

**DATES:** *Comment Deadline Date:* To be ensured of consideration, written comments must be received on or before November 22, 2011.

**ADDRESSES:** The USPTO prefers that any comments be submitted via electronic mail message to [TMFRNotices@uspto.gov](mailto:TMFRNotices@uspto.gov). Written comments may also be submitted by mail addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, Attention Cynthia C. Lynch; by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building—East Wing, 600 Dulany Street, Alexandria, Virginia, Attention Cynthia C. Lynch.

**FOR FURTHER INFORMATION CONTACT:** Cynthia C. Lynch, Office of the Deputy Commissioner for Trademark Examination Policy, by telephone at (571) 272-8742, or by mail addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, marked to the attention of Cynthia C. Lynch. The comments will be available for public inspection on the USPTO's Web site at <http://www.uspto.gov>, and will also be available at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Because comments will be 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.

**SUPPLEMENTARY INFORMATION:** TICRS is the USPTO's database for electronically capturing, storing, and retrieving all trademark application image files and most registration image files. The USPTO is nearing completion of a multi-year project to scan into TICRS all paper documents for every active registered mark. The data in TICRS is available to the public through the Trademark Document Retrieval ("TDR") database on the USPTO Web site. The public can also view the data in TICRS at the USPTO's Public Search Facility in Alexandria, Virginia.

The majority of trademark applications, and subsequent correspondence concerning the application, are filed electronically using the Trademark Electronic Application System ("TEAS") and the file images are stored in TICRS. To date in Fiscal Year 2011, almost 99% of applications were filed electronically, and over 72% of applications were processed and disposed of electronically. Thus far in fiscal year 2011, approximately 3,897 new applications were filed on paper, and other paper submissions (i.e.,

correspondence, post registration maintenance documents, *etc.*) accounted for approximately 33,482 additional documents. Upon receipt, the USPTO scans all paper documents and stores the documents electronically in TICRS. Currently, the USPTO also retains the paper documents after scanning them, even though the paper documents duplicate the electronic record in TICRS. While not actively or routinely used, the paper records are available for comparison purposes in the rare situation where an issue might arise concerning the accuracy of the electronic records in TICRS.

The USPTO invests heavily in its electronic systems and conducts multiple reviews of the electronic records in TICRS to ensure accuracy of the data. After a paper application is scanned, personnel in the Pre-Examination section of the USPTO review the application record in TICRS and request scanning corrections, as needed. The record in TICRS is reviewed again when the application is assigned to a trademark examining attorney who may determine, as part of the application review, that additional scanning corrections are necessary. Further review of the record is conducted by the Post Registration section of the USPTO when registration maintenance documents are filed. In the first 41 weeks of fiscal year 2011, the USPTO processed only 100 internal requests for the rescanning of paper documents. Relative to the number of paper submissions, the number of requested scanning corrections is extremely small.

Currently, paper documents that have been scanned into TICRS are boxed and sent to a warehouse for storage. The USPTO incurs warehouse storage costs to maintain the paper records. The USPTO anticipates that these costs will rise if paper records continue to be stored. Additionally, the USPTO's warehouse storage space is projected to reach its capacity by mid-year 2012, and additional warehouse storage space would be necessary, further increasing the costs.

To address these costs while still allowing sufficient time for the review and rarely needed correction of the scanning of paper documents, the USPTO proposes establishing a definite period of time for the retention of paper records. Specifically, the proposed one-year retention period begins on: September 26, 2011, for papers scanned into TICRS prior to September 26, 2011; or a paper's submission date, for papers scanned into TICRS on or after September 26, 2011. This plan will allow the USPTO and the public

sufficient time to review and determine the accuracy of the record in TICRS/TDR and request any needed corrections, thereby providing assurance that the record is correct. The plan will also significantly reduce the costs currently associated with indefinitely warehousing duplicative paper records. Therefore, the USPTO proposes establishing a one-year retention period for paper documents for which an electronic record has been created in TICRS/TDR. Paper filings with electronic and digital media attachments would not be subject to the one-year retention period and will remain retrievable, consistent with past practice.

After the expiration of the one-year retention period, the USPTO proposes to dispose of the paper records, unless a request to correct the electronic record in TICRS remains outstanding. Requests to correct the electronic records in TICRS should be e-mailed to "[TM-TDR-Correct@uspto.gov](mailto:TM-TDR-Correct@uspto.gov)" using the subject line "Electronic Record Correction" at least one month prior to the expiration of the one-year retention period to allow sufficient time to process the request. The request should include: (1) The serial number or registration number; (2) the date and nature of the paper document filed; (3) a description of the error(s) in TICRS/TDR; (4) the name and telephone number of the applicant or owner; and (5) a replacement copy of the paper document, if available. Under the plan, the USPTO will review the request and update the record within 21 days of receipt, if appropriate. Thus, the applicant or owner may check TICRS or TDR approximately three weeks after submitting the request to verify entry of the requested changes.

