

**Written Comments:** Written comments should be sent by e-mail to [IP.Policy@uspto.gov](mailto:IP.Policy@uspto.gov). Comments may also be submitted by postal mail addressed to: Mail Stop OPEA, P.O. Box 1450, Alexandria, VA 22313-1450, ATTN: Elizabeth Shaw. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via e-mail. The deadline for receipt of written comments for consideration by the USPTO is November 8, 2011. Written comments should be identified in the subject line of the e-mail or postal mailing as "Prior User Rights."

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.

**Availability of Hearing Transcript and Written Comments:** A transcript of the hearing and the written comments will be available for public inspection at the Office of Policy and External Affairs in the Executive Library located in the Madison West Building, Tenth Floor, 600 Dulany Street, Alexandria, Virginia 22314. Contact: Elizabeth Shaw at [elizabeth.shaw2@uspto.gov](mailto:elizabeth.shaw2@uspto.gov) or 571-272-8494. In addition, the hearing transcript and the comments from the public will also be available via the USPTO Internet Web site (address: <http://www.uspto.gov/americainventsact/>).

Contact: Mary Critharis, Office of Policy and External Affairs, by phone 571-272-9300; by e-mail at [mary.critharis@uspto.gov](mailto:mary.critharis@uspto.gov); or by postal mail addressed to: Mail Stop OPEA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450, ATTN: Mary Critharis; or Charles Eloshway, Office of Policy and External Affairs, by phone at 571-272-9300; by e-mail at [charles.eloshway@uspto.gov](mailto:charles.eloshway@uspto.gov); or by postal mail addressed to: Mail Stop OPEA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450, ATTN: Charles Eloshway.

The America Invents Act, Section 3, calls for the Director of the USPTO to report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding findings and recommendations on the operations of prior user rights in selected countries in the industrialized world no later than the end of the four-month period beginning on the date of enactment of the Act (i.e., by January 16, 2012). In preparing the report, the USPTO is required to consult with the United States Trade Representative, the

Secretary of State, and the Attorney General. The Act also specifically identifies items for USPTO consideration as part of the report.

**Issues for Testimony and/or Written Comment:** Interested members of the public are invited to submit testimony and/or written comments on issues that they believe relevant to operation of prior user rights. The topics and questions listed below reflect the information that the USPTO is required to study per the prior user rights study provision of the America Invents Act. The tenor of the following questions should not be taken as an indication that the USPTO has taken a position or is predisposed to any particular views.

1a. Please share your experiences relating to the use of prior user rights in foreign jurisdictions including, but not limited to, members of the European Union and Japan, Canada, and Australia.

In doing so, please include the following:

- (a) An identification of the foreign jurisdiction(s);
- (b) The frequency or regularity with which prior user rights were utilized or asserted in the particular jurisdiction(s);
- (c) Whether prior user rights were asserted as a defense by you or your organization;
- (d) Whether another entity alleged prior user rights as a defense to a patent infringement claim asserted by you or your organization;
- (e) The technology or industry involved;
- (f) The operation of the prior user rights regime in the particular jurisdiction(s); and
- (g) The advantages/disadvantages of the prior user rights regime in the particular jurisdiction(s).

1b. If you do not have any experiences relating to the use of prior user rights in foreign jurisdictions, please identify the following:

- (a) The frequency or regularity with which you engage in business abroad including, but limited to, the following foreign economies: members of the European Union and Japan, Canada, and Australia;
- (b) Your opinion as to why you believe prior user rights are or are not needed in the particular jurisdiction(s).

2. Please share your experiences in analyzing the effect, if any, of prior user rights on innovation rates in selected countries including, but not limited to, members of the European Union and Japan, Canada, and Australia. Please include empirical and anecdotal data, as well as opinions as to how this analysis may be conducted.

3. Please share your experiences in analyzing the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies. Please include empirical and anecdotal data, as well as opinions as to how this analysis may be conducted.

4. Please share your experiences in analyzing the effect, if any, of prior user rights on small businesses, universities, and individual inventors. Please include empirical and anecdotal data, as well as opinions as to how this analysis may be conducted.

5. Please share your views, along with any corresponding analysis, as to whether there are any legal or constitutional issues with placing trade secret law in United States patent law.

6. Please share your views, along with any corresponding analysis, as to whether the change to a first-to-file patent system creates any particular need for prior user rights in the United States.

Dated: October 4, 2011.

**David J. Kappos,**

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

[FR Doc. 2011-26154 Filed 10-6-11; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No.: PTO-P-2011-0062]

### Request for Comments and Notice of Public Hearings on the Study of International Patent Protection for Small Businesses

The United States Patent and Trademark Office (USPTO) is interested in gathering information on international patent protection for small businesses for purposes of preparing a report on the subject as required by the America Invents Act. To assist in gathering this information, the USPTO is holding a public hearing at which interested members of the public are invited to testify on this topic. In addition, members of the public may submit written comments.

