executive Secretary to the Advisory Committee, NOAA-Fisheries/SF4, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jonathon Krieger, (301) 713-2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in two open sessions to consider information being presented on stock status of highly migratory species and 1997 management recommendations of ICCAT's Standing Committee on Research and Statistics (SCRS). Also in the open sessions, the Advisory Committee will review and consider the results of the Committee's regional meetings, and implementation of 1997 and prior ICCAT recommendations and resolutions. Furthermore, the Committee will review highly migratory species research and management activities, including a consultation on the Draft Fishery Management Plan for Highly Migratory Species, an overview of the status of recommendations resulting from the Advisory Committee's 1998 Species Working Group Workshop, and the Comprehensive Research and Monitoring Plan for Highly Migratory Species. Both sessions will be open to the public; however, the November 1 session will be the only opportunity for public comment. Written comments are

encouraged and, if mailed, should be received by October 30, 1998, (See **ADDRESSES**). Written comments can also be submitted during the open sessions of the Advisory Committee meeting.

The Advisory Committee shall go into executive session for the afternoon session of November 2 and for the entire November 3 session to discuss sensitive information.

Special Accommodations

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jonathon Krieger at (301) 713-2276 at least 5 days prior to the meeting date.

Dated: October 8, 1998.

Bruce C. Morehead,

Deputy Office Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**Patent and Trademark Office****Supplemental Declaration for Reissue Patent Application (37 CFR 1.175) (Proposed Addition to 0651-0033, Post Allowance)**

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing and proposed 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 December 14, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Robert J. Spar, Patent and Trademark Office, Crystal Park 1—Suite 520, 2011 Crystal Drive, Arlington, VA 22202, by telephone at (703) 308-5107 or by facsimile transmission to (703) 308-6916.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent and Trademark Office (PTO) has the authority, under 35 USC § 251, to reissue a patent to correct any errors in the original patent which occurred "without any deceptive intention" on the part of the patentee. To obtain a reissue patent, the patentee files a reissue application with the PTO. The PTO reviews the application, and if it meets the statutory and regulatory requirements for a reissue patent, the PTO will reissue the patent as long as the patentee surrenders the original patent. One of these requirements is that a reissue oath or declaration be included with the application. The PTO requires the patentee under 37 CFR 1.175 to include an explanation of why the errors being corrected by the reissue occurred without any deceptive intent. As a result of this requirement, if any additional changes are made during the reissue application examination process, the patentee has to submit a supplemental reissue oath or declaration stating that the additional errors also occurred without any deceptive intention. If the patentee does not submit a supplemental reissue oath or declaration, the examiner must reject the reissue application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 FR 53131, 53165-66 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 92 (October 21, 1997).

The PTO requires under 37 CFR 1.175 that the patentee submit a supplemental oath or declaration which asserts only that any error corrected during examination of the reissue application, which was not covered by the oath or declaration filed originally, arose without any deceptive intention on the part of the applicant. Under 37 CFR 1.175 as recently amended, the patentee no longer has to provide the details of how those errors occurred without any deceptive intention. Specifically, when changes are made during the reissue application examination process, the recently amended 37 CFR 1.175(b) requires only a supplemental oath or declaration by the applicant stating that, "every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s)/declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant".

The PTO believes that the requirement for the supplemental oath or declaration is necessary because 35 U.S.C. § 251 does not authorize the correction of any errors that occurred with deceptive intention. A supplemental oath or declaration would