

otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Cierra Bean, Business Operations Analyst, CHIPS Program Office, askchips@chips.gov, (202) 815-2677.

SUPPLEMENTARY INFORMATION:

I. Abstract

The CHIPS Incentives Program is authorized by Title XCIX—Creating Helpful Incentives to Produce Semiconductors for America of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283, referred to as the CHIPS Act or Act), as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117-167). The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the United States Department of Commerce (Department). Applicants must submit a statement of interest (SOI) via a form available at <https://applications.chips.gov/> at least 30 days before submission of a pre-application. The statement of interest enables the Department to gauge interest in the program and plan for pre-application or application review.

Information to be collected includes:

- Name of applicant organization and contact information
- Estimated date of submission of a pre-application
- Basic project information, which will be elicited through multiple-choice questions and specific fields in the statement of interest form, including nature of project and potential scope

II. Method of Collection

Applications must be submitted electronically at <https://applications.chips.gov/>.

The SOI will consist of a series of questions presented to registered users via a web form. Question types will include basic contact information, picklists, cost estimates, and brief project narratives. This method was chosen to reduce applicant burden by eliminating redundant entries to the greatest extent possible and consolidating entries into one online form.

III. Data

OMB Control Number: 0693-0091.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 350.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 175 hours.

Estimated Total Annual Cost to Public: \$8,317.75.

Respondent's Obligation: Mandatory to obtain or retain benefits.

Legal Authority: CHIPS Act of 2022 (Division A of Pub. L. 117-167) (the Act).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

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BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO-C-2023-0009]

Study of the Patent Pro Bono Programs; Notice of Public Listening Sessions and Request for Comments

AGENCY: United States Patent and Trademark Office, U.S. Department of Commerce.

ACTION: Notice of public listening sessions; request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) seeks public comments on areas related to the study of the patent pro bono programs identified in the Unleashing American Innovators Act of 2022. This study builds upon the work the USPTO has conducted for over a decade and has scaled during the Biden Administration, to bring more people in America into the innovation ecosystem to create more jobs, foster economic prosperity, and solve world problems. The USPTO is announcing two public listening sessions on June 5 and 7, 2023, titled “Inventor Listening Session for Patent Pro Bono Programs” and “Patent Practitioner Listening Session for Patent Pro Bono Program,” respectively, to provide further opportunity for the public to provide input on these subject areas.

DATES:

Public Listening Sessions: The public listening session for inventors, entrepreneurs, and small businesses will be held on June 5, 2023 from 5:30 p.m. to 8:30 p.m. ET. The public listening session for legal professionals will be held on June 7, 2023 from 1 p.m. to 4 p.m. ET. The listening sessions will be available for in-person or virtual attendance. Advance registration is required. Persons seeking to attend either session must register by June 2, 2023. Registration information for the June 5, 2023 inventor listening session is available at: <https://www.uspto.gov/about-us/events/inventor-listening-session-patent-pro-bono-programs>. Registration for the June 7, 2023 patent practitioner listening session is available at: <https://www.uspto.gov/about-us/events/patent-practitioner-listening-session-patent-pro-bono-programs>. Seating is limited for in-person attendance.

Written comments: Written comments will be accepted until July 11, 2023.

ADDRESSES: *Public Listening Sessions:* The public listening sessions will take place in person in the Global

Intellectual Property Academy Conference Center Venice Room at the USPTO, 600 Dulany Street, Alexandria, VA 22314. The sessions will also be available via webinar for those wishing to attend remotely. Webinar access information will be provided in advance to those who register for virtual attendance.

Request for Comments: For reasons of government efficiency, comments must be submitted through the Federal eRulemaking Portal at www.regulations.gov. To submit comments via the portal, enter docket number PTO-C-2023-0009 on the homepage and click “search.” The site will provide a search results page listing all documents associated with this docket. Find a reference to this request for comments and click on the “Comment” icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format (PDF) or MICROSOFT WORD® format. Since comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions regarding how to submit comments by mail or by hand delivery.

FOR FURTHER INFORMATION CONTACT: Will Covey, Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline, at 571-272-4097.

SUPPLEMENTARY INFORMATION:

I. Background

On December 29, 2022, President Biden signed the Consolidated Appropriations Act, Public Law 117-328. The Act provided appropriations to federal agencies and established or modified various programs. It included the Unleashing American Innovators Act of 2022 (UAIA or the Act) which, among other things, required that the Director of the USPTO complete a study of the patent pro bono programs, *i.e.*, programs established pursuant to section 32 of the Leahy-Smith America Invents Act.¹ The objective of the study is to assess whether: the programs

sufficiently serve participants, the programs are sufficiently funded, participation requirements deter participation among inventors, inventors are aware of the program, any factors may deter attorney participation, and the program should include non-attorney advocates. The report may address any other issue that the Director of the USPTO deems appropriate in assessing these programs.

