monitor, other display panel, or portion thereof.

5. If a preponderance of the evidence [10] establishes that the computer-generated icon is embodied in a computer screen, monitor, other display panel, or portion thereof, withdraw the rejection under Sections 171 and 112, second paragraph.

II. Effect of the Interim Guidelines on Pending Design Applications Drawn to Computer-Generated Icons

PTO personnel shall follow the procedures set forth in Section I of these Interim Guidelines when examining design patent applications drawn to computer-generated icons which are pending in the PTO as of the date of publication of these Interim Guidelines in the Federal Register.

III. Treatment of Type Fonts

Traditionally, type fonts were generated by solid blocks from which each letter or symbol was produced. Consequently, the PTO has historically granted design patents drawn to type fonts. PTO personnel should not reject claims for type fonts under Section 171 for failure to comply with the ''article of manufacture'' requirement on the basis that more modern methods of typesetting, including computer-generation, do not require solid printing blocks. However, PTO personnel should treat applications specifically drawn to computer-generated type fonts in accordance with the procedures set forth in Section I of these Interim Guidelines.

IV. Notes

1. Further procedures for search and examination of design patent applications to ensure compliance with all other conditions of patentability are found in the Manual of Patent Examining Procedure, Chapter 1500.

2. Computer-generated icons, such as full screen displays and individual icons, are two-dimensional images which alone are surface ornamentation. See, *e.g.*, *Ex parte Strijland*, 26 USPQ2d 1259, 1262 (Bd. Pat App. & Int. 1992) (computer-generated icon alone is merely surface ornamentation).

3. Since a patentable ''design is inseparable from the object to which it is applied and cannot exist alone merely as a scheme of surface ornamentation,'' a computer generated icon must be embodied in a computer screen, monitor, other display panel, or portion thereof, to satisfy Section 171. MPEP 1502.

4. *Strijland* indicated that a computer-generated icon might be statutory subject matter if the solid-line icon is displayed on a computer screen which is shown as a broken-line drawing. 26 USPQ2d at 1263, 1266. However, since broken lines may be used to show visible environmental structure and not claim subject matter, representation of a computer screen, monitor, other display panel, or portion thereof, in broken lines does not satisfy Section 171. See, *e.g.*, *In re Zahn*, 617 F.2d 261, 268, 204 USPQ 988, 995 (CCPA 1980) (broken lines in design drawing show environmental structure, not claim). Broken lines may, however, be used to show other environmental structure, such as a central processing unit which contains equipment to operate the computer screen, monitor, or other display panel.

5. Since the claim must be in formal terms to the design ''as shown, or as shown and described,'' the drawing provides the best description of the claim. 37 CFR 1.53.

6. The following titles do not adequately describe a design for an article of manufacture under Section 171: ''computer icon;'' or ''icon.'' On the other hand, the following titles do adequately describe a design for an article of manufacture under Section 171: ''computer screen with an icon;'' ''display panel with a computer icon;'' ''portion of a computer screen with an icon image;'' ''portion of a display panel with a computer icon image;'' ''portion of a display panel with a computer icon image;'' or ''portion of a monitor displayed with a computer icon image.''

7. See *McGrady* v. *Aspenglas Corp.*, 487 F. Supp. 859, 861, 208 USPQ 242, 244 (S.D.N.Y. 1980) (descriptive statement in design patent application narrows claim scope).

8. A computer screen, monitor, or other display panel is clearly described by showing a larger surface area than that immediately behind the icon image.

9. A broken line drawing of a computer screen shown in the original disclosure suggests that the applicant originally had possession of the invention as embodied in an article of manufacture. Accordingly, the broken line drawing may be converted to a solid line drawing without violating the prohibition against new matter. See *In re Rasmussen*, 650 F.2d 1212, 1214, 211 USPQ 323, 326 (CCPA 1981) (An applicant is entitled to claims as broad as the original disclosure will allow). However, a solid line drawing of a computer screen in the original disclosure may not be amended to a solid line drawing of *only a portion* of the computer screen without support in the original disclosure for such an amendment. See, *e.g.*, *Ballew* v. *Watson*, 290 F.2d 353, 355, 129 USPQ 48, 50 (Comm'r Pat. the original disclosure and would ''create newness by the difference achieved'' is new matter).

10. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992) (''After evidence or argument is submitted by the applicant in response, patentability is determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.'').

[FR Doc. 95–24777 Filed 10–4–95; 8:45 am]

BILLING CODE 3510–16–M

## DEPARTMENT OF EDUCATION

## Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Information Collection Requests.

**SUMMARY:** The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1955.

**DATES:** Interested persons are invited to submit comments on or before December 4, 1995.

**ADDRESSES:** Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Department of Education (ED) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment

addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 29, 1995.

