

Topics for discussion included: (1) Acquisition and enforcement of utility model and design patents; (2) evidence collection and preservation in Chinese courts; (3) obtaining damages and injunctions; (4) enforceability of court orders; and (5) administrative patent enforcement.

To ensure that the USPTO receives a wide array of views, the USPTO would like to invite any member of the public to submit written comments on China's patent enforcement system, including, but not limited to, the five specific issues listed above. Examples of first-hand experience using China's patent enforcement system, and recommendations on ways to improve the system, are encouraged. Based on these comments, the USPTO intends to produce a report that details the patent enforcement landscape in China and identifies any challenges faced by U.S. innovators, together with recommendations for improving the system.

**DATES:** *Effective Date:* October 17, 2011.

*Dates and Times:* The deadline for receipt of written comments for consideration by the USPTO on the five categories of issues listed above, or on any other issues pertaining to China's patent enforcement system, is November 4, 2011.

**ADDRESSES:** Written comments should be sent by electronic mail message via the Internet addressed to [IP.Policy@uspto.gov](mailto:IP.Policy@uspto.gov). Comments may also be submitted by mail addressed to: Mail Stop OPEA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, *Attn:* Elizabeth Shaw. Although comments may be submitted by mail, the USPTO prefers to receive comments via the Internet. If you would like to submit confidential business information that supports your comments, please contact Elizabeth Shaw at [elizabeth.shaw2@uspto.gov](mailto:elizabeth.shaw2@uspto.gov) or 571-272-8494.

The written comments will be available for public inspection by appointment only 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.

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.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Shaw, Office of Policy and External Affairs, by phone 571-272-8494, by facsimile to 571-273-0123, by e-mail at [elizabeth.shaw2@uspto.gov](mailto:elizabeth.shaw2@uspto.gov) or by mail addressed to: Mail Stop OPEA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450, *ATTN:* Elizabeth Shaw.

**SUPPLEMENTARY INFORMATION:** As the second largest economy in the world, China continues to attract U.S. businesses interested in tapping into its growing domestic demand and rapid market growth. As U.S. innovators continue to export their products and services into China, the effective functioning of China's patent enforcement system will be critical to the success of U.S. innovators in China.

The State Intellectual Property Office (SIPO) of the People's Republic of China is now one of the largest patent office in the world in terms of patent filings. It received 1.2 million patent applications in 2010. Despite an increase in the number of patents obtained in China, the number of patent cases filed in Chinese courts has remained relatively unchanged since 2005.

Patent enforcement in China comprises two mechanisms—judicial and administrative. Concerns over China's judiciary (such as lack of adequate discovery powers, evidentiary burdens, and low damages rewards) have been cited as reasons why U.S. and foreign companies do not file more patent suits in Chinese courts. Indeed, according to China's Supreme People's Court, only about 4 percent of civil IP cases in China involve foreign parties. Furthermore, China issues utility model and design patents that do not undergo substantive examination and have complicated actual inventors' pursuit and enforcement of their IP rights in China.

In addition to judicial patent enforcement in Chinese courts, patent enforcement in China can also occur administratively in SIPO's provincial IP offices, which have the authority to issue cease-and-desist orders, seize infringing goods, and exact penalties against infringers. The limited investigative powers of the agency and ineffectual penalties have been cited as reasons for the weakness of this enforcement route.

The USPTO has conducted a series of roundtables to evaluate U.S. rights holders' views of China's patent enforcement system. These views have included first-hand experiences enforcing patent rights in China, defending against charges of

infringement in China, as well as suggestions for future improvements to the system. The USPTO heard from a number of roundtable participants from diverse sources including practitioners, industry, trade organizations, academia, and government.

