

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.433 is revised to read as follows:

§ 117.433 Bonfouca Bayou.

The draw of the S433 bridge, mile 7.0, at Slidell, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given. From 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

Dated: January 25, 1996.

R.C. North,

*Rear Admiral, U.S. Coast Guard Commander
Eighth Coast Guard District.*

[FR Doc. 96-10821 Filed 4-30-96; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 960417113-6113-01]

RIN 0651-AA82

Revision of Patent Fees for Fiscal Year 1997

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office (PTO) is proposing to amend the rules of practice in patent cases, Part 1 of title 37, Code of Federal Regulations, to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI) and to recover costs of operation.

DATES: Written comments must be submitted on or before June 5, 1996.

A public hearing will be held on Wednesday, June 5, 1996, at 9:00 a.m.

Requests to present oral testimony should be received on before June 4, 1996.

ADDRESSES: Address written comments and requests to present oral testimony to the Commissioner of Patents and

Trademarks, Washington, DC 20231, Attention: Robert Kopson, suite 1107, Crystal Park 1, or by fax to (703) 305-8525.

The hearing will be held in suite 912 of Crystal Park 2, located at 2121 Crystal Drive, Arlington, Virginia.

Written comments and a transcript of the hearing will be available for public inspection in suite 1107 of Crystal Park 1, located at 2011 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert Kopson by telephone at (703) 305-8510, fax at (703) 305-8525, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed to adjust PTO fees in accordance with the applicable provisions of title 35, United States Code; and section 10101 of the Omnibus Budget Reconciliation Act of 1990 (as amended by section 8001 of Public Law 103-66), all as amended by the Patent and Trademark Office Authorization Act of 1991 (Public Law 102-204).

Background

Statutory Provisions

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376. A fifty percent reduction in the fees paid under 35 U.S.C. 41(a) and (b) by independent inventors, small business concerns, and nonprofit organizations who meet prescribed definitions is required by 35 U.S.C. 41(h).

Subsection 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the Consumer Price Index for all urban consumers (CPI-U) over the previous 12 months.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (amended by section 8001 of Public Law 103-66) provides that there shall be a surcharge on all fees established under 35 U.S.C. 41(a) and (b) to collect \$115 million in fiscal year 1997.

Subsection 41(d) of title 35, United States Code, authorizes the Commissioner to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, and for each black and white copy of a patent.

Section 376 of title 35, United States Code, authorizes the Commissioner to

set fees for patent applications filed under the Patent Cooperation Treaty (PCT).

Subsection 41(g) of title 35, United States Code, provides that new fee amounts established by the Commissioner under section 41 may take effect thirty days after notice in the Federal Register and the Official Gazette of the Patent and Trademark Office.

Recovery Level Determinations

This proposed rule adjusts patent fees for a planned recovery of \$716,723,000 in fiscal year 1997, as proposed in the Administration's budget request to the Congress.

The patent statutory fees established by 35 U.S.C. 41(a) and (b) are proposed to be adjusted on October 1, 1996, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index for all urban consumers (CPI-U). In calculating these fluctuations, OMB has determined that the PTO should use CPI-U data as determined by the Secretary of Labor. However, the Department of Labor does not make public the CPI-U until approximately 21 days after the end of the month being calculated. Therefore, the latest CPI-U information available is for the month of February 1996. In accordance with previous rulemaking methodology, the PTO uses the Administration's projected CPI-U for the 12-month period ending September 30, 1996, which is 3.1 percent. Based on this projection, patent statutory fees are proposed to be adjusted by 3.1 percent. Before the final fee schedule is published, the fees may be adjusted slightly based on updated data available from the Department of Labor.

Certain non-statutory patent processing fees established under 35 U.S.C. 41(d) and PCT processing fees established under 35 U.S.C. 376 are proposed to be adjusted to recover their estimated average costs in fiscal year 1996. Three patent service fees that are set by statute will not be adjusted. The three fees that are not being adjusted are assignment recording fees, printed patent copy fees and photocopy charge fees.

The proposed fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded would be convenient to the user. Fees of \$100 or more were rounded to the nearest \$10. Fees between \$2 and \$99 were rounded to an even number so that any comparable small entity fee would be a whole number.

Workload Projections

Determination of workload varies by fee. Principal workload projection techniques are as follows:

Patent application workloads are projected from statistical regression models using recent application filing trends. Patent issues are projected from an in-house patent production model and reflect examiner production achievements and goals. Patent maintenance fee workloads utilize patents issued 3.5, 7.5 and 11.5 years prior to payment and assume payment rates of 79 percent, 55 percent and 32 percent, respectively. Service fee workloads follow linear trends from prior years' activities.

General Procedures

Any fee amount that is paid on or after the effective date of the fee increase would be subject to the new fees then in effect. For purposes of determining the amount of the fee to be paid, the date of mailing indicated on a proper Certificate of Mailing or Transmission, where authorized under 37 CFR 1.8, will be considered to be the date of receipt in the PTO. A Certificate of Mailing or Transmission under Section 1.8 is not "proper" for items which are specifically excluded from the provisions of Section 1.8. Section 1.8 should be consulted for those items for which a Certificate of Mailing or Transmission is not "proper." Such items include, inter alia, the filing of national and international applications for patents and the filing of trademark applications. However, the provisions of 37 CFR 1.10 relating to filing papers and fees with an "Express Mail" certificate do apply to any paper or fee (including patent and trademark applications) to be filed in the PTO. If an application or fee is filed by "Express Mail" with a proper certificate dated on or after the effective date of the rules, as amended, the amount of the fee to be paid would be the fee established by the amended rules.

In order to ensure clarity in the implementation of the new fees, a discussion of specific sections is set forth below.

Discussion of Specific Rules

37 CFR 1.16 National Application Filing Fees

Section 1.16, paragraphs (a), (b), (d), and (f)–(i), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI. Further, section 1.16, if revised as proposed, would remove the undesignated text following paragraph (d), and add a new paragraph (k) including the provisions of such

deleted undesignated text. In addition, § 1.16(k) would also be applicable to any additional fees required by §§ 1.16(i) and (j).

37 CFR 1.17 Patent Application Processing Fees

Section 1.17, paragraphs (b)–(g), (m), (r) and (s), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

Section 1.17, paragraphs (j) and (n)–(p), if revised as proposed, would adjust fees established therein to recover costs.

37 CFR 1.18 Patent Issue Fees

Section 1.18, paragraphs (a)–(c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post-Issuance Fees

Section 1.20, paragraphs (c), (i), and (j), if revised as proposed, would adjust fees established therein to recover costs.

Section 1.20, paragraphs (e)–(g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.21 Miscellaneous Fees and Charges

Section 1.21, paragraph (a)(1), if revised as proposed, would establish a non-refundable application fee which reflects the costs of processing an application for the registration examination. Currently, the PTO evaluates and processes the applications of individuals who do not qualify for admission or those who withdraw from the examination, but generally refunds the examination fee to such applicants. Thus, other fee payers bear the costs of this evaluation and processing. The proposed amendment would shift the expense of evaluating applications to all applicants. In order to offset the proposed application fee, the examination fee is proposed to be slightly decreased.

Section 1.21, paragraphs (a)(3) and (a)(6), if revised as proposed, would adjust fees established therein to recover costs.

37 CFR 1.445 International Application Filing, Processing, and Search Fees

Section 1.445, paragraph (a), if revised as proposed, would adjust the fees authorized by 35 U.S.C. 376 to recover costs and reflect current business practices.

37 CFR 1.482 International Preliminary Examination Fees

Section 1.482, paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2)(ii), if revised as

proposed, would adjust the fees authorized by 35 U.S.C. 376 to recover costs.

37 CFR 1.492 National State Fees

Section 1.492, paragraphs (a), (b) and (d), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

Other Considerations

This proposed rule change is in conformity with the requirements of Executive Order 12612, and the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, et seq. This rulemaking contains no information collection within the meaning of the Paperwork Reduction Act. This proposed rule has been determined not to be significant for purposes of Executive Order 12866. The PTO has determined that this proposed rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule change would not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354). The proposed rule change increases fees to reflect the change in the CPI as authorized by 35 U.S.C. 41(f). Further, the principal impact of the major patent fees has already been taken into account in 35 U.S.C. 41(h), which provides small entities with a 50-percent reduction in the major patent fees.

A comparison of existing and new fee amounts is included as an Appendix to this notice of proposed rulemaking.

