Voluntary consensus standards in their 
and Advancement Act (NTTAA) (15 
technical standards. Therefore, we did 
consider the use of voluntary 
standards.

**Environment**

We have analyzed this proposed rule 
and have made a preliminary determination 
that this action is not likely to have a 
significant effect on the human 
environment. There are no factors in 
this case that would limit the use of a 
categorical exclusion under section 2.B.2 
of the Instruction. A preliminary 
“Environmental Analysis Check List” 
supporting this determination is 
available in the docket under 
ADDRESSES. We seek any comments or 
information that may lead to the 
disproportionate affect children.

**Indian Tribal Governments**

This proposed rule does not have 
tribal implications under Executive Order 13175, Consultation and 
Coordination with Indian Tribal 
Governments, because it does not have 
a substantial direct effect on one or 
more Indian tribes, on the relationship 
between the Federal Government and 
Indian tribes, or on the distribution of 
power and responsibilities between the 
Federal Government and Indian tribes.

**Energy Effects**

We have analyzed this proposed rule 
under Executive Order 13211, Actions 
Concerning Regulations That 
Significantly Affect Energy Supply, 
Distribution, or Use. We have 
determined that it is not a “significant 
energy action” under that order because it is not a “significant regulatory action” 
under Executive Order 12866 and is not 
likely to have a significant adverse effect on the supply, distribution, or use of 
energy. The Administrator of the Office of 
Information and Regulatory Affairs 
has not designated it as a significant 
energy action. Therefore, it does not require a Statement of Energy Effects 
under Executive Order 13211.

**Technical Standards**

The National Technology Transfer 
and Advancement Act (NITTAA) (15 
U.S.C. 272 note) directs agencies to use 
voluntary consensus standards in their 
regulatory activities unless the agency 
provides Congress, through the Office of 
Management and Budget, with an 
explanation of why using these 
standards would be inconsistent with 
applicable law or otherwise impractical. 
Voluntary consensus standards are 
technical standards (e.g., specifications of 
materials, performance, design, or 
operation; test methods; sampling 
procedures; and related management 
systems practices) that are developed or 
adopted by voluntary consensus 
standards bodies.

This proposed rule does not use 
technical standards. Therefore, we did 
not consider the use of voluntary 
consensus standards.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation 
(water), Reporting and recordkeeping 
requirements, Security measures, and 
Waterways.

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

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. The authority citation for part 165 
continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. 
Chapter 701: 50 U.S.C. 191, 195; 33 CFR 
1.05–1(g), 6.04–1, 6.04–6, 160.5; Pub. L. 107– 
295, 116 Stat. 2064; Department of Homeland 

2. Add §165.1323 to read as follows:

§165.1323  Regulated Navigation Area: 
Willamette River Portland, Oregon 
Captain of the Port Zone.

(a) Location. The following is a 
regulated navigation area (RNA): All 
waters of the Willamette River 
comprised by a line commencing at 
45°34′33″ N, 122°44′17″ W to 45°34′32″ 
N, 122°44′18″ W thence to 45°34′35″ N, 
122°44′24″ W thence to 45°34′35″ N, 
122°44′22″ W thence to 45°34′35″ N, 
122°44′36″ W thence to 45°34′35″ N, 
122°44′32″ W thence to 45°34′38″ N, 
122°44′42″ W to 45°34′39″ N, 122°44′43″ 
W thence to 45°34′44″ N, 122°44′51″ W 
thence to 45°34′45″ N, 122°44′53″ W 
thence to 45°34′47″ N, 122°44′51″ W 
thence to 45°34′45″ N, 122°44′46″ W to 
45°34′45″ N, 122°44′45″ W thence to 
45°34′47″ N, 122°44′43″ W thence to 
45°34′46″ N, 122°44′42″ W thence to 
45°34′48″ N, 122°44′40″ W thence to 
45°34′48″ N, 122°44′38″ W and along 
the shoreline to 45°34′46″ N, 122°44′39″ 
W and back to the point of origin. All 
coordinates reference 1983 North 
American Datum (NAD 83).

