

2012, last day for filing of an *inter partes* reexamination request.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth M. Schor, Senior Legal Advisor ((571) 272-7710), or Joseph F. Weiss, Jr., Legal Advisor ((571) 272-7759), Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy.

**SUPPLEMENTARY INFORMATION:**

**A. Filing Requests as Early as Possible**

Requesters are advised to file any *inter partes* reexamination requests which they intend to file as soon as possible, in order to provide the United States Patent and Trademark Office (Office) with maximum time to: (i) Receive, process, and review such requests for their compliance with all the filing date requirements for *inter partes* reexamination; and (ii) notify the requester of any deficiencies in the request via a Notice of Failure to Comply with *Inter Partes* Reexamination Request Filing Requirements (Notice of Failure to Comply) while providing sufficient time for requester to submit a corrected/replacement request prior to September 16, 2012.

In this regard, it is to be noted that any *inter partes* reexamination request must meet all the filing date requirements for *inter partes* reexamination, i.e., it must be filing-date compliant, *prior to September 16, 2012*. If a timely filed *inter partes* reexamination request fails to meet any filing date requirement for *inter partes* reexamination, then the requester will be so notified and, if time allows, given an opportunity to complete the request by filing a corrected/replacement request by September 15, 2012. If the request papers are then made filing-date compliant by a response which is properly filed with the Office by September 15, 2012, the filing date of the response will be assigned to the request (this is also true for any *sua sponte* filed corrected/replacement request). If the corrected/replacement request is not received by the Office as of September 15, 2012, the corrected/replacement request will not be accorded a filing date, even though the original request was timely received by the Office. This is so, *regardless of when requester receives notification that the original request is not filing-date compliant*.

The Office will make every effort to promptly and efficiently process and review all requests for *inter partes* reexamination. It is to be emphasized, however, that the Office cannot guarantee that a Notice of Failure to

Comply with *Inter Partes* Reexamination Request Filing Requirements will be issued by the Office prior to September 16, 2012, or even if it is so issued, that sufficient time will remain for the mailing to reach a requester and allow for response prior to September 16, 2012. While, traditionally, the Office has been setting a thirty-day period to respond to the Notice of Failure to Comply, this will no longer be possible for any Notice of Failure to Comply mailed after August 16, 2012, because the statute which provides for the filing of a request for *inter partes* reexamination will no longer be in effect as of September 16, 2012.

In view of the above, potential *inter partes* reexamination requesters are cautioned to file any such requests as soon as possible, in order to provide the Office with as much time as possible to receive the requests, process and review them, and notify requester with sufficient time to correct the request, if necessary, prior to September 16, 2012.

**B. The Last Day to File an Inter Partes Reexamination Request**

As mentioned above, section 6(c)(3) of the AIA statutorily terminates the authority for *inter partes* reexamination filings effective September 16, 2012. Since, *inter partes* reexamination filing is not available on or after September 16, 2012, the Office cannot grant a filing date to any *inter partes* reexamination request filed after September 15, 2012. In addition, as the termination of authority for *inter partes* reexamination filings in section 6(c)(3) of the AIA is not a time period for taking action under 35 U.S.C. 21(b), the provisions of 35 U.S.C. 21(b) do not authorize the Office to accept or accord a filing date to an original or corrected/replacement request for *inter partes* reexamination which is filed on or after September 16, 2012, even though September 15, 2012, the last day to file a request, is a Saturday.

An *inter partes* reexamination request can be submitted on Saturday, September 15, 2012, but only two methods are available to do so. The request may be submitted that Saturday: (1) Via the Office's Web-based electronic filing system, EFS-Web (see MPEP 502.05); or (2) by using the 37 CFR 1.10 "Express Mail" mailing procedure (see MPEP 513). No other method of submission is available for a Saturday. Thus, a request cannot be submitted on September 15, 2012, by hand, by courier, by facsimile transmission, or by mail other than Express Mail. If an attempt to do so is made, the request will not be received by the Office (on

that Saturday), and a filing date will not be accorded to the request.

If an original or corrected/replacement *inter partes* reexamination request is mailed (by mail other than Express Mail), the requester should take into consideration mailing time and the fact that 37 CFR 1.8 certificate of mailing and transmission procedures are not available for filing an original or corrected/replacement request for reexamination (see MPEP 2624). Thus, requester should take care to mail the request sufficiently early for the Office to receive it by Friday, September 14, 2012 (the Office does not receive mail on Saturday, the 15th—see 37 CFR 1.6(a)(1)).

**C. Modification of Notice of Failure to Comply Form**

In view of the above:

1. Any Notice of Failure to Comply mailed prior to September 15, 2012, will reference September 15, 2012, as the due date for any corrected/replacement *inter partes* reexamination request.