**Public Hearing:** The USPTO will hold two hearings in support of the study of international patent protection for small businesses. The first public hearing will be held on October 27, 2011, beginning at 1 p.m. Eastern Daylight Time (EDT) and ending at 4 p.m. EDT. The first public hearing will be held at the USPTO in the Madison Auditorium on the concourse level of the Madison

Building, located at 600 Dulany Street, Alexandria, Virginia 22314. The second public hearing will be held on November 1, 2011, beginning at 9 a.m. Pacific Daylight Time (PDT) and ending at 12 p.m. PDT. The second public hearing will be held at the University of Southern California in the Gould School of Law, located at 699 Exposition Boulevard, Los Angeles, California 90089.

Those wishing to present oral testimony at the hearing must request an opportunity to do so in writing by e-mail to [SMEpatenting@uspto.gov](mailto:SMEpatenting@uspto.gov) no later than October 20, 2011, for the first public hearing, and no later than October 25, 2011, for the second public hearing. Requests to testify at the hearing must indicate the following information: (1) The name of the person desiring to testify; (2) the person's contact information (telephone number and electronic mail address); (3) the organization(s) the person represents, if any; and (4) a preliminary written copy of their testimony. Based on the requests received, an agenda of scheduled testimony will be sent to testifying respondents, and posted on the USPTO Internet Web site (address: <http://www.uspto.gov/americaninventsact>).

Speakers selected to provide testimony at the hearing should provide a final written copy of their testimony for inclusion in the record of the proceedings no later than October 21, 2011.

The USPTO plans to make the public hearing available via webcast. Webcast information will be available on the USPTO's Internet Web site (address: <http://www.uspto.gov/americaninventsact>) before the public hearing.

*Written Comments:* Written comments should be sent by e-mail to [SMEpatenting@uspto.gov](mailto:SMEpatenting@uspto.gov). Comments may also be submitted by postal mail addressed to: Saurabh Vishnubhakat, Attorney Advisor, Office of Chief Economist, United States Patent and Trademark Office, Mail Stop External Affairs, P.O. Box 1450, Alexandria, VA 22313-1450. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via e-mail. The deadline for receipt of written comments for consideration by the USPTO is November 8, 2011. Written comments should be identified in the subject line of the e-mail or postal mailing as "International Patent Protection for Small Businesses."

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.

*Availability of Hearing Transcript and Written Comments:* A transcript of the hearing and the written comments will be available for public inspection at the Office of Chief Economist, located in the Madison West Building, Tenth Floor, 600 Dulany Street, Alexandria, Virginia 22314. In addition, the hearing transcript and the comments from the public will also be available via the USPTO Internet Web site (address: <http://www.uspto.gov/americaninventsact>).

*Contact:* Saurabh Vishnubhakat, Office of Chief Economist, by telephone 571-272-3427; by e-mail at [saurabh.vishnubhakat@uspto.gov](mailto:saurabh.vishnubhakat@uspto.gov); or by postal mail addressed to: Saurabh Vishnubhakat, Office of Chief Economist, United States Patent and Trademark Office, Madison West Building, Tenth Floor, 600 Dulany Street, Alexandria, Virginia 22314.

The America Invents Act, Section 31, charges the Director of the United States Patent and Trademark Office (USPTO), in consultation with the Secretary of Commerce and the Administrator of the Small Business Administration, with delivering a study no later than 120 days after the enactment of the Act (*i.e.*, by January 14, 2012) on how the USPTO, in coordination with other Federal departments and agencies, can best help small businesses with international patent protection. The USPTO therefore broadly seeks comments on how to address the issue of international patent protection for small businesses and whether a revolving fund loan program or a grant program should be established to pay for the costs of filing, maintaining, and enforcing international patent protection.

*Issues for Testimony and/or Written Comment:* Interested members of the public are invited to submit testimony and/or written comments on issues that they believe relevant to international patent protection for small businesses. The questions enumerated below are a preliminary guide for gathering comments on the potential legislative strategies that the USPTO should recommend to Congress. The public is invited to answer any or all of these questions. The tenor of the following questions should not be taken as an indication that the USPTO has taken a position or is predisposed to any particular views.

1. Overall, how important is international patent protection to small business?

2. At what point, if ever, in the growth of small companies does international patent protection become important?

3. What challenges, if any, interfere with the growth and competitiveness of small companies if international patent protection is not sought early in the innovation process?

4. What specific role does international patent protection play in the successful internationalization strategies (such as franchising, exporting, or foreign-direct-investment) of small businesses? Does this role differ by industry or sector?

5. How can the USPTO and other Federal agencies best support small businesses regarding international patents:

(a) In obtaining international patent rights?

(b) In maintaining international patent rights?

(c) In enforcing international patent rights?

