

Dated: August 28, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation is certain on-the-road steel wheels, discs, and rims for tubeless tires with a nominal wheel diameter of 12 inches to 16.5 inches, regardless of width. Certain on-the-road steel wheels with a nominal wheel diameter of 12 inches to 16.5 inches within the scope are generally for road and highway trailers and other towable equipment, including, *inter alia*, utility trailers, cargo trailers, horse trailers, boat trailers, recreational trailers, and towable mobile homes. The standard widths of certain on-the-road steel wheels are 4 inches, 4.5 inches, 5 inches, 5.5 inches, 6 inches, and 6.5 inches, but all certain on-the-road steel wheels, regardless of width, are covered by the scope.

The scope includes rims and discs for certain on-the-road steel wheels, whether imported as an assembly, unassembled, or separately. The scope includes certain on-the-road steel wheels regardless of steel composition, whether clad or not clad, whether finished or not finished, and whether coated or uncoated. The scope also includes certain on-the-road steel wheels with discs in either a "hub-piloted" or "stud-piloted" mounting configuration, though the stud-piloted configuration is most common in the size range covered.

All on-the-road wheels sold in the United States must meet Standard 110 or 120 of the National Highway Traffic Safety Administration's (NHTSA) Federal Motor Vehicle Safety Standards, which requires a rim marking, such as the "DOT" symbol, indicating compliance with applicable motor vehicle standards. See 49 CFR 571.110 and 571.120. The scope includes certain on-the-road steel wheels imported with or without NHTSA's required markings.

Certain on-the-road steel wheels imported as an assembly with a tire mounted on the wheel and/or with a valve stem or rims imported as an assembly with a tire mounted on the rim and/or with a valve stem are included in the scope of this investigation. However, if the steel wheels or rims are imported as an assembly with a tire mounted on the wheel or rim and/or with a valve stem attached, the tire and/or valve stem is not covered by the scope.

Excluded from this scope are the following:

- (1) Steel wheels for use with tube-type tires; such tires use multi piece rims, which are two-piece and three-piece assemblies and require the use of an inner tube;
- (2) aluminum wheels;
- (3) certain on-the-road steel wheels that are coated entirely with chrome; and
- (4) steel wheels that do not meet Standard 110 or 120 of the NHTSA's requirements other than the rim marking requirements found in 49 CFR 571.110S4.2 and 571.120S5.2.

Certain on-the-road steel wheels subject to this investigation are properly classifiable under the following category of the

Harmonized Tariff Schedule of the United States (HTSUS): 8716.90.5035 which covers the exact product covered by the scope whether entered as an assembled wheel or in components. Certain on-the-road steel wheels entered with a tire mounted on them may be entered under HTSUS 8716.90.5059 (Trailers and semi-trailers; other vehicles, not mechanically propelled, parts, wheels, other, wheels with other tires) (a category that will be broader than what is covered by the scope). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2018-19205 Filed 9-4-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before September 25, 2018. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 17-019. Applicant: University of California, Berkeley, 100 Hearst Memorial Mining Building, Berkeley, CA 94720. Instrument: High Field Cryogen-Free Measurement System (CFMS) for Precision Measurement of Physical Properties. Manufacturer: Cryogenic US, LLC, United Kingdom. Intended Use: The instrument will be used to study thin films of metal-oxides for advanced oxide-based electronic devices, magnetic and electrical properties of oxide materials and devices at low temperatures and/or high magnetic fields. Angle dependent magnetoelectric properties of the devices will be explored on multiple axes. The investigations done with this instrument will lead to advancement of understanding of the properties of metal-oxide thin films and their interfaces for new generation of oxide-based microelectronic devices.

Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: October 5, 2017.

Dated: August 28, 2018.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2018-19208 Filed 9-4-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Review and Derivation Proceedings

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995 invites comments on a proposed extension of an existing information collection: 0651-0069 (Patent Review and Derivation Proceedings).

DATES: Written comments must be submitted on or before November 5, 2018.

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

- *Email:* InformationCollection@uspto.gov. Include "0651-0069 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Michael P. Tierney, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Michael P. Tierney, Vice Chief 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 571-272-4676; or by email to Michael.Tierney@uspto.gov with "0651-0069 comment" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:

I. Abstract

The Leahy-Smith America Invents Act, which was enacted into law on

September 16, 2011, provided for many changes to the procedures of the Patent Trial and Appeal Board (“PTAB” or “Board”, formerly the Board of Patent Appeals and Interferences) procedures. These changes included the introduction of *inter partes* review, post-grant review, derivation proceedings, and the transitional program for covered business method patents. Under these administrative trial proceedings, third parties may file a petition with the PTAB challenging the validity of issued patents, with each proceeding having different requirements regarding timing restrictions, grounds for challenging validity, and who may request review.

Inter partes review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent only on a ground that could be raised under §§ 102 or 103, and only on the basis of prior art consisting of patents or printed publications. Post grant review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent on any ground that could be raised under § 282(b)(2) or (3). A derivation proceeding is a trial proceeding conducted at the Board to determine whether (1) an inventor

named in an earlier application derived the claimed invention from an inventor named in the petitioner’s application, and (2) the earlier application claiming such invention was filed without authorization. The transitional program for covered business method patents is a trial proceeding conducted at the Board to review the patentability of one or more claims in a covered business method patent.

This collection covers information submitted by the public to petition the Board to initiate an *inter partes* review, post-grant review, derivation proceeding, and the transitional program for covered business method patents, as well as any responses to such petitions, and the filing of any motions, replies, repositions, and other actions, after a review/proceeding has been instituted.

II. Method of Collection

Electronically, if applicants submit the information using the PTAB End-to-End (PTAB E2E). Applicants may submit information via email if PTAB E2E is unavailable.

III. Data

OMB Number: 0651-0069.
IC Instruments and Forms: N/A.

Type of Review: Extension of an existing information collection.

Affected Public: Business or other for-profit organizations; individuals or households; not-for-profit institutions; Federal Government; and state, local, or tribal governments.

Estimated Number of Respondents: 11,994 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public between an estimated 6 minutes (0.10 hours) to 165.30 hours to complete an individual form in this collection.

Estimated Total Annual Respondent Burden Hours: 1,474,449 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: \$645,808,793.

The USPTO expects that attorneys will complete the instruments associated with this information collection. The professional hourly rate for intellectual property attorneys in private firms is \$438 as established by estimates in the 2017 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is \$645,808,793 per year.

| IC No. | Item | Estimated response time (hours) (a) | Estimated responses (b) | Estimated burden hours (a) × (b) = (c) | Rate (d) | Estimated cost burden (c) × (d) = (e) |
|--------|---|--|----------------------------|---|-------------|--|
| 1 | Petition for <i>Inter Partes</i> Review | 124 | 1,553 | 192,572.00 | \$438.00 | \$84,346,536.00 |
| 2 | Petition for Post-Grant Review or Covered Business Method Patent Review. | 165.30 | 91 | 15,042.30 | 438.00 | 6,588,527.40 |
| 3 | Petition for Derivation | 165.30 | 11 | 1,818.30 | 438.00 | 796,415.40 |
| 4 | Patent Owner Preliminary Response to Petition for Initial <i>Inter Partes</i> Review. | 91.60 | 1,333 | 122,102.80 | 438.00 | 53,481,026.40 |
| 5 | Patent Owner Preliminary Response to Petition for Initial Post-Grant Review or Covered Business Method Patent Review. | 91.60 | 68 | 6,228.80 | 438.00 | 2,728,214.40 |
| 6 | Request for Rehearing | 80 | 322 | 25,760.00 | 438.00 | 11,282,880.00 |
| 7 | Motions, Replies, and Oppositions After Institution in <i>Inter Partes</i> Review. | 158 | 6,482 | 1,024,156.00 | 438.00 | 448,580,328.00 |
| 8 | Motions, Replies, and Oppositions After Institution in Post-Grant Review or Covered Business Method Review. | 148 | 245 | 36,260.00 | 438.00 | 15,881,880.00 |
| 9 | Motions, Replies, and Oppositions After Institution in Derivation Proceedings. | 120 | 7 | 840.00 | 438.00 | 367,920.00 |
| 10 | Request for Oral Hearing | 18.30 | 727 | 13,304.10 | 438.00 | 5,827,195.80 |
| 11 | Request to Treat a Settlement as Business Confidential. | 2 | 356 | 712.00 | 438.00 | 311,856.00 |
| 12 | Settlement | 100 | 356 | 35,600.00 | 438.00 | 15,592,800.00 |
| 13 | Arbitration Agreement and Award | 4 | 2 | 8.00 | 438.00 | 3,504.00 |
| 14 | Request to Make a Settlement Agreement Available. | 1 | 1 | 1.00 | 438.00 | 438.00 |

| IC No. | Item | Estimated response time (hours) (a) | Estimated responses (b) | Estimated burden hours (a) × (b) = (c) | Rate (d) | Estimated cost burden (c) × (d) = (e) |
|-------------|---|--|----------------------------|---|-------------|--|
| 15 | Notice of Judicial Review of a Board Decision (e.g., Notice of Appeal Under 35 U.S.C. 142). | 0.10 | 440 | 44.00 | 438.00 | 19,272.00 |
| Total | | | 11,994 | 1,474,449.30 | | 645,808,793.40 |

Estimated Total Annual (Non-hour) Respondent Cost Burden: \$54,307,175. There are no capital start-up, maintenance, or postage associated with

this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees.

Filing Fees

The filing fees associated with this information collection are listed in the table below:

| IC No. | Item | Responses (a) | Filing fees (b) | Total cost (a) × (b) = (c) |
|-------------|--|------------------|--------------------|-------------------------------|
| 1 | <i>Inter Partes</i> Review Request Fee | 1,560 | \$15,500.00 | \$24,180,000.00 |
| 1 | <i>Inter Partes</i> Post-Institution Fee | 1,569 | 15,000.00 | 23,535,000.00 |
| 1 | <i>Inter Partes</i> Review Request of Each Claim in Excess of 20 | 3,390 | 300.00 | 1,017,000.00 |
| 1 | <i>Inter Partes</i> Post-Institution Request of Each Claim in Excess of 15 | 1,786 | 600.00 | 1,071,600.00 |
| 2 | Post-Grant or Covered Business Method Review Request Fee—Up to 20 Claims. | 92 | 16,000.00 | 1,472,000.00 |
| 2 | Post-Grant or Covered Business Method Review Post-Institution Fee—Up to 15 Claims. | 92 | 22,000.00 | 2,024,000.00 |
| 2 | Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20. | 638 | 375.00 | 239,250.00 |
| 2 | Post-Grant or Covered Business Method Review Post-Institution Fee of Each Claim in Excess of 15. | 925 | 825.00 | 763,125.00 |
| 3 | Petition for Derivation | 12 | 400.00 | 4,800.00 |
| 14 | Request to Make a Settlement Agreement Available | 1 | 400.00 | 400.00 |
| Total | | | | 54,307,175.00 |

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.

Marcie Lovett,

*Records and Information Governance
Division Director, OCTO United States Patent and Trademark Office.*

[FR Doc. 2018-19202 Filed 9-4-18; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Matters Related to First Inventor To File

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act, invites comments on a proposed extension of an existing information collection: 0651-0069 (Matters Relating to First Inventor to File).

DATES: Written comments must be submitted on or before November 5, 2018.

ADDRESSES: Written comments may be submitted by any of the following methods:

- **Email:** InformationCollection@uspto.gov. Include "0651-0071 comment" in the subject line of the message.
- **Federal Rulemaking Portal:** <http://www.regulations.gov>.

- **Mail:** Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email to Raul.Tamayo@uspto.gov with "0651-0071 comment" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION: