on locating the docket, see the ADDRESSES section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the FOR FURTHER INFORMATION CONTACT section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165


For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

§ 165.975 The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

§ 165.975 Add § 165.975 to read as follows:

The regulation in 33 CFR 165.939 will be enforced for the Cape Vincent French Festival Fireworks to provide for the safety of life on navigable waterways, including the St. Lawrence River, during this event. Our regulation for marine events within the Ninth Coast Guard District identifies the regulated area for this event as the St. Lawrence River, Cape Vincent, NY.

During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Coast Guard Safety Zone Coordinator or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in 33 CFR 165.939 will be enforced for the Cape Vincent French Festival Fireworks listed in item b.15 in the table to § 165.939 from 9:15 p.m. through 10:30 p.m., on July 8, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email the Marine Event Coordinator, U.S. Coast Guard MSD Massena; telephone 315–769–5483, email SMB-MSDDmassena-WaterwaysManagement@uscg.mil.

SUPPLEMENTARY INFORMATION: This Notice of Enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). The Coast Guard will enforce a safety zone in 33 CFR 165.939 for the Cape Vincent French Festival Fireworks regulated area from 9:15 p.m. through 10:30 p.m. on July 8, 2023. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Ninth Coast Guard District, § 165.939, specifies the location of the regulated area for the French Festival Fireworks which encompasses portions of the St. Lawrence River. During the enforcement period as reflected in § 165.939, if you are the operator of a vessel in the regulated area you must comply with directions from the Coast Guard Safety Zone Coordinator or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the Federal Register, the Coast Guard plans to provide notification of this enforcement period via the Broadcast Notice to Mariners.

Dated: June 7, 2023.
Mark I. Kuperman,
Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2023–12817 Filed 6–14–23; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. PTO–P–2022–0008]
RIN 0651–AD60

Standardization of the Patent Term Adjustment Statement Regarding Information Disclosure Statements

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

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is revising the rules of practice pertaining to patent term adjustment to require that the patent term adjustment statement regarding information disclosure statements be submitted on an Office form using the appropriate document code. The use of the Office form and document code will streamline certain aspects of prosecution by more accurately capturing and accounting for the patent term adjustment statement without unnecessary back-and-forth between the Office and applicant. It will also conserve resources by eliminating the need for a manual review of the patent term adjustment statement. Applicants who submit a patent term adjustment statement regarding information disclosure statements without using the Office form or the appropriate document code will need to request reconsideration of the patent term adjustment for the information disclosure statement to not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application. The Office conducts
a redetermination of patent term adjustment in response to this request, and the redetermination will include the Office’s manual review of the patent term adjustment statement.

DATES: This final rule is effective July 17, 2023, and is applicable to any statement under 37 CFR 1.704(d) filed on or after July 17, 2023.

FOR FURTHER INFORMATION CONTACT: Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7757. You can also send inquiries to patentpractice@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 532(a) of the Uruguay Round Agreements Act (URAA) (Pub. L. 103–465, 108 Stat. 4809 (1994)) amended 35 U.S.C. 154 to provide that the term of a patent ends on the date that is 20 years from the filing date of the application, or the earliest filing date for which a benefit is claimed under 35 U.S.C. 120, 121, or 366(c). The URAA also contained provisions, codified at 35 U.S.C. 154(b), for patent term extension due to certain examination delays. Under the patent term extension provisions of 35 U.S.C. 154(b) as amended by the URAA, an applicant is entitled to patent term extension for delays due to interference (which has since been replaced by derivation proceedings), secrecy orders, or successful appellate review. See 35 U.S.C. 154(b)(9). The Office implemented the patent term extension provisions of 35 U.S.C. 154(b) as amended by the AIPA, including setting forth circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude the prosecution (processing or examination) of an application and the resulting reduction of any patent term adjustment are set forth in 37 CFR 1.704(c)(1) through (14).

This final rule revises 37 CFR 1.704(d) to include a new paragraph (d)(3) requiring applicants to submit the statement, under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d), on Office form PTO/SB/133 using the appropriate document code (PTA.IDS). The Office makes the patent term adjustment determination indicated in the patent with a computer program that uses the information recorded in the Office’s patent application data repository, except when an applicant requests reconsideration pursuant to 37 CFR 1.705. See AIPA patent term adjustment final rule, 65 FR 56381 (Sept. 18, 2000) (AIPA patent term adjustment final rule). The regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude the prosecution (processing or examination) of an application and the resulting reduction of any patent term adjustment are set forth in 37 CFR 1.704(c)(1) through (14).

This final rule revises the patent term adjustment regulations at 37 CFR 1.704 establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude the prosecution (processing or examination) of an application and any resulting reduction of patent term adjustment. These regulations include a “safe harbor” in 37 CFR 1.704(d), which provides that a paper containing only an information disclosure statement in compliance with 37 CFR 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude the prosecution (processing or examination) of the application. The Office conducts a manual redetermination of patent term adjustment in response to a request for reconsideration of the patent term adjustment. See Revisions To

The Office has reviewed a sampling of statements under 37 CFR 1.704(d)(1) that were independently submitted without the use of Office form PTO/SB/133 and has determined that a number of those statements were deficient for failing to meet the required language of 37 CFR 1.704(d)(1). Therefore, the Office has determined that there is a need for the reconsideration procedure where the Office form PTO/SB/133 is not used.

Form PTO/SB/133 includes the patent term adjustment statement required by 37 CFR 1.704(d)(1). Specifically, the form includes the statement that “[e]ach item of information contained in the information disclosure statement was first cited in any communication from a patent office in a counterpart foreign or international application or from the Office, and this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the information disclosure statement.” The form also includes the alternative statement that “[e]ach item of information contained in the information disclosure statement is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the information disclosure statement.” Either one or both of these statements may be selected under 37 CFR 1.704(d)(1). Therefore, the Office encourages the filing of correspondence via the USPTO patent electronic filing system, the inclusion of this document code (PTA.IDS) on the form PTO/SB/133 satisfies the “using the appropriate document code (PTA.IDS)” requirement of 37 CFR 1.704(d)(3) for statements under 37 CFR 1.704(d)(1) not submitted via the USPTO patent electronic filing system.

Use of form PTO/SB/133 and its document code (PTA.IDS) aims to: (1) ensure the accurate capture by the Office’s PALM system of the presence of a statement under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d); and (2) eliminate the need to manually review an applicant’s statement under 37 CFR 1.704(d)(1) to determine whether it is proper under 37 CFR 1.704(d)(1). Furthermore, as a result of using form PTO/SB/133 and its document code (PTA.IDS), the Office’s automated procedure for calculating patent term adjustment will be more likely to account for the statement under 37 CFR 1.704(d)(1), thereby reducing the situations in which a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) is necessary. Form PTO/SB/133 is available at www.uspto.gov/sites/default/files/documents/8b1033.pdf.

The Office of Management and Budget (OMB) has determined that, under 5 CFR 1320.3(h), form PTO/SB/133 does not collect “information” within the meaning of the Paperwork Reduction Act of 1995.

Applicants may no longer use the document code PTA.IDS, which is specific to Office form PTO/SB/133, for filing a statement under 37 CFR 1.704(d)(1) unless they are using Office form PTO/SB/133. Applicants filing a statement under 37 CFR 1.704(d)(1) without Office form PTO/SB/133 may only use the document code PTA.IDS for the submission of an information disclosure statement. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of form PTO/SB/133, whether by a practitioner or non-practitioner, is a certification under 37 CFR 11.18(b) that the existing text and any certification statements on the form have not been altered. The use of the document code PTA.IDS specifically for form PTO/SB/133 is a representation that the applicant is filing form PTO/SB/133 with no alterations to the text of the form.

