

## Recommendations

1. Advisory Panel
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6. Scientific & Statistical Committee
- N. Public Comment
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13. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 168th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

## Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 14, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03199 Filed 2-16-17; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

## Patent and Trademark Office

## Patent Trial and Appeal Board (PTAB) Actions

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995

(44 U.S.C. 3506(c)(2)(A)), invites comments on a proposed extension of an existing information collection: Patent Trial and Appeal Board (PTAB) Actions.

**DATES:** Written comments must be submitted on or before April 18, 2017.

**ADDRESSES:** You may submit comments by any of the following methods:

- **Email:** [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0063 comment" in the subject line of the message.
- **Mail:** Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
- **Federal Rulemaking Portal:** <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Linda Horner, Administrative Patent Judge, Patent Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-9797; or by email to [linda.horner@uspto.gov](mailto:linda.horner@uspto.gov). Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The Patent Trial and Appeal Board (PTAB or Board) is established by statute under 35 U.S.C. 6. This statute directs, in relevant part, that PTAB shall "on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a)." PTAB has the authority, under 35 U.S.C. 134 and 306 to decide appeals in applications and ex parte reexamination proceedings, and under pre-AIA sections of the Patent Act, *i.e.*, 35 U.S.C. 134 and 315, to decide appeals in inter partes reexamination proceedings. In addition, 35 U.S.C. 6 establishes the membership of PTAB as the Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the Administrative Patent Judges. Each appeal is decided by a merits panel of at least three members of the Board.

The Board's responsibilities under the statute include the review of ex parte appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied applicant or patent owner. In inter partes reexamination appeals, PTAB reviews examiner's decisions adverse to

a patent owner or a third-party requester. PTAB's opinions and decisions for publicly available files are published on the USPTO Web site.

There are no forms associated with these items. However, they are governed by rules in Part 41. Failure to comply with the appropriate rule may result in dismissal of the appeal or denial of entry of the paper.

**II. Method of Collection**

By mail, hand delivery, or facsimile when an applicant files a brief, petition, amendment, or request. These papers can also be filed as attachments through EFS-Web.

**III. Data**

**OMB Number:** 0651-0063.

**Form Number(s):** None.

**Type of Review:** Revision of a currently approved collection.

**Affected Public:** Individuals or households, businesses or other for profits, non-profit institutions, and the Federal Government.

**Estimated Number of Respondents:** 23,660 responses per year. The USPTO estimates that approximately 25% (5,915) of these responses will be from small entities and approximately 5% (1,183) of these responses will be from micro entities. The USPTO also estimates that approximately 93% (22,004) of the briefs, requests, petitions, and amendments will be filed electronically.

**Estimated Time per Response:** The USPTO estimates that it takes the public approximately 2 to 32 hours to complete this information, depending on the complexity of the request. This includes the time to gather the necessary information, prepare the brief, petition, and other papers, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, prepare the brief, petition, and other papers, and submit it to the USPTO, whether the applicant submits it in paper form or electronically.

**Estimated Total Annual Respondent Burden Hours:** 555,098 hours per year.

**Estimated Total Annual Respondent Cost Burden:** \$227,590,180 per year. The USPTO expects that all of the information in this collection will be prepared by an attorney. Using the professional hourly rate of \$410 for attorneys in private firms, the USPTO estimates that the total respondent cost burden for this collection is \$227,590,180 per year.

IC #	Item	Estimated time for response (hours)	Estimated annual responses	Estimated annual burden hours	Rate (\$/hr)
1 .....	Amendment .....	2	19	38	\$410
1 .....	Electronic Amendment .....	2	248	496	410
2 .....	Appeal Brief .....	32	1,135	36,320	410
2 .....	Electronic Appeal Brief .....	32	15,077	482,464	410
3 .....	Reply Brief .....	5	463	2,315	410
3 .....	Electronic Reply Brief .....	5	6,151	30,755	410
4 .....	Request for Rehearing Before the PTAB .....	5	31	155	410
4 .....	Electronic Request for Rehearing Before the PTAB ...	5	411	2,055	410
5 .....	Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3.	4	9	36	410
5 .....	Electronic Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3.	4	116	464	410
Total .....	.....	.....	23,660	555,098	.....

*Estimated Total Annual Non-Hour Respondent Cost Burden:*  
\$46,049,937.65 per year (\$46,039,250 in fees and \$10,687.50 in postage costs).

There are no maintenance, operation, capital start-up, or recordkeeping costs associated with this information collection. However, this collection

does have annual (non-hour) costs in the form of postage costs and fees, which are listed in the tables below.