According to the USPTO Chief Economist’s report titled “Intellectual Property and the U.S. Economy: Third Edition,” the average weekly earnings in 2019 for those employed in industries that intensively use intellectual property (IP) (*e.g.*, utility patents, design patents, trademarks, and copyrights) are 60% higher than the average weekly earnings for workers in other industries. See <https://www.uspto.gov/ip-policy/economic-research/intellectual-property-and-us-economy>. Workers in IP-intensive industries make \$1,517 per week on average, compared to \$947 for those in non-IP-intensive industries. IP-intensive industries also offer better benefits, including retirement plans, health insurance, and more full-time (as opposed to part-time) employment opportunities, which means greater job stability. In 2019, IP-intensive industries accounted for \$7.8 trillion—or 41%—of total U.S. gross domestic product (GDP).

Our IP-intensive industries directly employ 47.2 million Americans, and indirectly, they employ another 15.5 million. They account for 44% of all the jobs in the United States. In 2019, MIT’s Sloan School of Management observed from a sample that firms with patent and trademark protection were 278 times more likely to experience financial growth than firms that did not. See Christian Catalini et al., *Passive Versus Active Growth, Evidence from Founder Choices and Venture Capital Investment* (2019).

At the USPTO, we are guided by the vision that expanding participation of under-represented groups to achieve equitable representation in patenting can substantially grow our economy, adding an estimated \$1 trillion to GDP.² It is not just about GDP, but more jobs and an increased standard of living for all.

Increased participation in our patent system is essential for job creation, economic prosperity, and for solving world problems. Preparing a patent application and conducting proceedings before the USPTO to obtain a patent require significant knowledge of patent laws, regulations, and USPTO

procedures. As a result, most inventors hire registered patent attorneys or agents to assist them. Under-resourced inventors may not be able to afford such representation. To help address this issue, Congress directed the USPTO to support a nationwide network of independently operated pro bono programs, collectively referred to as the Patent Pro Bono Program. The Patent Pro Bono Program helps under-resourced inventors obtain free legal help to prepare, file, and prosecute patent applications and is available nationwide via 21 regional independent not-for-profit programs, many of which serve multiple states.

When the USPTO meets people where they are with pro bono legal counsel, we see vast improvements in representation. Under the Biden Administration, the USPTO has worked with the 21 regional independent not-for-profit programs and the Pro Bono Advisory Council to expand the USPTO’s support for the Patent Pro Bono Program and to expand the program’s offerings. Although women make up about 13% of U.S. inventors, our data for participation in 2022 shows that 43% of those who participate in our Patent Pro Bono Program and chose to identify their gender, identify as women. 35% identify as African American or Black, 5.7% identify as Asian American or Native Pacific Islander and 1.5% identify as Native American. Nearly 14% of those who chose to identify their ethnicity, identified as Hispanic American. Approximately 8% of patent pro bono participants identified as veterans.

The USPTO encourages and supports pro bono offerings for patent prosecution through the USPTO Law School Clinic Certification Program (LSCCP). During the Biden Administration, participation in the LSCCP reached an all-time high and now includes 62 law schools across the U.S. that provide pro bono patent and/or trademark legal services to qualified under-resourced inventors, entrepreneurs, and small businesses. See <https://www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1?MURL=lawschoolclinic>.

The USPTO offers a Patent Trial and Appeal Board (PTAB) Pro Bono Program. The PTAB Pro Bono Program helps under-resourced inventors obtain free legal assistance to prepare and file appeals before the PTAB and similarly is available nationwide. The PTAB Bar Association operates as a clearinghouse for the PTAB Pro Bono Program. The USPTO and PTAB Bar Association have plans to extend the PTAB Pro Bono

¹ See Public Law 112-29, 125 Stat 284 (2011).

² See https://www.brookings.edu/wp-content/uploads/2020/08/Cook_PP_LO_8.13.pdf.

Program to include AIA appeals in 2023.

The USPTO currently collects data from participating law school clinics on a semi-annual basis. See 37 CFR 11.17(b). Therefore, the scope of this Request for Comment focuses exclusively on the Patent Pro Bono Program and the PTAB Pro Bono Program and will complement the existing data collection for the LSCCP.

II. Program Participation Requirements

For the Patent Pro Bono Program, the regional pro bono programs match volunteer patent attorneys and agents with financially under-resourced inventors and small businesses for the purpose of securing patent protection. Each regional program sets different requirements for participation. The participation requirements address income level, knowledge of the U.S. patent system, and that the inventor possess an invention. Most regional programs require that an applicant's gross household income be less than three times the federal poverty level guidelines. Applicants should demonstrate knowledge of the patent system through filing of a provisional patent application or completing a training course. The applicant must be able to describe the features of the invention and how it works. For a list of the participation requirements for the Patent Pro Bono Program, see www.uspto.gov/patentprobono.

