

**DEPARTMENT OF COMMERCE****United States Patent and Trademark Office****37 CFR Part 1**

[Docket No.: PTO-P-2015-0034]

**July 2015 Update on Subject Matter Eligibility**

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

**ACTION:** Update; Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) prepared interim guidance (2014 Interim Patent Eligibility Guidance) for use by USPTO personnel in determining subject matter eligibility in view of then-recent decisions by the U.S. Supreme Court (Supreme Court). The USPTO published the 2014 Interim Patent Eligibility Guidance in the **Federal Register**, and sought public comment on the 2014 Interim Patent Eligibility Guidance. The USPTO has since produced an update pertaining to patent subject matter eligibility titled July 2015 Update: Subject Matter Eligibility, which is available to the public on the USPTO's Internet Web site, in response to the public comment on the 2014 Interim Patent Eligibility Guidance. The July 2015 Update: Subject Matter Eligibility includes a new set of examples and discussion of various issues raised by the public comments, and is intended to assist examiners in applying the 2014 Interim Patent Eligibility Guidance during the patent examination process. The USPTO is now seeking public comment on the July 2015 Update: Subject Matter Eligibility.

**COMMENT DEADLINE DATE:** To be ensured of consideration, written comments on July 2015 Update: Subject Matter Eligibility must be received on or before October 28, 2015.

**ADDRESSES:** Comments on the July 2015 Update: Subject Matter Eligibility must be sent by electronic mail message over the Internet addressed to: [2014\\_interim\\_guidance@uspto.gov](mailto:2014_interim_guidance@uspto.gov). Electronic comments submitted in plain text are preferred, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. The comments will be available for viewing via the Office's Internet Web site (<http://www.uspto.gov>). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Raul Tamayo, Senior Legal Advisor, Office of

Patent Legal Administration, by telephone at 571-272-7728, or Michael Cygan, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571-272-7700.

**SUPPLEMENTARY INFORMATION:** The 2014 Interim Patent Eligibility Guidance, prepared for use by USPTO personnel in determining subject matter eligibility under 35 U.S.C. 101, was published in the **Federal Register** on December 16, 2014. See *2014 Interim Guidance on Patent Subject Matter Eligibility*, 79 FR 74618 (Dec. 16, 2014). The USPTO also sought public comment on the 2014 Interim Patent Eligibility Guidance, along with additional suggestions on claim examples for explanatory example sets.

The USPTO received over sixty comments from the public. The public comments include the following six major themes: (1) requests for additional examples, particularly for claims directed to abstract ideas and laws of nature; (2) further explanation of the markedly different characteristics analysis; (3) further information regarding how examiners identify abstract ideas; (4) discussion of the *prima facie* case and the role of evidence with respect to eligibility rejections; (5) information regarding application of the 2014 Interim Patent Eligibility Guidance in the Patent Examining Corps; and (6) explanation of the role of preemption in the eligibility analysis, including a discussion of the streamlined analysis.

The USPTO has produced a July 2015 Update: Subject Matter Eligibility responding to each of the six major themes from the public comments. The July 2015 Update: Subject Matter Eligibility includes three appendices. The first appendix (Appendix 1) provides new examples that are illustrative of major themes from the comments. The second appendix (Appendix 2) is a comprehensive index of examples for use with the 2014 Interim Patent Eligibility Guidance, including new and previously issued examples. The third appendix (Appendix 3) lists and discusses selected eligibility cases from the Supreme Court and the U.S. Court of Appeals for the Federal Circuit. The July 2015 Update: Subject Matter Eligibility is intended to assist examiners in applying the 2014 Interim Patent Eligibility Guidance during the patent examination process.

The July 2015 Update: Subject Matter Eligibility, including the appendices, are available to the public on the USPTO's Internet Web site. The USPTO is now seeking public comment on the

July 2015 Update: Subject Matter Eligibility.

Dated: July 15, 2015.

