

Dated: October 6, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9-24430 Filed 10-8-09; 8:45 am]

BILLING CODE 3510-13-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-P-2009-0037]

#### Additional Period for Comments on Interim Examination Instructions for Evaluating Patent Subject Matter Eligibility

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Request for comments; additional comment period.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) has prepared interim examination instructions for evaluating patent subject matter eligibility under 35 U.S.C. 101 (Interim Patent Subject Matter Eligibility Examination Instructions) pending a decision by the U.S. Supreme Court in *Bilski v. Kappos*, and invited the public to submit written comments on the Interim Patent Subject Matter Eligibility Examination Instructions. The USPTO is extending the comment period to ensure that members of the public have sufficient opportunity to submit comments on the Interim Patent Subject Matter Eligibility Examination Instructions. The USPTO will revise the instructions as appropriate based on comments received.

**Comment Deadline Date:** Written comments must be received on or before November 9, 2009. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message over the Internet addressed to [AB98.Comments@uspto.gov](mailto:AB98.Comments@uspto.gov). Comments may also be submitted by facsimile to (571) 273-0125, marked to the attention of Caroline D. Dennison. Although comments may be submitted by mail or facsimile, the USPTO prefers to receive comments via the Internet.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the Office Internet Web site (address: <http://www.uspto.gov>). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or

phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Caroline D. Dennison, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at 571-272-7729, or by facsimile transmission to 571-273-0125, marked to the attention of Caroline D. Dennison.

**SUPPLEMENTARY INFORMATION:** The USPTO posted the Interim Patent Subject Matter Eligibility Examination Instructions on its Internet Web site (address: <http://www.uspto.gov>) on August 27, 2009. The notice published on the USPTO's Internet Web site invited public comment on the Interim Patent Subject Matter Eligibility Examination Instructions and indicated that comments must be received on or before September 28, 2009, to be ensured of consideration. The USPTO subsequently published a notice in the **Federal Register** confirming that the USPTO was inviting public comment on the Interim Patent Subject Matter Eligibility Examination Instructions and that comments must be received on or before September 28, 2009, to be ensured of consideration. *See Request for Comments on Interim Examination Instructions for Evaluating Patent Subject Matter Eligibility*, 74 FR 47780 (September 17, 2009) (notice). The USPTO is extending the comment period because the USPTO desires the benefit of public comment on the instructions and wants to ensure that members of the public have sufficient opportunity to submit comments on the Interim Patent Subject Matter Eligibility Examination Instructions. Comments that have already been received are under consideration and the USPTO will revise the instructions as appropriate based on comments received.

Dated: October 5, 2009.

David J. Kappos,

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

[FR Doc. E9-24395 Filed 10-8-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XS13

#### Marine Mammals; File No. 87-1743

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

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that Daniel P. Costa, Ph.D., Long Marine Laboratory, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, California 95060, has been issued a minor amendment to Scientific Research Permit No. 87-1743.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:**

Amy Sloan or Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The original permit (No. 87-1743-00), issued on September 17, 2004 (69 FR 56999), authorized long-term behavioral, physiological, and life history research studies on northern elephant seals (*Mirounga angustirostris*) through September 30, 2009. This permit was subsequently amended on four occasions through minor amendments.

This minor amendment (Permit No. 87-1743-05) extends the duration of the permit through September 30, 2010 with no increase in the number of animals that may be taken. Permit No. 87-1743-05 also authorizes a minor change to permitted methods for a physiological study to allow researchers to substitute one instrument, a thermister, for another instrument, a Doppler flow sensor, but does not change any other terms or conditions of the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a supplemental environmental assessment (SEA) was prepared to analyze the effects of issuing the amendment. Based on the analysis, NMFS determined that issuance of the permit amendment would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That