

prospective patent applicant seeking an assessment described in that subsection that any assessment so provided may not be considered an official ruling of patentability from the Office; (2) conditions to determine eligibility for the pilot program, taking into consideration available resources; (3) reasonable limitations on the amount of time to be spent providing assistance to each individual first-time prospective patent applicant; (4) procedures for referring prospective patent applicants to legal counsel, including through the patent pro bono programs; and (5) procedures to protect the confidentiality of the information disclosed by prospective patent applicants.” The USPTO is planning to leverage the process for producing the pre-examination search report, as discussed in this notice, for the pilot program required by section 106(a) of the UAIA to assist first-time prospective patent applicants in assessing the strengths and weaknesses of their potential patent application.

III. Additional Considerations

Fees are subject to change, and the fees due in an application are the fees in effect at the time of fee payment. Therefore, if the search fee, examination fee, excess claims fees, and/or the surcharge (or any other fees) have changed after the mailing or notification date of a Notice to File Missing Parts that sets a time period to pay such fees, the applicant would be required to pay the revised fee amounts. Applicants who are considering filing under the proposed Track Three Pilot Program should consider that the fee amounts due 30 months after the application is filed may be higher than the fee amounts in effect when the application was filed.

By statute, any patent term adjustment (PTA) accrued by an applicant based on delays by the USPTO is “reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application” (“applicant delay”). See 35 U.S.C. 154(b)(2)(C)(i). Taking more than three months to respond to any Office action or notice is considered an “applicant delay.” See 35 U.S.C. 154(b)(2)(C)(ii) and 37 CFR 1.704(b). Thus, if an applicant replies to a Notice to File Missing Parts more than three months after the mailing of the notice, any positive PTA accrued by the applicant will be reduced by the period of time in excess of three months taken to reply to the Notice to File Missing Parts. In addition, the failure to place an application in condition for

examination (defined in 37 CFR 1.704(f)) within eight months from the date on which the application was filed under 35 U.S.C. 111(a) is also an “applicant delay” and will result in a reduction of any positive PTA accrued by the applicant. See 37 CFR 1.704(c)(13). However, if an “applicant delay” occurs under both these provisions on the same calendar day, the applicant will be assessed only one day of applicant delay (*i.e.*, no overlapping reduction). It should be noted, however, that this proposed Track Three Pilot Program would not be considered a suspension of action under 37 CFR 1.103 at the applicant’s request, and thus applicant delay would not be assessed under 37 CFR 1.704(c)(1). No change to the current regulations (including the PTA regulations) is contemplated to implement the proposed Track Three Pilot Program.

The optional pre-examination search report contemplated by the USPTO is not an action under 35 U.S.C. 132, and no reply to the pre-examination search report itself is necessary to avoid abandonment. Thus, the pre-examination search report will not toll the 14-month time period under 35 U.S.C. 154(b)(1)(A)(i), and therefore, positive PTA will accrue after expiration of the 14-month time period under 35 U.S.C. 154(b)(1)(A)(i) until an action under 35 U.S.C. 132 or 151 is mailed. However, any positive PTA accrued by the applicant will be reduced by the period of time in excess of three months taken to reply to the Notice to File Missing Parts, as well as the period of time in excess of eight months taken to place the application in condition for examination as defined in 37 CFR 1.704(f), except that the applicant will be assessed only one day of applicant delay if both of these delays occur on the same calendar day.

IV. Questions for Public Comment

The USPTO welcomes any comments from the public on the proposed program discussed in this notice. Commenters are also welcome to respond to any or all of the following questions:

1. Should the USPTO implement the proposed Track Three Pilot Program? Why or why not?
2. If the USPTO implements the proposed Track Three Pilot Program, do you or members of your organization believe that the public would use it for eligible applications?
3. If the proposed Track Three Pilot Program is used, to what extent do you or members of your organization believe the public would use the “plus” option?

4. If the proposed “plus” option in the Track Three Pilot Program is used, what information would you or members of your organization like to see in the pre-examination search report? For example, options may include a simple list of relevant references, a list of relevant references with a short explanation of why they are relevant, a PCT-style search report that identifies how references are pertinent to specific claims, or something different.

5. Would the proposed “plus” option in the Track Three Pilot Program be used if the search is performed by a USPTO artificial intelligence search tool(s) only? For example, the search report may include a list of references generated by the artificial intelligence tool(s) or may include relevant references identified by a patent examiner from the artificial intelligence search results along with some level of context ranging from a short explanation to a full PCT-style report.

6. Are there any conditions of the proposed Track Three Pilot Program that should be modified? For example, is the 30-month time period sufficient to determine whether to proceed with prosecution of the application?

7. Do the current practices discussed in this notice (*i.e.*, deferred examination under 37 CFR 1.103(d), the missing parts practice, or PCT practice) provide sufficient additional time to determine whether to pay the fees and/or proceed with prosecution of the application?

8. If an applicant participating in the proposed Track Three Pilot Program becomes aware that the application is no longer entitled to micro entity status, how should that discovery impact the status of the application in the proposed Track Three Pilot Program?

For example, should the applicant be required to promptly pay the remaining fees and thereby complete the application so it can be forwarded for examination?

Katherine K. Vidal,

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

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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 service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Date added to the Procurement List: June 16, 2023.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785-6404, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Additions

On 3/17/2023 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 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 service(s) to the Government.
2. The action will result in authorizing small entities to furnish the service(s) 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. 8501-8506) in connection with the service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Custodial Service
Mandatory for: NASA, NASA Langley Research Center, Hampton, VA

Designated Source of Supply: Brevard Achievement Center, Inc., Rockledge, FL
Contracting Activity: National Aeronautics and Space Administration, NASA Langley Research Center

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the NASA Langley Research Center, Custodial Service, Hampton, VA contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the NASA Langley Research Center will refer its business elsewhere, this addition must be effective on June 16, 2023, ensuring timely execution for a July 1, 2023 start date while still allowing 21 days for comment. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on March 17, 2023 and did not receive any comments from any interested persons. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2023-11269 Filed 5-25-23; 8:45 am]

BILLING CODE 6353-01-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before June 26, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the website's search function. Comments can be entered electronically by clicking on the "comment" button next to the information collection on the "OIRA Information Collections Under Review" page, or the "View ICR—Agency Submission" page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by clicking on the "Submit Comment" box next to the descriptive entry for OMB Control Number 3038-0049, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. 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.¹ The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the

¹ 17 CFR 145.9.