

Patent and Trademark Office, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; Office of the Chief Information Officer, United States Patent and Trademark Office, Madison West Building, 600 Dulany Street, Alexandria, VA 22314.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Registered patent attorneys and agents and other members of the public who maintain deposit accounts or make electronic funds transfer (EFT) payments to pay the cost of products and services rendered by the United States Patent and Trademark Office (USPTO).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

For deposit accounts: Name, address, telephone number, fax number, contact e-mail address, taxpayer ID number, Agency Location Code (ALC), deposit account number, type of account, authorized users list, access code, and financial transactions with the USPTO. For EFT: Bank account holder's name, address, bank name, bank routing number, bank account number and type of account, contact phone number, and contact e-mail address.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

35 U.S.C. 2 and 41 and 15 U.S.C. 1113.

**PURPOSE(S):**

The USPTO collects customer financial information for fee processing. Under 35 U.S.C. 41 and 15 U.S.C. 1113, as implemented in 37 CFR 1.16–1.28, 2.6–2.7, and 2.206–2.209, the USPTO charges fees for processing and other services related to patents, trademarks, and information products. This system of records contains the information necessary to allow customers to establish deposit accounts at the USPTO, maintain existing accounts, or charge the appropriate fee amount to the appropriate deposit account. This system of records also allows customers to establish and maintain a user profile in order to make fee payments from their bank accounts by EFT.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

See Prefatory Statement of General Routine Uses Nos. 1–5, 9–10 and 13, as found at 46 FR 63501–63502 (December 31, 1981). The financial information is used to establish and maintain deposit accounts and EFT user profiles for USPTO customers and to validate and process fee sales. Account information may also be disclosed to financial institutions for verification and

processing of transactions. For EFT payments, the contact phone number and e-mail address are used in order to communicate with the customer in case there are any problems with the EFT information or the EFT fee sale. After a sale is completed, the information is stored as a historical transaction along with the identifying mark of the sale item. This historical information is used to verify that a customer has paid the appropriate fees for their goods or services.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Not applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Microfilm and magnetic storage media.

**RETRIEVABILITY:**

Deposit account records may be retrieved by: Deposit account number, holder name, and access code. EFT records may be retrieved by: Bank routing number and bank account number. The files are searchable in a database available only to authorized staff.

**SAFEGUARDS:**

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all appropriate system safeguards (hardware and software) are utilized. Financial information is collected using appropriate encryption technology and records are stored on a secure server. Access to electronic records is limited to key personnel and is restricted to the specific functions required by their duties. System operators and administrators are trained to keep financial information secure.

**RETENTION AND DISPOSAL:**

Records retention and disposal is in accordance with the series record schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Finance, United States Patent and Trademark Office, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

**NOTIFICATION PROCEDURE:**

Information may be obtained from the Privacy Officer, Office of General Law, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA

22313–1450. Requesters should provide name, account information, and record sought, pursuant to the inquiry provisions appearing in 37 CFR Part 102 Subpart B.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to the same address as stated in the notification section above.

**CONTESTING RECORD PROCEDURES:**

The rules for access, contesting contents, and appealing initial determinations by the individual concerned appear in 37 CFR Part 102 Subpart B. Requests from individuals should be addressed to the same address as stated in the notification section above.

**RECORD SOURCE CATEGORIES:**

Subject individuals and those authorized by the individual to furnish information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: June 29, 2006.

**Susan K. Brown,**

*Records Officer, USPTO, Office of the Chief Information Officer, Architecture, Engineering and Technical Services, Data Architecture and Services Division.*

[FR Doc. E6–10526 Filed 7–5–06; 8:45 am]

**BILLING CODE 3510–16–P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

[Docket No.: PTO–P–2006–0034]

**Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations**

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

**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) uses the Small Business Administration (SBA) size standard for the purpose of paying reduced patent fees as its size standard when conducting an analysis or making a certification under the Regulatory Flexibility Act for patent-related regulations. The Small Business Administration Office of Advocacy (SBA-Advocacy) has questioned whether this is the appropriate size standard for conducting an analysis or making a certification under the Regulatory Flexibility Act. Pursuant to the Regulatory Flexibility Act, the USPTO is providing this opportunity for public comment on the establishment of

the SBA's definition of "small business concern" for the purpose of paying reduced patent fees as the definition of "small business concern" for Regulatory Flexibility Act purposes for patent-related regulations.

