

\$375 per class for filing by a paper application;

\$325 per class for filing electronically using TEAS;

\$275 per class for filing electronically using TEAS Plus (additional requirements apply, including authorizing email communication from the USPTO, agreeing to file all subsequent documents electronically, and selecting goods/services from a pre-approved entry in the U.S. Acceptable Identification of Goods and Services Manual).

Given the objective to increase end-to-end electronic processing of trademark applications, the significantly higher cost of processing paper applications, and the ability of the USPTO to offer some fee reductions, what fee amounts would you consider reasonable for the three existing methods of filing?

2. How much of a discount do you consider appropriate for the proposed TEAS application fee discount if the applicant authorizes email communication and agrees to file all responses and other documents electronically during the prosecution of the application?

3. If you generally file trademark applications using TEAS, but not TEAS Plus, how much of a proposed discount would motivate you to authorize email communication and agree to file all responses and other documents electronically during the prosecution of a trademark application?

4. If the TEAS Plus fee were reduced and remained the lowest fee, and the discount TEAS option were also offered, what would be the impact on the TEAS Plus filing level—i.e. would you be more likely to choose TEAS Plus as the lowest fee, or to select the discount TEAS option with its less burdensome requirements?

5. The cost of processing paper filed applications is substantially higher than electronically filed applications. If you generally file paper trademark applications, would you continue to do so even if the paper application fee were to increase, and why?

6. What advantages and disadvantages do you see in a fee structure that includes the TEAS application fee discount and a significantly higher fee for paper-filed applications?

While the USPTO welcomes and values all comments from the public in response to this notice, these comments do not bind the USPTO to any further actions related to the comments.

Persons submitting written comments should note that the USPTO will not provide “comment and response” analysis, since notice and opportunity for public comment are not required for

this notice under 5 U.S.C. 553(b) or any other law.

Once the USPTO receives comments, the USPTO will decide whether to propose a change in the fees. If the USPTO decides to propose a fee change, the Office will provide an opportunity for public comment in a Notice of Proposed Rulemaking. The USPTO would intend to use the procedures set forth in Section 10 of the Leahy-Smith America Invents Act (“AIA”) for these possible fee changes. Leahy-Smith America Invents Act, Public Law 112–29, § 10, 125 Stat. 284, 316–17 (2011). Those Section 10 procedures include: providing any proposed fee to the Trademark Public Advisory Committee (“TPAC”) prior to issuing a Notice of Proposed Rulemaking; providing at least 30 days for TPAC to deliberate, consider, and comment on such proposal; holding a public hearing relating to such proposal; and making available a written report from TPAC setting forth their comments, advice, and recommendations, which the USPTO shall consider before setting or adjusting fees. See AIA § 10(d).

Dated: August 10, 2012.

**David J. Kappos,**

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

[FR Doc. 2012–20127 Filed 8–15–12; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO–P–2012–0033]

#### Notice of Roundtable on the Implementation of the First Inventor to File Provisions of the Leahy-Smith America Invents Act

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) published a notice of proposed rulemaking and a notice of proposed examination guidelines to implement the first-inventor-to-file provisions of the Leahy-Smith America Invents Act (AIA). The USPTO plans to conduct a roundtable to obtain public input from organizations and individuals on issues relating to the USPTO’s proposed implementation of the first-inventor-to-file provisions of the AIA. The USPTO plans to invite a number of roundtable participants from among patent user groups, practitioners, industry, independent inventor

organizations, academia, and government. The roundtable also is open for any member of the public to provide input.

**DATES:** The roundtable will be held on Thursday, September 6, 2012, beginning at 1:30 p.m. Eastern Daylight Time (EDT), and ending at 4:30 p.m. EDT.

The deadline for receipt of written comments in response to the notice of proposed rulemaking and notice of proposed examination guidelines to implement the first-inventor-to-file provisions of the AIA is October 5, 2012.

**ADDRESSES:** The roundtable will be held at the USPTO in the Madison Auditorium on the concourse level of the Madison Building, which is located at 600 Dulany Street, Alexandria, Virginia 22314.

Comments on the notice of proposed rulemaking should be sent by electronic mail message over the Internet addressed to: [fitf\\_rules@uspto.gov](mailto:fitf_rules@uspto.gov). Comments may also be submitted by postal mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Susy Tsang-Foster, Legal Advisor, Office of Patent Legal Administration.

Comments on the proposed examination guidelines should be sent by electronic mail message over the Internet addressed to:

[fitf\\_guidance@uspto.gov](mailto:fitf_guidance@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, marked to the attention of Mary C. Till, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy.

Comments on the notice of proposed rulemaking and the proposed examination guidelines 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.

Although comments may be submitted by postal mail, the Office prefers to receive comments by electronic mail message over the Internet because sharing comments with the public is more easily accomplished. Electronic comments are preferred to be submitted in plain text, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. Comments not submitted electronically should be

submitted on paper in a format that facilitates convenient digital scanning into ADOBE® portable document format.

