

tribes.” NOAA and DOI are committed to consultations with tribes as part of the national system development process.

#### Addendum: From “Framework for the National System of Marine Protected Areas of the United States” National System Goals and Priority Conservation Objectives

Goal 1: For Natural Heritage Marine Resources—Advance comprehensive conservation and management of the nation’s biological communities, habitats, ecosystems, and processes and the ecological services, uses, and values they provide to present and future generations through ecosystem-based MPA approaches.

Priority Conservation Objectives for Goal 1—Conserve and manage:

- Key reproduction areas and nursery grounds
- Key biogenic habitats
- Areas of high species and/or habitat diversity
- Ecologically important geological features and enduring/recurring oceanographic features
- Critical habitat of threatened and endangered species

- Unique or rare species, habitats and associated communities
- Key areas for migratory species
- Linked areas important to life histories
- Key areas that provide compatible opportunities for education and research

Goal 2: For Cultural Heritage Marine Resources—Advance comprehensive conservation and management of cultural resources that reflect the nation’s maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to present and future generations through ecosystem-based MPA approaches.

Priority Conservation Objectives for Goal 2—Conserve and manage:

- Key cultural and historic resources listed on the National Register of Historic Places (NRHP)
- Key cultural and historic resources determined eligible for the NRHP or listed on a State Register
- Key cultural sites that are paramount to a culture’s identity and/or survival
- Key cultural and historic sites that may be threatened
- Key cultural and historic sites that can be utilized for heritage tourism
- Key cultural and historic sites that are underrepresented

Goal 3: For Sustainable Production Marine Resources—Advance comprehensive conservation and management of the nation’s renewable living resources and their habitats (including, but not limited to, spawning, mating, and nursery grounds and areas established to minimize bycatch of species) and the social, cultural, and economic values and services they provide to present and future generations through ecosystem-based MPA approaches.

Priority Conservation Objectives for Goal 3—Conserve and manage:

- Key reproduction areas, including larval sources and nursery grounds

- Key areas that sustain or restore high-priority fishing grounds
- Key areas for maintaining natural age/sex structure of important harvestable species
- Key foraging grounds
- Key areas that mitigate the impacts of bycatch
- Key areas that provide compatible opportunities for education and research

Dated: May 17, 2010.

**Donna Wieting,**

*Director, Office of Ocean and Coastal Resource Management.*

[FR Doc. 2010-12452 Filed 5-24-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No.: PTO-P-2010-0046]

#### Streamlined Procedure for Appeal Brief Review in Ex Parte Reexamination Proceedings

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is streamlining the procedure for the review of appeal briefs in *ex parte* reexamination proceeding appeals to increase the efficiency of the appeal process and reduce pendency of appeals. The Chief Judge of the Board of Patent Appeals and Interferences (BPAI) or his designee (collectively, “Chief Judge”), will have the sole responsibility for determining whether appeal briefs filed in *ex parte* reexamination proceeding appeals comply with the applicable regulations, and will complete the determination before the appeal brief is forwarded to the examiner for consideration. The examiner will no longer review appeal briefs for compliance with the applicable regulations. The USPTO expects to achieve a reduction in *ex parte* reexamination proceeding appeal pendency as measured from the filing of a notice of appeal to docketing of the appeal by eliminating duplicate reviews by the examiner and the BPAI. We are expecting further reduction in pendency because the streamlined procedure will increase consistency in the determination, and thereby reduce the number of notices of noncompliant appeal brief and non-substantive returns from the BPAI that require appellants to file corrected appeal briefs in *ex parte* reexamination proceeding appeals.

**DATES:** *Effective Date:* The procedures set forth in this notice are effective on May 25, 2010.

*Applicability Date:* The appeal brief review procedure set forth in this notice is applicable to appeal briefs filed in *ex parte* reexamination proceedings on or after May 25, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Krista Zele, Case Management Administrator, Board of Patent Appeals and Interferences, by telephone at (571) 272-9797 or by electronic mail at: [BPAI.Review@uspto.gov](mailto:BPAI.Review@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Under the streamlined procedure for appeal brief review, upon the filing of an appeal brief in *ex parte* reexamination proceeding appeals, the Chief Judge will review the appeal brief to determine whether the appeal brief complies with 37 CFR 41.37 before it is forwarded to the Central Reexamination Unit or other Technology Center examiner for consideration. The Chief Judge will endeavor to complete this determination within one month from the filing of the appeal brief. To assist regular *ex parte* appeal appellants in complying with 37 CFR 41.37, the BPAI has previously posted checklists for notices of appeal and appeal briefs and a list of eight reasons *ex parte* appeal briefs have been held to be noncompliant, on the USPTO Web site at: [[http://www.uspto.gov/ip/boards/bpai/procedures/guidance\\_noncompliant\\_briefs.jsp](http://www.uspto.gov/ip/boards/bpai/procedures/guidance_noncompliant_briefs.jsp)]. If the appeal brief is determined to be compliant with 37 CFR 41.37, the Chief Judge will accept the appeal brief and forward it to the examiner for consideration. If the Chief Judge determines that the appeal brief is not compliant with 37 CFR 41.37 and sends appellant a notice of noncompliant brief requiring a corrected brief, appellant will be required to file a corrected brief within the time period set forth in the notice to avoid the dismissal of the appeal. See 37 CFR 41.37(d). The Chief Judge will also have the sole responsibility for determining whether corrected briefs comply with 37 CFR 41.37, and will address any inquiries and petitions regarding notices of noncompliant briefs.

