

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Manufacturing Extension Partnership Advisory Board**

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** NIST announces that the Manufacturing Extension Partnership (MEP) Advisory Board, National Institute of Standards and Technology (NIST) will hold an open meeting on Monday, September 13, 2010 from 8 a.m. to 4:30 p.m.

**DATES:** The meeting will convene September 13, 2010 at 8 a.m. and will adjourn at 4:30 p.m. on September 13, 2010.

**ADDRESSES:** The meeting will be held at Grand Hyatt Denver, 1750 Welton Street, Denver, Colorado 80202. Anyone wishing to attend this meeting should submit name, e-mail address and phone number to Susan Hayduk ([susan.hayduk@nist.gov](mailto:susan.hayduk@nist.gov) or 301-975-5614) no later than September 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Karen Lellock, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Stop 4800, Gaithersburg, Maryland 20899-4800, telephone number (301) 975-4269.

**SUPPLEMENTARY INFORMATION:** This meeting is being held in conjunction with the Quarterly Update Meeting for the MEP system. The MEP Advisory Board is composed of 10 members, appointed by the Director of NIST, who were selected for their expertise in the area of industrial extension and their work on behalf of smaller manufacturers. MEP is a unique program consisting of centers across the United States and Puerto Rico, with partnerships at the State, Federal, and local levels. The Board works closely with MEP to provide input and advice on MEP's programs, plans, and policies. For this meeting, discussions will focus on an overview on (1) the current manufacturing climate and policy initiatives, (2) MEP program evaluation metrics and (3) a discussion of how to support small manufacturers' commercialization of new products and services. The agenda may change to accommodate other Board business.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately fifteen minutes will be

reserved for public comments at the beginning of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be no more than 3 to 5 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Stop 4800, Gaithersburg, Maryland 20899-4800, via fax at (301) 963-6556, or electronically by e-mail to [karen.lellock@nist.gov](mailto:karen.lellock@nist.gov).

Dated: August 10, 2010.

**Harry Hertz,**

*Director, Baldrige National Quality Program.*

[FR Doc. 2010-20312 Filed 8-16-10; 8:45 am]

**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Advisory Committee on Earthquake Hazards Reduction Meeting**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will meet Tuesday, November 9, 2010 from 8:30 a.m. to 5 p.m. and Wednesday, November 10, 2010, from 8:30 a.m. to 4 p.m. The primary purpose of this meeting is to receive information on NEHRP earthquake related activities and to gather information for the 2011 Annual Report of the Effectiveness of the NEHRP Advisory Committee on Earthquake Hazard Reduction. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at <http://nehrrp.gov/>.

**DATES:** The ACEHR will meet on Tuesday, November 9, 2010, from 8:30 a.m. until 5 p.m. The meeting will continue on Wednesday, November 10, 2010, from 8:30 a.m. until 4 p.m. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held in the Fishbowl Room, University of Memphis, FedEx Institute of

Technology, 365 Innovation Drive, Memphis, TN 38152-3115. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jack Hayes, National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8630, Gaithersburg, Maryland 20899-8630. Dr. Hayes' e-mail address is [jack.hayes@nist.gov](mailto:jack.hayes@nist.gov) and his phone number is (301) 975-5640.

**SUPPLEMENTARY INFORMATION:** The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108-360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at <http://nehrrp.gov/>.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Advisory Committee on Earthquake Hazards Reduction (ACEHR) will meet Tuesday, November 9, 2010 from 8:30 a.m. to 5 p.m. and Wednesday, November 10, 2010, from 8:30 a.m. to 4 p.m. The meeting will be held in the Fishbowl Room, The University of Memphis, FedEx Institute of Technology, 365 Innovation Drive, Memphis, TN 38152-3115. The primary purpose of this meeting is to receive information on NEHRP earthquake related activities and to gather information for the 2011

Annual Report of the Effectiveness of the NEHRP Advisory Committee on Earthquake Hazard Reduction. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at <http://nehrp.gov/>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On November 10, 2010, approximately one-half hour will be reserved near the conclusion of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8630, Gaithersburg, Maryland 20899-8630, via fax at (301) 975-5433, or electronically by e-mail to [info@nehrp.gov](mailto:info@nehrp.gov).

