

may include: (1) Its review of the procedural SNQ issue in a separate section, and (2) its review of the merits of the rejections. *See, e.g., In re Searles*, 422 F.2d 431, 434–35 (C.C.P.A. 1970) (holding certain procedural matters that are “determinative of the rejection” are properly appealable to the Board); *see also In re Hengehold*, 440 F.2d 1395, 1404 (C.C.P.A. 1971) (“[T]he kind of adverse decisions of examiners which are reviewable by the board must be those which relate, at least indirectly, to matters involving the rejection of the claims.”); *cf.* 37 CFR 41.121 (providing both “substantive” motions and “miscellaneous”—*i.e.*, procedural—motions, which may be decided together in a single decision).

The patent owner may file a single request for rehearing under 37 CFR 41.52 for both the decision on the SNQ issue and the merits decision on the examiner’s rejections, resulting in a single final decision for purposes of judicial review. Judicial review of the BPAI’s final decision issued pursuant to 35 U.S.C. 134, which will incorporate the decision on the finding of a SNQ, is directly to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. 141. *See In re Hiniker Co.*, 150 F.3d 1362, 1367 (Fed. Cir. 1998) (“With direct review by this court of the Board’s reexamination decisions, a patentee can be certain that it cannot be subjected to harassing duplicative examination.”); *see also Heintz*, 143 F. Supp. 2d at 597–98.

Although this is an important issue, an appeal containing a request for reconsideration of the examiner’s SNQ determination is not widespread. There were three ex parte reexamination appeals docketed in Fiscal Year 2008, only one in Fiscal Year 2009 and one so far this year.

The procedure set forth in this notice does not apply to *inter partes* reexamination proceedings. A determination by the USPTO in an *inter partes* reexamination either that no SNQ has been raised or that a reference raises a SNQ is final and non-appealable. *See* 35 U.S.C. 312(c).

Appropriate sections of the MPEP will be revised in accordance with this notice in due course.

Dated: June 18, 2010.

**David J. Kappos**,

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

[FR Doc. 2010–15468 Filed 6–24–10; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Maine System, 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 3720, U.S. Department of Commerce, 14th and Constitution Avenue., NW., Washington, DC.

*Docket Number:* 10–010.

*Applicant:* University of Maine System, St. Bangor, ME 04401.

*Instrument:* Live Color Cathodoluminescence detector accessory for Scanning Electron Microscope.

*Manufacturer:* Gatan, UK.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–011.

*Applicant:* Washington University in St. Louis, St. Louis, MO.

*Instrument:* Electron Microscope.  
*Manufacturer:* Japanese Electron–Optics, Limited (JEOL), Japan.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–012.

*Applicant:* California Institute of Technology, Pasadena, CA 91125.

*Instrument:* Electron Microscope.

*Manufacturer:* FEI Company, Czech Republic.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–013.

*Applicant:* Howard Hughes Medical Institute, Chevy Chase, MD 20815.

*Instrument:* Electron Microscope.

*Manufacturer:* FEI Company, Czech Republic.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–014.

*Applicant:* Howard Hughes Medical Institute, Chevy Chase, MD 20815.

*Instrument:* Electron Microscope.

*Manufacturer:* FEI Company, Czech Republic.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–016.

*Applicant:* United States Geological Survey, Denver, CO 80225.

*Instrument:* Electron Microscope.

*Manufacturer:* FEI Company, Czech Republic.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–017.

*Applicant:* University of Massachusetts Medical School, Worcester, MA 01655.

*Instrument:* Electron Microscope.

*Manufacturer:* FEI Company, Czech Republic.

*Intended Use:* *See* notice at 75 FR 29974.

*Docket Number:* 10–018.

*Applicant:* Texas Tech University, Lubbock, TX 79409–1021.

*Instrument:* Electron Microscope.

*Manufacturer:* Japanese Electron–Optics, Limited, (JEOL), Japan.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*Docket Number:* 10–020.

*Applicant:* Howard Hughes Medical Institute, Chevy Chase, MD 20815.

*Instrument:* Electron Microscope.

*Manufacturer:* FEI Company, Czech Republic.

*Intended Use:* *See* notice at 75 FR 29974, May 28, 2010.

*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 or accessory thereto and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope or accessories thereto which were being manufactured in the United States at the time of order of each instrument.

Dated: June 21, 2010.

**Christopher Cassel**,

*Director, Subsidies Enforcement Office, Import Administration.*

[FR Doc. 2010–15498 Filed 6–24–10; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Establishment of the United States-Turkey Business Council and Request for Applicants for Appointment to the United States Section

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** In December 2009, the Governments of the United States and

Turkey agreed to establish a U.S.-Turkey Business Council. This notice announces the opportunity for appointment as private sector members to the U.S. Section of the Council.