The comments will be available for public inspection at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Comments also will be available for viewing via the Office's Internet Web site (<http://www.uspto.gov>). Because 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.

**FOR FURTHER INFORMATION CONTACT:**

Janet Gongola, Patent Reform Coordinator, by telephone at (571) 272-8734, or by electronic mail message at [janet.gongola@uspto.gov](mailto:janet.gongola@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The AIA was enacted into law on September 16, 2011. Public Law 112-29, 125 Stat. 284 (2011). Section 3 of the AIA amends the patent laws to: (1) Convert the United States patent system from a "first to invent" system to a "first inventor to file" system; (2) eliminate the requirement that a prior public use or sale activity be "in this country" to be a prior art activity; (3) treat U.S. patents and U.S. patent application publications as prior art as of their earliest effective filing date, regardless of whether the earliest effective filing date is based upon an application filed in the U.S. or in another country; and (4) treat commonly owned patents and patent application publications, or those resulting from a joint research agreement, as being by the same inventive entity for purposes of 35 U.S.C. 102 and 103. The changes in section 3 of the AIA take effect on March 16, 2013.

The USPTO published a notice of proposed rulemaking and notice of proposed examination guidelines on July 26, 2012, to implement the first-inventor-to-file provisions of the AIA. See *Changes to Implement the First Inventor to File Provisions of the Leahy-Smith America Invents Act*, 77 FR 43742 (July 26, 2012), and *Examination Guidelines for Implementing the First-Inventor-to-File Provisions of the Leahy-Smith America Invents Act*, 77 FR 43759 (July 26, 2012). The notice of proposed rulemaking proposes changes to the rules of practice in title 37 of the Code of Federal Regulations (CFR) for consistency with, and to address the examination issues raised by, the changes in section 3 of the AIA. The proposed examination guidelines set out

the Office's interpretation of 35 U.S.C. 102 and 103 as amended by the AIA, and advise the public and the Patent Examining Corps on how the changes to 35 U.S.C. 102 and 103 in the AIA impact the provisions of the *Manual of Patent Examining Procedure* (MPEP) pertaining to 35 U.S.C. 102 and 103.

As a part of the implementation of the AIA, the USPTO is conducting a roundtable at the USPTO to obtain public input from organizations and individuals on issues relating to the USPTO's implementation of the first-inventor-to-file provisions of the AIA. The USPTO plans to invite participants from patent user groups, practitioners, industry, independent inventor organizations, academia, and government to provide input. The roundtable likewise is open to any member of the public to provide input. The USPTO will provide an agenda prior to the roundtable in order to focus the discussion and enhance the efficiency of the proceedings. The agenda will be posted on the USPTO's Internet Web site at [www.uspto.gov/AmericaInventsAct](http://www.uspto.gov/AmericaInventsAct). The USPTO plans to make the roundtable available via Web cast. Web cast information will be available before the roundtable on the USPTO's Internet Web site at [www.uspto.gov/AmericaInventsAct](http://www.uspto.gov/AmericaInventsAct).

Dated: August 3, 2012.

**David J. Kappos,**

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

[FR Doc. 2012-20239 Filed 8-15-12; 8:45 am]

**BILLING CODE 3510-16-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities; Proposed Collection, Comment Request: Further Definition of "Swap," "Security-Based Swap," and "Security-Based Swap Agreement"; Mixed Swaps; Security-Based Swap Agreement Recordkeeping: Book-out Agreement Confirmation

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), 44 U.S.C. 3501 *et seq.*, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information and to allow 60 days for public comment. The Commission recently adopted a final rule and interpretations, as required by the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"), requiring that oral book-out agreements must be followed in a commercially reasonable timeframe by a confirmation in some type of written or electronic form. This notice solicits comments on the recordkeeping requirement that is embedded in the final interpretation's reporting requirement.

**DATES:** Comments must be submitted on or before October 15, 2012.

**ADDRESSES:** You may submit comments, regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, by any of the following methods:

- Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Comments may also be submitted by any of the following methods:

- The Agency's Web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the Web site.

- *Mail:* David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

- *Hand Delivery/Courier:* Same as mail above.

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

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to [www.cftc.gov](http://www.cftc.gov). If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:**

Julian E. Hammar, Assistant General Counsel, at 202-418-5118, [jhammar@cftc.gov](mailto:jhammar@cftc.gov); Lee Ann Duffy, Assistant General Counsel, at 202-418-6763, [lduffy@cftc.gov](mailto:lduffy@cftc.gov); or David E. Aron, Counsel, at 202-418-6621, [daron@cftc.gov](mailto:daron@cftc.gov), Office of General Counsel, Commodity Futures Trading

<sup>1</sup> See 17 CFR 145.9.