To ensure that the USPTO receives a wide array of views on China's patent enforcement system, the USPTO is now seeking written comments on patent enforcement issues in China, including but not limited to (1) acquisition and enforcement of utility model and design patents; (2) evidence collection and preservation in Chinese courts; (3) obtaining damages and injunctions; (4) enforceability of court orders; and (5) administrative patent enforcement. Any member of the public may submit written comments. Examples of first-hand experience using China's patent enforcement system, and recommendations on ways to improve the system, are encouraged. Based on these comments, the USPTO intends to produce a report that details the U.S. view of the patent enforcement landscape in China and identifies any challenges faced by U.S. innovators, together with recommendations for improving the system.

Dated: October 5, 2011.

**David J. Kappos,**

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

[FR Doc. 2011-26757 Filed 10-14-11; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-C-2011-0055]

### Performance Review Board (PRB)

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

**ACTION:** Notice.

**SUMMARY:** In conformance with the Civil Service Reform Act of 1978, the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

**ADDRESSES:** Director, Human Capital Management, Office of Human Resources, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:** Karen Karlinchak at (571) 272-8717.

**SUPPLEMENTARY INFORMATION:** The membership of the United States Patent

and Trademark Office Performance Review Board is as follows:

*Teresa Stanek Rea*, Chair, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

*Patricia M. Richter*, Chief Administrative Officer, United States Patent and Trademark Office.

*Robert L. Stoll*, Commissioner for Patents, United States Patent and Trademark Office.

*Deborah S. Cohn*, Commissioner for Trademarks, United States Patent and Trademark Office.

*Anthony P. Scardino*, Chief Financial Officer, United States Patent and Trademark Office.

*John B. Owens II*, Chief Information Officer, United States Patent and Trademark Office.

*Bernard J. Knight Jr.*, General Counsel, United States Patent and Trademark Office.

*Albert Trampusch*, Administrator for Policy and External Affairs, United States Patent and Trademark Office. Alternates.

*Mary Boney Denison*, Deputy Commissioner for Trademark Operations, United States Patent and Trademark Office.

*Margaret A. Focarino*, Deputy Commissioner for Patents, United States Patent and Trademark Office.

Dated: October 7, 2011.

**Teresa Stanek Rea**,

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

[FR Doc. 2011-26751 Filed 10-14-11; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0037; Docket 2011-0079; Sequence 3]

#### Federal Acquisition Regulation; Submission for OMB Review; Presolicitation Notice and Response

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning presolicitation notice and response. A notice published in the **Federal Register** at FR 76 at 22706 on April 22, 2011. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before November 16, 2011.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0037, Presolicitation Notice and Response, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000-0037, Presolicitation Notice and Response" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0037, Presolicitation Notice and Response". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0037, Presolicitation Notice and Response" on your attached document.

- *Fax:* 202-501-4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0037, Presolicitation Notice and Response.

**Instructions:** Please submit comments only and cite Information Collection 9000-0037, Presolicitation Notice and Response, in all correspondence related to this collection. All comments received will be posted without change

to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Davis, Procurement Analyst, Acquisition Policy Division, GSA (202) 219-0202 or [Cecelia.davis@gsa.gov](mailto:Cecelia.davis@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

Presolicitation notices are used by the Government for several reasons, one of which is to aid prospective contractors in submitting proposals without undue expenditure of effort, time, and money. The Government also uses the presolicitation notices to control printing and mailing costs. The presolicitation notice response is used to determine the number of solicitation documents needed and to assure that interested offerors receive the solicitation documents. The responses are placed in the contract file and referred to when solicitation documents are ready for mailing. After mailing, the responses remain in the contract file and become a matter of record.

##### B. Annual Reporting Burden

*Respondents:* 5,310.

*Responses per Respondent:* 8.

*Annual Responses:* 42,480.

*Hours per Response:* .08.

*Total Burden Hours:* 3,398.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0037, Presolicitation Notice and Response, in all correspondence.

Dated: September 29, 2011.

**Laura Auletta**,

*Acting Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy.*

[FR Doc. 2011-26803 Filed 10-14-11; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Renewal of Department of Defense Federal Advisory Committees

**AGENCY:** Department of Defense (DoD).

**ACTION:** Renewal of Federal Advisory Committee.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix), the Government in the Sunshine Act of