

*Off. Gaz. Pat. Office* 44, 47–49 (Jan. 4, 2011).

III. **Important Reminders:** Applicants are reminded that the disclosure of an invention in a provisional application should be as complete as possible because the claimed subject matter in the later-filed nonprovisional application must have support in the provisional application in order for the applicant to obtain the benefit of the filing date of the provisional application.

Furthermore, the nonprovisional application as originally filed must have a complete disclosure that complies with 35 U.S.C. 112(a) and is sufficient to support the claims submitted on filing and any claims submitted later during prosecution. New matter cannot be added to an application after the filing date of the application. See 35 U.S.C. 132(a). In the rulemaking to implement the PLT and title II of the PLTIA, the Office provided that, in order to be accorded a filing date, a nonprovisional application (other than an application for a design patent) must include a specification with or without claims. See *Changes To Implement the Patent Law Treaty*, 78 FR 62367, 62369 (Oct. 21, 2013) (final rule). This change was effective on December 18, 2013, and applies to any application filed under 35 U.S.C. 111 on or after December 18, 2013. Although a claim is not required in a nonprovisional application (other than an application for a design patent) for filing date purposes and the applicant may file an amendment adding additional claims as prescribed by 35 U.S.C. 112 and drawings as prescribed by 35 U.S.C. 113 later during prosecution, the applicant should consider the benefits of submitting a complete set of claims and any necessary drawings on filing of the nonprovisional application. This would reduce the likelihood that any claims and/or drawings added later during prosecution might be found to contain new matter. Also, if a patent is granted and the patentee is successful in litigation against an infringer, provisional rights to a reasonable royalty under 35 U.S.C. 154(d) may be available only if the claims that are published in the patent application publication are substantially identical to the patented claims that are infringed, assuming timely actual notice is provided. Thus, the importance of the claims that are included in the patent application publication should not be overlooked.

Applicants are also advised that the extended missing parts period does not affect the 12-month priority period provided by the Paris Convention for

the Protection of Industrial Property (Paris Convention). Accordingly, any foreign filings must, in most cases, still be made within 12 months of the filing date of the provisional application if the applicant wishes to rely on the provisional application in the foreign-filed application or if protection is desired in a country requiring filing within 12 months of the earliest application for which rights are left outstanding in order to be entitled to priority.

For additional reminders, see *Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application*, 75 FR 76401, 76405 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44, 50 (Jan. 4, 2011).

Dated: December 18, 2015.

**Michelle K. Lee,**

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

[FR Doc. 2015–32469 Filed 12–23–15; 8:45 am]

**BILLING CODE 3510–16–P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Proposed Collection Revision, Comment Request: Final Rule for Records of Commodity Interest and Related Cash or Forward Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (“CFTC” or the “Commission”) is announcing an opportunity for public comment on the proposed revision to the collection of certain information by the Commission. Under the Paperwork Reduction Act (“PRA”), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment. The Commission recently adopted a final rule that amends the Commission Regulation dealing with records of commodity interest and related cash or forward transactions (the “Final Rule”). The Final Rule modifies some of the recordkeeping requirements that apply to certain participants in the markets regulated by the Commission. This notice solicits additional comments on the PRA implications of the amended recordkeeping requirements that are set forth in the Final Rule, including comments that address the burdens associated with the modified

information collection requirements of the Final Rule.

**DATES:** Comments must be submitted on or before February 22, 2016.

**ADDRESSES:** You may submit comments, identified by “OMB Control No. 3038–0090; Records of Commodity Interest and Related Cash or Forward Transactions Collection,” by any of the following methods:

- The Commission’s Web site, via its Comments Online process at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the Web site.

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

- **Federal eRulemaking Portal:** <http://www.regulations.gov/>. Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>.

### FOR FURTHER INFORMATION CONTACT:

Katherine Driscoll, Associate Chief Counsel, (202) 418–5544, [kdriscoll@cftc.gov](mailto:kdriscoll@cftc.gov); August A. Imholtz III, Special Counsel, (202) 418–5140, [aimholtz@cftc.gov](mailto:aimholtz@cftc.gov); or Lauren Bennett, Special Counsel, (202) 418–5290, [lbennett@cftc.gov](mailto:lbennett@cftc.gov), Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:** The Final Rule amends Regulation 1.35(a). The collections of information related to Regulation 1.35(a) have been previously reviewed and approved by OMB in accordance with the PRA<sup>1</sup> and assigned OMB Control Number 3038–0090. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed revision to the collection of information listed below.