Lists of Subjects in 37 CFR Part 1

Administrative practice and procedure, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, the PTO is proposing to amend title 37 of the Code of Federal Regulations, Part 1, as set forth below.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 would continue to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.16 is proposed to be amended by revising paragraphs (a), (b),

(d), and (f) through (i), and adding a new paragraph (m) to read as follows:

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design or plant applications:

By a small entity (§ 1.9(f)).....\$385.00
By other than a small entity\$770.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f)).....\$40.00
By other than a small entity\$80.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, multiple dependent claim(s), per application:

By a small entity (§ 1.9(f)).....\$130.00
By other than a small entity\$260.00

(f) Basic fee for filing each design application:

By a small entity (§ 1.9(f)).....\$160.00
By other than a small entity\$320.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.9(f)).....\$265.00
By other than a small entity\$530.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.9(f)).....\$385.00
By other than a small entity\$770.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.9(f)).....\$40.00
By other than a small entity\$80.00

(m) If the additional fees required by paragraphs (b), (c), (d), (i) and (j) of this section are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims must be canceled by amendment, prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency.

3. Section 1.17 is proposed to be amended by revising paragraphs (b) through (g), (j), (m) through (p), (r), and (s) to read as follows:

§ 1.17 Patent application processing fees.

* * * * *

(b) Extension fee for response within second month pursuant to § 1.136(a):

By a small entity (§ 1.9(f)).....\$195.00
By other than a small entity\$390.00

(c) Extension fee for response within third month pursuant to § 1.136(a):

By a small entity (§ 1.9(f)).....\$465.00
By other than a small entity\$930.00

(d) Extension fee for response within fourth month pursuant to § 1.136(a):

By a small entity (§ 1.9(f)).....\$735.00
By other than a small entity\$1,470.00

(e) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:

By a small entity (§ 1.9(f)).....\$150.00
By other than a small entity\$300.00

(f) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.9(f)).....\$150.00
By other than a small entity\$300.00

(g) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.9(f)).....\$130.00
By other than a small entity\$260.00

(j) For filing a petition to institute a public use proceeding under § 1.292

* 1,292\$1,470.00
* * * * *

(m) For filing a petition:
(1) For revival of an unintentionally abandoned application, or
(2) For the unintentionally delayed payment of the fee for issuing a patent:

By a small entity (§ 1.9(f)).....\$645.00
By other than a small entity\$1,290.00

(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—\$900.00 reduced by the amount of the application basic filing fee paid.

(o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—\$1,790.00 reduced by the amount of the application basic filing fee paid.

(p) For submission of an information disclosure statement under § 1.97(c)

* 1.97(c)\$230.00
* * * * *

(r) For entry of a submission after final rejection under § 1.129(a):
By a small entity (§ 1.9(f)).....\$385.00
By other than a small entity\$770.00

(s) For each additional invention to be examined under § 1.129(b):
By a small entity (§ 1.9(f)).....\$385.00

By other than a small entity\$770.00

4. Section 1.18 is proposed to be revised to read as follows:

§ 1.18 Patent issue fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.9(f)).....\$645.00
By other than a small entity\$1,290.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.9(f)).....\$220.00
By other than a small entity\$440.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.9(f)).....\$325.00
By other than a small entity\$650.00

5. Section 1.20 is proposed to be amended by revising paragraphs (c), (e) through (g), (i)(1), (i)(2), and (j) (1) through (3) to read as follows:

§ 1.20 Post issuance fees.

* * * * *

(c) For filing a request for reexamination

(§ 1.510(a)).....\$2,460.00
* * * * *

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:

By a small entity (§ 1.9(f)).....\$510.00
By other than a small entity\$1,020.00

(f) For maintain an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§ 1.9(f)).....\$1,025.00
By other than a small entity\$2,050.00

(g) For maintaining an original reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant:

By a small entity (§ 1.9(f)).....\$1,540.00
By other than a small entity\$3,080.00

(i) * * *

(1) Unavoidable.....\$680.00
(2) Unintentional\$1,600.00

(j) * * *

(1) Application for extension under § 1.740\$1,090.00
(2) Initial application for interim extension under § 1.790\$410.00
(3) Subsequent application for interim

extension under § 1.790\$210.00
 6. Section 1.21 is proposed to be amended by revising paragraph (a)(1), (a)(3), and (a)(6) to read as follows:

§ 1.21 Miscellaneous fees and charges.