Applicants who submit a statement under 37 CFR 1.704(d)(1) in any manner other than on Office form PTO/SB/133 will be treated as not having submitted the statement, under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d). In addition, applicants who submit a statement under 37 CFR 1.704(d)(1) on Office form PTO/SB/133 with any modification to the statement under 37 CFR 1.704(d)(1) on the form (that is, modifications to either or both of the statements indicated on the form) will be treated as not having submitted the statement, under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d). Under such circumstances, applicants will need to request reconsideration of the patent term adjustment, under 37 CFR 1.705(b) for the paper or request for continued examination, to be treated as having been filed concurrently with the statement, under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d).

The submission of a statement under 37 CFR 1.704(d)(1) does not require a fee. However, in certain cases, a fee is required for the Office to consider a statement under 37 CFR 1.705(b) in a patent term adjustment determination. Specifically, the Office has provided a procedure for applicants to seek a waiver under 37 CFR 1.183 to allow for a late-filed statement under 37 CFR 1.704(d)(1). A petition under 37 CFR 1.183 provides for suspension of rules and requires the fee under 37 CFR 1.17(f). If an applicant submits an information disclosure statement within the 30-day period set forth in 37 CFR 1.704(d)(1) but does not include a statement under 37 CFR 1.704(d)(1) with the information disclosure statement, the applicant should consider filing a request for reconsideration of the patent term adjustment indicated on the patent (37 CFR 1.705(b)), along with a statement under 37 CFR 1.704(d)(1) (if not previously filed) and petition under 37 CFR 1.183 requesting that the Office consider a statement under 37 CFR 1.704(d)(1) when making the patent term adjustment determination. However, the Office will reevaluate the practice of considering such petitions under 37 CFR 1.183 now that the patent term adjustment computer program has been updated to account for submission via Office form PTO/SB/133. The Office will provide notice prior to making any changes to this procedure.

Applicants should keep in mind that a petition under 37 CFR 1.183 may only be used to request acceptance of the late-filed statement under 37 CFR 1.704(d)(1). Under no circumstances will an information disclosure statement filed more than 30 days from the applicable communication under 37 CFR 1.704(d)(1) be treated as not having submitted the statement, under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d).
Changes From the Proposed Rule

This final rule contains two changes from the proposed rule. First, the final rule replaces the proposed provision that a statement under §1.704(d)(1) must be submitted on the Office form (PTO/SB/133) or the paper or request for continued examination will be treated as not accompanied by a statement under §1.704(d)(1), with a new provision that a statement under §1.704(d)(1) must be submitted on the Office form (PTO/SB/133) or the paper or request for continued examination will be treated as not accompanied by a statement under §1.704(d)(1) unless an application for patent term adjustment (§1.705(b)) is filed, establishing that the paper or request for continued examination was accompanied by a statement in compliance with §1.704(d)(1). Thus, this final rule allows applicants who provide a statement under §1.704(d)(1) not using the Office form PTO/SB/133 with an avenue to have the statement given effect when determining the patent term adjustment. Second, this final rule clarifies that the form provided by the Office (PTO/SB/133) must be submitted using the appropriate document code (PTA.IDS).

Changes From the Proposed Rule

The following is a discussion of the amendment to 37 CFR part 1 in this final rule.

Section 1.704: Section 1.704(d) as amended in this final rule includes a new §1.704(d)(3), requiring that the statement under §1.704(d)(1) be submitted on a form provided by the Office (PTO/SB/133) using the appropriate document code (PTA.IDS). New §1.704(d)(3) also provides that if the statement under §1.704(d)(1) is not submitted on a form provided by the Office (PTO/SB/133) using the appropriate document code (PTA.IDS), the paper or request for continued examination will be treated as not accompanied by a statement under §1.704(d)(1), unless an application for patent term adjustment in compliance with §1.705(b) is filed, establishing that the paper or request for continued examination was accompanied by a statement in compliance with §1.704(d)(1). New §1.704(d)(3) provides that: (1) no changes to statements on this Office form may be made; and (2) the presentation of this form to the Office, whether by signing, filing, submitting, or later advocating, and whether by a practitioner or non-practitioner, constitutes a certification under 37 CFR 11.18(b) that the existing text and any certification statements on this form have not been altered.

Changes From the Proposed Rule

This final rule contains two changes from the proposed rule. First, the final rule replaces the proposed provision that a statement under §1.704(d)(1) must be submitted on the Office form (PTO/SB/133) or the paper or request for continued examination will be treated as not accompanied by a statement under §1.704(d)(1), with a new provision that a statement under §1.704(d)(1) must be submitted on the Office form (PTO/SB/133) or the paper or request for continued examination will be treated as not accompanied by a statement under §1.704(d)(1) unless an application for patent term adjustment (§1.705(b)) is filed, establishing that the paper or request for continued examination was accompanied by a statement in compliance with §1.704(d)(1). Thus, this final rule allows applicants who provide a statement under §1.704(d)(1) not using the Office form PTO/SB/133 with an avenue to have the statement given effect when determining the patent term adjustment. Second, this final rule clarifies that the form provided by the Office (PTO/SB/133) must be submitted using the appropriate document code (PTA.IDS). When an applicant checks both boxes on form PTO/SB/133, the applicant is asserting that each cited reference meets the conditions of §1.704(d)(1)(i) or §1.704(d)(1)(ii).

In 2011, the Office added §1.704(d)(1)(iii) to extend the “safe harbor” provision of §1.704(d) to embrace information first cited in a communication from the Office, as well as the communication. According to the Final Rule, the 30-day period of the “safe harbor” provision of §1.704(d) to embrace information first cited in a communication from the Office, as well as the communication, is not extendable. The commenter further asked what an applicant should do if they had previously filed a statement under §1.704(d).

Response: The changes to the rules of practice pertaining to patent term adjustment are set to go into effect on the effective date of this final rule, and are applicable to any statement under §1.704(d) filed on or after the effective date of this final rule. The Office will apply the interim procedure for patentees to request a recalculation of their patent term adjustment determination for alleged failure to recognize that an information disclosure statement was accompanied by a safe harbor statement, by submitting a request for recalculation of patent term adjustment using Office form PTO/SB/134, for applicants who filed a statement under §1.704(d) prior to the effective date of the change to §1.704(d) in this final rule. See Interim Procedure for Requesting Recalculation of the Patent Term Adjustment With Respect to Information Disclosure Statements Accompanied by a Safe Harbor Statement, 83 FR 55102 (Nov. 2, 2018).
February 2023, which may be viewed or downloaded free of charge from the USPTO website at https://www.uspto.gov/MPEP and is available to search online at https://mpep.uspto.gov.

Rulemaking Considerations

A. Administrative Procedure Act: The changes in this rulemaking involve rules of agency practice and procedure, and/or interpretive rules. See Perez v. Mortg. Bankers Ass’n, 135 S. Ct. 1199, 1204 (2015) (Interpretive rules “advise the public of the agency’s construction of the statutes and rules which it administers.” (citation and internal quotation marks omitted)); Nat’l Org. of Veterans’ Advocates v. Sec’y of Veterans Affairs, 260 F.3d 1365, 1375 (Fed. Cir. 2001) (rule that clarifies interpretation of a statute is interpretive); Bachow Commc’ns Inc. v. FCC, 237 F.3d 683, 690 (D.C. Cir. 2001) (Rules governing an application process are procedural under the Administrative Procedure Act.); Inova Alexandria Hosp. v. Shalala, 244 F.3d 342, 350 (4th Cir. 2001) (Rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims.). This final rule revises 37 CFR 1.704(d) to require that the statement under 37 CFR 1.704(d)(1) be submitted on the Office form PTO/SB/133 using the appropriate document code (PTA.IDS). This final rule also provides that, if an applicant submits their own statement under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d), an applicant will need to request reconsideration of the patent term adjustment under 37 CFR 1.705(b) for the Office to consider a statement under 37 CFR 1.704(d)(1) when making a determination of the patent term adjustment. According to the Office, this rulemaking does not have a significant economic impact on a substantial number of small entities.