The PTAB Pro Bono Program operates through a national clearinghouse, administered by the PTAB Bar Association, which matches volunteer patent attorneys and agents with financially under-resourced inventors for the purpose of preparing appeals. Participation requires an applicant to have a gross household income less than three times the federal poverty level guidelines, knowledge of the appeal process through completion of two training videos, and a distinct issue for appeal. The national clearinghouse sets a one-month timing requirement for applicants to apply to the program to ensure enough time to file the appeal and to avoid USPTO extension of time fees. For a list of the participation requirements for the PTAB Pro Bono Program, see www.uspto.gov/ptabprobono.

III. Purpose and Scope of the Listening Sessions and Request for Comments

Following the congressional mandate set forth in the UAIA, the USPTO is currently performing a study to assess the functioning of the Patent Pro Bono Program. The agency desires feedback from stakeholders so that it may, as

appropriate, evaluate the programs and make recommendations to Congress regarding possible administrative and legislative action. We are seeking feedback from a broad group of stakeholders, including, but not limited to, inventors, small businesses, entrepreneurs, patent attorneys, patent agents, law firms, non-profit organizations, academic institutions, public interest groups, and the general public.

The USPTO is holding two listening sessions on June 5 and 7, 2023, and requesting public comments on several questions posed in this section. The USPTO will use a portion of the listening sessions to provide an overview of the programs. An agenda will be available a month before each listening session on the USPTO website. The agenda for the inventor listening session is available at: <https://www.uspto.gov/about-us/events/inventor-listening-session-patent-pro-bono-programs>. The agenda for the patent practitioner listening session is available at: <https://www.uspto.gov/about-us/events/patent-practitioner-listening-session-patent-pro-bono-programs>. Both web addresses are the same addresses for registration.

The USPTO poses the following questions for public comment. These questions are not meant to be exhaustive. We encourage interested stakeholders to address these and/or other related issues and to submit research and data that inform their comments on these topics. Commenters are welcome to respond to any of the questions and are encouraged to indicate which questions their comments address. Reference to the "patent pro bono programs" in these questions covers the 21 regional programs participating in the Patent Pro Bono Program. Commenters may also provide general feedback regarding the PTAB Pro Bono Program for the same questions set forth below. Commenters providing feedback regarding the PTAB Pro Bono Program should specify that their response pertains to the PTAB Pro Bono Program.

1. What is your experience with the patent pro bono programs, *e.g.*, as an administrator, volunteer attorney, participant, or other status?

2. Are the patent pro bono programs sufficiently serving *existing* participants?

3. If the patent pro bono programs are not sufficiently serving *existing* participants, what barriers currently exist that prevent the programs from sufficiently serving *these* participants? What opportunities exist for the patent

pro bono programs to better serve *these* participants?

4. Are there additional services that existing participants would like to see the patent pro bono programs provide?

5. Are the patent pro bono programs sufficiently serving *prospective* participants?

6. If the patent pro bono programs are not sufficient to serve *prospective* participants, what barriers may exist that prevent the programs from sufficiently serving *these* participants? What opportunities exist for the patent pro bono programs to better serve *these* participants?

7. Are the patent pro bono programs sufficiently funded to serve prospective and existing participants? If not, how much additional funding would be appropriate to serve prospective and existing participants and how would that funding be utilized?

8. Are any of the current participation requirements for the patent pro bono programs a deterrent for prospective participants? How can or should the participation requirements be changed to better serve these participants?

9. Are prospective participants aware of the patent pro bono programs? What more can be done to improve awareness of the pro bono programs for these participants?

10. Would the removal of any of the current participation requirements for the patent pro bono programs be a deterrent for attorneys or agents to volunteer to participate in the programs?

11. Are there any participation requirements that attorneys would like to see changed or added to facilitate their representation of participants?

12. What factors deter attorneys from volunteering to participate in patent pro bono programs?

13. What barriers exist to greater participation of attorneys in the patent pro bono programs?

14. What factors encourage attorneys to volunteer to participate in patent pro bono programs?

15. What services, beyond patent application drafting and prosecution, do pro bono program attorneys provide to patent pro bono program participants?

16. Would the patent pro bono programs be improved by expanding them to include non-attorneys, including patent agents and patent paralegals?

17. Have the patent pro bono programs made existing and prospective participants more informed about the U.S. patent system, and if so, how?

18. One of the goals of the program is to provide support to innovators, particularly underrepresented

innovators. For patent pro bono program administrators, what are some of the effective steps or best practices that have enabled you to reach populations previously underserved by the patent system?