- * * * * *
- (a) * * * * *
- (1) For admission to examination for registration to practice:
- (i) Application Fee (non-refundable)\$40.00
- (ii) Registration examination fee\$300.00
- * * * * *
- (3) For reinstatement to practice\$40.00
- * * * * *

- (6) For requesting regrading of an examination under § 10.7(c):
- (i) Regarding of A.M. section (PTO Practice and Procedure)\$225.00
- (ii) Regarding P.M. section (Claim Drafting)\$530.00
- * * * * *

7. Section 1.445 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.445 International application filing, processing and search fees.

- (a) The following fees and charges for international applications are established by the Commissioner under the authority of 35 U.S.C. 376:
- (1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14)\$230.00
- (2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16):
- (i) Where a corresponding prior United States National application filed under 35 U.S.C. 111(a) with the filing fee under 37 CFR 1.16(a) has been filed\$440.00
- (ii) For all situations not provided for in (a)(2)(i) of this section\$680.00
- (3) A supplemental search fee when required, per additional invention\$200.00
- * * * * *

8. Section 1.482 is proposed to be amended by revising paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2)(ii) to read as follows:

§ 1.482 International preliminary examination fees.

- (a) * * * * *
- (1) * * * * *
- (i) Where an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority, a preliminary examination fee of\$480.00
- (ii) Where the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office, a preliminary examination fee of\$730.00
- (2) * * * * *
- (i) * * * * *
- (ii) Where the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office\$260.00
- * * * * *

9. Section 1.492 is proposed to be amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.492 National stage fees.

- * * * * *
- (a) The basic national fee:
- (1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:
 By a small entity (§ 1.9(f))\$350.00
 By other than a small entity\$700.00
- (2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:
 By a small entity (§ 1.9(f))\$385.00
 By other than a small entity\$770.00

(3) Where an international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:
 By a small entity (§ 1.9(f))\$520.00
 By other than a small entity\$1,040.00

(4) Where an international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4) have been satisfied for all the claims presented in the application entering the national stage (see § 1.496(b)):
 By a small entity (§ 1.9(f))\$48.00
 By other than a small entity\$96.00

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office:
 By a small entity (§ 1.9(f))\$455.00
 By other than a small entity\$910.00

(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:
 By a small entity (§ 1.9(f))\$40.00
 By other than a small entity\$80.00

(d) In addition to the basic national fee, if the application contains, or is amended to contain a multiple dependent claim(s), per application:
 By a small entity (§ 1.9(f))\$130.00
 By other than a small entity\$260.00

April 24, 1996.
 Bruce A. Lehman,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

Note—The following appendix will not appear in the Code of Federal Regulations.

APPENDIX A—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.16(a)	Basic Filing Fee	\$750	\$770
1.16(a)	Basic Filing Fee (Small Entity)	375	385
1.16(b)	Independent Claims	78	80
1.16(b)	Independent Claims (Small Entity)	39	40
1.16(c)	Claims in Excess of 20	22	—
1.16(c)	Claims in Excess of 20 (Small Entity)	11	—
1.16(d)	Multiple Dependent Claims	250	260
1.16(d)	Multiple Dependent Claims (Small Entity)	125	130
1.16(e)	Surcharge—Late Filing Fee	130	—
1.16(e)	Surcharge—Late Filing Fee (Small Entity)	65	—

