

incident. NMFS will work with Seattle DOT to determine whether modifications in the activities are appropriate.

(ii) In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Seattle DOT will report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS Stranding Hotline and/or by email to the NMFS' West Coast Stranding Coordinator within 24 hrs of the discovery. Seattle DOT will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

(c) Acoustic Monitoring Report—Seattle DOT will submit an Acoustic Monitoring Report that will provide details on the monitored piles, method of installation, monitoring equipment, and sound levels documented during monitoring. NMFS will review the acoustic monitoring report and suggest any changes in monitoring as needed.

8. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

9. A copy of this Authorization must be in the possession of each contractor who performs the construction work at the Pier 62 Project.

#### Request for Public Comments

We request comment on our analyses, the draft authorization, and any other aspect of this Notice of Proposed IHA for the proposed pile driving activities for the Seattle Pier 62 Project. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: July 19, 2017.

**Catherine Marzin,**

*Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2017-15522 Filed 7-24-17; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request; "Responses to Office Action and Voluntary Amendment Forms"

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* United States Patent and Trademark Office, Commerce.

*Title:* Responses to Office Action and Voluntary Amendment Form.

*OMB Control Number:* 0651-0050.

*Form Number(s):*

- PTO-1771
- PTO-1822
- PTO-1957
- PTO-1960
- PTO-1966

*Type of Request:* Regular.

*Number of Respondents:* 472,301 respondents per year.

*Average Hours per Response:* The USPTO estimates that it will take the public between 10 minutes (0.16 hours) and 45 minutes (0.75 hours), depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the information required for this collection.

*Burden Hours:* 266,184 hours per year.

*Cost Burden:* \$109,135,440.00.

*Needs and Uses:* The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO's Web site. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Nicholas A. Fraser, email: [Nicolas\\_A\\_Fraser@omb.eop.gov](mailto:Nicolas_A_Fraser@omb.eop.gov).

Once submitted, the request will be publicly available in electronic format through [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0050 copy request" in the subject line of the message.

- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 24, 2017 to Nicholas A. Fraser, OMB Desk Officer, via email to [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

**Marcie Lovett,**

*Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.*

[FR Doc. 2017-15496 Filed 7-24-17; 8:45 am]

BILLING CODE P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Patent Petitions Related to Application and Reexamination Processing Fees

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection.

**DATES:** Written comments must be submitted on or before September 25, 2017.

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

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0059 comment" in the subject line of the message.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email to [raul.tamayo@uspto.gov](mailto:raul.tamayo@uspto.gov) with "0651-

0059 comment” in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under “Information Collection Review.”

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 *et seq.* to examine an application for patent and, when appropriate, issue a patent. The USPTO also is required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code.

Many actions taken by the USPTO during its examination of an application for patent or for reissue of a patent, or during its reexamination of a patent, are subject to review by an appeal to the Patent Trial and Appeal Board. For other USPTO actions, review is in the form of administrative review obtained via submission of a petition to the USPTO. USPTO petitions practice also provides an opportunity for a patent applicant or owner to supply additional information that may be required in order for the USPTO to further process an application or patent.

This collection covers petitions filed in patent applications and reexamination proceedings that, when

submitted to the USPTO, must be accompanied by the fee set forth in 37 CFR 1.17(f), (g), or (h). This collection also covers the transmittals for the petition fees.

**II. Method of Collection**

The items in this collection can be submitted electronically through EFS-Web, the USPTO’s web-based electronic filing system. Items also can be submitted on paper by mail, facsimile, or hand delivery to the USPTO. The petitions to make special under the accelerated examination program only can be filed through EFS-Web.

**III. Data**

*OMB Number:* 0651–0059.

*IC Instruments and Forms:* PTO/SB/17P, PTO/SB/23, PTO/SB/24a, PTO/SB/28 (EFS-Web only), and PTO/SB/140.

*Type of Review:* Revision of a Previously Existing Information Collection.

*Affected Public:* Business or other for profit; non-profit institutions.

*Estimated Number of Respondents:* 40,560 responses per year. The USPTO estimates that 26% will be filed by small entities and 3% by micro entities. 98% of all responses will be filed electronically.

*Estimated Time per Response:* The USPTO estimates that the response time for activities related to these patent petitions will take the public approximately 5 minutes (0.08 hours) to

12 hours to complete, depending on the particular item. (See Table 1.) This includes time to gather the necessary information, create the documents, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same amount of time to prepare the petition and the fee transmittal form, and submit them to the USPTO, regardless of whether the applicant or patent owner submits the material electronically or in paper form.

*Estimated Total Annual Respondent Burden Hours:* 42,195.00 hours.

*Estimated Total Annual Respondent (Hourly) Cost Burden:* \$17,284,617.00

The USPTO expects that attorneys will complete all of the items in this collection, with the exception of the petitions for requests for documents in a form other than that provided by 37 CFR 1.19 and the petitions for express abandonment to avoid publication under 37 CFR 1.138(c), both of which the USPTO expects will be completed by para-professionals. The hourly rates for attorneys and paraprofessionals are \$410 and \$141, respectively. These rates are established by estimates in the 2015 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. Using these hourly rates, the USPTO estimates that the total respondent cost burden for this collection is \$17,284,617.00 per year.