Gloria Parker,

*Director, Information Resources Group.*

Office of Postsecondary Education

*Type of Review:* REINSTATEMENT.
*Title:* Performance Report for the School, College, and University Partnerships (SCUP) Program.
*Frequency:* Annually.
*Affected Public:* Not for Profit institutions; State, Local or Tribal Government.
*Reporting Burden:*
Responses: 1.
Burden Hours: 240.
*Recordkeeping Burden:*
Recordkeepers: 0.
Burden Hours: 0.
*Abstract:* SCUP grantees must submit the report annually so the Department can evaluate the performance of grantees prior to awarding continuation grants. The Department will also aggregate data on project outcomes related to student and school performance impact, and identify exemplary projects.

Office of Postsecondary Education

*Type of Review:* EXTENSION.
*Title:* Addendum to Federal Direct PLUS Loan Promissory Note Endorser.
*Frequency:* One Time.
*Affected Public:* Individuals or households.
*Reporting Burden:*
Responses: 34,000.
Burden Hours: 17,000.
*Recordkeeping Burden:*
Recordkeepers: 0.
Burden Hours: 0.
*Abstract:* Applicants for Federal Direct PLUS Loans who have adverse credit may obtain endorsers. The information collected on this form is used to check the credit of endorsers. The respondents are endorsers.

Office of Education Research and Improvement

*Type of Review:* REINSTATEMENT.
*Title:* Application for the National Assessment of Educational Progress Data Reporting Program.
*Frequency:* Annually.
*Affected Public:* Businesses or other for-profit; Not for Profit institutions; State, Local or Tribal Government.
*Reporting Burden:*
Responses: 15.
Burden Hours: 360.
*Recordkeeping Burden:*
Recordkeepers: 0.
Burden Hours: 0.
*Abstract:* Congress has mandated reports on the National Assessment of Educational Progress. This grant program will encourage researchers to study these data and expand understanding of the relationship between school and student characteristics and academic achievement. Grant applicants will be universities, educational research organizations and consulting firms.

Office of Educational Research and Improvement

*Type of Review:* NEW.
*Title:* Standards for the Conduct and Evaluation of Activities Carried out by OERI—Evaluation of Applications for Grants, Cooperative Agreements and Proposals for Contracts.
*Frequency:* One Time.
*Affected Public:* Businesses or other for-profit; Not for Profit institutions; State, Local or Tribal Governments.
*Reporting Burden:*
Responses: 3,000.
Burden Hours: 36,000.
*Recordkeeping Burden:*
Recordkeepers: 0.
Burden Hours: 0.
*Abstract:* The Office of Educational Research and Improvement (OERI) was reauthorized by P.L. 103–227. This statute required OERI to establish standards ''for reviewing and evaluating all applications for grants and cooperatives agreements and bids for contracts which exceed $100,000''. The Department will use the information to evaluate and provide recommendations to the Secretary on which applications should be funded.

Office of Bilingual Education and Minority Languages and Affairs

*Type of Review:* NEW.
*Title:* A Descriptive Study of ESEA Title VII Educational Services for Secondary School Limited English Proficiency Students (LEP).
*Frequency:* One Time.
*Affected Public:* State, Local or Tribal Governments.
*Reporting Burden:*
Responses: 100.
Burden Hours: 65.
*Recordkeeping Burden:*
Recordkeepers: 0.
Burden Hours: 0.
*Abstract:* This study consists of a literature review and a survey of a sample of 100 Title VII grantees having 10 or more LEP secondary school students in grades 9–12. The survey will consist of a mail survey and a followup telephone interview to verify, correct or add information available in the grantee applications monitoring reports and evaluation reports. This effort will help in future policy development and demographic knowledge.

[FR Doc. 95–24709 Filed 10–4–95; 8:45 am]

BILLING CODE 4000–01–M

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**[CFDA No.: 84.234]**

## Office of Special Education and Rehabilitative Services Projects With Industry

**ACTION:** Withdrawal of Notice Inviting Applications for New Awards for Fiscal Year 1996.

**SUMMARY:** On August 10, 1995 the Secretary published in the Federal Register (60 FR 40956) a combined application notice (CAN) inviting applications for new awards for fiscal year (FY) 1996 under a number of the Department's direct grant and fellowship programs. Included in the CAN was a notice inviting applications for new awards under the Projects With Industry program. The purpose of this notice is to withdraw the invitation for applications for new awards under the Projects With Industry program. A notice with the revised deadlines inviting applications for new awards for FY 1996 will be published in the Federal Register at a later date.

**FOR FURTHER INFORMATION CONTACT:** Martha Muskie, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3332, Switzer Building, Washington, D.C. 20202–2650. Telephone: (202) 205–3293. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9999.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 29 U.S.C. 795g.