**Title:** Adaption of Regulations to Incorporate Swaps—Records of Transactions (OMB Control No. 3038–0090). This is a request for an extension

<sup>1</sup> 44 U.S.C. 3501 *et seq.*

and revision of a currently approved information collection.

*Abstract:* The Commission amended Regulation 1.35(a) to: (1) Exclude members of designated contract markets (“DCMs”) and members of swap execution facilities (“SEFs”) that are not registered or required to register with the Commission (“Unregistered Members”) from the requirement to keep written communications that lead to the execution of a commodity interest transaction and related cash or forward transactions; (2) exclude Unregistered Members from the requirement to maintain records in a particular form and manner; (3) exclude Unregistered Members from the requirement to retain text messages; (4) exclude commodity trading advisors (“CTAs”) from the oral recordkeeping requirement; and (5) provide that all records required to be kept under the regulation must be kept in a form and manner which permits prompt, accurate and reliable location, access, and retrieval of any particular record, data, or information; and clarify that all records, except records of oral and written communications leading to the execution of a transaction in a commodity interest and related cash or forward transactions, must be kept in a form and manner that allows for identification of a particular transaction.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed revision to the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission’s estimate of the burden of the proposed revision to the collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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 submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from

Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in Regulation 145.9.<sup>2</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

*Burden Statement:* In the Notice of Proposed Rulemaking, the Commission’s preliminary estimate stated that no additional recordkeeping or information collection requirements or changes to existing collection requirements would result from the proposed amendments to Regulation 1.35(a).<sup>3</sup> The Commission subsequently determined, however, that the amendments to Regulation 1.35(a) likely will reduce the current information collection burdens on affected market participants under OMB control number 3038–0090.

### 1. Exclusion of Unregistered Members From Requirement To Maintain Records of Pre-Trade Written Communications

Pursuant to the prior version of Regulation 1.35(a), which was published in 2012, Unregistered Members were required to keep written communications that lead to the execution of a commodity interest transaction and related cash or forward transactions.<sup>4</sup> The Final Rule states that Unregistered Members are not required to keep written communications that lead to the execution of a commodity interest transaction and related cash or forward transactions. Therefore, their compliance costs, and the associated information collection burden, with respect to this particular aspect of the rule will be eliminated. The Commission estimates that this change to Regulation 1.35(a) will decrease the information collection burden under the rule by approximately one-half hour per

<sup>2</sup> 17 CFR 145.9.

<sup>3</sup> See Records of Commodity Interest and Related Cash or Forward Transactions, 79 FR 68140, 68144 (Nov. 4, 2014).

<sup>4</sup> See Adaptation of Regulations to Incorporate Swaps—Records of Transactions, 77 FR 75523 (Dec. 21, 2012) (the “2012 Rule”).

week per entity. The Commission estimates based on select market data that there are approximately 3,200 Unregistered Members that will have their recordkeeping obligations reduced as a result of this element of the Final Rule.

### 2. Exclusion of Unregistered Members From Requirement To Maintain Records in a Particular Form and Manner

Pursuant to the prior version of Regulation 1.35(a), which was published in 2012, Unregistered Members were required to comply with the form and manner requirements of the rule.<sup>5</sup> The Final Rule states that Unregistered Members are not required to keep their required records in a prescribed form and manner. Therefore, their compliance costs, and the associated information collection burden, with respect to this particular aspect of the rule will be eliminated. The Commission estimates that this change to Regulation 1.35(a) will decrease the information collection burden under the rule by approximately one-half hour per month per entity. The Commission estimates based on select market data that there are approximately 3,200 Unregistered Members that will have their recordkeeping obligations reduced as a result of this element of the Final Rule.

