with which their applications are examined while also stimulating a reduction of the backlog of unexamined patent applications pending before the USPTO. The USPTO is expanding the Patent Application Backlog Reduction Stimulus Plan to permit all applicants to participate by eliminating the small entity status requirement and adding a few new requirements in view of the expansion. The program is also being extended until December 31, 2010, or the date that 10,000 applications have been accorded special status for examination under the Patent Application Backlog Reduction Stimulus Plan, whichever occurs earlier. These changes allow more applicants to take advantage of the program.

DATES: Effective Date: The changes in this notice are effective on June 24, 2010. The Patent Application Backlog Reduction Stimulus Plan became effective on November 27, 2009.

FOR FURTHER INFORMATION CONTACT: Pinchus M. Laufer, Office of the Associate Commissioner for Patent Examination Policy, by telephone at 571–272–7726; or via e-mail addressed to: Pinchus.Laufer@uspto.gov; or by mail addressed to: Box Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.


The Backlog Reduction Notice required inter alia that the application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27. The program is being expanded to permit all applicants to participate by eliminating the small entity status requirement and adding a few new requirements in view of the expansion. The modifications set forth in this notice will apply to any petitions that are filed on or after the publication date of this notice. This will permit more applications to qualify for the program and result in a greater reduction of the patent application backlog. Applicants may obtain special status for examination for as many as fifteen applications under this program. Effective immediately, the USPTO will accord special status for examination to a patent application that has an actual filing date earlier than October 1, 2009, if the new requirements set forth in this notice are satisfied, and the conditions set forth in the Backlog Reduction Notice published on November 27, 2009, other than the small entity status requirement, are also satisfied. In view of the expansion, the following new requirements are added to the program: (1) The letter of express abandonment filed in the copending nonprovisional application must also include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application (the phrase “same invention” has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101); (2) the applicant has not received special status for more than fourteen other applications under this program; and (3) the petition under 37 CFR 1.102 must also: (i) Include a specific identification of the relationship between the applications that qualifies the application for special status (e.g., identifying, by name, a common inventor, assignee or owner); (ii) identify, by application number if...
Applicants are cautioned to exercise care in filing a letter of express abandonment in an application. The USPTO cannot revive an application once the letter of express abandonment is recognized by the USPTO because the application was expressly and intentionally abandoned by the applicant. See MPEP §§ 711.01 and 711.03(c).

The procedure for petition under 37 CFR 1.102 to make an application special specified in the Backlog Reduction Notice and this notice is being adopted on a temporary basis until December 31, 2010. For a petition under 37 CFR 1.102 to be granted under the procedure specified in this notice, the petition under 37 CFR 1.102 and the letter of express abandonment and its accompanying statement must be filed on or before December 31, 2010, and must be among the first 10,000 applications accorded special status for examination under the Patent Application Backlog Reduction Stimulus Plan.

Dated: June 18, 2010.

David J. Kappos,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2010–15306 Filed 6–23–10; 8:45 am]
BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
RIN 0648–XM26

Marine Mammals; File No. 14186

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that Sea World LLC, 9205 South Park Center Loop, Suite 400, Orlando, FL 32819 [Brad Andrews, Responsible Party] has been issued an enhancement permit to conduct enhancement on the species identified above had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Additional authorization is provided pursuant to sections 109(b) and 112(c) of the Marine Mammal Protection Act of 1972 as amended (MMPA; 16 U.S.C. 1361 et seq.).

Permit No. 14186 authorizes Sea World LLC to maintain up to six (6) non-releasable stranded Guadalupe fur seals over a five-year period.

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

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 18, 2010.

P. Michael Payne,
Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–15322 Filed 6–23–10; 8:45 am]
BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Stellwagen Bank National Marine Sanctuary Final Revised Management Plan: Notice of Availability

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of availability.