

application<sup>2</sup> may raise the issue in a timely request for reconsideration of the patent term adjustment under 37 CFR 1.705(b). The request for reconsideration must provide any relevant information, including factual support, which is not recorded in the USPTO's PALM system to show that there was no identifiable effort the patentee could have undertaken to conclude prosecution of the underlying application during a portion of the period provided for in 37 CFR 1.704(c)(8) (or any of the periods set forth in 37 CFR 1.704(c)). For example, in a situation analogous to *Supernus*, the request for reconsideration must include the facts concerning how and when each of the documents contained in the information disclosure statement at issue were first cited by the USPTO or a foreign patent authority in a related or counterpart application. See 37 CFR 1.705(b)(2)(iv) (stating that a request for reconsideration must be accompanied by a statement of the facts involved, specifying "[a]ny circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in [37 CFR 1.704]"). The USPTO's decision on any timely filed patentee request for reconsideration will apply the Federal Circuit's decision in *Supernus* in view of the information presented by the patentee.

While the USPTO has adopted *ad hoc* procedures for seeking reconsideration of the patent term adjustment determination in the past when there have been changes to the interpretation of the provisions of 35 U.S.C. 154(b) as a result of court decisions, these *ad hoc* procedures were adopted because former 35 U.S.C. 154(b)(4) provided a time period for seeking judicial review that was not related to the filing of a request for reconsideration of the USPTO's patent term adjustment

<sup>2</sup> An argument presenting a justification for a failure to engage in reasonable efforts to conclude prosecution is distinct from an argument that there is no identifiable effort a patentee could have undertaken to conclude prosecution. 35 U.S.C. 154(b)(3)(C) provides for reinstatement of "all or part of the cumulative period of time of an adjustment under [35 U.S.C. 154(b)(2)(C)(ii)] if the applicant, prior to the issuance of the patent, makes a showing that, in spite of all due care, the applicant was unable to respond within the 3-month period" and is distinct from an argument that there is no identifiable effort a patentee could have undertaken to conclude prosecution. Any request for reinstatement of "all or part of the cumulative period of time of an adjustment under [35 U.S.C. 154(b)(2)(C)(ii)]" on the basis of "a showing that, in spite of all due care, the applicant was unable to respond within the 3-month period" must comply with the requirements of 35 U.S.C. 154(b)(3)(C) and 37 CFR 1.705(c).

determination or the date of the USPTO's decision on any request for reconsideration of the USPTO's patent term adjustment determination. See 79 FR at 27759. As 37 CFR 1.705 now provides that its two-month time period may be extended under the provisions of 37 CFR 1.136(a) (permitting an applicant to request reconsideration of the patent term adjustment indicated on the patent as late as seven months after the date the patent was granted), the USPTO is not adopting an *ad hoc* procedure for requesting a patent term adjustment recalculation specifically directed to the Federal Circuit decision in *Supernus*. *Id.*

**Paperwork Reduction Act:** This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice is covered by OMB control number 0651-0020.

Dated: May 3, 2019.

**Andrei Iancu,**

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

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**BILLING CODE 3510-16-P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

[Docket ID: USAF-2019-HQ-0002]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** 30-Day information collection 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 June 10, 2019.

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

**FOR FURTHER INFORMATION CONTACT:** Angela James, 571-372-7574, or [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Emergency Mass Notification System (EMNS); OMB Control Number 0701-XXXX.

*Type of Request:* New collection.  
*Number of Respondents:* 1,000,000.  
*Responses per Respondent:* 1.  
*Annual Responses:* 1,000,000.  
*Average Burden per Response:* 1 minute.

*Annual Burden Hours:* 16,667.  
*Needs and Uses:* The Emergency Mass Notification System is an Air Force enterprise-wide system that employs commercial software to send notices to the AF population through desktop, mobile application, telephone, text messaging alerts, and Giant Voice systems at Main Operating Bases (MOB). This system provides individuals with near-real time notifications sent directly from the AF/MAJCOM/Installation command posts.

This single AF enterprise solution will provide lifesaving and mission protective measures within the AF. The system shall have the capability of delivering reliable and secure emergency threat notifications to all personnel at all AF locations on a 24 hour/7 day a week basis.

EMNS is designated as a National Security System (NSS). EMNS must be maintained as a high integrity, high availability capability vital to operational readiness. The absence of such a system could result in immediate and sustained loss of mission effectiveness.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Sehra.

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:* Ms. Angela James.

Requests for copies of the information collection proposal should be sent to

Ms. James at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: May 3, 2019.

**Aaron T. Siegel,**

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

[FR Doc. 2019-09505 Filed 5-8-19; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2019-HQ-0006]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Navy, DoD.

**ACTION:** 30-Day information collection 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 June 10, 2019.

**ADDRESSES:** 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, Docket ID number, and title of the information collection.

**FOR FURTHER INFORMATION CONTACT:** Angela James, 571-372-7574, or [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Academic Certification for Marine Corps Officer Candidate Program; NAVMC Form 10469; OMB Control Number 0703-0011.

*Type of Request:* Extension.  
*Number of Respondents:* 3,500.  
*Responses per Respondent:* 1.  
*Annual Responses:* 3,500.  
*Average Burden per Response:* 15 minutes.

*Annual Burden Hours:* 875.  
*Needs and Uses:* The Marine Corps Officer Selection Officer (OSO) will submit the completed original NAVMC Form 10469 with the officer applications for the Platoon Leaders' Class and Officer Candidate Course (OCC) Programs when the candidate has not yet completed the requirements for a degree. This form is to be completed by a school official of the applicant's college or university and verified by the OSO. Use of this form is the only accurate and specific method to

determine an officer-candidate applicant's academic qualifications to serve as a Marine Corps Officer.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

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:* Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: May 3, 2019.

**Aaron T. Siegel,**

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

[FR Doc. 2019-09495 Filed 5-8-19; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2019-HQ-0007]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Navy, DoD.

**ACTION:** 30-Day information collection 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 June 10, 2019.

**ADDRESSES:** 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, Docket ID number, and title of the information collection.

#### FOR FURTHER INFORMATION CONTACT:

Angela James, 571-372-7574, or [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Personal Information Questionnaire; NAVMC 100064; OMB Control Number 0703-0012.

*Type of Request:* Extension.

*Number of Respondents:* 16,700.

*Responses per Respondent:* 1.

*Annual Responses:* 16,700.

*Average Burden per Response:* 15 minutes.

*Annual Burden Hours:* 4,175.

*Needs and Uses:* The Officer Selection Officer (OSO) will forward a Personal Information Questionnaire (PIQ) form to individuals to be named by the applicant for completion and return as character references. The questionnaire establishes a pattern of moral character on individuals applying for the Marine Corps Officer Program.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

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:* Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: May 3, 2019.

**Aaron T. Siegel,**

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

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**BILLING CODE 5001-06-P**