The Chief Judge’s responsibility for determining whether appeal briefs comply with 37 CFR 41.37 is not considered a transfer of jurisdiction when an appeal brief is filed, but rather is only a transfer of the specific responsibility of notifying appellant under 37 CFR 41.37(d) of the reasons for non-compliance. The Patent Examining Corps retains the jurisdiction over the *ex parte* reexamination proceeding to consider the appeal brief, conduct an appeal conference, draft an examiner’s answer, and decide the entry of amendments, evidence, and information

disclosure statements filed after the final rejection or after the filing of a notice of appeal. Furthermore, petitions concerning the refusal to enter amendments and/or evidence remain delegated to the Patent Examining Corps as provided in the Manual of Patent Examining Procedure (MPEP) 1002.02(b) and (c).

Once the Chief Judge accepts the appeal brief as compliant, an examiner's answer will be provided in the *ex parte* reexamination proceeding if the examiner determines that the appeal should be maintained. The examiner will treat all pending, rejected claims as being on appeal. If the notice of appeal or appeal brief identifies fewer than all of the rejected claims as being appealed, the issue will be addressed by the BPAI panel. The jurisdiction of the *ex parte* reexamination proceeding will be transferred to the BPAI when a docketing notice is entered after the time period for filing a reply brief expires or the examiner acknowledges the receipt and entry of the reply brief. After taking jurisdiction, the BPAI will not return or remand the *ex parte* reexamination proceeding to the Patent Examining Corps for issues related to a noncompliant appeal brief.

This notice does not apply to *inter partes* reexamination proceedings. The Office is considering a streamlined procedure for review of briefs filed in *inter partes* reexamination proceedings, in which the Chief Judge will also have the sole responsibility for determining whether briefs filed in *inter partes* reexamination proceedings comply with 37 CFR 41.37, 41.67, 41.68, and 41.71.

Dated: May 18, 2010.

**David J. Kappos,**

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

[FR Doc. 2010-12534 Filed 5-24-10; 8:45 am]

**BILLING CODE 3510-16-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Base Closure and Realignment

**AGENCY:** Office of Economic Adjustment, DoD.

**ACTION:** Notice.

**SUMMARY:** This notice is provided pursuant to section 2905(b)(7)(B)(ii) of the Defense Base Closure and Realignment Act of 1990. It provides a partial list of military installations closing or realigning pursuant to the 2005 Base Closure and Realignment (BRAC) Report. It also provides a

corresponding listing of the Local Redevelopment Authorities (LRA) for the Air Force Research Laboratory, Arizona, and portions of the Newport Naval Complex, Rhode Island, recognized by the Secretary of Defense, acting through the Department of Defense, Office of Economic Adjustment (OEA), as well as the point of contact, address, and telephone number for the LRA for each installation.

Representatives of State and local governments, homeless providers, and other parties interested in the redevelopment of the installation should contact the person or organization listed. The following information will also be published simultaneously in a newspaper of general circulation in the area of the installation.

**DATES:** Effective May 25, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Director, Office of Economic Adjustment, Office of the Secretary of Defense, 400 Army Navy Drive, Suite 200, Arlington, VA 22202-4704, (703) 604-6020.

**Local Redevelopment Authority (LRA)**

*Arizona*

*Installation Name:* Air Force Research Laboratory.

*LRA Name:* City of Mesa.

*Point of Contact:* Patrick Murphy, Project Manager, City of Mesa Economic Development.

*Address:* 20 E. Main Street, Suite 200, P.O. Box 1466, Mesa, AZ 85211-1466.

*Phone:* (480) 644-3964.

*E-mail address:*  
*patrick.murphy@mesaaz.gov.*

*Rhode Island*

*Installation Name:* Newport Naval Complex.

*LRA Name:* Aquidneck Island Reuse Planning Authority (AIRPA).

*Point of Contact:* Tina Dolen, Executive Director, Aquidneck Island Reuse Planning Authority.

*Address:* 437 Broadway, Newport, RI 02840-1739.

*Phone:* (401) 845-9299.

*E-mail Address:*  
*tina@acquidneckplanning.org.*

Dated: May 20, 2010.

**Mitchell S. Bryman,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2010-12521 Filed 5-24-10; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Federal Advisory Committee; Department of Defense Wage Committee; Closed Meeting

**AGENCY:** Civilian Personnel Management Service (Wage and Salary Division), DoD.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, DoD announces the Department of Defense Wage Committee will meet in closed session on June 1, 2010, in Rosslyn, Virginia.

**DATES:** The meeting will be held on June 1, 2010, at 10 a.m.

**ADDRESSES:** The meeting will be held at 1400 Key Boulevard, Level A, Room A101, Rosslyn, Virginia 22209-5144.

**FOR FURTHER INFORMATION CONTACT:** Mr. Craig Jerabek, Designated Federal Officer for the Department of Defense Wage Committee, 1400 Key Boulevard, Suite A105, Arlington, Virginia 22209-5144, Telephone: (703) 696-1735, Fax: (703) 696-5472, E-mail: *craig.jerabek@cpms.osd.mil.*

**SUPPLEMENTARY INFORMATION:** Under the provisions of section 10(d) of the Federal Advisory Committee Act of 1972, Public Law 92-463, it is hereby determined that every Wage Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(2) and 5 U.S.C. 552b(c)(4), and that, accordingly, the meeting will be closed to the public.

#### Purpose of Meeting

The Committee will receive, review, and consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived there from.

#### Request for Waiver

Due to unforeseen difficulties, the Designated Federal Officer was unable to process the **Federal Register** notice for the June 1, 2010, meeting of the Department of Defense Wage Committee, as required by 41 CFR 102-3.150(a). Accordingly, the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.