**Michelle K. Lee,**

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

[FR Doc. 2015-18628 Filed 7-29-15; 8:45 am]

**BILLING CODE 3510-16-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R10-OAR-2015-0330; FRL-9931-46-Region 10]

**Approval and Promulgation of Implementation Plans; Washington: Interstate Transport of Fine Particulate Matter**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. On May 11, 2015, the State of Washington submitted a SIP revision to the Environmental Protection Agency (EPA) to address certain interstate transport requirements with respect to the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS). The EPA has determined that Washington adequately addressed these CAA interstate transport requirements for the 2006 24-hour PM<sub>2.5</sub> NAAQS.

**DATES:** This final rule is effective August 31, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2015-0330. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR**

**FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information please contact Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or by using the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:**

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- I. Background Information
- II. Final Action
- III. Statutory and Executive Orders Review

**I. Background Information**

On June 10, 2015, the EPA proposed to find that Washington adequately addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2006 24-hour PM<sub>2.5</sub> NAAQS (80 FR 32870). An explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on July 10, 2015. The EPA received no comments on the proposal.

**II. Final Action**

The EPA has determined that the Washington SIP meets the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2006 24-hour PM<sub>2.5</sub> NAAQS.

**III. Statutory and Executive Orders Review**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989*, 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will

submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 15, 2015.

**Dennis J. McLerran,**

*Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

**Subpart WW—Washington**

- 2. In § 52.2470, table 2 in paragraph (e) is amended by adding the entry "Interstate Transport for the 2006 24-hour PM<sub>2.5</sub> NAAQS" to the end of the table to read as follows:

**§ 52.2470 Identification of plan.**

\* \* \* \* \*

(e)\* \* \*

TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	110(a)(2)	Infrastructure and Interstate Transport	*
Interstate Transport for the 2006 24-hour PM <sub>2.5</sub> NAAQS.	Statewide .....	5/11/15	7/30/15 ..... [Insert <i>Federal Register</i> citation] .....	This action addresses CAA 110(a)(2)(D)(i)(I).

[FR Doc. 2015-18611 Filed 7-29-15; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R10-OAR-2015-0323; FRL-9931-16-Region 10]

**Approval and Promulgation of Implementation Plans; Oregon: Grants Pass Second 10-Year PM<sub>10</sub> Limited Maintenance Plan**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a limited maintenance plan submitted by the State of Oregon on April 22, 2015, for the Grants Pass area for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). The plan explains how this area will continue to meet the PM<sub>10</sub> National Ambient Air Quality Standard for a second 10-year period through 2025.

**DATES:** This rule is effective on September 28, 2015, without further notice, unless the EPA receives adverse comment by August 31, 2015. If the EPA receives adverse comment, we will publish a timely withdrawal in the *Federal Register* informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2015-0323, by any of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email*: [edmondson.lucy@epa.gov](mailto:edmondson.lucy@epa.gov).
- *Mail*: Lucy Edmondson, EPA Region 10, Office of Air, Waste and Toxics, AWT-150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier*: EPA Region 10, 1200 Sixth Avenue, Suite 900,

Seattle, WA 98101. Attention: Lucy Edmondson, Office of Air, Waste and Toxics, AWT-150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R10-OAR-2015-0323. The EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an “anonymous access” system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

**FOR FURTHER INFORMATION CONTACT:** Lucy Edmondson (360) 753-9082, [edmondson.lucy@epa.gov](mailto:edmondson.lucy@epa.gov), or by using the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever “we”, “us” or “our” are used, it is intended to refer to the EPA.

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  - B. Conformity Under the Limited Maintenance Plan Option
- V. Review of the State’s Submittal
  - A. Has the State demonstrated that Grants Pass qualifies for the limited maintenance plan option?
  - B. Does the State have an approved attainment emissions inventory?
  - C. Does the limited Maintenance plan include an assurance of continued operation of an appropriate EPA-approved air quality monitoring network, in accordance with 40 CFR part 58?
  - D. Does the plan meet the Clean Air Act requirements for contingency provisions?
  - E. Has the State met conformity requirements?
- VI. Oregon Notice Provision
- VII. Statutory and Executive Order Reviews

**I. This Action**

The EPA is approving the limited maintenance plan submitted by the State of Oregon (the State) on April 22, 2015, for the Grants Pass Urban Growth