### 3. Exclusion of Unregistered Members From Requirement To Retain Text Messages

The records that must be kept under Regulation 1.35 include text messages, as well as other forms of electronic records. The Final Rule amends Regulation 1.35(a) to provide that Unregistered Members are not required to maintain records of text messages.<sup>6</sup> The Final Rule defines “text messages” as written communications sent from one telephone number to one or more telephone numbers by short message service (“SMS”) or multimedia messaging service (“MMS”). It can be difficult or cumbersome to transfer SMS and MMS messages to computers, storage devices, or storage media, and to maintain and access the messages on an ongoing basis. Therefore, the Commission believes that eliminating this requirement for Unregistered Members will reduce their recordkeeping burden by eliminating the time required to periodically

<sup>5</sup> *Id.*

<sup>6</sup> Although the 2012 Rule required Unregistered Members to keep text messages, Commission staff granted Unregistered Members no-action relief from this requirement in May 2014 (*see* CFTC Staff Letter No. 14–72).

transfer these messages to computers, storage devices, or storage media, as well as the time required to periodically confirm the transfer and retention of the messages. The Commission estimates that Unregistered Members would spend approximately one-half hour per month preserving and maintaining text messages in the manner described above. The Commission estimates based upon select market data that there are approximately 3,200 Unregistered Members that will have their recordkeeping obligations reduced as a result of this element of the Final Rule.

#### 4. Exclusion of CTAs From Requirement To Record Oral Communications

Pursuant to the Final Rule, CTAs will no longer be required to record oral communications.<sup>7</sup> In the 2012 Rule, the Commission added the requirement that certain types of firms, including CTAs that are members of a DCM or of a SEF, record all oral communications that lead to the execution of a transaction. Under the Final Rule, CTAs that are members of a DCM or of a SEF no longer have to comply with this requirement, and they therefore no longer have to administer a recording program and maintain a recording infrastructure. The Commission estimates that these CTAs would spend approximately one-half hour per week administering a recording program and maintaining recording infrastructure. The Commission estimates that there are approximately 1,175 CTAs that will have their recordkeeping obligations reduced as a result of this element of the Final Rule.<sup>8</sup>

#### 5. Form and Manner Requirements, in General

Pursuant to the Final Rule, all records required to be kept under Regulation 1.35(a) must be kept in a form and manner which permit prompt, accurate and reliable location, access, and retrieval of any particular record, data, or information. In addition, the Final Rule also states that all records, except records of oral and written communications leading to the execution of a transaction in a commodity interest and related cash or forward transactions, must be kept in a form and manner that allows for

<sup>7</sup> Pursuant to CFTC Staff Letter Nos. 14-60, 14-147 and 15-65, Commission staff granted no-action relief to CTAs from the requirement to record oral communications.

<sup>8</sup> As of November 2015, there were approximately 2,350 CTAs registered with the Commission. For the purposes of this analysis, the Commission is conservatively estimating that half of registered CTAs are members of a DCM or of a SEF.

identification of a particular transaction. These new requirements replace the former requirement in the previous version of the rule that required records be “identifiable and searchable by transaction.” The Commission views these revised form and manner requirements as a clarification of the prior requirements. Accordingly, the revised form and manner requirements do not increase or decrease the information collection burden for market participants that are subject to Regulation 1.35(a).

The Commission estimates the burden of this collection of information as follows:

*Respondents/Affected Entities:* Futures Commission Merchants, Retail Foreign Exchange Dealers, Introducing Brokers, and Members of a DCM or of a SEF.

*Estimated number of respondents:* 6,000.

*Estimated total annual burden on respondents:* 319,707 hours.

*Frequency of collection:* Ongoing.

*Authority:* 44 U.S.C. 3501 *et seq.*)

Dated: December 18, 2015.

**Christopher J. Kirkpatrick,**  
*Secretary of the Commission.*

[FR Doc. 2015-32417 Filed 12-23-15; 8:45 am]

**BILLING CODE 6351-01-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2014-OS-0063]

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by January 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** Fred Licari, 571-372-0493.

#### SUPPLEMENTARY INFORMATION:

*Title, Associated Form and OMB Number:* Pentagon Facilities Parking Program; DD Form 1199; OMB Control Number 0704-0395.

*Type of Request:* Reinstatement, with change, of a previous approved collection for which approval has expired.

*Number of Respondents:* 4,200.

*Responses per Respondent:* 1.

*Annual Responses:* 4,200.

*Average Burden per Response:* 5 minutes.

*Annual Burden Hours:* 350.

*Needs and Uses:* The information collection requirement is necessary to administer the Pentagon, Mark Center, and Suffolk Building Vehicle Parking Program where individuals are allocated parking spaces, and to ensure that unless authorized to do so, parking permit applicants do not also receive the DoD National Capital Region Public Transportation fare subsidy benefit.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Requires to obtain or retain benefits.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at [Oira\\_submission@omb.eop.gov](mailto:Oira_submission@omb.eop.gov). Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DoD Clearance Officer:* Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Dated: December 21, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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