

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