APPENDIX A—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.16(f)	Design Filing Fee	310	320
1.16(f)	Design Filing Fee (Small Entity)	155	160
1.16(g)	Plant Filing Fee	510	530
1.16(g)	Plant Filing Fee (Small Entity)	255	265
1.16(h)	Reissue Filing Fee	750	770
1.16(h)	Reissue Filing Fee (Small Entity)	375	385
1.16(i)	Reissue Independent Claims	78	80
1.16(i)	Reissue Independent Claims (Small Entity)	39	40
1.16(j)	Reissue Claims in Excess of 20	22	—
1.16(j)	Reissue Claims in Excess of 20 (Small Entity)	11	—
1.16(k)	Provisional Application Filing Fee	150	—
1.16(k)	Provisional Application Filing Fee (Small Entity)	75	—
1.16(l)	Surcharge—Incomplete Provisional App. Filed	50	—
1.16(l)	Surcharge—Incomplete Provisional App. Filed (Small Entity)	25	—
1.17(a)	Extension—First Month	110	—
1.17(a)	Extension—First Month (Small Entity)	55	—
1.17(b)	Extension—Second Month	380	390
1.17(b)	Extension—Second Month (Small Entity)	190	195
1.17(c)	Extension—Third Month	900	930
1.17(c)	Extension—Third Month (Small Entity)	450	465
1.17(d)	Extension—Fourth Month	1,400	1,470
1.17(d)	Extension—Fourth Month (Small Entity)	700	735
1.17(e)	Notice of Appeal	290	300
1.17(e)	Notice of Appeal (Small Entity)	145	150
1.17(f)	Filing a Brief	290	300
1.17(f)	Filing a Brief (Small Entity)	145	150
1.17(g)	Request for Oral Hearing	250	260
1.17(g)	Request for Oral Hearing (Small Entity)	125	130
1.17(h)	Petition—Not All Inventors	130	—
1.17(h)	Petition—Correction of Inventorship	130	—
1.17(h)	Petition—Decision on Questions	130	—
1.17(h)	Petition—Suspend Rules	130	—
1.17(h)	Petition—Expedited License	130	—
1.17(h)	Petition—Scope of License	130	—
1.17(h)	Petition—Retroactive License	130	—
1.17(h)	Petition—Refusing Maintenance Fee	130	—
1.17(h)	Petition—Refusing Maintenance Fee—Expired Patent	130	—
1.17(h)	Petition—Interference	130	—
1.17(h)	Petition—Reconsider Interference	130	—
1.17(h)	Petition—Late Filing of Interference	130	—
1.20(b)	Petition—Correction of Inventorship	130	—
1.17(h)	Petition—Refusal to Publish SIR	130	—
1.17(i)	Petition—For Assignment	130	—
1.17(i)	Petition—For Application	130	—
1.17(i)	Petition—Late Priority Papers	130	—
1.17(i)	Petition—Suspend Action	130	—
1.17(i)	Petition—Divisional Reissues to Issue Separately	130	—
1.17(i)	Petition—For Interference Agreement	130	—
1.17(i)	Petition—Amendment After Issue	130	—
1.17(i)	Petition—Withdrawal After Issue	130	—
1.17(i)	Petition—Defer Issue	130	—
1.17(i)	Petition—Issue to Assignee	130	—
1.17(i)	Petition—Accord a Filing Date Under § 1.53	130	—
1.17(i)	Petition—Accord a Filing Date Under § 1.62	130	—
1.17(i)	Petition—Make Application Special	130	—
1.17(j)	Petition—Public Use Proceeding	1,430	1,470
1.17(k)	Non-English Specification	130	—
1.17(l)	Petition—Revive Abandoned Appl.	110	—
1.17(l)	Petition—Revive Abandoned Appl. (Small Entity)	55	—
1.17(m)	Petition—Revive Unintentionally Abandoned Appl.	1,250	1,290
1.17(m)	Petition—Revive Unintentionally Abandoned Appl. (Small Entity)	625	645
1.17(n)	SIR—Prior to Examiner's Action	870	900
1.17(o)	SIR—After Examiner's Action	1,740	1,790
1.17(p)	Submission of an Information Disclosure Statement (§ 1.97).	220	230
1.17(q)	Petition—Correction of Inventorship (Prov. App.)	50	—
1.17(q)	Petition—Accord a filing date (Prov. App.)	50	—
1.17(q)	Petition—Entry of submission after final rejection (Prov. App.)	50	—

