

This amended final determination and notice are issued and published in accordance with sections 735(e), and 777(i)(1) of the Act, and 19 CFR 351.224.

Dated: February 1, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-P-2011-0002]

#### Notice of Roundtable and Request for Comments on How To More Effectively Use the Patent and Trademark Depository Library Program

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

**ACTION:** Notice of public meeting; request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) wants to increase transparency by making USPTO information and materials more publicly available. USPTO information is currently disseminated through a variety of means, including through the Patent and Trademark Depository Library Program (PTDLP). The PTDLP allows the USPTO, through public laws, to partner with state and municipal libraries around the United States to develop core expertise in patents and trademarks to ensure that potential filers have local resources to draw on for assistance and support. The USPTO has undertaken an overall revitalization of the PTDLP to reflect the new 21st Century electronic approach to customer service. As part of this initiative, the USPTO is conducting a public roundtable to obtain input from organizations and individuals on current use of the Patent and Trademark Depository Libraries (PTDLs) and how to more effectively use the PTDLP in the future.

**DATES:** The first roundtable will be held on Tuesday, February 15, 2011, beginning at 1:30 p.m. Eastern Standard Time (EST) and ending at 3 p.m. EST.

The deadline for receipt of written comments is March 17, 2011.

**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.

Written comments should be sent by electronic mail message over the Internet addressed to [PTDL\\_comments@uspto.gov](mailto:PTDL_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, marked to the attention of Elizabeth L. Dougherty. Although comments may be submitted by mail, the USPTO prefers to receive comments via the Internet.

The written comments and list of the roundtable participants and their associations will be available for public inspection at the Office of the Commissioner for Patents, located in the Madison East Building, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the USPTO 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:

Martha Sneed, Office of Public Search Services Division, by telephone at (703) 756-1236, or by electronic mail message at [martha.sneed@uspto.gov](mailto:martha.sneed@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The PTDLP disseminates patent and trademark information and provides training and outreach support to a network of over 80 academic, public, state and special libraries, located in 45 states, the District of Columbia, and Puerto Rico. PTDLs provide walk-in, telephone, and Internet assistance for independent inventors, researchers, students, small- and medium-sized businesses and other members of the public across the United States.

The PTDLP has changed dramatically over the years, from being strictly a “depository” program, where the USPTO provided paper copies of patents and trademarks and support materials, to an electronic program, where data and materials are provided on-line and in computer-readable media. In addition to the array of USPTO search tools now available on the Web, every PTDL provides public access to PubWEST (Web-based Examiner Search Tool), providing the public with one of the same powerful search tools that patent examiners have.

Today’s PTDLs provide free, personalized assistance to their communities on how to use the array of patent and trademark resources now available on the Web. As the USPTO has shifted to a paperless agency model, the PTDLP has assumed a greater role in the USPTO’s overall outreach program. The

PTDLP provides a ready-made network for USPTO policy makers and knowledgeable staff at those venues to help share information about USPTO and its many programs and initiatives. Today’s PTDLs are no longer simply maintaining patent and trademark collections—i.e., they are no longer mere “depositories” of information—but are centers of innovation. Specially designated staff educate customers on how to perform preliminary prior art searches, provide classes in searching the USPTO Web site, show how to move their invention from inventive concept to the marketplace, show how to track down prior art disclosed in foreign patent publications and non-patent literature, and provide other individualized services.

The shift to electronic resources has enabled the PTDLP to more effectively train PTDL staff and the public to better use the tools and data available to them. More specifically, the USPTO trains PTDL staff, who, in turn, provide assistance and training to public customers. As the PTDLP continues to move away from the physical distribution of hard-copy information, the USPTO is interested in what types of new and different services the PTDLP of the future should offer its customers. PTDLs are the face of USPTO in their local communities. For this reason, the USPTO is seeking recommendations from stakeholders on the role they envision the PTDLs playing in the USPTO’s outreach efforts, and how the PTDLP can be used to provide more effective communication and transparent information to its customers.

Toward that end, the USPTO is conducting a roundtable to obtain public input from organizations and individuals on the future character of the PTDLs. The number of participants in the roundtable is limited to ensure that all who are speaking will have a meaningful chance to do so. The USPTO plans to invite participants from patent user groups, practitioners, industry, independent inventor organizations, academia, and government. The roundtables are open to the public.

The USPTO will provide an agenda, list of known participants, and preparatory materials (if any) to the participants prior to the roundtable in order to focus the discussion and enhance the efficiency of the proceedings. All such materials will be posted on the USPTO’s Internet Web site. 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. Any slides or handouts

distributed at the roundtable and the list of the roundtable participants for the roundtable and their associations will also be posted on the USPTO's Internet Web site.

Dated: January 28, 2011.

**David J. Kappos,**

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

[FR Doc. 2011-2661 Filed 2-7-11; 8:45 am]

**BILLING CODE 3510-16-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Consumer Product Safety Act: Notice of Commission Action on the Stay of Enforcement of Testing and Certification Requirements

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Revision of terms of stay of enforcement.

**SUMMARY:** The Consumer Product Safety Commission ("CPSC" or "Commission" or "we") is announcing its decision to revise the terms of its stay of enforcement of certain testing and certification provisions of section 14 of the Consumer Product Safety Act ("CPSA") as amended by section 102 of the Consumer Product Safety Improvement Act of 2008 ("CPSIA"). Through this notice, the Commission announces an extension of the stay of enforcement pertaining to total lead content in children's products (except for metal components of children's metal jewelry), and certain related products, until December 31, 2011.<sup>1</sup>

**DATES:** The stay of enforcement pertaining to total lead content in children's products (except for metal components of children's metal jewelry), and certain related products, is extended until December 31, 2011, upon which date the stay will expire.

**FOR FURTHER INFORMATION CONTACT:**

Robert "Jay" Howell, Acting Assistant Executive Director for the Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda,

Maryland 20814; e-mail [rhowell@cpsc.gov](mailto:rhowell@cpsc.gov).

## SUPPLEMENTARY INFORMATION:

### I. Background

Section 14 of the CPSA requires that every manufacturer of a product (and the private labeler, if the product bears a private label) that is subject to a consumer product safety rule, ban, standard, or regulation enforced by the Commission certify, based on testing, that its product complies with the applicable safety rule, ban, standard, or regulation. For nonchildren's products, the certification must be based on a test of each product or a reasonable testing program. For children's products, the certification must be based on testing conducted by a CPSC-accepted third party conformity assessment body (laboratory).

On February 9, 2009, the Commission published a notice in the **Federal Register**, staying enforcement of many of the testing and certification requirements, including the requirements related to total lead in children's products (other than the lead content of metal components of children's metal jewelry). 74 FR 6396, 6397. The Commission committed to the stay for one year, explaining that the stay was necessary to "give us the time needed to develop sound rules and requirements as well as implement outreach efforts to explain these [new] requirements of the CPSIA and their applicability." 74 FR at 6398. With regard to lead content in metal components of children's metal jewelry, the Commission stated that certifications based on third party testing would be required for such products manufactured after March 23, 2009. 74 FR at 6397.

On December 28, 2009, the Commission published a notice in the **Federal Register**, revising the terms of the stay. 74 FR 68588. In that notice, the Commission lifted the stay for some CPSC regulations and extended the stay for other CPSC regulations. Relevant for present purposes, the Commission stated that it "plans to keep the stay in effect for total lead content in metal children's products and in non-metal children's products \* \* \* (section 101 of the CPSIA) until February 10, 2011." 74 FR at 68591. The December 28, 2009, notice did not affect certifications and testing of lead content in metal components of children's metal jewelry; the stay pertaining to those products had expired on March 23, 2009. 74 FR at 68589.

The Commission also published two notices concerning discrete stays of

enforcement related to lead content. On May 12, 2009, the Commission published a notice staying enforcement with regard to the lead content in certain parts and youth motorized vehicles that contain those parts. 74 FR 22154. The notice announced that the stay would remain in effect until May 1, 2011. *Id.* Specifically, the Commission stayed enforcement of the specified lead level as it pertains to certain parts of youth all-terrain vehicles, youth off-road motorcycles, and youth snowmobiles ("Youth Motorized Recreational Vehicles" or "Vehicles"), specifically battery terminals containing up to 100 percent lead, and components made with metal alloys, including steel containing up to 0.35 percent lead, aluminum with up to 0.4 percent lead, and copper with up to 4.0 percent lead, and the vehicles that contain them. *Id.*

On June 30, 2009, the Commission published a notice staying enforcement with regard to the lead content in certain parts of bicycles, jogger strollers, and bicycle trailers ("Bicycles and Related Products") designed or intended primarily for children 12 years of age or younger. 74 FR 31254. In brief, the stay applied to components made with metal alloys, including steel containing up to 0.35 percent lead, aluminum with up to 0.4 percent lead, and copper with up to 4.0 percent lead. 74 FR at 31257. The Commission stated the stay would remain in effect until July 1, 2011. 74 FR at 31254.

### II. Extension of Stay of Enforcement

We have received several requests for an extension of the stay of enforcement related to lead testing and certifications. After considering these requests and other matters, the Commission has decided to extend the existing stay of enforcement on testing and certifications of the total lead content in children's products (except for metal components of children's metal jewelry) until December 31, 2011, at which time the stay will expire. This action by the Commission encompasses the stays described above, pertaining to lead content in Youth Motorized Recreational Vehicles and Bicycles and Related Products; those stays are hereby extended until December 31, 2011.

The Commission notes that there remains in effect a stay of enforcement on testing and certification for children's products subject to those children's product safety rules for which a notice of requirements for accreditation of third party conformity assessment bodies (laboratories) has not published yet, including testing of children's toys and child care articles for banned phthalates, and testing of

<sup>1</sup> The Commission voted 4-1 to approve publication of this notice. Chairman Inez M. Tenenbaum, Commissioner Thomas H. Moore, Commissioner Nancy Nord, and Commissioner Anne M. Northup voted for the publication of the notice with changes. Commissioner Robert S. Adler voted against publication of the notice. Chairman Tenenbaum, Commissioner Northup, and Commissioner Adler filed statements concerning this vote. The statements may be viewed on the Commission's Web site at <http://www.cpsc.gov/pr/statements.html>.