(b) Regulations. (1) Anchoring, 
spudding, dredging, laying cable, 
dragging, trawling, conducting salvage 
operations, operating commercial 
vessels of any size, and operating 
recreational vessels greater than 30 feet 
in length are prohibited in the regulated 
area.

(2) All vessels transiting or accessing 
the regulated area shall do so at no wake 
speed or at the minimum speed 
necessary to maintain steerage.

Dated: May 6, 2008.

J.P. Currier, 
Rear Admiral, U.S. Coast Guard, Commander, 
Thirteenth Coast Guard District.

[FR Doc. E8–12147 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 41

[Docket No. PTO–C02006–0004]

RIN 0651–AC21

Revision of Patent Fees for Fiscal Year 
2009

AGENCY: United States Patent and 
Trademark Office, Commerce.

ACTION: Proposed rule.

SUMMARY: The United States Patent 
and Trademark Office (Office) is proposing 
to adjust certain patent fee amounts for 
fiscal year 2009 to reflect fluctuations in 
the Consumer Price Index (CPI). The 
patent statute provides for the annual 
CPI adjustment of patent fees set 
by statute to recover the higher costs 
associated with doing business.

DATES: Written comments must be 
received on or before July 3, 2008. No 
public hearing will be held.
ADDITIONAL INFORMATION

The Office is proposing to adjust certain patent fees in accordance with the applicable provisions of title 35, United States Code, as amended by the Consolidated Appropriations Act of 1999 (AIPA) (Pub. L. 106–113, 113 Stat. 1501, 1501A–565 (1999)). For fees paid under 35 U.S.C. 41(a) and (b) and 132(b), independent inventors, small business concerns, and nonprofit organizations who meet the requirements of 35 U.S.C. 41(b)(1) are entitled to a fifty-percent reduction.

Section 41(d) of title 35, United States Code, authorizes the Director to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, for each black and white copy of a patent, and for standard library service.

Section 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months.

Section 41(g) of title 35, United States Code, provides that new fee amounts established by the Director under 35 U.S.C. 41 may take effect thirty days after notice in the Federal Register and the Official Gazette of the United States Patent and Trademark Office.


Fee Adjustment Level: The patent statutory fees established by 35 U.S.C. 41(a) and (b) are proposed to be adjusted to reflect fluctuations occurring during the twelve-month period from October 1, 2007, through September 30, 2008, correspondingly, in the Consumer Price Index for All Urban Consumers (CPI-U). The Office of Management and Budget has advised that in calculating these fluctuations, the Office should use CPI-U data as determined by the Secretary of Labor. In accordance with previous fee-setting methodology, the Office bases this fee adjustment on the Administration’s projected CPI-U for the twelve-month period ending September 30, 2008, which is 4.0 percent. Based on this projected CPI-U, patent statutory fees are proposed to be adjusted by 4.0 percent. Before the final fee amounts are published, the fee amounts may be adjusted based on actual fluctuations in the CPI-U published by the Secretary of Labor. The fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded will be convenient to the user. Fees for other than a small entity of $100 or more were rounded to the nearest $10. Fees of less than $100 were rounded to an even number so that any comparable small entity fee will be a whole number.

General Procedures: Any fee amount that is paid on or after the effective date of the proposed fee adjustment would be subject to the new fees then in effect. The amount of the fee to be paid will be determined by the time of filing. The time of filing will be determined either according to the date of receipt in the Office (37 CFR 1.6) or the date reflected on a proper Certificate of Mailing or Transmission, where such a certificate is authorized under 37 CFR 1.8. Use of a Certificate of Mailing or Transmission is not authorized for items that are specifically excluded from the provisions of 37 CFR 1.8. Items for which a Certificate of Mailing or Transmission under 37 CFR 1.8 is not authorized include, for example, filing of national and international applications for patents. See 37 CFR 1.8(a)(2).

