

Brewster-Geisz at (301) 713-2347, fax (301) 713-1917.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The Fishery Management Plan for Atlantic Highly Migratory Species (HMS FMP) is implemented by regulations at 50 CFR part 635.

Stock assessments are periodically conducted to determine stock status relative to current management criteria. Collection of the best available scientific data and conducting stock assessments are critical to determine appropriate management measures for rebuilding stocks. Based on the last LCS stock assessment in 2002, NMFS determined that the LCS complex is overfished and overfishing is occurring. LCS are currently under a 26-year rebuilding plan. Potential changes to existing management measures will be based, in large part, on the results of this 2005/2006 stock assessment.

This assessment will be conducted in a manner similar to the Southeast Data, Assessment, and Review (SEDAR) process. SEDAR is a cooperative process initiated in 2002 to improve the quality and reliability of fishery stock assessments in the South Atlantic, Gulf of Mexico, and U.S. Caribbean. SEDAR emphasizes constituent and stakeholder participation in assessment development, transparency in the assessment process, and a rigorous and independent scientific review of completed stock assessments. SEDAR is organized around three workshops. The first is a Data workshop where datasets are documented, analyzed, reviewed, and compiled for conducting assessment analyses. This workshop was held from October 31 through November 4, 2005, in Panama City, Florida. The second is an Assessment workshop where quantitative population analyses are developed and refined and population parameters are estimated. The third and final is a Review workshop where a panel of independent experts reviews the data and assessment and recommends the most appropriate values of critical population and management quantities. All workshops are open to the public. More information on the SEDAR process can be found at <http://www.sefsc.noaa.gov/sedar/>.

NMFS announces the Assessment workshop, the second of three workshops for the LCS 2005/2006 stock assessment, which will be held from February 6 - February 10, 2006, at the Doubletree Hotel Coconut Grove,

Miami, FL (see **DATES** and **ADDRESSES**). Prospective participants and observers will be contacted with the Assessment workshop details. This workshop is open to the public. Persons interested in participating or observing the Assessment workshop should contact Julie Neer (see **FOR FURTHER INFORMATION CONTACT**). The final workshop, the Review workshop, will be announced at a later date in the **Federal Register**.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Neer at (850) 234-6541 by January 30, 2006.

**Authority:** 16 U.S.C. 971 *et seq.*

Dated: December 16, 2005.

**Emily Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E5-7697 Filed 12-21-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Rules for Patent Maintenance Fees

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before February 21, 2006.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [Susan.Brown@uspto.gov](mailto:Susan.Brown@uspto.gov). Include "0651-0016 comment" in the subject line of the message.
- *Fax:* 571-273-0112, marked to the attention of Susan Brown.
- *Mail:* Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Robert J. Spar, Director, Office of Patent Legal

Administration, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7700; or by e-mail at [Bob.Spar@uspto.gov](mailto:Bob.Spar@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Under 35 U.S.C. 41 and 37 CFR 1.20(e)-(i) and 1.362-1.378, the United States Patent and Trademark Office (USPTO) charges fees for maintaining in force all utility patents based on applications filed on or after December 12, 1980. Payment of these maintenance fees is due at 3½, 7½, and 11½ years after the date the patent was granted. If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of six months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time as set forth in 37 CFR 1.362(g). After a patent expires, it is no longer enforceable. Maintenance fees are not required for design or plant patents, or for reissue patents if the patent being reissued did not require maintenance fees.

Payments of maintenance fees that are submitted during the six-month grace period must include the appropriate surcharge as indicated by 37 CFR 1.20(h). Submissions of maintenance fee payments and surcharges must include the relevant patent number and the corresponding United States application number in order to identify the correct patent and ensure proper crediting of the fee being paid.

