

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.

[FR Doc. 2024-03943 Filed 2-26-24; 8:45 a.m.]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD738]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public hybrid meeting of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, March 12, 2024, at 9 a.m.

ADDRESSES:

Meeting address: This meeting will be held at the Hilton Garden Inn, 100 High Street, Portsmouth, NH 03801; telephone: (603) 431-1499.

Webinar registration URL information:

https://zoom.us/webinar/register/WN_W_gl369EQKmGn7iFlqQLXQ.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Risk Policy Working Group (RPWG) will address the terms of reference (TORs) approved by the New England Fishery Management Council (Council), including progress made in reviewing the Council's current Risk Policy, and Risk Policy Road Map (TOR 1). They will also continue the development of a revised risk policy (TOR 2). The RPWG will outline a possible new approach and consider the

process of implementing the risk policy with ABC control rules and other management decisions.

Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 21, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-03888 Filed 2-26-24; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-P-2023-0053]

Updated Guidance for Making a Proper Determination of Obviousness

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

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is publishing this updated guidance to provide a review of the flexible approach to determining obviousness that is required by *KSR Int'l Co. v. Teleflex Inc.* (*KSR*). The focus of this document is on post-*KSR* precedential cases of the United States Court of Appeals for the Federal Circuit (Federal Circuit), to provide further clarification for decision-makers on how the Supreme Court's directives should be applied. While highlighting the requirement for a flexible approach to

the obviousness determination, this updated guidance also emphasizes the need for a reasoned explanation when reaching a conclusion that a claimed invention would have been obvious. This updated guidance, together with the direction provided in the Manual of Patent Examining Procedure (MPEP), serves as operable guidance for USPTO personnel when applying the law of obviousness.

DATES: This guidance is effective on February 27, 2024.

FOR FURTHER INFORMATION CONTACT:

Kathleen Kahler Fonda, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at Kathleen.Fonda@uspto.gov or 571-272-7754; or Steven J. Fulk, Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at Steven.Fulk@uspto.gov or 571-270-0072.

SUPPLEMENTARY INFORMATION: More than 15 years have passed since the Supreme Court's unanimous decision regarding the obviousness of a claimed invention under 35 U.S.C. 103 rendered in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 127 S. Ct. 1727 (2007). Since then, the Federal Circuit has helped to refine the contours of the obviousness inquiry. This updated guidance serves as a reminder for USPTO personnel of the flexible approach to obviousness that is required under *KSR* and Federal Circuit precedent.

This guidance does not constitute substantive rulemaking and hence does not have the force and effect of law. It has been developed as a matter of internal Office management and is not intended to create any right or benefit, substantive or procedural, enforceable by any party against the Office. Rejections will continue to be based on the substantive law, and it is these rejections that are appealable. Consequently, any failure by Office personnel to follow this guidance is neither appealable nor petitionable.

The Office does not intend to announce any new Office practice or procedure by way of this updated guidance. This guidance is based on the Office's current understanding of the law and is believed to comport with the binding precedent of the Supreme Court and the Federal Circuit. Furthermore, it is meant to be consistent with the Office's present examination policy. However, if any earlier guidance from the Office, including any section of the current MPEP (9th Edition, Rev. 07.2022, February 2023), is inconsistent with the updated guidance set forth in this notice, Office personnel are to