Dated: September 19, 2011.

**David J. Kappos,**

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

[FR Doc. 2011-24466 Filed 9-22-11; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2011-0049]

#### Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act

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

**ACTION:** Notice of availability.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is

publishing this notice to advise the public of the availability, on the USPTO's Web site, of the patent fee amounts that will be in effect ten days after the date of enactment of the Leahy-Smith America Invents Act (*i.e.*, September 26, 2011) by operation of the fifteen percent surcharge provided for in section 11(i) and the prioritized examination fee provided for in Section 11(h). The USPTO's Web site also specifies the additional fee for applications not filed by electronic means in effect sixty days after the date of enactment of the Leahy-Smith America Invents Act (*i.e.*, November 15, 2011) by operation of section 10(h). The USPTO's Web site for fee information is <http://www.uspto.gov/about/offices/cfo/finance/fees.jsp>.

**FOR FURTHER INFORMATION CONTACT:** By telephone to James J. Engel, at (571) 272-7725, or Susy Tsang-Foster, at 571-272-7711; or by mail addressed to: United States Patent and Trademark Office, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of James J. Engel or Susy Tsang-Foster.

**Authority:** Pub. L. 112-29.

**SUPPLEMENTARY INFORMATION:** Sections 11(a) through (e) of the Leahy-Smith America Invents Act generally codify the patent fee provisions of the fiscal year 2005 Consolidated Appropriations Act (Pub. L. 108-447), with the patent fee amounts in effect on the date of enactment of the Leahy-Smith America Invents Act. Sections 11(a) through (e) of the Leahy-Smith America Invents Act also delete provisions pertaining to applicant-provided search reports and search reports acquired from a qualified search authority, and reorganize a few of the patent fee provisions of the fiscal year 2005 Consolidated Appropriations Act. The Leahy-Smith America Invents Act includes the following additional changes to patent fees:

First, section 11(i) of the Leahy-Smith America Invents Act provides that there shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on all fees charged or authorized by 35 U.S.C. 41(a), (b) and (d)(1), as well as by 35 U.S.C. 132(b). Section 11(i) also provides that this 15 percent surcharge is effective ten days after the date of enactment of the Leahy-Smith America Invents Act (*i.e.*, September 26, 2011).

Second, section 11(h) of the Leahy-Smith America Invents Act includes provisions for prioritized examination, which include a fee of \$4,800 (\$2,400 for small entities). Section 11(h) also provides that the prioritized examination provisions are effective ten

days after the date of enactment of the Leahy-Smith America Invents Act (*i.e.*, September 26, 2011).

Third, section 10(h) of the Leahy-Smith America Invents Act provides that an additional fee of \$400 shall be established for each application for an original (*i.e.*, non-reissue) patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director of the United States Patent and Trademark Office (USPTO). Section 10(h) also provides that this fee is reduced by 50 percent for small entities under 35 U.S.C. 41(h)(1). Additionally, section 10(h) provides that this new fee is effective sixty days after the date of enactment of the Leahy-Smith America Invents Act (*i.e.*, November 15, 2011).

The USPTO is publishing this notice to advise the public of the availability, on the USPTO's Web site, of the patent fee amounts that will be in effect ten days after the date of enactment of the Leahy-Smith America Invents Act by operation of the fifteen percent surcharge provided for in section 11(i) and the prioritized examination fee provided for in Section 11(h). The USPTO's Web site also specifies the additional fee for applications not filed by electronic means in effect sixty days after the date of enactment of the Leahy-Smith America Invents Act by operation of section 10(h). The USPTO's Web site for fee information is <http://www.uspto.gov/about/offices/cfo/finance/fees.jsp>.

The fees for the new programs provided for in the Leahy-Smith America Invents Act (*e.g.*, post-grant review, *inter partes* review, supplemental examination) and other fee changes authorized by the Leahy-Smith America Invents Act will be implemented in separate rule makings. The prioritized examination provisions of section 11(h) of the Leahy-Smith America Invents Act will be implemented in a separate final rule making.

Dated: September 21, 2011.

**Deborah S. Cohn,**  
Commissioner for Trademarks.

[FR Doc. 2011-24672 Filed 9-22-11; 8:45 am]

**BILLING CODE 3510-16-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to the Procurement List.

**SUMMARY:** This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Effective Date:* 10/24/2011.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

### SUPPLEMENTARY INFORMATION:

#### Additions

On 6/10/2011 (76 FR 34064-34065) and 7/22/2011 (76 FR 43990-43991), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

#### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

#### End of Certification

Accordingly, the following products and services are added to the Procurement List: