

## Fees and Expenses

After a company has been selected to participate in the mission, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee is \$3,700 per company for small or medium enterprises (SME<sup>1</sup>) and \$5,200 per company for large firms. If a company chooses not to participate in the Brasilia option, \$400 will be deducted from the participation fee. The fee for each additional firm representative (large firm or SME) is \$500 per person. Expenses for lodging, transportation between stops, most meals, and incidentals will be the responsibility of each mission participant.

## Conditions for Participation

- An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.

- Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least 51 percent U.S. content of the value of the finished product or service.

## Selection Criteria for Participation

- Suitability of the company's products or services to the target sectors and markets;

- Applicant's potential for business in the target markets, including likelihood of exports resulting from the mission; and

- Relevance of the company's business line to the mission's goals.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's

submission and not considered during the selection process.

## Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar <http://www.trade.gov/doctm/tmcal.html> and other Internet web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. The U.S. Commercial Service office in Brazil in cooperation with the International Trade Administration's Global Safety and Security Team will lead recruitment activities.

Recruitment will begin immediately and conclude no later than Monday, July 1, 2010. The U.S. Department of Commerce will review all applications immediately after the deadline. We will inform applicants of selection decisions as soon as possible after July 1, 2010. Applications received after the deadline will be considered only if space and scheduling constraints permit.

Interested U.S. firms may contact the mission project officer listed below or visit the mission Web site: <http://www.buyusa.gov/florida/brazilmission.html>.

## Contacts

Genard Burity, Business Development Specialist, U.S. Commercial Service, U.S. Consulate, Av. Presidente Wilson, 147—4 Floor, Rio de Janeiro, Brazil, Phone: (55 21) 3823-2401, Fax: (55 21) 3823-2424, E-mail: [genard.burity@trade.gov](mailto:genard.burity@trade.gov).

Stephanie Heckel, International Trade Specialist, U.S. Commercial Service, Ft. Lauderdale U.S. Export Assistance Center, 200 E. Las Olas Blvd., Suite 1600, Ft. Lauderdale, FL 33301, Tel: 954-356-6640, ext. 19, Fax: 954-356-6644, E-mail: [stephanie.heckel@trade.gov](mailto:stephanie.heckel@trade.gov).

## Sean Timmins,

Global Trade Programs, Commercial Service Trade Missions Program.

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**BILLING CODE 3510-FF-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No.: PTO-P-2010-0026]

### Streamlined Procedure for Appeal Brief Review

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is streamlining the procedure for the review of appeal briefs to increase the efficiency of the appeal process and reduce pendency of appeals. The Chief Judge of the Board of Patent Appeals and Interferences (BPAI) or his designee (collectively, "Chief Judge"), will have the sole responsibility for determining whether appeal briefs filed in patent applications comply with the applicable regulations, and will complete the determination before the appeal brief is forwarded to the examiner for consideration. The Patent Appeal Center and the examiner will no longer review appeal briefs for compliance with the applicable regulations. The USPTO expects to achieve a reduction in appeal pendency as measured from the filing of a notice of appeal to docketing of the appeal by eliminating duplicate reviews by the examiner, Patent Appeal Center, and the BPAI. We are expecting further reduction in pendency because the streamlined procedure will increase consistency in the determination, and thereby reduce the number of notices of noncompliant appeal brief and non-substantive returns from the BPAI that require appellants to file corrected appeal briefs.

**DATES:** *Effective Date:* The procedure set forth in this notice is effective on March 30, 2010.

*Applicability Date:* The procedure set forth in this notice is applicable to appeal briefs filed in patent applications on or after *March 30, 2010*.

#### FOR FURTHER INFORMATION CONTACT:

Krista Zele, Case Management Administrator, Board of Patent Appeals and Interferences, by telephone at (571) 272-9797 or by electronic mail at [BPAI.Review@uspto.gov](mailto:BPAI.Review@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Under the streamlined procedure, upon the filing of an appeal brief in a patent application, the Chief Judge will review the appeal brief to determine whether the appeal brief complies with 37 CFR 41.37 before it is forwarded to the examiner for consideration. The Chief Judge will endeavor to complete this

<sup>1</sup> An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see <http://www.sba.gov/services/contractingopportunities/sizestandardstopping/index.html>). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see <http://www.export.gov/newsletter/march2008/initiatives.html> for additional information).

determination within one month from the filing of the appeal brief. To assist appellants in complying with 37 CFR 41.37, the BPAI has posted checklists for notices of appeal and appeal briefs and a list of eight reasons appeal briefs have been previously held to be noncompliant, on the USPTO Web site at [http://www.uspto.gov/ip/boards/bpai/procedures/guidance\\_noncompliant\\_briefs.jsp](http://www.uspto.gov/ip/boards/bpai/procedures/guidance_noncompliant_briefs.jsp). If the appeal brief is determined to be compliant with 37 CFR 41.37, the Chief Judge 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 41.37 and sends appellant a notice of noncompliant brief requiring a corrected brief, appellant 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 41.37(d). The Chief Judge will also have the sole responsibility for determining whether corrected briefs comply with 37 CFR 41.37, and will address any inquiries and petitions regarding notices of noncompliant briefs.

The Chief Judge's responsibility for determining whether appeal briefs comply with 37 CFR 41.37 is not considered a transfer of jurisdiction when an appeal brief is filed, but rather is only a transfer of the specific responsibility of notifying appellant under 37 CFR 41.37(d) of the reasons for non-compliance. The Patent Examining Corps retains the jurisdiction over the application to consider the appeal brief, conduct an appeal conference, draft an examiner's answer, and decide the entry 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) and (c).

Once the Chief Judge accepts the appeal brief as compliant, an examiner's answer will be provided in the application if the examiner determines that the appeal should be maintained after an appeal conference is conducted. See MPEP §§ 1207-1207.02. The examiner will treat all pending, rejected claims as being on appeal. If the notice of appeal or appeal brief identifies fewer than all of the rejected claims as being appealed, the issue will be addressed by the BPAI panel. The jurisdiction of the application will be transferred to the BPAI when a docketing notice is entered after the time period for filing a reply

brief expires or the examiner acknowledges the receipt and entry of the reply brief. After taking jurisdiction, the BPAI will not return or remand the application to the Patent Examining Corps for issues related to a noncompliant appeal brief.

This notice does not apply to reexamination proceedings. The Office is considering a streamlined procedure for review of briefs filed in reexamination proceedings, in which the Chief Judge will also have the sole responsibility for determining whether briefs filed in *ex parte* reexamination proceedings comply with 37 CFR 41.37 and briefs filed in *inter partes* reexamination proceedings comply with 37 CFR 41.67, 41.68, and 41.71.

Dated: March 24, 2010.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2010-7034 Filed 3-29-10; 8:45 am]

**BILLING CODE 3510-16-P**

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **Information Collection; Submission for OMB Review, Comment Request**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), has submitted a public information collection request (ICR) entitled the Learn and Serve America Progress Report to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Meredith Archer Hatch at (202) 606-7513. Individuals who use a telecommunications device for the deaf (TTY-TDD) may call (202) 606-3472 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register**:

(1) By fax to: (202) 395-6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: [smar@omb.eop.gov](mailto:smar@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

### **Comments**

A 60-day public comment Notice was published in the **Federal Register** on December 24, 2009. This comment period ended February 22, 2010. No public comments were received from this Notice.

*Description:* The Corporation is seeking approval of its proposed renewal of its Learn and Serve America Progress Report. These reports must be completed by all Learn and Serve America grantees in order to ensure appropriate Federal oversight, determine progress toward meeting program objectives and make decisions related to continuation funding.

Learn and Serve America provides grants to state education agencies, higher education institutions, tribes, and U.S. Territories, national nonprofits and state commissions on nation and community service to implement service-learning programs. To ensure appropriate oversight of Federal funds, Learn and Serve America requires all grant recipients to submit Progress Reports describing grant activities and progress toward approved program objectives. Information received from the reports informs continuation funding decisions and how to target training and technical assistance.

Copies of the information collection requests can be obtained by contacting