6. What role should the Federal Government play in assisting small businesses to defray the costs of filing, maintaining, and enforcing international patent protection?

7. In order to help small businesses pay for the costs of filing, maintaining, and enforcing international patent applications, how effective would it be to establish a revolving fund loan program to make loans to small businesses to defray the costs of such applications, maintenance, and enforcement and related technical assistance?

(a) Under what specific circumstances, if at all, would such a fund be effective at helping small businesses?

(b) If such a fund would be effective, should the fund be maintained by the Federal Government, and if so, through what mechanism?

(c) What criteria should be used to decide upon recipients of funding?

(d) Could the private sector be meaningfully involved in maintaining and implementing such a fund?

8. In order to help small businesses pay for the costs of filing, maintaining, and enforcing international patent applications, how effective would it be to establish a grant program to defray the costs of filing applications, paying maintenance fees, and conducting enforcement and to provide related technical assistance?

(a) Under what circumstances, if at all, would such a program be effective at helping small businesses?

(b) If such a grant program would be effective, should the program be maintained by the Federal Government, and if so, through what mechanism?

What type of grant program, covering what specific costs, would be most effective?

(c) What criteria should be used to decide upon recipients of grants?

(d) Could the private sector be meaningfully involved in maintaining and implementing such a program?

9. If the Federal Government is limited to providing either (i) A revolving fund loan program or (ii) a grant program described above, but not both, which of these options would be more effective in accomplishing the outcome of helping small businesses pay for the costs of filing, maintaining, and enforcing international patent applications?

10. Are there circumstances under which the Federal Government should not consider establishing any of these programs?

Dated: October 4, 2011.

**David J. Kappos,**

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

[FR Doc. 2011-26157 Filed 10-6-11; 8:45 am]

**BILLING CODE 3510-10-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to and deletions from the procurement list.

**SUMMARY:** The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services previously furnished by such agencies.

**DATES:** *Comments Must Be Received On Or Before:* 11/7/2011.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons

an opportunity to submit comments on the proposed actions.

### Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C 8501-8506) in connection with the products proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

### End of Certification

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

### Products

#### *Navy Retired Lapel Pin*

NSN: 8455-01-591-5248—Lapel Pin, Navy Retired, Dual Flag

NPA: Industries for the Blind, Inc., West Allis, WI

*Contracting Activity:* Defense Logistics Agency, DLA Troop Support, Philadelphia, PA

*Coverage:* C-List for 100% of the requirement of the Department of the Navy, as aggregated by the Defense Logistics Agency Troop Support, Philadelphia, PA.

#### *Gloves, Surgical*

NSN: 6515-00-NIB-0627—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 5.5"

NSN: 6515-00-NIB-0628—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 6"

NSN: 6515-00-NIB-0629—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 6.5"

NSN: 6515-00-NIB-0630—Gloves, Surgical,

Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 7"

NSN: 6515-00-NIB-0631—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 7.5"

NSN: 6515-00-NIB-0632—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 8"

NSN: 6515-00-NIB-0633—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 8"

NSN: 6515-00-NIB-0634—Gloves, Surgical, Powder-free, Biogel, PI Indicator, Underglove, Blue, Size 9"

NSN: 6515-00-NIB-0635—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 5.5"

NSN: 6515-00-NIB-0636—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 6"

NSN: 6515-00-NIB-0637—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 6.5"

NSN: 6515-00-NIB-0638—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 7"

NSN: 6515-00-NIB-0639—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 7.5"

NSN: 6515-00-NIB-0640—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 8"

NSN: 6515-00-NIB-0641—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 8.5"

NSN: 6515-00-NIB-0642—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch G, Straw colored, Size 9"

NSN: 6515-00-NIB-0643—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 5.5"

NSN: 6515-00-NIB-0644—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 6"

NSN: 6515-00-NIB-0645—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 6.5"

NSN: 6515-00-NIB-0646—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 7"

NSN: 6515-00-NIB-0647—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 7.5"

NSN: 6515-00-NIB-0648—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 8"

NSN: 6515-00-NIB-0649—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 8.5"

NSN: 6515-00-NIB-0650—Gloves, Surgical, Powder-free, Biogel, PI Ultratouch M, Straw colored, Size 9"

NSN: 6515-00-NIB-0651—Gloves, Surgical, Powder-free, Biogel, Neoderm, Brown, Size 5.5"

NSN: 6515-00-NIB-0652—Gloves, Surgical, Powder-free, Biogel, Neoderm, Brown, Size 6"

NSN: 6515-00-NIB-0653—Gloves, Surgical, Powder-free, Biogel, Neoderm, Brown, Size 6.5"

NSN: 6515-00-NIB-0654—Gloves, Surgical, Powder-free, Biogel, Neoderm, Brown, Size 7"

NSN: 6515-00-NIB-0655—Gloves, Surgical, Powder-free, Biogel, Neoderm, Brown,