**Comment Deadline Date:** To be ensured of consideration, written comments must be received on or before August 7, 2006. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message over the Internet addressed to [rfa-patents.comments@uspto.gov](mailto:rfa-patents.comments@uspto.gov). Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, or by facsimile to (571) 273-7735, marked to the attention of Christina T. Donnell. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet.

Comments may also be sent by electronic mail message over the Internet via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (<http://www.regulations.gov>) for additional instructions on providing comments via the Federal eRulemaking Portal.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the Office Internet Web site (address: <http://www.uspto.gov>). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Christina T. Donnell, Senior Petition Attorney, Office of Petitions, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-3211, by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, or by facsimile to (571) 273-7735, marked to the attention of Christina T. Donnell.

**SUPPLEMENTARY INFORMATION:** The patent statute provides that "fees charged under [35 U.S.C. 41](a), (b) and (d)(1) shall be reduced by 50 percent with respect to their application to any small business concern as defined under section 3 of the Small Business Act, and to any independent inventor or nonprofit organization as defined in regulations issued by the Director." 35 U.S.C. 41(h)(1). The SBA defines a small

business concern for the purpose of paying reduced patent fees as one: "(a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) Which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this section." 13 CFR 121.802.

The USPTO uses the SBA size standard for the purpose of paying reduced patent fees in 13 CFR 121.802 as the size standard when conducting an analysis or making a certification under the Regulatory Flexibility Act for patent-related regulations. See e.g., *Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan*, 69 FR 56481, 56530 (Sept 21, 2004) (discussion indicating that small entities for purposes of Regulatory Flexibility Act are considered a subset of the small entities for purposes of paying reduced patent fees). The SBA-Advocacy, however, has questioned whether the USPTO's size standard is under-inclusive because it excludes "any business concern that has assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under [13 CFR 121.802]." 13 CFR 121.802(b).

The size standard set forth in 13 CFR 121.802 is the size standard "for the purpose of paying reduced patent fees" and thus appears to be limited to payment of patent fees. See 13 CFR 121.801. The SBA small business size standards are set forth in 13 CFR 121.201. The USPTO uses the SBA size standard for the purpose of paying reduced patent fees as its size standard when conducting an analysis or making a certification under the Regulatory Flexibility Act because the USPTO has no business need (other than to conduct an analysis or make a certification under the Regulatory Flexibility Act) to collect information from patentees and patent applicants concerning whether they are a small business concern using the size standards set forth in 13 CFR 121.201, and thus, the USPTO does not collect this information. The USPTO is proposing to use the size standard set forth in 13 CFR 121.802 as its size standard when conducting an analysis or making a certification under the Regulatory Flexibility Act to avoid the

need to collect information from patentees and patent applicants concerning whether they are a small business concern using the size standards set forth in 13 CFR 121.201.

The Regulatory Flexibility Act permits an agency head to establish, for purposes of Regulatory Flexibility Act analysis and certification, one or more definitions of "small business concern" that are appropriate to the activities of the agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment. See 5 U.S.C. 601(3) and 13 CFR 121.903(c). Therefore, the USPTO is publishing for comment a definition of small business concern for purposes of the USPTO conducting an analysis or making a certification under the Regulatory Flexibility Act for patent-related regulations. Specifically, the USPTO's definition of small business concern for Regulatory Flexibility Act purposes is a business or other concern that: (1) Meets the SBA's definition of a "business concern or concern" set forth in 13 CFR 121.105; and (2) meets the size standards set forth in 13 CFR 121.802 for the purpose of paying reduced patent fees, namely an entity: (a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this definition.

Dated: June 28, 2006.

**Jon W. Dudas,**

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

[FR Doc. E6-10564 Filed 7-5-06; 8:45 am]

**BILLING CODE 3510-16-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board; Meetings

**AGENCY:** Department of Defense.

**ACTION:** Notice of Advisory Committee Meetings.

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**SUMMARY:** The Defense Science Board Task Force on Technology Vectors will meet in closed session on *July 11 and 12, 2006*; at Strategic Analysis, Inc. (SAI), 3601 Wilson Boulevard, Suite 500, Arlington, VA. This meeting will continue to map the study's direction