AIPLA endorsed the creation of a ''small'' claims patent court that was described in Resolution 401.4, and in the same year the Secretary of Commerce formed an Advisory Commission on Patent Law Reform, which suggested further study of small claims procedures for patent cases in Federal courts. While a U.S. patent small claims proposal failed to advance further at that time, renewed discussion and consideration by bar associations, industry groups, practitioners, and members of the Federal judiciary, have now revived consideration and discussion of a patent small claims proceeding in the United States.

On Thursday, May 10, 2012, a roundtable of intellectual property experts co-sponsored by the USPTO and the United States Copyright Office convened at The George Washington University Law School (GWU) to consider the possible introduction of small claims proceedings for patent and copyright claims in the United States. Conformity with the U.S. Constitution and a potential structural framework for small claims proceedings in the realm of patents and copyrights were among the topics explored. On October 1, 2012, in continuation of the discussion initiated at the GWU roundtable, the USPTO hosted a Patent Small Claims Proceeding Forum composed of experts to discuss the concept of a patent small claims proceeding. Now, the USPTO also seeks comments from the public regarding a patent small claims proceeding.

*Issues for Comment:* Interested members of the public are invited to submit written comments on issues that they believe are relevant to a U.S. patent small claims proceeding. The topics and questions listed below are included to identify specific issues upon which the USPTO is interested in obtaining public opinion. 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.

**Comments on One or More of the Following Would Be Helpful**

1. Provide a general description of your understanding of the need or lack of a need for a patent small claims court or other streamlined proceedings. If you believe there is a need, please provide a description of which types of patent cases would benefit from such proceedings. If you believe that there is not a need for such a court or proceedings, please share why you hold such a view.

2. Please share your views, along with any corresponding analysis and empirical data, as to what a preferred patent small claims proceeding should look like. In doing so, please comment on any of the following issues:

(a) What the possible *venues* for a small claims proceeding should be, including whether patent small claims should be heard by Federal District Court judges or magistrates, whether patent small claims should be handled by an Article I court, such as the U.S. Court of Federal Claims, or whether patent small claims should be heard in another venue not specifically listed here;

(b) What the preferred *subject matter jurisdiction* of the patent small claims proceeding should be, including which if any claims, counterclaims, and defenses should be permitted in a patent small claims proceeding;

(c) Whether parties should agree to waive their right to a *jury trial* as a condition of participating in a small claims proceeding;

(d) Whether there should be certain required *pleadings or evidence* to initiate a small claims proceeding;

(e) Whether a *filing fee* should be required to initiate a small claims proceeding and what the nature of that fee should be;

(f) Whether *multiple parties* should be able to file claims in a small claims proceeding and whether multiple defendants may be sued together;

(g) What role *attorneys* should have in a small claims proceeding including whether corporations should be able to represent themselves;

(h) What the preferred *case management characteristics* that would help to control the length and expense of a small claims proceeding should be;

(i) What the preferred *remedies* in a small claims proceeding should be including whether or not an injunction should be an available remedy and any minimum threshold or maximum cap on damages that should be imposed;

(j) Whether a small claims proceeding should include *attorney's fees* or some form of a ''loser pays'' system;

(k) Whether a small claims proceeding should include *mediation* and whether mediation should be mandatory or permissive;

(l) What type of *record* should be created during a small claims proceeding including whether hearings should be transcribed and whether a written decision should be issued;

(m) What *weight* should be given to a decision rendered in a small claims proceeding in terms of precedent, *res judicata,* and estoppel;

(n) How should a decision in a small claims proceeding be *enforced;*

(o) What the nature of *appellate review* should be including whether there should be a direct appeal to the U.S. Court of Appeals for the Federal Circuit or whether there should be intermediate review by a U.S. district court or some other venue;

(p) What, if any, *constitutional* issues would be raised by the creation of Federal small claims proceedings including separation of powers, the right to a jury trial, and/or due process;

(q) Whether the patent small claim proceedings should be *self-supporting financially,* including whether the winning and/or losing parties should be required to defray any administrative costs, and if so, how would this be accomplished;

(r) Whether and how to *evaluate* patent small claims proceedings, including whether evaluations should be periodic and whether the patent small claims proceeding should be launched initially as a pilot program; and

(s) Any other additional pertinent issues not identified above that the USPTO should consider.

