

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****Notice of Proposed Change to Section IV of the Virginia State Technical Guide**

**AGENCY:** Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

**ACTION:** Notice of Availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

**SUMMARY:** It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #356, Dike; #378, Pond; #402, Dam; #554, Draining Water Management; #587, Structure for Water Control; and #606, Subsurface Drain. These practices will be used to plan and install conservation practices on cropland, pastureland, woodland, and wildlife land.

**DATES:** Comments will be received for a 30-day period commencing with the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** Inquire in writing to John A. Bricker, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229-5014; Telephone number (804) 287-1691; Fax number (804) 287-1737. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site: <http://www.va.nrcs.usda.gov/technical/draftstandards.html>.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: July 21, 2009.

**John A. Bricker,**

State Conservationist, Natural Resources Conservation Service, Richmond, Virginia.

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**BILLING CODE 3410-16-P**

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****Patent Reexaminations**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the new information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before October 9, 2009.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [Susan.Fawcett@uspto.gov](mailto:Susan.Fawcett@uspto.gov). Include A0651-00XX Patent Reexaminations comment@ in the subject line of the message.
- *Fax:* 571-273-0112, marked to the attention of Susan K. Fawcett.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Administrative Management Group, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Robert A. Clarke, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7735; or by e-mail at [Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents.

Chapter 30 of Title 35 U.S.C. provides that any person at any time may file a request for reexamination by the USPTO of any claim of a patent on the basis of prior art patents or printed publications. Once initiated, the reexamination proceedings under Chapter 30 are substantially *ex parte* and do not permit input from third parties. Chapter 31 of Title 35 U.S.C. provides for *inter partes* reexamination allowing third parties to participate throughout the reexamination proceeding. If a request for *ex parte* or *inter partes*

reexamination is denied, the requester may petition the Director to review the examiner's refusal of reexamination. The rules outlining *ex parte* and *inter partes* reexaminations are found at 37 CFR 1.510-1.570 and 1.902-1.997.

Information requirements related to patent reexaminations are currently covered under OMB Control Number 0651-0033, along with other requirements related to patent issue fees and reissue applications. The USPTO is proposing to move the following items that are under 0651-0033 into a new information collection for Patent Reexaminations: Request for *Ex Parte* Reexamination Transmittal Form; Request for *Inter Partes* Reexamination Transmittal Form; Petition to Review the Refusal to Grant *Ex Parte* Reexamination; Petition to Review the Refusal to Grant *Inter Partes* Reexamination; and Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination.

The USPTO is also proposing to include additional items related to patent reexaminations in this new information collection: Request for *Ex Parte* Reexamination; Request for *Inter Partes* Reexamination; Patent Owner's 37 CFR 1.530 Statement; Third Party Requester's 37 CFR 1.535 Reply; Amendment in *Ex Parte* or *Inter Partes* Reexamination; Third Party Requester's 37 CFR 1.947 Comments in *Inter Partes* Reexamination; Response to Final Rejection in *Ex Parte* Reexamination; Patent Owner's 37 CFR 1.951 Response in *Inter Partes* Reexamination; and Third Party Requester's 37 CFR 1.951 Comments in *Inter Partes* Reexamination. These additional items are existing information requirements that previously were not fully covered by an information collection and are now being included in order to more accurately reflect the burden on the public for submitting requests related to patent reexaminations.

The Requests for *Ex Parte* and *Inter Partes* Reexamination are distinct collections from the Request for *Ex Parte* Reexamination Transmittal Form and the Request for *Inter Partes* Reexamination Transmittal Form, respectively. Whereas the transmittal forms are used by a requester (patent owner or third party) as a checklist to ensure compliance with the requirements of the statutes and rules for *ex parte* and *inter partes* reexaminations, the newly added collections represent the substantive analysis undertaken by a requester of reexamination. Thus, the Requests for *Ex Parte* and *Inter Partes* Reexamination are not new requirements. The other items being included in this new