

for the retransmission to cable subscribers of over-the-air television and radio broadcast signals. See 17 U.S.C. 111(d). These royalties are then distributed to copyright owners whose works were included in a qualifying transmission and who timely filed a claim for royalties. Allocation of the royalties collected occurs in one of two ways. In the first instance, these funds will be distributed through a negotiated settlement among the parties. 17 U.S.C. 111(d)(4)(A). If the claimants do not reach an agreement with respect to the royalties, the Copyright Royalty Judges ("Judges") must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B).

On August 12, 2009, representatives of the Phase I claimant categories (the "Phase I Parties")<sup>1</sup> filed with the Judges a motion requesting a partial distribution of 50% of the 2007 cable royalty funds. Under section 801(b)(3)(C) of the Copyright Act, the Judges must publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any claimant entitled to receive such fees has a reasonable objection to the requested distribution before ruling on the motion. Consequently, by today's Notice, the Judges seek comments from interested claimants on whether any reasonable objection exists that would preclude the distribution of 50% of the 2007 cable royalty funds to the Phase I Parties.

The Judges also seek comment on the existence and extent of any controversies to the 2007 cable royalty funds at Phase I with respect to the 50% of those funds that would remain if the partial distribution is granted. In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that have been retransmitted by cable systems. The categories have traditionally been movies and syndicated television series, sports programming, commercial and noncommercial broadcaster-owned programming, religious programming, music, public radio programming, and Canadian programming. In Phase II of a cable royalty distribution, royalties are distributed to claimants within each of the Phase I categories.

The Judges must be advised of the existence and extent of all Phase I controversies by the end of the comment

period. It will not consider any controversies that come to their attention after the close of that period.

The Motion of the Phase I Claimants for Partial Distribution is posted on the Copyright Royalty Board Web site at <http://www.loc.gov/crb>.

Dated: September 3, 2009.

**James Scott Sledge,**

*Chief U.S. Copyright Royalty Judge.*

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**BILLING CODE 1410-72-P**

## **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**[NOTICE 09-078]**

### **Notice of Intent To Grant Partially Exclusive License**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of intent to grant a partially exclusive license.

**SUMMARY:** This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a worldwide partially exclusive license to practice the inventions described and claimed in NASA Case Numbers LAR-16571-2 entitled "Magnetic Field Response Sensor for Conductive Media," U.S. Patent Application Number 11/421,886; LAR-16571-3 entitled "Magnetic Field Response Sensor for Conductive Media," U.S. Patent Application Number 12/533,520; LAR-16974-1 entitled "Flexible Framework for Capacitive Sensing," U.S. Patent Number 7,047,807 B2; LAR-17116-1 entitled "System and Method for Wirelessly Determining Fluid Volume," U.S. Patent Number 7,506,541 B2; LAR-17155-1 entitled "Wireless Fluid Level Measuring System," U.S. Patent Number 7,255,004 B2; LAR-17294-1 entitled "Wireless Sensing System Using Open-Circuit, Electrically-Conductive Spiral-Trace Sensor," U.S. Patent Application Number 11/671,089; LAR-17480-1 entitled "Method of Calibrating a Fluid-Level Measurement System," U.S. Patent Application Number 11/930,222; LAR-17480-1-PCT entitled "Method of Calibrating a Fluid-Level Measurement System," PCT Patent Application Number PCT/US08/58332; LAR-17488-1 entitled "Wireless Sensing System for Non-Invasive Monitoring of Attributes of Contents in a Container," U.S. Patent Application Number 12/015,626; and LAR-17488-1-PCT entitled "Wireless Sensing System for Non-Invasive Monitoring of Attributes of Contents in a Container,"

PCT Patent Application Number PCT/US08/51258 to Kelvin International Corporation having its principal place of business in Newport News, Virginia. The field of use may be limited to cryogenic liquid product applications including flow, level, and fluid measurement applications. The patent rights have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

**DATES:** The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

**ADDRESSES:** Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 141, Hampton, VA 23681; (757) 864-9260 (phone), (757) 864-9190 (fax).

**FOR FURTHER INFORMATION CONTACT:** Robin W. Edwards, Patent Attorney, Office of Chief Counsel, NASA Langley Research Center, MS 141, Hampton, VA 23681; (757) 864-3230; Fax: (757) 864-9190. Information about other NASA inventions available for licensing can be found online at <http://techtracs.nasa.gov/>.

Dated: September 2, 2009.

**Richard W. Sherman,**

*Deputy General Counsel.*

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**BILLING CODE 7510-13-P**

<sup>1</sup> The "Phase I Parties" are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, the National Association of Broadcasters, the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., SESAC, Inc., Canadian Claimants, National Public Radio, and the Devotional Claimants.