IC #	Item	Annual estimated responses	Fee (\$)	Total cost (\$)
1 .....	Filing a Brief in Support of an Appeal in an Application or Ex Parte Re-examination Proceeding to the Board.	16,202	\$0.00	\$0.00
2 .....	Filing a brief in support of an appeal in an inter partes reexamination proceeding (large).	10	2,000.00	20,000.00
2 .....	Filing a brief in support of an appeal in an inter partes reexamination proceeding (small).	1	1,000.00	1,000.00
2 .....	Filing a brief in support of an appeal in an inter partes reexamination proceeding (micro).	1	500.00	500.00
3 .....	Forwarding an Appeal in an Application or Ex Parte Reexamination Proceeding to the Board (large).	11,341	2,000.00	22,682,000.00
3 .....	Forwarding an Appeal in an Application or Ex Parte Reexamination Proceeding to the Board (small).	4,051	\$1,000.00	4,051,000.00
3 .....	Forwarding an Appeal in an Application or Ex Parte Reexamination Proceeding to the Board (micro).	810	500.00	405,000.00
4 .....	Notice of appeal (large) .....	18,900	800.00	15,120,000.00
4 .....	Notice of appeal (small) .....	6,750	400.00	2,700,000.00
4 .....	Notice of appeal (micro) .....	1,350	200.00	270,000.00
5 .....	Request for oral hearing (large) .....	508	1,300.00	660,400.00
5 .....	Request for oral hearing (small) .....	181	650.00	117,650.00
5 .....	Request for oral hearing (micro) .....	36	325.00	11,700.00
Total .....	.....	60,139	.....	46,039,250.00

The briefs, petitions, and other papers may be submitted by mail through the United States Postal Service. The USPTO expects the items in this collection to be mailed by Express Mail using the flat rate envelope, which can

accommodate both the varying submission weights of these submissions and the various postal zones. Using the Express Mail flat rate cost for mailing envelopes, the USPTO estimates that the average cost for

sending these submissions by Express Mail will be \$6.45 and that approximately 1,657 will be mailed to the USPTO. The USPTO estimates that the total postage cost for this collection will be \$10,687.65 per year.

IC #	Item	Responses	Postage costs (\$)	Total Postage cost (\$)
1 .....	Amendment .....	19	\$6.45	\$122.55
2 .....	Appeal Brief .....	1,135	6.45	7,320.75
3 .....	Reply Brief .....	463	6.45	2,986.35
4 .....	Request for Rehearing Before the PTAB .....	31	6.45	199.95
5 .....	Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3	9	6.45	58.05
Total Postage Costs.	.....	1,657	.....	10,687.65

#### IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Dated: February 13, 2017.

**Rhonda Foltz,**

*Office of Information Management Services, OCIO, United States Patent and Trademark Office, United States Patent and Trademark Office.*

[FR Doc. 2017-03195 Filed 2-16-17; 8:45 am]

**BILLING CODE 3510-16-P**

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

##### Procurement List; Proposed Deletions

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

**ACTION:** Proposed Deletions from the Procurement List.

**SUMMARY:** The Committee is proposing to delete products from the Procurement List that were previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

*Comments must be received on or before: 3/19/2017.*

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email [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.

##### Deletions

The following products are proposed for deletion from the Procurement List:

##### Products

##### NSN(s)—Product Name(s):

8415-00-NSH-2946—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSS

8415-00-NSH-2947—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SS

8415-00-NSH-2948—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, MS

8415-00-NSH-2949—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LS

8415-00-NSH-2950—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLS

8415-00-NSH-2951—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSR

8415-00-NSH-2952—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SR

8415-00-NSH-2953—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, MR

8415-00-NSH-2954—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LR

8415-00-NSH-2955—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLR

8415-00-NSH-2956—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSL

8415-00-NSH-2957—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SL

8415-00-NSH-2958—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, ML

8415-00-NSH-2959—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LL

8415-00-NSH-2960—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLL

**Mandatory Source(s) of Supply:** Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY, Peckham Vocational Industries, Inc., Lansing, MI

**Contracting Activity:** Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

**Amy B. Jensen,**

*Director, Business Operations.*

[FR Doc. 2017-03216 Filed 2-16-17; 8:45 am]

**BILLING CODE 6353-01-P**

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

##### Procurement List; Additions and Deletions

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

**ACTION:** Additions to and Deletions from the Procurement List.

**SUMMARY:** This action adds products to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

**DATES:** *Effective Date:* 3/19/2017.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

##### SUPPLEMENTARY INFORMATION:

##### Additions

On 1/13/2017 (82 FR 4315-4316), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

##### 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. 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. 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