B. Regulatory Flexibility Act: For the reasons set forth in this notice, the Senior Counsel for Regulatory and Legislative Affairs, Office of General Law, of the USPTO has certified to the Chief Counsel for Advocacy of the Small Business Administration that changes in this rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 605(b).

This rulemaking does not impose any additional fees on applicants. This final rule revises 37 CFR 1.704(d) to require that the statement under 37 CFR 1.704(d)(1) be submitted on the Office form PTO/SB/133 using the appropriate document code (PTA.IDS), and to provide that if an applicant submits their own statement under 37 CFR 1.704(d)(1), as required for the “safe harbor” of 37 CFR 1.704(d), the applicant will need to request reconsideration of the patent term adjustment under 37 CFR 1.705(b) for the Office to consider a statement under 37 CFR 1.704(d)(1) when making a determination of the patent term adjustment. This new requirement only seeks to facilitate the current statement requirement, pursuant to 37 CFR 1.704(d)(1) and set forth in MPEP 2732, subsection IV, through the use of an existing Office form containing the required statement language.

For the foregoing reasons, the changes in this rule will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to not be significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The Office has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, the Office has, to the extent feasible and applicable: (1) made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across Government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action and is not required under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. Executive Order 12998 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12998 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801–808), the USPTO will submit a report containing any final rule resulting from this rulemaking and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on
competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not a “major rule” as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of $100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 et seq.

M. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 et seq.

N. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

O. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. The rules of practice pertaining to patent term adjustment and extension have been reviewed and approved by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) under OMB control number 0651–0020. Although this final rule requires the use of Office form PTO/SB/133 when making a statement under 37 CFR 1.704(d)(1), the OMB has determined that, under 5 CFR 1320.3(h), form PTO/SB/133 does not collect “information” within the meaning of the Paperwork Reduction Act of 1995. Because the changes in this rulemaking would not affect the information collection requirements or fees associated with the information collections approved under OMB control number 0651–0020 or any other information collection, the Office is not resubmitting an information collection package to the OMB for its review and approval.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

P. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, the USPTO amends 37 CFR part 1 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

§ 1.704 Reduction of period of adjustment of patent term.
* * * * *
(d) * * *
(3) The statement under paragraph (d)(1) of this section must be submitted on the Office form (PTO/SB/133) provided for such a patent term adjustment statement using the appropriate document code (PTA.IDS). Otherwise, the paper or request for continued examination will be treated as not accompanied by a statement under paragraph (d)(1) of this section unless an application for patent term adjustment, in compliance with § 1.705(b), is filed, establishing that the paper or request for continued examination was accompanied by a statement in compliance with paragraph (d)(1) of this section. No changes to statements on this Office form may be made. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of this form, whether by a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter that the existing text and any certification statements on this form have not been altered.

Katherine K. Vidal,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Summary: On March 30, 2023, the Environmental Protection Agency (EPA) proposed to approve revisions to the Idaho State Implementation Plan (SIP) submitted by the State of Idaho (Idaho or the State) on December 29, 2022. The SIP revision, applicable in the Boise- Northern Ada County Monoxide area (Northern Ada County CO area) in Idaho, removes the Inspection and Maintenance (I/M) program, which was previously approved into the SIP for use as a control measure in the State’s plan to address motor vehicle emissions in the nonattainment area. The SIP revision included a demonstration that the requested revision would not interfere with attainment or maintenance of any national ambient air quality standard (NAAQS) or with any other applicable requirement of the Clean Air Act (CAA). The EPA is taking final action to approve Idaho’s December 29, 2022, submission.

Dates: This action is effective on July 17, 2023.

Addresses: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2023–0195. All documents in the docket are listed on the https://www.regulations.gov website. 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 form. Publicly available docket materials are available through https://www.regulations.gov, or please contact the person identified in the FOR FURTHER