19. For patent pro bono program administrators, what steps do you recommend that the USPTO take to dramatically increase patent pro bono representation within your region?

Katherine K. Vidal,

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

[FR Doc. 2023-07699 Filed 4-11-23; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of Department of Defense Federal Advisory Committees—Armed Forces Retirement Home Advisory Council

AGENCY: Department of Defense (DoD).

ACTION: Establishment of Federal advisory committee.

SUMMARY: The DoD gives notice that it is establishing the Armed Forces Retirement Home Advisory Council (AFRHAC) as a non-discretionary Federal advisory committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, DoD Advisory Committee Management Officer, 703-697-1411.

SUPPLEMENTARY INFORMATION: The DoD gives notice that it is establishing the AFRHAC as a non-discretionary Federal advisory committee in accordance with chapter 10 of title 5 United States Code (U.S.C.) (formerly the Federal Advisory Committee Act (FACA) (5 U.S.C., App.)). The AFRHAC, required by 24 U.S.C. 416, provides guidance and recommendations on the administration of the Armed Forces Retirement Home (AFRH) and the quality of care provided to residents of the AFRH. Pursuant to 24 U.S.C. 411(b), the purpose of the AFRH is to provide, through the AFRH-Washington [Washington, DC] and AFRH-Gulfport [Gulfport, Mississippi], residences and related services for certain retired and former members of the Armed Forces.

In carrying out its objectives and activities, the AFRHAC provides to the Secretary of Defense, the AFRH Chief Operating Officer, and the Administrator of each facility such guidance and recommendations on the administration of the facility and the quality of care provided to residents as

the AFRHAC considers appropriate. In carrying out its functions, the AFRHAC provides for participation in its activities by a representative of the Resident Advisory Committee of each facility of the AFRH; and may make recommendations to the DoD Inspector General regarding issues that the Inspector General should investigate. Not less often than annually, the AFRHAC shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the AFRH as the AFRHAC considers appropriate.

In reviewing the mission/scope of the AFRHAC, the Secretary of Defense directed that the AFRHAC membership should include appropriate individuals from both the private and public sectors to promote diversity of background, experience, and thought in support of the AFRHAC mission. Based upon the Secretary's decision, the AFRHAC will be established in accordance with chapter 10 of title 5 U.S.C. and 41 Code of Federal Regulations (CFR) 102-3.50(a). The charter and contact information for the AFRHAC's Designated Federal Officer (DFO) can be found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

Pursuant to 24 U.S.C. 416(c), the AFRHAC shall be composed of at least 15 members. Members of the AFRHAC shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense ("the DoD Appointing Authority"), or in the case of employees of other Federal departments or agencies, appointed in consultation with the DoD Appointing Authority by their respective departments and agencies. Membership shall consist of (1) one member who is an expert in nursing home or retirement home administration and financing; (2) one member who is an expert in gerontology; (3) one member who is an expert in financial management; (4) two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the AFRH; (5) the chairpersons of the AFRH Resident Advisory Committees; (6) one enlisted representative of the Services' Retiree Advisory Council; (7) the senior noncommissioned officer of one of the Armed Forces; (8) two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the AFRH; (9) one senior judge advocate from one the Armed Forces; (10) one

senior representative of one of the chief personnel officers of the Armed Forces; (11) such other members as the Secretary of Defense may designate; and (12) the Administrator of each facility of the AFRH, who shall be a nonvoting member of the AFRHAC.

In accordance with 24 U.S.C. 416(d)(1) and DoD policy, members shall serve a two-year term of service, with annual renewal, and the DoD Appointing Authority may designate a member to serve one additional term of service. Pursuant to 24 U.S.C. 416(e), a vacancy in the AFRHAC shall be filled in the manner in which the original designation was made. An AFRHAC member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor.

Pursuant to 24 U.S.C. 416(d)(2) through (4), a member of the AFRHAC member, unless earlier terminated by the DoD Appointing Authority, may continue to serve as a member of the AFRHAC after the expiration of the member's term until a successor is designated; the DoD Appointing Authority may terminate the term of service of a member of the AFRHAC before the expiration of the member's term; and a member of the AFRHAC serves as a member of the AFRHAC only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the AFRHAC.

The DoD Appointing Authority shall appoint the AFRHAC's Chair from among the membership previously approved, in accordance with DoD policy and procedures, for a term of service of one-to-two years, with annual renewal, which shall not exceed the member's approved AFRHAC appointment. Pursuant to 24 U.S.C. 416(c)(5), the AFRHAC's Chair shall conduct the meetings of the AFRHAC.

AFRHAC members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, are appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. AFRHAC members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, are designated pursuant to 41 CFR 102-3.130(a) to serve as regular government employee members.

All AFRHAC members are appointed to exercise their own best judgment without representing any particular point of view and in a manner that is