APPENDIX A—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.17(r)	Filing a submission after final rejection (1.129(a))	750	770
1.17(r)	Filing a submission after final rejection (1.129(a)) (Small Entity).	375	385
1.17(s)	Per add'l invention to be examined (1.129(b))	750	770
1.17(s)	Per add'l invention to be examined (1.129(b)) (Small Entity).	375	385
1.18(a)	Issue Fee	1,250	1,290
1.18(a)	Issue Fee (Small Entity)	625	645
1.18(b)	Design Issue Fee	430	440
1.18(b)	Design Issue Fee (Small Entity)	215	220
1.18(c)	Plant Issue Fee	630	650
1.18(c)	Plant Issue Fee (Small Entity)	315	325
1.19(a)(1)(i)	Copy of Patent	3	—
1.19(a)(1)(ii)	Patent Copy—Overnight delivery to PTO Box or overnight fax.	6	—
1.19(a)(1)(iii)	Patent Copy by Expedited Mail or Fax—Exp. service	25	—
1.19(a)(2)	Plant Patent Copy	12	—
1.19(a)(3)(i)	Copy of Utility or SIR in Color	24	—
1.19(b)(1)(i)	Certified Copy of Patent Application as Filed	15	—
1.19(b)(1)(ii)	Certified Copy of Patent Application as Filed, Expedited	30	—
1.19(b)(2)	Cert or Uncert. Copy of Patent-Related Filed Wrapper/Contents.	150	—
1.19(b)(3)	Cert. or Uncert. Copies of Office Records, per Document	25	—
1.19(b)(4)	For Assignment Records, Abstract of Title and Certification.	25	—
1.19(c)	Library Service	50	—
1.19(d)	List of Patents in Subclass	3	—
1.19(e)	Uncertified Statement-Status of Maintenance Fee Payment.	10	—
1.19(f)	Copy of Non-U.S. Patent Document	25	—
1.19(g)	Comparing and Certifying Copies, Per Document, Per Copy.	25	—
1.19(h)	Duplicate or Corrected Filing Receipt	25	—
1.20(a)	Certificate of Correction	100	—
1.20(c)	Reexamination	2,390	2,460
1.20(d)	Statutory Disclaimer	110	—
1.20(d)	Statutory Disclaimer (Small Entity)	55	—
1.20(e)	Maintenance Fee—3.5 Years	990	1,020
1.20(e)	Maintenance Fee—3.5 Years (Small Entity)	495	510
1.20(f)	Maintenance Fee—7.5 Years	1,990	2,050
1.20(f)	Maintenance Fee—7.5 Years (Small Entity)	995	1,025
1.20(g)	Maintenance Fee—11.5 Years	2,990	3,080
1.20(g)	Maintenance Fee—11.5 Years (Small Entity)	1,495	1,540
1.20(h)	Surcharge—Maintenance Fee—6 Months	130	—
1.20(h)	Surcharge—Maintenance Fee—6 Months (Small Entity)	65	—
1.20(i)(1)	Surcharge—Maintenance After Expiration—Unavoidable	660	680
1.20(i)(2)	Surcharge—Maintenance After Expiration—Unintentional	1,550	1,600
1.20(j)(1)	Extension of Term of Patent Under 1.740	1,060	1,090
1.20(j)(2)	Initial Application for Interim Extension Under 1.790	400	410
1.20(j)(3)	Subsequent Application for Interim Extension Under 1.790.	200	210
1.21(a)(1)(i)	Application Fee (non-refundable)	—	40
1.21(a)(1)(ii)	Registration examination fee	310	300
1.21(a)(2)	Registration to Practice	100	—
1.21(a)(3)	Reinstatement to Practice	15	40
1.21(a)(4)	Certificate of Good Standing	10	—
1.21(a)(4)	Certificate of Good Standing, Suitable Framing	20	—
1.21(a)(5)	Review of Decision of Director, OED	130	—
1.21(a)(6)(i)	Regrading of P.M. section (Claim Drafting)	130	225
1.21(a)(6)(ii)	Regrading of A.M. section) PTO Practice and Procedure	130	530
1.21(b)(1)	Establish Deposit Account	10	—
1.21(b)(2)	Service Charge Below Minimum Balance	25	—
1.21(b)(3)	Service Charge Below Minimum Balance	25	—
1.21(c)	Filing a Disclosure Document	10	—
1.21(d)	Box Rental	50	—
1.21(e)	International Type Search Report	40	—
1.21(g)	Self-Service Copy Charge	25	—
1.21(h)	Recording Patent Property	40	—
1.21(i)	Publication in the OG	25	—
1.21(j)	Labor Charges for Services	30	—
1.21(k)	Unspecified Other Services	(1)	—

APPENDIX A—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.21(k)	Terminal Use APS—CSIR (per hour)	50	—
1.21(l)	Retaining abandoned application	130	—
1.21(m)	Processing Returned Checks	50	—
1.21(n)	Handling Fee—Incomplete Application	130	—
1.21(o)	Terminal Use APS—TEXT	40	—
1.24	Coupons for Patent and Trademark Copies	3	—
1.296	Handling Fee—Withdrawal SIR	130	—
1.445(a)(1)	Transmittal Fee	220	230
1.445(a)(2)(i)	PCT Search Fee—Prior U.S. Application	430	440
1.445(a)(2)(ii)	PCT Search Fee—No U.S. Application	660	680
1.445(a)(3)	Supplemental Search	190	200
1.482(a)(1)(i)	Preliminary Exam Fee	470	480
1.482(a)(1)(ii)	Preliminary Exam Fee	710	730
1.482(a)(2)(i)	Additional Invention	140	—
1.482(a)(2)(ii)	Additional Invention	250	260
1.492(a)(1)	Preliminary Examining Authority	680	700
1.492(a)(1)	Preliminary Examining Authority (Small Entity)	340	350
1.492(a)(2)	Searching Authority	750	770
1.492(a)(2)	Searching Authority (Small Entity)	375	385
1.492(a)(3)	PTO Not ISA nor IPEA	1,010	1,040
1.492(a)(3)	PTO Not ISA nor IPEA (Small Entity)	505	520
1.492(a)(4)	Claims—IPEA	94	96
1.492(a)(4)	Claims—IPEA (Small Entity)	47	48
1.492(a)(5)	Filing with EPO/JPO Search Report	880	910
1.492(a)(5)	Filing with EPO/JPO Search Report (Small Entity)	440	455
1.492(b)	Claims—Extra Individual (Over 3)	78	80
1.492(b)	Claims—Extra Individual (Over 3) (Small Entity)	39	40
1.492(c)	Claims—Extra Total (Over 20)	22	—
1.492(c)	Claims—Extra Total (Over 20) (Small Entity)	11	—
1.492(d)	Claims—Multiple Dependents	250	260
1.492(d)	Claims—Multiple Dependents (Small Entity)	125	130
1.492(e)	Surcharge	130	—
1.492(e)	Surcharge (Small Entity)	65	—
1.492(f)	English Translation—After 20 Months	130	—
2.6(a)(1)	Application for Registration, Per Class	245	—
2.6(a)(2)	Amendment to Allege Use, Per Class	100	—
2.6(a)(3)	Statement of Use, Per Class	100	—
2.6(a)(4)	Extension for Filing Statement of Use, Per Class	100	—
2.6(a)(5)	Application for Renewal, Per Class	300	—
2.6(a)(6)	Surcharge for Late Renewal, Per Class	100	—
2.6(a)(7)	Publication of Mark Under § 12(c), Per Class	100	—
2.6(a)(8)	Issuing New Certificate of Registration	100	9—
2.6(a)(9)	Certificate of Correction of Registrant's Error	100	—
2.6(a)(10)	Filing Disclaimer to Registration	100	—
2.6(a)(11)	Filing Disclaimer to Registration	100	—
2.6(a)(12)	Filing Affidavit Under Section 8, Per Class	100	—
2.6(a)(13)	Filing Affidavit Under Section 15, Per Class	100	—
2.6(a)(14)	Filing Affidavit Under Sections 8 & 15, Per Class	200	—
2.6(a)(15)	Petitions to the Commissioner	100	—
2.6(a)(16)	Petition to Cancel, Per Class	200	—
2.6(a)(17)	Notice of Opposition, Per Class	200	—
2.6(a)(18)	Ex Parte Appeal to the TTAB, Per Class	100	—
2.6(a)(19)	Dividing an Application, Per New Application Created	100	—
2.6(b)(1)(i)	Copy of Registered Mark	3	—
2.6(b)(1)(ii)	Copy of Registered Mark, overnight delivery to PTO box or fax.	6	—
2.6(b)(1)(iii)	Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc.	25	—
2.6(b)(2)(i)	Certified Copy of TM Application as Filed	15	—
2.6(b)(2)(ii)	Certified Copy of TM Application as Filed, Expedited	30	—
2.6(b)(3)	Cert. or Uncert. Copy of TM-Related File Wrapper/Contents.	50	—
2.6(b)(4)(i)	Cert. Copy of Registered Mark, Title or Status	10	—
2.6(b)(4)(ii)	Cert. Copy of Registered Mark, Title or Status—Expedited.	20	—
2.6(b)(5)	Certified or Uncertified Copy of TM Records	25	—
2.6(b)(6)	Recording Trademark Property, Per Mark, Per Document	40	—
2.6(b)(6)	For Second and Subsequent Marks in Same Document	25	—
2.6(b)(7)	For Assignment Records, Abstracts of Title and Cert	25	—
2.6(b)(8)	Terminal Use X—SEARCH	40	—
2.6(b)(9)	Self-Service Copy Charge	0.25	—

APPENDIX A—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
2.6(b)(10)	Labor Charges for Services	30	—
2.6(b)(11)	Unspecified Other Services	(¹)	—

¹ Actual Cost.