TABLE 1—RESPONDENT HOURLY BURDEN

IC No.	Item	Estimated time for response (hours) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b)/60 = (c)	Rate (\$/hr)
1 .....	Petitions (corresponding to the fee) under 37 CFR 1.17(f) include: Petition to Accord a Filing Date under 1.57(b)(3) or 1.57(a)(3) (pre-PLT). Petition to Accord a Filing Date under 1.53(e)(2). Petition for Decision on a Question Not Specifically Provided For under 1.182. Petition to Suspend the Rules under 1.183.	4.00	50	200.00	410
1 .....	EFS-Web Petitions (corresponding to the fee) under 37 CFR 1.17(f).	4.00	2,750	11,000.00	410
2 .....	Petitions (corresponding to the fee) under 37 CFR 1.17(g): Petition to Access an Assignment Record under 1.12(c). Petition for Access to an Application under 1.14(i). Petition for Expungement of Information under 1.59(b). Petition to Suspend Action in an Application under 1.103(a).	2.00	100	200.00	410
2 .....	EFS-Web Petitions (corresponding to the fee) under 37 CFR 1.17(g).	2.00	5,000	10,000.00	410
3 .....	Petitions (corresponding to the fee) under 37 CFR 1.17(h): Petition for Accepting Color Drawings or Photographs under 1.84(a)(2). Petition for Entry of a Model or Exhibit under 1.91(a).	1.00	250	250.00	410

TABLE 1—RESPONDENT HOURLY BURDEN—Continued

IC No.	Item	Estimated time for response (hours) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b)/60 = (c)	Rate (\$/hr)
3	Petition to Withdraw an Application from Issue under 1.313(a) PTO/SB/140: Petition to Defer Issuance of a Patent under 1.314. EFS-Web Petitions (corresponding to the fee) under 37 CFR 1.17(h).	1.00	11,500	11,500.00	410
4	Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19.	1.00	5	5.00	141
4	EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19.	1.00	50	50.00	141
5	Petitions to Make Special Under Accelerated Examination Program. PTO/SB/28 (EFS-Web Only).	12.00	600	7,200.00	410
6	Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c). PTO/SB/24a.	0.20	10	2.00	141
6	EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c).	0.20	490	98.00	410
7	Petition for Extension of Time Under 37 CFR 1.136(b) ... PTO/SB/23.	0.50	5	2.50	410
7	EFS-Web Petition for Extension of Time Under 37 CFR 1.136(b).	0.50	100	50.00	410
8	Petition Fee under 37 CFR 1.17(f), (g), and (h) Transmittal. PTO/SB/17P.	0.08	400	33.33	410
8	EFS-Web Petition Fee under 37 CFR 1.17(f), (g), and (h) Transmittal.	0.08	19,250	1,604.17	410
Totals			40,560	42,195.00	

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$3,147,594.80. There are no capital start-up, operation, or maintenance costs associated with this information collection. However, the public may incur cost burden in the form of postage and filing fees.

The public may incur postage costs when submitting the items in this collection. Although the USPTO prefers that the items in this collection be submitted electronically, the items may be submitted to the USPTO by mail through the United States Postal

Service. The USPTO expects that approximately 98 percent of the items in this collection will be submitted electronically (except for the petitions to make special under the accelerated examination program, which must be submitted electronically), resulting in 820 mailed submissions (though items that are not electronically filed may alternatively be submitted by mail, facsimile or hand delivery, for the purposes of this estimate, the USPTO is treating all items that are not filed electronically as though they were

mailed). The average cost for a four-ounce large envelope shipped first-class via USPS is \$1.64. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total \$1,344.80.

There are filing fees associated with this collection, which were previously accounted for in collection 0651–0072. That collection has been discontinued, and the relevant fees have been consolidated into to this collection. These fees are listed in the table below.

TABLE 2—FILING FEES

No.	Item	Estimated annual responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (\$) (a) × (b) = (c)
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (large entity).	1,400	\$400	\$560,000.00
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity).	1,150	200	230,000.00
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity).	250	100	25,000.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (large entity).	4,500	200	900,000.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity).	550	100	55,000.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity).	50	50	2,500.00

TABLE 2—FILING FEES—Continued

No.	Item	Estimated annual responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (\$) (a) × (b) = (c)
3 .....	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (large entity).	8,000	140	1,120,000.00
3 .....	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (small entity).	3,500	70	245,000.00
3 .....	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (micro entity).	250	35	8,750.00
Totals ...	.....	19,650	.....	3,146,250.00

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of postage costs and filing fees is \$3,147,594.80 per year.

#### IV. Request for Comments

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.

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.

**Marcie Lovett,**

*Records and Information Governance Division Director, OCTO United States Patent and Trademark Office.*

[FR Doc. 2017-15501 Filed 7-24-17; 8:45 am]

BILLING CODE 3510-16-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Substantive Submissions Made During Prosecution of the Trademark Application

**ACTION:** Revision of an existing collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required

by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection.

**DATES:** Written comments must be submitted on or before September 25, 2017.

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

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0054 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Catherine Cain, Attorney Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-8946; or by email to [Catherine.Cain@uspto.gov](mailto:Catherine.Cain@uspto.gov) with "0651-0054 comment" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their mark with the USPTO.

Such individuals and businesses may also submit various communications to

the USPTO, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications. Applicants may seek a six-month extension of time to file a statement that the mark is in use in commerce or submit a petition to revive an application that abandoned for failure to submit a timely response to an office action or a timely statement of use or extension request. In some circumstances, an applicant may expressly abandon an application by filing a written request for withdrawal of the application.

The rules implementing the Act are set forth in 37 CFR part 2. These rules mandate that each register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. The Federal trademark registration process may thereby reduce the number of filings between both litigating parties and the courts.

##### II. Method of Collection

The forms in this collection are available in electronic format through the Trademark Electronic Application System (TEAS), which may be accessed on the USPTO Web site. TEAS Global Forms are available for the items where a TEAS form with dedicated data fields is not yet available. Applicants may also submit the information in paper form by mail, fax, or hand delivery.