Patent-related correspondence delivered by the “Express Mail Post Office to Addressee” service of the United States Postal Service (USPS) is considered filed or received in the Office on the date of deposit with the USPS. See 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the “date-in” on the “Express Mail” mailing label or other official USPS notation.

To ensure clarity in the implementation of the proposed new fees, a discussion of specific sections is set forth below.

Discussion of Specific Rules

37 CFR 1.16 National application filing, search, and examination fees: Section 1.16, paragraphs (a) through (e), (h) through (k), and (m) through (s), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.17 Patent application and reexamination processing fees: Section 1.17, paragraphs (a)(2) through (a)(5), (l), and (m), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.18 Patent post allowance (including issue) fees: Section 1.18, paragraphs (a) through (c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post issuance fees: Section 1.20, paragraphs (c)(3), (c)(4), and (d) through (g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.
Rulemaking Considerations

A. Initial Regulatory Flexibility Analysis

1. Description of the reasons that action by the agency is being considered: The Office is proposing to adjust the patent fees set under 35 U.S.C. 41(a) and (b) to ensure proper funding for effective Office operations. The patent fee CPI adjustment is a routine adjustment that has generally occurred on an annual basis to recover the higher costs of Office’s operations that occur due to the increase in the price of products and services. The lack of proper funding for effective Office operations would result in a significant increase in patent pendency levels.

2. Succinct statement of the objectives of, and legal basis for, the proposed rules: The objective of the proposed change is to adjust patent fees set under 35 U.S.C. 41(a) and (b) to recover the higher costs of Office operations. Patent fees are set by or under the authority provided in 35 U.S.C. 41, 119, 120, 132(b), 156, 157(a), 255, 302, 311, 376, section 532(a)(2) of the URCA, and 4506 of the AIPA. 35 U.S.C. 41(f) provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted every year for the entity’s industrial sector or North American Industry Classification System (NAICS) code. The Office, however, has formally adopted an alternate size standard as the size standard for the purpose of conducting an analysis or making a certification under the Regulatory Flexibility Act for patent-related regulations. See Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations, 71 FR 67109 (Nov. 20, 2006), 1313 Off. Gaz. Pat. Office 60 (Dec. 12, 2006). This alternate small business size standard is the previously established size standard that identifies the criteria entities must meet to be entitled to pay reduced patent fees. See 13 CFR 121.802. If patent applicants identify themselves on
the patent application as qualifying for reduced patent fees, the Office captures this data in the Patent Application Location and Monitoring (PALM) database system, which tracks information on each patent application submitted to the Office.

Unlike the SBA small business size standards set forth in 13 CFR 121.201, this size standard is not industry-specific. Specifically, the Office’s definition of small business concern for Regulatory Flexibility Act purposes is a business or other concern that: (1) Meets the SBA’s definition of a “business concern or concern” set forth in 13 CFR 121.105; and (2) meets the size standards set forth in 13 CFR 121.802 for the purpose of paying reduced patent fees, namely an entity: (a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this definition. See Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations, 71 FR at 67112, 1313 Off. Gaz. Pat. Office at 63.

The changes in this proposed rule will apply to any small entity that files a patent application, or has a pending patent application or unexpired patent. The changes in this proposed rule will specifically apply when an applicant or patentee pays an application filing or national stage entry fee, search fee, examination fee, excess or multiple dependent claim fee, application size fee, extension of time fee, notice of appeal fee, appeal brief fee, request for an oral hearing, disclaimer fee, petition to revive fee, issue fee, or patent maintenance fee. The following table (Table 2) indicates the applicable fee, the number of small entity payments of the fee received by the Office in fiscal year 2007 (number of small entities who paid the applicable fee in fiscal year 2007), the current small entity fee amount, the proposed small entity fee amount, and the net amount of the small entity fee adjustment.