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director under 37 CFR 1.377 to accept and record the maintenance fee. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378. The Director may accept the payment of a maintenance fee after the expiration of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unavoidable or unintentional. Petitions to accept unavoidably or unintentionally delayed payment must also be accompanied by the required maintenance fee and appropriate surcharge under 37 CFR 1.20(i). If the Director accepts the maintenance fee

payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(e). This petition must be accompanied by the fee indicated in 37 CFR 1.17(f), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

Customers may submit maintenance fee payments and surcharges incurred during the six-month grace period before patent expiration by using the Maintenance Fee Transmittal Form or by paying online through the USPTO Web site. However, to pay a maintenance fee after patent expiration, the maintenance fee payment and the appropriate surcharge must be filed together with a petition to accept unavoidably or unintentionally delayed payment. These delayed payments and petitions cannot be filed electronically. The USPTO accepts online maintenance fee payments by credit card, electronic funds transfer (EFT), or deposit account through the USPTO Web site. Otherwise, non-electronic payments may be made by check, credit card, or USPTO deposit account.

The rules of practice (37 CFR 1.33(d) and 1.363) permit applicants, patentees, assignees, or their representatives of record to specify a "fee address" for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. A fee address

must be an address that is associated with a USPTO customer number. Customer numbers may be requested by using the Request for Customer Number form (PTO/SB/125), which is covered under OMB Control Number 0651-0035 "Representative and Address Provisions." Maintaining a correct and updated address is necessary so that fee-related correspondence from the USPTO will be properly received by the applicant, patentee, assignee, or authorized representative. If a separate fee address is not specified for a patent or application, the USPTO will direct fee-related correspondence to the correspondence address of record.

The USPTO offers forms to assist the public with providing the information covered by this collection, including the information necessary to submit a patent maintenance fee payment (PTO/SB/45), to file a petition to accept an unavoidably or unintentionally delayed maintenance fee payment (PTO/SB/65 and PTO/SB/66), and to designate or change a fee address (PTO/SB/47). No forms are provided for the petitions under 37 CFR 1.377 and 1.378(e).

## II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO. Maintenance fee payments and surcharges for payments made during the six-month grace period before patent expiration may be submitted electronically.

## III. Data

OMB Number: 0651-0016.

Form Number(s): PTO/SB/45/47/65/66.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

*Estimated Number of Respondents:* 374,706 responses per year.

*Estimated Time Per Response:* The USPTO estimates that it will take the public approximately 20 seconds (0.006 hours) to 8 hours to complete this information, depending on the form or petition. This includes time to gather the necessary information, prepare the form or petition, and submit the completed request.

*Estimated Total Annual Respondent Burden Hours:* 30,362 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$3,369,522 per year. The USPTO expects that the petitions included in this collection will be prepared by attorneys. Using the professional rate of \$286 per hour for associate attorneys in private firms, the USPTO estimates that the respondent cost burden for submitting these petitions will be approximately \$1,269,840 per year. The USPTO expects that the other items in this collection will be prepared by paraprofessionals. Using the paraprofessional rate of \$81 per hour, the USPTO estimates that the respondent cost burden for submitting the other items in this collection will be approximately \$2,099,682 per year, for a total annual respondent cost burden of approximately \$3,369,522.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Maintenance Fee Transmittal Transactions (PTO/SB/45) .....	5 minutes	228,487	18,279
Electronic Maintenance Fee Transactions .....	20 seconds	52,439	315
Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/65) .....	8 hours	250	2,000
Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) (PTO/SB/66) .....	1 hour	1,800	1,800
Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) .....	4 hours	100	400
Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(e)) .....	8 hours	300	240
"Fee Address" Indication Form (PTO/SB/47) .....	5 minutes	91,600	7,328
<b>Total</b>		<b>374,706</b>	<b>30,362</b>

Estimated Total Annual Non-hour Respondent Cost Burden: \$436,485,591. There are no capital start-up costs or maintenance costs associated with this information collection. However, this collection does have annual (non-hour)

costs in the form of recordkeeping costs, postage costs, and filing costs.

