DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open meeting.

SUMMARY: NIST announces that the Manufacturing Extension Partnership (MEP) Advisory Board, National Institute of Standards and Technology (NIST) will hold an open meeting on Monday, September 13, 2010 from 8 a.m. to 4:30 p.m.

DATES: The meeting will convene September 13, 2010 at 8 a.m. and will adjourn at 4:30 p.m. on September 13, 2010.

ADDRESS: The meeting will be held at Grand Hyatt Denver, 1750 Welton Street, Denver, Colorado 80202. Anyone wishing to attend this meeting should submit name, e-mail address and phone number to Susan Hayduk (susan.hayduk@nist.gov or 301–975–5614) no later than September 7, 2010.

FOR FURTHER INFORMATION CONTACT: Karen Lellock, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–4269.

SUPPLEMENTARY INFORMATION: This meeting is being held in conjunction with the Quarterly Update Meeting for the MEP system. The MEP Advisory Board is composed of 10 members, appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at http://nehrp.gov/.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Advisory Committee on Earthquake Hazards Reduction (ACEHR) will meet Tuesday, November 9, 2010 from 8:30 a.m. to 5 p.m. and Wednesday, November 10, 2010, from 8:30 a.m. to 4 p.m. The meeting will be held in the Fishbowl Room, The University of Memphis, FedEx Institute of Technology, 365 Innovation Drive, Memphis, TN 38152–3115. The primary purpose of this meeting is to receive information on NEHRP earthquake related activities and to gather information for the 2011 Reauthorization Act of 2004 (Pub. L. 108–360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at http://nehrp.gov/.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108–360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex officio capacity on the Committee. The Committee assesses:

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DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2010–0065]

Streamlined Procedure for Appeal Brief Review in Inter Partes Reexamination Proceedings


ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is streamlining the procedure for the review of appeal briefs filed in inter partes reexamination proceedings. The streamlined procedure is effective on the date set forth in this notice for appeals initiated on or after that date.

DATES: Effective Date: The procedure set forth in this notice is effective on August 17, 2010.

Applicability Date: The procedure set forth in this notice is applicable to any appeal brief filed on or after the date set forth in this notice.

SUPPLEMENTARY INFORMATION: Under the streamlined procedure, upon the filing of an appeal brief in an inter partes reexamination proceeding (i.e., an appellant’s brief, a respondent’s brief, or a rebuttal brief) that is filed in an inter partes reexamination proceeding on or after August 17, 2010, the Chief Judge will accept the appeal brief and forward it to the examiner for consideration. The Chief Judge may incorporate by reference any rulings concerning the refusal to enter an appeal brief filed in an inter partes reexamination proceeding as provided in the Manual of Patent Examining Procedure (MPEP) § 1002.02(b)–(c).

Once the Chief Judge accepts and accepts the appellant’s brief, respondent’s brief, or rebuttal brief as compliant, an examiner’s answer will be provided in the inter partes reexamination proceeding if the examiner determines that the appeal should be maintained. The answer will be streamlined such that the examiner may incorporate by reference the determination whether appeal briefs comply with the applicable regulations. The USPTO expects further reduction in pendency because the streamlined procedure will increase consistency in the determination, and thereby reduce the number of notices of noncompliant appeal briefs and non-substantive returns from the BPAI that require parties to file corrected appeal briefs in inter partes reexamination proceeding appeals.

Review of Appeal Briefs Filed in Inter Partes Reexamination Proceedings

The Chief Judge of the BPAI will have the sole responsibility for determining whether appeal briefs filed in inter partes reexamination proceedings (i.e., appellant’s briefs, respondent’s briefs, and rebuttal briefs) comply with the applicable regulations, and will complete the determination before the appeal brief is forwarded to the examiner for consideration. The examiner will no longer review appeal briefs for compliance with the applicable regulations. The USPTO expects to achieve a reduction in inter partes reexamination proceedings.

The Chief Judge will accept the appeal brief and forward it to the examiner for consideration if the examiner accepts the appeal brief and files an examiner’s answer that the appeal should be maintained. The examiner’s answer will be provided in the inter partes reexamination proceeding if the examiner determines that the appeal should be maintained. The answer will be streamlined such that the examiner may incorporate by reference the determination whether appeal briefs comply with the applicable regulations.

If the appeal brief is determined to be compliant with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71, the examiner will accept the appeal brief and forward it to the examiner for consideration. If the Chief Judge determines that the appeal brief is not compliant with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71, and sends an order to the appellant, respondent, or rebutting party, the notice of noncompliant brief requiring a corrected brief, the party will be required to file a corrected brief within the time period set forth in the notice to avoid the dismissal of the appeal. See 37 CFR 1.943(c) and 37 CFR 41.67(d), 41.68(c), and 41.71(e). The Chief Judge will also have the sole responsibility for determining whether corrected appeal briefs comply with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71, and will address any inquiries and petitions regarding entry of appeal briefs or notices of noncompliant appeal briefs.

The Chief Judge’s responsibility for determining whether appeal briefs comply with 37 CFR 1.943(c) and 37 CFR 41.67, 41.68, or 41.71 is not considered a transfer of jurisdiction when an appeal brief is filed, but rather is only a transfer of the specific responsibility to the Chief Judge under 37 CFR 1.943(c) and 37 CFR 41.67(d), 41.68(c), or 41.71(e) of the reasons for non-compliance. The Patent Examining Corps retains the jurisdiction over the inter partes reexamination proceeding to consider the appeal brief, conduct any conference, draft an examiner’s answer, and decide the entry and consideration of amendments, evidence, and information disclosure statements filed after final or after the filing of a notice of appeal. Furthermore, petitions concerning the refusal to enter amendments and/or evidence remain delegated to the Patent Examining Corps as provided in the Manual of Patent Examining Procedure (MPEP) § 1002.02(b)–(c).

Once the Chief Judge accepts the appellant’s brief, respondent’s brief, or rebuttal brief as compliant, an examiner’s answer will be provided in the inter partes reexamination proceeding if the examiner determines that the appeal should be maintained. The answer will be streamlined such that the examiner may incorporate by reference the determination whether appeal briefs comply with the applicable regulations.