<table>
<thead>
<tr>
<th>Fee</th>
<th>Fiscal year 2007 small entity payments</th>
<th>Current fee amount</th>
<th>Proposed fee amount</th>
<th>Fee adjustment</th>
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</table>
The Office has also been advised that a number of small entity applicants and patentees do not claim small entity status for various reasons. See Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations, 71 FR at 67110, 1313 Off. Gaz. Pat. Office at 61. Therefore, the Office is also considering all other entities paying patent fees as well. The following table (Table 3) indicates the applicable fee, the number of non-small entity payments of the fee received by the Office in fiscal year 2007 (number of non-small entities who paid the applicable fee in fiscal year 2007), the current non-small entity fee amount, the proposed non-small entity fee amount, and the net amount of the non-small entity fee adjustment.

### Table 3

<table>
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<tr>
<th>Fee Description</th>
<th>Fiscal year 2007 non-small entity payments</th>
<th>Current fee amount</th>
<th>Proposed fee amount</th>
<th>Fee adjustment</th>
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<td>Reexamination independent claims in excess of three</td>
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<td>1,070.00</td>
<td>40.00</td>
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</tbody>
</table>

4. Description of the projected reporting, recordkeeping and other compliance requirements. This notice proposes only to adjust patent fees (as discussed previously) to reflect changes in the CPI.

5. Description of any significant alternatives to the proposed rules which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rules on small entities: The alternative of not adjusting patent fees would have a lesser economic impact on small entities, but would not accomplish the stated objectives of applicable statutes. The Office is proposing to adjust the patent fees to ensure proper funding for effective Office operations. The patent fee CPI adjustment is a routine adjustment that has generally occurred on an annual basis to recover the higher costs of
Office’s operations that occur due to the increase in the price of products and services. The lack of proper funding for effective Office operations would result in a significant increase in patent pendency levels.

6. Identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rules: The Office is the sole agency of the United States Government responsible for administering the provisions of title 35, United States Code, pertaining to examination and granting patents. Therefore, no other federal, state, or local entity shares jurisdiction over the examination and granting patents.

Other countries, however, have their own patent laws, and an entity desiring a patent in a particular country must make an application for patent in that country, in accordance with the applicable law. Although the potential for overlap exists internationally, this cannot be avoided except by treaty (such as the Paris Convention for the Protection of Industrial Property, or the Patent Cooperation Treaty (PCT)).

Nevertheless, the Office believes that there are no other duplicative or overlapping rules.

B. 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).

C. Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been determined to be significant for purposes of Executive Order 12866 (Sept. 30, 1993), as amended by Executive Order 13258 (Feb. 26, 2002) and Executive Order 13422 (Jan. 16, 2007).

D. 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).

E. Executive Order 13211 (Energy Effects)

This rulemaking is not a significant energy action 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).

F. Executive Order 12988 (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 12988 (Feb. 5, 1996).

G. Executive Order 13045 (Protection of Children)

This rulemaking is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

H. 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).

I. Congressional Review Act

Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.), prior to issuing any final rule, the United States Patent and Trademark Office will submit a report containing the final rule 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 proposed in this notice are not expected to result in an annual effect on the economy of 100 million dollars 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 likely to result in a “major rule” as defined in 5 U.S.C. 804(2).

J. Unfunded Mandates Reform Act of 1995:

The changes proposed in this notice 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 dollars (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 dollars (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.