2. Any Notice of Failure to Comply mailed on or after September 17, 2012, will not set a period for response, but will rather inform requester that no filing date can be granted for the request, because *inter partes* reexamination filing has been statutorily terminated.

Dated: August 23, 2012.

**Teresa Stanek Rea,**

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

[FR Doc. 2012-21224 Filed 8-28-12; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**U.S. Air Force Academy Board of Visitors; Notice of Meeting**

**AGENCY:** U.S. Air Force Academy Board of Visitors, DoD.

**ACTION:** Meeting notice.

**SUMMARY:** In accordance with 10 U.S.C. 9355, the United States Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting in Harmon Hall at the United States Air Force Academy in Colorado Springs, Colorado on 14-15 Sep 12. The meeting sessions on 14 Sep will begin at 4 p.m. and the meeting sessions on 15 Sep will begin at 7:45 a.m. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, infrastructure, fiscal affairs, academic

methods, and other matters relating to the Academy. Specific topics for this meeting include the Status of the Climate Survey; Superintendent's Update; Character Update; USAFA Sexual Assault Prevention and Response Program; Critical Thinking Assessment Tool; and the Diversity in the Dean's Faculty brief. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, one session of this meeting be closed to the public because it will involve matters covered by 5 U.S.C. 552b subsection (c)(6). Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements must address the following details: the issue, discussion, and a recommended course of action. Supporting documentation must also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force address detailed below at any time. However, if a written statement is not received at least 10 calendar days before the first day of the meeting which is the subject of this notice, then it may not be provided to, or considered by, the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairperson and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

If, after review of timely submitted written comments, the BoV Chairperson and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairperson to allow specific personnel to make oral presentations before the BoV. In accordance with 41 CFR 102-3.140(d), any oral presentations before the BoV shall be in accordance with agency guidelines provided pursuant to a written

invitation and this paragraph. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairperson.

**FOR FURTHER INFORMATION CONTACT:** For additional information or to attend this BoV meeting, contact Capt Bobby Hale, Accessions and Training Division, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 695-4066.

**Henry Williams Jr.,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2012-21334 Filed 8-28-12; 8:45 am]

**BILLING CODE 5001-10-P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Record of Decision for Surveillance Towed Array Sensor System Low Frequency Active Sonar

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice of decision and availability.

**SUMMARY:** The Department of the Navy, after carefully weighing the operational, scientific, technical, and environmental implications of the alternatives considered, announces its decision to employ up to four Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar systems with certain geographical restrictions and monitoring mitigation designed to reduce potential adverse effects on the marine environment. This decision, which pertains to the employment of up to four SURTASS LFA sonar systems (as originally analyzed in the 2001 Final Overseas Environmental Impact Statement and Environmental Impact Statement [FOEIS/EIS] for SURTASS LFA Sonar) initially augmented in the 2007 Final Supplemental Environmental Impact Statement [FSEIS]), and further augmented on the 2012 Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (FSEIS/SOEIS) implements the preferred alternative, Alternative 2, identified in the 2012 FSEIS/SOEIS for SURTASS LFA sonar.

**SUPPLEMENTARY INFORMATION:** The full text of the Record of Decision (ROD) is available for public viewing and download at <http://www.surtass-lfa-eis.com/>. Single copies of the ROD will be made available upon request by contacting the SURTASS LFA Sonar SEIS/SOEIS Team, 4100 N. Fairfax Dr., Suite 730, Arlington, VA 22203, or email: [eisteam@mindspring.com](mailto:eisteam@mindspring.com).

Dated: August 17, 2012.

**C.K. Chiappetta,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Administrative Law Division, Federal Register Liaison Officer.*

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**BILLING CODE 3810-FF-P**

## DEPARTMENT OF EDUCATION

### Notice of Submission for OMB Review; Office of Planning, Evaluation and Policy Development; EDFacts Collection of ESEA Flexibility Data

**SUMMARY:** On September 23, 2011, the U.S. Department of Education (ED) invited State educational agencies (SEAs) to request flexibility pursuant to the authority in section 9401 of ESEA, which allows the Secretary of Education to waive, with certain exceptions, any statutory or regulatory requirement of the ESEA for an SEA that receives funds under a program authorized by the ESEA and requests a waiver. In order to ensure that SEAs receiving ESEA flexibility are continuing to meet the intent and purpose of Title I of ESEA, including meeting the educational needs of low-achieving students, closing achievement gaps, and holding schools, local educational agencies, and SEAs accountable for improving the academic achievement of all students, ED will continue to collect all data related to student proficiency rates as well as performance against the annual measurable objectives. This collection will be applicable to SEAs with approved flexibility requests.

**DATES:** Interested persons are invited to submit comments on or before September 28, 2012.

**ADDRESSES:** Written comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 04860. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the