Anyone wishing to attend this meeting must register by close of business Monday, November 1, 2010 in order to attend. Please submit your name, mailing address, e-mail address, and phone number to Tina Faecke. Ms. Faecke's e-mail address is [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov), and her phone number is (301) 975-5911.

Dated: August 10, 2010.

**Harry Hertz,**

Director, Baldrige National Quality Program.

[FR Doc. 2010-20310 Filed 8-16-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No.: PTO-P-2010-0065]

#### Streamlined Procedure for Appeal Brief Review in *Inter Partes* 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 filed in *inter partes* reexamination proceeding appeals to increase the efficiency of the appellate process and to reduce the 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 *inter partes* reexamination proceedings (*i.e.*, appellant's briefs, respondent's briefs, and rebuttal briefs) 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 *inter partes* reexamination proceeding appeal pendency as measured from the filing of a notice of appeal to the BPAI's docketing of the appeal by eliminating duplicate reviews by the examiner and the BPAI. The USPTO expects further reduction in pendency because the streamlined procedure will increase consistency in the determination, and thereby reduce the number of notices of noncompliant appeal briefs and non-substantive returns from the BPAI that require parties to file corrected appeal briefs in *inter partes* reexamination proceeding appeals.

**DATES:** *Effective Date:* The procedure set forth in this notice is effective on August 17, 2010.

*Applicability Date:* The procedure set forth in this notice is applicable to any appeal brief (regardless of whether it is an appellant's brief, a respondent's brief, or a rebuttal brief) that is filed in an *inter partes* reexamination proceeding on or after August 17, 2010.

**FOR FURTHER INFORMATION CONTACT:** Merrell Cashion, 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, upon the filing of an appeal brief in an *inter partes* reexamination proceeding (*i.e.*, an appellant's brief, a respondent's brief, or a rebuttal brief), the Chief Judge will review the appeal brief to determine whether the appeal brief complies with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71 before it is forwarded to the Central Reexamination Unit (CRU) 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 parties in

complying with 37 CFR 1.943(c), 41.67, 41.68, and 41.71, the BPAI has provided a checklist for notices of appeal and appeal briefs and a list of eight reasons appeal briefs have been previously 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 1.943(c) and 37 CFR 41.67, 41.68, or 41.71, 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 1.943(c) and 37 CFR 41.67, 41.68, or 41.71, and sends appellant, respondent, or rebutting party a notice of noncompliant brief requiring a corrected brief, the party 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 1.943(c) and 37 CFR 41.67(d), 41.68(c), or 41.71(e). The Chief Judge will also have the sole responsibility for determining whether corrected appeal briefs comply with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71, and will address any inquiries and petitions regarding entry of appeal briefs or notices of noncompliant appeal briefs.

The Chief Judge's responsibility for determining whether appeal briefs comply with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71 is not considered a transfer of jurisdiction when an appeal brief is filed, but rather is only a transfer of the specific responsibility to notify appellants under 37 CFR 1.943(c) and 37 CFR 41.67(d) 41.68(c), or 41.71(e) of the reasons for non-compliance. The Patent Examining Corps retains the jurisdiction over the *inter partes* reexamination proceeding to consider the appeal brief, conduct any conference, draft an examiner's answer, and decide the entry and consideration of amendments, evidence, and information disclosure statements filed after final 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)-(c).

Once the Chief Judge accepts the appellant's brief, respondent's brief, or rebuttal brief as compliant, an examiner's answer will be provided in the *inter partes* reexamination proceeding if the examiner determines that the appeal should be maintained. The format for the examiner's answer will be streamlined such that the examiner may incorporate by reference