K. National Environmental Policy Act

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

L. National Technology Transfer and Advancement Act

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

M. Paperwork Reduction Act

This proposed rule involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The collections of information involved in this proposed rule have been reviewed and approved by OMB under OMB control numbers 0651–0016, 0651–0021, 0651–0031, 0651–0032, and 0651–0033. The Office is not resubmitting information collection packages to OMB for its review and approval at this time because the changes proposed in this notice revise the fees for existing information collection requirements associated with the information collections under OMB control numbers 0651–0016, 0651–0021, 0651–0031, 0651–0032, and 0651–0033. The Office will submit fee revision changes for OMB control numbers 0651–0016, 0651–0021, 0651–0031, 0651–0032, and 0651–0033 to OMB for review if the changes proposed in this notice are adopted.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency’s estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC.
PART 1
Lawyers.
procedure, Inventions and patents, requirements, Small businesses.
procedure, Courts, Freedom of
OMB control number.
Reduction Act unless that collection of
requirements of the Paperwork
collection of information subject to the
penalty for failure to comply with a
to nor shall a person be subject to a

§ 1.16 National application filing, search, and examination fees.
(a) Basic fee for filing each application under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:
(1) For an application filed on or after December 8, 2004:
By a small entity (§ 1.27(a)) $160.00
By other than a small entity 220.00
(b) Basic fee for filing each application for an original design patent:
(1) For an application filed on or after December 8, 2004:
By a small entity (§ 1.27(a)) $110.00
By other than a small entity 220.00
(c) Basic fee for filing each application for an original plant patent:
(1) For an application filed on or after December 8, 2004:
By a small entity (§ 1.27(a)) $110.00
By other than a small entity 220.00
By a small entity (§ 1.27(a)) $295.00
By other than a small entity 590.00
(d) Basic fee for filing each provisional application:
By a small entity (§ 1.27(a)) $110.00
By other than a small entity 220.00
By a small entity (§ 1.27(a)) $295.00
By other than a small entity 590.00

§ 1.17 Patent application and reexamination processing fees.
(a) * * *
(2) For reply within second month:
By a small entity (§ 1.27(a)) $235.00
By other than a small entity 470.00
(3) For reply within third month:
By a small entity (§ 1.27(a)) $540.00
By other than a small entity 1,080.00
(4) For reply within fourth month:
By a small entity (§ 1.27(a)) $845.00
By other than a small entity 1,690.00

3. Section 1.17 is amended by revising paragraphs (a)(2) through (a)(5), (1), and (m) to read as follows:

§ 1.17 Patent application and reexamination processing fees.
(a) * * *
(2) For reply within second month:
By a small entity (§ 1.27(a)) $235.00
By other than a small entity 470.00
(3) For reply within third month:
By a small entity (§ 1.27(a)) $540.00
By other than a small entity 1,080.00
(4) For reply within fourth month:
By a small entity (§ 1.27(a)) $845.00
By other than a small entity 1,690.00

4. Section 1.17 is amended by revising paragraphs (a)(2) through (a)(5), (1), and (m) to read as follows:

§ 1.17 Patent application and reexamination processing fees.
(a) * * *
(2) For reply within second month:
By a small entity (§ 1.27(a)) $235.00
By other than a small entity 470.00
(3) For reply within third month:
By a small entity (§ 1.27(a)) $540.00
By other than a small entity 1,080.00
(4) For reply within fourth month:
By a small entity (§ 1.27(a)) $845.00
By other than a small entity 1,690.00

5. For reply within fifth month:
By a small entity (§ 1.27(a)) $1,150.00
By other than a small entity 2,300.00

(l) For filing a petition for the revival of an unavoidably abandoned
application under 35 U.S.C. 111, 133,
41.20 Fees.

(a) Appeal fees.

(1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a)) of this title ....................................... $265.00

By other than a small entity ................................................... 530.00

(b) Appeal fees.

(2) For filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a)) of this title ....................................... $265.00

By other than a small entity ................................................... 530.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a)) ................................................... $535.00

By other than a small entity ................................................... 1,070.00

PART 41—PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

7. The authority citation for 37 CFR part 41 continues to read as follows:


8. Section 41.20 is amended by revising paragraph (b) to read as follows:

§ 41.20 Fees.

(a) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a)) of this title ....................................... $265.00

By other than a small entity ................................................... 530.00

(b) Appeal fees.