**DATES:** Applications should be received no later than July 22, 2010.

**ADDRESSES:** Please send applications to Kristin Najdi, Senior International Trade Specialist, Office of Europe, U.S. Department of Commerce, either by e-mail at [Kristin.Najdi@trade.gov](mailto:Kristin.Najdi@trade.gov) or by mail to U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 3319, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Kristin Najdi, Senior International Trade Specialist, Office of Europe, U.S. Department of Commerce, telephone: 202-482-4915. Additional information, including the Terms of Reference, can be found at <http://www.trade.gov/mac/terms-of-reference-us-turkey-business-council.asp>.

**SUPPLEMENTARY INFORMATION:** The Under Secretary for International Trade of the U.S. Department of Commerce and the Undersecretary for Foreign Trade of the Undersecretariat of the Prime Ministry for Foreign Trade of Turkey will co-chair the U.S.-Turkey Business Council, pursuant to the Terms of Reference signed on May 25, 2010, by the U.S. and Turkish Governments, which set forth the objectives and structure of the Council. The Terms of Reference may be viewed at: <http://www.trade.gov/mac/terms-of-reference-us-turkey-business-council.asp>.

The Council is intended to facilitate the exchange of information and encourage bilateral discussions of business and economic issues, including promoting bilateral trade and investment and improving the business climate in each country. The Council is intended to bring together the respective business communities of the United States and Turkey to discuss such issues of mutual interest and to communicate their joint recommendations to the U.S. and Turkish Governments. The Council will consist of the U.S. and Turkish co-chairs and a Committee comprised of private sector members. The Committee will be composed of two Sections of private sector members, a U.S. Section and a Turkish Section, each of which shall have approximately ten to twelve members, representing the views and interests of their respective private sector business communities. Each government will appoint the members to its respective Section. It is intended that the Committee will provide joint recommendations to the two governments that reflect private sector views, needs, and concerns regarding

creation of an environment in which the private sectors of both countries can partner, thrive, and enhance bilateral commercial ties that could form the basis for expanded trade and investment between the United States and Turkey.

The Department of Commerce is currently seeking candidates to apply for membership on the U.S. Section of the Council. Each candidate must be a senior-level executive of a U.S.-owned or controlled company that is incorporated in and has its main headquarters located in the United States and that is currently doing business in Turkey. Each candidate also must be a U.S. citizen, or otherwise legally authorized to work in the United States, and be able to travel to Turkey and locations in the United States to attend official Council meetings, as well as U.S. Section and Committee meetings. In addition, the candidate may not be a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Evaluation of applications for membership in the U.S. Section by eligible individuals will be based on the following criteria:

- A demonstrated commitment by the individual's company to the Turkish market either through exports or investment.
- A demonstrated strong interest in Turkey and its economic development.
- The ability to offer a broad perspective on the business environment in Turkey, including cross-cutting issues that affect the entire business community.
- The ability to initiate and be responsible for activities in which the Council will be active.

Members will be selected on the basis of who will best carry out the objectives of the Council as stated in the Terms of Reference establishing the U.S.-Turkey Business Council. In selecting members of the U.S. Section, the Department of Commerce will also seek to ensure that the Section represents a diversity of business sectors and geographical locations, as well as a cross-section of small, medium, and large-sized firms.

U.S. members will receive no compensation for their participation in Council-related activities. They shall not be considered as special government employees. Individual private sector members will be responsible for all travel and related expenses associated with their participation in the Council, including attendance at Committee and Section meetings. Only appointed members may participate in official Council meetings; substitutes and

alternates may not be designated. Members will normally serve for two-year terms, but may be reappointed.

To be considered for membership, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above:

- Name(s) and title(s) of the individual(s) requesting consideration.
- Name and address of company's headquarters.
- Location of incorporation.
- Size of the company.
- Size of the company's export trade, investment, and nature of operations or interest in Turkey.
- A brief statement of why the candidate should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Council will be active.

Applications will be considered as they are received. All candidates will be notified of whether they have been selected.

Dated: June 21, 2010.

**Jay Burgess,**

*Director of the Office of European Country Affairs (OECA).*

[FR Doc. 2010-15380 Filed 6-24-10; 8:45 am]

**BILLING CODE 3510-DA-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-821]

#### Polyethylene Retail Carrier Bags From Thailand: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* June 25, 2010.

**FOR FURTHER INFORMATION CONTACT:** Thomas Schauer, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0410.

#### Background

On August 9, 2004, the Department of Commerce (the Department) published in the **Federal Register** the antidumping duty order on polyethylene retail carrier bags from Thailand. See *Antidumping Duty Order: Polyethylene Retail Carrier Bags From Thailand*, 69 FR 48204 (August 9, 2004). On September 22, 2009, we published a notice of initiation