The recordkeeping costs for this collection are associated with submitting electronic maintenance fee payments through the USPTO Web site. It is recommended that customers who

pay maintenance fees online print and retain a copy of the updated payment statement that appears on the screen after the transaction has been completed as a receipt and proof of timely payment. The USPTO estimates that it will take 5 seconds (0.001 hours) to

print a copy of the payment statement and that approximately 52,439 maintenance fee payments per year will be submitted online, for a total of 52 hours per year for printing this receipt. Using the paraprofessional rate of \$81 per hour, the USPTO estimates that the recordkeeping cost associated with this collection will be approximately \$4,212 per year.

The public may submit the forms and petitions in this collection to the USPTO by mail through the United States Postal Service. If the submission is sent by first-class mail, the public may also include a signed certification of the date of mailing in order to receive credit for timely filing. The USPTO estimates that the average first-class postage cost for a mailed submission will be 39 cents, and that customers filing a Maintenance Fee Transmittal

Form, a "Fee Address" Indication Form, or any of the petitions included in this collection may choose to mail their submissions to the USPTO. Therefore, the USPTO estimates that up to 322,267 submissions per year may be mailed to the USPTO, for a total postage cost of \$125,684 per year.

This collection also has filing costs in the form of patent maintenance fees, surcharges for late payment of maintenance fees, and petition fees. Under 37 CFR 1.20(e)-(g), the patent maintenance fees due at 3½ years, 7½ years, and 11½ years after the date of grant are \$900, \$2,300, and \$3,800 respectively (\$450, \$1,150, and \$1,900 for small entities). The surcharge under 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the above intervals is \$130 (\$65 for small entities).

The surcharge under 37 CFR 1.20(i) for a petition to accept a maintenance fee after the six-month grace period for these intervals has expired is \$700 where the delayed payment is shown to be unavoidable and \$1,640 where the delayed payment is shown to be unintentional. The filing fee listed in 37 CFR 1.17(g) for a petition to review the refusal to accept the payment of a maintenance fee filed prior to the expiration of a patent is \$200. The filing fee listed in 37 CFR 1.17(f) for a petition for reconsideration of the decision on a petition refusing to accept the delayed payment of a maintenance fee in an expired patent is \$400. The USPTO estimates that the total filing costs associated with this collection will be \$436,355,695 per year as calculated in the accompanying table.

Fee or surcharge	Estimated annual responses	Amount of fee or surcharge	Estimated annual filing costs
Patent maintenance fee at 3½ years .....	104,016	\$900	\$93,614,400
Patent maintenance fee at 3½ years (small entity) .....	34,552	450	15,548,400
Patent maintenance fee at 7½ years .....	62,950	2,300	144,785,000
Patent maintenance fee at 7½ years (small entity) .....	17,061	1,150	19,620,150
Patent maintenance fee at 11½ years .....	37,545	3,800	142,671,000
Patent maintenance fee at 11½ years (small entity) .....	8,118	1,900	15,424,200
Surcharge for paying maintenance fee during the six-month grace period .....	6,909	130	898,170
Surcharge for paying maintenance fee during the six-month grace period (small entity) .....	9,775	65	635,375
Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) .....	250	700	175,000
Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) .....	1,800	1,640	2,952,000
Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) .....	100	200	20,000
Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(e)) .....	30	400	12,000
"Fee Address" Indication Form .....	91,600	0	0
Total .....	374,706	.....	436,355,695

The total non-hour respondent cost burden for this collection in the form of recordkeeping costs, postage costs, and filing costs is estimated to be \$436,485,591 per year.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 16, 2005.

**Susan K. Brown,**

*Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 05-24346 Filed 12-21-05; 8:45 am]

**BILLING CODE 3510-16-P**

#### COMMISSION OF FINE ARTS

##### Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 19 January 2006 at 10 a.m. in the Commission's

offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001-2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: <http://www.cfa.gov>. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.