

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG–2009–0842]

RIN 1625–AA00

Safety Zone, Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Navy Pier Southeast Safety Zone in Chicago Harbor from October 2, 2009, through October 31, 2009. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. This rule will establish restrictions upon and control movement of vessels in the specified area immediately prior to, during, and immediately after the fireworks events. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port Lake Michigan.

DATES: The regulations in 33 CFR 165.931 will be enforced during the times listed in the **SUPPLEMENTARY INFORMATION** from October 2, 2009, to October 31, 2009.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail BM1 Adam Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; telephone 414–747–7154, e-mail Adam.D.Kraft@uscg.mil.

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone, Chicago Harbor, Navy Pier Southeast, Chicago, IL, as listed in 33 CFR 165.931, for the following events, dates, and times:

(1) *Navy Pier Friday Fireworks*: on October 2, 2009, from 8:45 p.m. through 9:30 p.m.; on October 9, 2009, from 8:45 p.m. through 9:30 p.m.; on October 16, 2009, from 8:45 p.m. through 9:30 p.m.; on October 23, 2009, from 8:45 p.m. through 9:30 p.m.; on October 30, 2009, from 8:45 p.m. through 9:30 p.m.;

(2) *Navy Pier Saturday Fireworks*: on October 3, 2009, from 8:45 p.m. through 9:30 p.m.; on October 10, 2009, from 8:45 p.m. through 9:30 p.m.; on October 17, 2009, from 8:45 p.m. through 9:30 p.m.; on October 24, 2009, from 8:45 p.m. through 9:30 p.m.; on October 31, 2009, from 8:45 p.m. through 9:30 p.m.

All vessels must obtain permission from the Captain of the Port or a designated representative to enter, move within, or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port or the designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.931 Safety Zone, Chicago Harbor, Navy Pier Southeast, Chicago, IL and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended. If the Captain of the Port determines that the safety zone need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone. The Captain of the Port or the designated representative may be contacted via VHF–FM Channel 16.

Dated: September 29, 2009.

L. Barndt,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. E9–24657 Filed 10–13–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE**Patent and Trademark Office****37 CFR Part 1**

[Docket No.: PTO–P–2009–0049]

RIN 0651–AC36

Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (Office) published a final rule in the **Federal Register** in August of 2007 to revise the rules of practice for patent cases pertaining to continuing applications and requests for continued examination practices, and for the examination of claims in patent applications (Claims and Continuations

Final Rule). The Office is revising the rules of practice in this final rule to remove the changes in the Claims and Continuations Final Rule from the Code of Federal Regulations.

DATES: *Effective Date:* October 14, 2009.

FOR FURTHER INFORMATION CONTACT: Robert W. Bahr, Senior Patent Counsel, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–8800; or by mail addressed to: Mail Stop Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.

SUPPLEMENTARY INFORMATION: The Office published the Claims and Continuations Final Rule in the **Federal Register** in August of 2007, which revised the rules of practice in title 37 of the Code of Federal Regulations for patent cases pertaining to continuing applications and requests for continued examination practices, and for the examination of claims in patent applications. See *Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications*, 72 FR 46716 (Aug. 21, 2007), 1322 *Off. Gaz. Pat. Office* 76 (Sept. 11, 2007). The United States District Court for the Eastern District of Virginia (District Court) issued an injunction, enjoining the Office from implementing the changes in the Claims and Continuations Final Rule. See *Tafas v. Dudas*, 541 F. Supp. 2d 805, 86 U.S.P.Q.2d 1623 (E.D. Va. 2008) (permanent injunction), and *Tafas v. Dudas*, 511 F. Supp. 2d 652, 86 U.S.P.Q.2d 1548 (E.D. Va. 2007) (preliminary injunction). The Office appealed this decision to the United States Court of Appeals for the Federal Circuit (Federal Circuit). The Federal Circuit issued a panel decision holding that all of the changes in the Claims and Continuations Final Rule fall within the Office's rule making authority to govern the conduct of proceedings before the Office, but that the provisions pertaining to continuing applications were inconsistent with 35 U.S.C. 120. See *Tafas v. Doll*, 559 F.3d 1345, 90 U.S.P.Q.2d 1129 (Fed. Cir. 2009). The Federal Circuit *en banc* then issued an order granting a petition for rehearing *en banc* and vacating the panel decision. See *Tafas v. Doll*, 2009 U.S. App. LEXIS 14611, 91 U.S.P.Q. 2d 1153 (Fed. Cir., July 6, 2009).

The changes in the Claims and Continuations Final Rule were added to the Code of Federal Regulations, but have been the subject of litigation since August of 2007 and have never taken effect. See *Clarification of Patent*