3. Please share any concerns you may have regarding any unintended negative consequences of a patent small claims proceeding along with any proposed safeguards that would reduce or eliminate the risk of any potential negative unintended consequences, to the extent any such concerns exist.

The USPTO will make any comments it receives publicly available via the USPTO Internet Web site (address: *http://www.uspto.gov*). The USPTO will also make various background materials regarding small claims proceedings available via its Web site.

Dated: December 13, 2012.

**David J. Kappos,**

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

[FR Doc. 2012–30483 Filed 12–17–12; 8:45 am]

**BILLING CODE 3510–16–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

**[Docket No. CFPB–2012–0047]**

### Fair Credit Reporting Act Disclosures

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice regarding charges for certain disclosures under the Fair Credit Reporting Act.

**SUMMARY:** The Bureau of Consumer Financial Protection (Bureau) announces that the ceiling on allowable

charges under Section 612(f) of the Fair Credit Reporting Act (FCRA) will remain unchanged at $11.50 for 2013. The Bureau is required to increase the $8.00 amount referred to in Section 612(f)(1)(A)(i) of the FCRA on January 1 of each year, based proportionally on changes in the Consumer Price Index for All Urban Consumers (CPI–U), with fractional changes rounded to the nearest fifty cents. The CPI–U increased 42.74 percent between September 1997, the date the FCRA amendments took effect, and September 2012. This increase in the CPI–U, and the requirement that any increase be rounded to the nearest fifty cents, results in no change in the maximum allowable charge of $11.50.

**DATES:** Effective January 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** Office of Regulations, Bureau of Consumer Financial Protection, 202–435–7700.

**SUPPLEMENTARY INFORMATION:** Section 612(f)(1)(A) of the Fair Credit Reporting Act (the FCRA) provides that a consumer reporting agency may charge a consumer a reasonable amount for making a disclosure to the consumer pursuant to Section 609 of the FCRA.[1] Section 612(f)(1)(A) of the FCRA provides that, where a consumer reporting agency is permitted to impose a reasonable charge on a consumer for making a disclosure to the consumer pursuant to Section 609 of the FCRA, the charge shall not exceed $8.00 and shall be indicated to the consumer before making the disclosure. Section 612(f)(2) of the FCRA states that the Bureau shall increase the $8.00 maximum amount on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents.

In 2011, the responsibility for performing this task was transferred from the Federal Trade Commission to the Bureau pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.[2] Like the Federal Trade Commission, the Bureau's calculations are based on the CPI–U, which is the most general Consumer Price Index and covers all urban consumers and all items.

Section 211(a)(2) of the FACT Act added a new Section 612(a) to the FCRA that gives consumers the right to request free annual disclosures once every 12 months. The maximum allowable charge established by this notice does not apply to requests made under that provision. The charge does apply when a consumer who orders a file disclosure has already received a free annual disclosure and does not otherwise qualify for an additional free disclosure.

The Bureau is using the $8.00 amount set forth in Section 612(f)(1)(A)(i) of the FCRA as the baseline for its calculation of the increase in the ceiling on reasonable charges for certain disclosures made under Section 609 of the FCRA. Since the effective date of the amended FCRA was September 30, 1997, the Bureau calculated the proportional increase in the CPI–U from September 1997 to September 2012. The Bureau then determined what modification, if any, from the original base of $8.00 should be made effective for 2013, given the requirement that fractional changes be rounded to the nearest fifty cents.

Between September 1997 and September 2012, the CPI–U increased by 42.74 percent—from an index value of 161.2 in September 1997 to a value of 230.1 in September 2012. An increase of 42.74 percent in the $8.00 base figure would lead to a new figure of $11.42. However, because the statute directs that the resulting figure be rounded to the nearest $0.50, the maximum allowable charge is $11.50. The Bureau therefore determines that the maximum allowable charge for the year 2013 will remain unchanged at $11.50.

Dated: December 8, 2012.

**Richard Cordray,**

*Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2012–30373 Filed 12–17–12; 8:45 am]

**BILLING CODE 4810–AM–P**

[1] This provision, originally Section 612(a), was added to the FCRA in September 1996 and became effective in September 1997. It was relabeled Section 612(f) by Section 211(a)(1) of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act), Public Law 108–159, which was signed into law on December 4, 2003.

[2] Public Law 111–203, Title X, Section 1088.

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal Nos. 12–65]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 12–65 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: December 7, 2012.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001–06–P**