(1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a)) of this title ....................................... $265.00

By other than a small entity ................................................... 530.00

(2) For filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a)) of this title ....................................... $265.00

By other than a small entity ................................................... 530.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a)) ................................................... $535.00

By other than a small entity ................................................... 1,070.00

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original patent, except a design or plant patent, or for issuing each reissue patent:

By a small entity (§ 1.27(a)) ................................................... $800.00

By other than a small entity ................................................... 1,600.00

(b) Issue fee for issuing an original design patent:

By a small entity (§ 1.27(a)) ................................................... $425.00

By other than a small entity ................................................... 850.00

(c) Issue fee for issuing an original plant patent:

By a small entity (§ 1.27(a)) ................................................... $590.00

By other than a small entity ................................................... 1,180.00

§ 1.20 Post issuance fees.

(a) Fee for maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years, the fee being due by seven years and six months after the original grant:

By a small entity (§ 1.27(a)) ................................................... $1,225.00

By other than a small entity ................................................... 2,450.00

§ 1.492 National stage fees.

(a) The basic national fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

By a small entity (§ 1.27(a)) ................................................... $160.00

By other than a small entity ................................................... 320.00

(b) * * *

(c) * * *

(d) In addition to the basic national fee, for filing or on later presentation at any other time of each claim in independent form in excess of 3:

By a small entity (§ 1.27(a)) ................................................... $110.00

By other than a small entity ................................................... 220.00

§ 32.51(a), (b), (c)(1) provide, or has been previously communicated by the International Searching Authority:

By a small entity (§ 1.27(a)) ................................................... $1,500.00

By other than a small entity ................................................... 3,000.00

* * * * *

Jon W. Dudas,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E8–12364 Filed 6–2–08; 8:45 am]
BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval and Promulgation of Air Quality Implementation Plans Minnesota; Maintenance Plan Update for Dakota County Lead Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing an update to the lead maintenance plan for Dakota County, Minnesota. This plan update demonstrates that Dakota County will maintain attainment of the National Ambient Air Quality Standard for lead through 2014. Minnesota has verified that the emission limits adopted to demonstrate modeled attainment continue to be met, that there are no new significant sources of lead or increases in background emissions, and that the state has in place a comprehensive program to identify sources of violations and address any violation through enforcement and implementation of a contingency plan.

DATES: Comments must be received on or before July 3, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1097, by one of the following methods:
1. www.regulations.gov: Follow the on-line instructions for submitting comments.
2. E-mail: aburano.douglas@epa.gov.
3. Fax: (312) 886–5824.
5. Hand Delivery: Doug Aburano, Acting Chief, Criteria Pollutant Section, Air Programs Branch (AR–18), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this Federal Register for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Kathleen D’Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, dagostino.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this Federal Register, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this Federal Register.

Dated: May 12, 2008.

Bharat Mathur,
Acting Regional Administrator, Region 5.


You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Petition for Rulemaking

The Center for Auto Safety (CAS) submitted a petition for rulemaking asking that we “initiate rulemaking to prohibit the use of integrated cellular telephones and other interactive communication and data transmission devices that can be used for personal conversations and other interactive personal communication or messaging while a vehicle is in motion.” CAS stated that the purpose of the petition was to “make the driving environment safer by reducing the availability of devices that have been proven to be traffic hazards.” CAS specifically petitioned NHTSA to undertake the following:

First, CAS petitioned NHTSA to issue a notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 102. Transmission shift lever sequence, starter interlock, and transmission braking effect, by adding a new provision that would state:

Any vehicle integrated personal communication systems including cellular phones and text messaging shall be inoperative when the transmission shift lever is in a forward or reverse drive position.

Second, CAS petitioned NHTSA to issue an advance notice of proposed rulemaking (ANPRM) to consider “subjecting other vehicle integrated telematic systems that significantly

1 At AskOxford.com, the online edition of the Oxford Dictionary of the English language, “telematics” is defined as “the branch of information technology which deals with the long-distance transmission of computerized information.”