—These fees are not affected by this rulemaking.

[FR Doc. 96-10765 Filed 4-30-96; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-5466-9]

Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFC 43-10mee and HCFC 225ca and cb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to revise EPA's definition of volatile organic compounds (VOC) for purposes of preparing State implementation plans (SIP's) to attain the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (Act) and for the Federal implementation plan (FIP) for the Chicago ozone nonattainment area. This proposed revision would add HFC 43-10mee and HCFC 225ca and cb to the list of compounds excluded from the definition of VOC on the basis that these compounds have negligible contribution to tropospheric ozone formation.

DATES: Comments on this proposal must be received by May 31, 1996. Requests for a hearing must be submitted by May 31, 1996.

ADDRESSES: Comments should be submitted in duplicate (if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-95-37, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

Public Hearing: If anyone contacts EPA requesting a public hearing, it will be held at Research Triangle Park, North Carolina. Persons wishing to request a public hearing, wanting to attend the hearing, or wishing to present oral testimony should notify Mr. William Johnson, Air Quality Strategies and Standards Division (MD-15),

Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5245. The EPA will publish notice of a hearing, if requested, in the Federal Register. Any hearing will be strictly limited to the subject matter of the proposal, the scope of which is discussed below. This action is subject to the procedural requirements of section 307(d)(1) (B), (J), and (U) of the Act, and 42 U.S.C. § 7607(d)(1) (B), (J), and (U). Therefore, EPA has established a public docket for this action, A-95-37, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center, (6102), 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William Johnson, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division (MD-15), Research Triangle Park, NC 27711, phone (919) 541-5245. Interested persons may call Mr. Johnson to see if a hearing will be held and the date and location of any hearing.

SUPPLEMENTARY INFORMATION:

I. Background

Petitions have been received from two organizations asking for certain compounds to be added to the list of compounds which are considered to be negligibly reactive in the definition of VOC at 40 CFR 51.100(s). On December 12, 1994, Asahi Glass America, Inc., submitted a petition for HCFC 225 ca and cb isomers. These compounds are chemically named 3,3-dichloro-1,1,1,2,2-pentafluoropropane (CAS number 422-56-0) and 1,3-dichloro-1,1,2,2,3-pentafluoropropane (CAS number 507-55-1), respectively. On March 13, 1995, the E.I. du Pont de Nemours and Company submitted a petition for the compound HFC 43-10mee. This compound has the chemical name 1,1,1,2,3,4,4,5,5,5-decafluoropentane (CAS number 138495-42-8).

In support of their petitions, these organizations supplied information on the photochemical reactivity of the individual compounds. This

information consisted mainly of the rate constant for the reaction of the compound with the hydroxyl (OH) radical. This rate constant (k_{OH} value) is commonly used as one measure of the photochemical reactivity of compounds. The petitioners compared the rate constants with that of other compounds which have already been listed as photochemically, negligibly reactive (e.g., ethane which is the compound with the highest k_{OH} value that is currently regarded as negligibly reactive). The compounds for which petitions were submitted are listed in Table 1 along with their reported k_{OH} rate constants.

TABLE 1—REACTION RATE CONSTANTS WITH OH RADICAL

Compound	Reported rate constant at 25 °C cm ³ /molecule/sec
Ethane	2.4×10 ⁻¹³
HCFC-225ca	2.5×10 ⁻¹⁴
HCFC-225cb	8.6×10 ⁻¹⁵
HFC 43-10mee	3.87×10 ⁻¹⁵

The scientific information which the petitioners have submitted in support of their petitions has been added to the docket for this rulemaking. This information includes references for the journal articles where the rate constant values are published.

II. The EPA Response to the Petitions

In regard to the petition for HCFC 225ca and HCFC 225cb, existing data support that the reactivities of these compounds with respect to reaction with OH radicals in the atmosphere are considerably lower than that of ethane. This would indicate that these compounds are less reactive than ethane which is already classified as negligibly reactive. Similarly, for HFC 43-10mee, the rate constant of reaction with the OH radical is considerably less than that for ethane.

In each of the above petitions, the petitioners did not submit reactivity data with respect to other VOC loss reactions (such as reaction with O-atoms, nitrogen trioxide (NO₃)-radicals, and ozone O(O₃), and for photolysis).