

from SAB 2022 Work Plan Topics; (8) Environmental Information Services Working Group Report Review of the NOAA Subseasonal to Seasonal (S2S) Report to Congress; (9) NOAA Response to SAB Climate Working Group Review of the Coastal Inundation at Climate Timescales White Paper. Meeting materials, including work products, will be made available on the SAB website: <https://sab.noaa.gov/index.php/current-meetings/>.

Dave Holst,
Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2022-16269 Filed 7-28-22; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC213]

Marine Mammals; File No. 26170

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Keith Ellenbogen, Blue Reef, 189 Schermerhorn Street, 8E; Brooklyn, NY 11201, in due form for a permit to conduct commercial and educational photography on marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before August 29, 2022.

ADDRESSES: These documents are available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 26170 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:
Courtney Smith, Ph.D., or Amy Hapeman, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and

importing of marine mammals (50 CFR part 216).

The applicant proposes to observe, film, and photograph cetaceans and seals within the U.S. northeast Atlantic waters of the U.S., from the Gulf of Maine (including Cape Cod Bay and Stellwagen Bank National Marine Sanctuary) through the New York Bight (Montauk, NY to Cape May, NJ), including the Hudson Canyon. Up to 405 humpback (*Megaptera novaeangliae*; West Indies Distinct Population Segment) and long-finned pilot (*Globicephala melaena*) whales; harbor porpoise (*Phocoena phocoena*); and Atlantic white-sided (*Lagenorhynchus acutus*), bottlenose (*Tursiops truncatus*), long-beaked common (*Delphinus capensis*), Risso's (*Grampus griseus*), short-beaked common (*Delphinus delphis*), and striped (*Stenella coeruleoalba*) dolphins; and up to 675 harbor (*Phoca vitulina*) and gray (*Halichoerus grypus*) seals may be harassed annually from close approaches by marine vessels, experienced swimmers/divers, and during ground surveys for photography and filming purposes. The permit is requested for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 26, 2022.

Julia M. Harrison,
Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022-16277 Filed 7-28-22; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-P-2021-0058]

Duties of Disclosure and Reasonable Inquiry During Examination, Reexamination, and Reissue, and for Proceedings Before the Patent Trial and Appeal Board

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: The duty of candor and good faith in dealing with the United States Patent and Trademark Office (USPTO) includes the duty to disclose to the USPTO information material to the patentability of a claimed invention. Each party submitting a paper to the USPTO has an additional duty to perform an inquiry that is reasonable under the circumstances, including reviewing documents to identify information that is material to the patentability of a claimed invention. The USPTO relies on each individual who is subject to these duties to abide by them. The duties are imposed to assist patent examiners and administrative patent judges in evaluating patentability effectively and efficiently. The duties promote robust and reliable patents, and drive competition and economic growth. In the pharmaceutical space, the duties promote robust and reliable patents that incentivize and protect innovation that brings life-saving drugs to the American people while not unnecessarily delaying more affordable generic drugs. This notice is intended to clarify the duties, including as to materials or statements material to patentability or statements made to the USPTO that are inconsistent with statements submitted to the FDA and other governmental agencies.

FOR FURTHER INFORMATION CONTACT: Ali Salimi, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at 571-272-0909.

SUPPLEMENTARY INFORMATION:

I. Background: On July 9, 2021, President Biden issued an *Executive Order on Promoting Competition in the American Economy*, 86 FR 36987 (2021). President Biden expressed concern that “too often, patent and other laws have been misused to inhibit or delay—for years and even decades—competition from generic drugs and biosimilars, denying Americans access to lower-cost drugs.” The President called for action “to help ensure that the patent system, while incentivizing innovation, does not also unjustifiably delay generic drug and biosimilar competition beyond that reasonably contemplated by applicable law.”

On September 9, 2021, Senator Patrick Leahy and Senator Thom Tillis sent a letter to Mr. Andrew Hirshfeld, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, requesting that the Office “take steps to reduce patent applicants’