

prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port;

- Reports from off-loading facilities, port-side government officials, enforcement agents, military personnel, port inspectors, transshipment vessel workers and fish importers;
- Sightings of vessels included on RFMO IUU vessel lists;
- RFMO catch documents and statistical document programs;
- Reports of vessels fishing in the EEZ of another nation without authorization, or fishing with authorization in the EEZ of another nation but violating the conditions of that authorization;
- Relevant reports from governments, international organizations, or nongovernmental organizations; and
- Evidence of large-scale (over 2.5 km in length) drift-net use.

NMFS will consider all available information, as appropriate, when making a determination whether to identify a particular nation or entity in the biennial report to Congress. Information should be as specific as possible as this will assist NMFS in its review. NMFS will consider several criteria when determining whether information is appropriate for use in making identifications, including but not limited to:

- Corroboration of information;
- Whether multiple sources have been able to provide information in support of an identification;
- The methodology used to collect the information;
- Specificity of the information provided (*i.e.*, location, date, time of occurrence);
- Susceptibility of the information to falsification and alteration;
- Credibility of the individuals or organization providing the information; and
- Ability to share the provided information with a nation or entity in the event that it is identified, so that the nation can take specific corrective actions.

More information regarding the identification process and how the information received will be used in that process can be found at 16 U.S.C. 1826h–1826k and in the regulations codified at 50 CFR 300.200 *et seq.*

Dated: July 1, 2024.

**Alexa Cole,**

*Director, Office of International Affairs, Trade, and Commerce, National Marine Fisheries Service.*

[FR Doc. 2024–14823 Filed 7–5–24; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Third-Party Submissions and Protests**

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0062 (Third-Party Submissions and Protests). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

**DATES:** To ensure consideration, comments regarding this information collection must be received on or before September 6, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include “0651–0062 comment” in the subject line of the message.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

**FOR FURTHER INFORMATION CONTACT:**

Request for additional information should be directed to Jeffrey West, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–2226; or by email at [jeffrey.west@uspto.gov](mailto:jeffrey.west@uspto.gov) with “0651–0062 comment” in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under “Information Collection Review.”

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 *et seq.* to examine an application for patent and, when appropriate, issue a patent. The provisions of 35 U.S.C. 122(c), 122(e), 131, and 151, as well as 37 CFR 1.290 and 1.291, limit the ability of a third-party to have information entered and considered in, or to protest, a patent application pending before the USPTO.

37 CFR 1.290 provides a mechanism for third parties to submit to the USPTO for consideration and inclusion in the record of a patent application, any patents, published patent applications, or other printed publications of potential relevance to the examination of the application.

A third-party submission under 37 CFR 1.290 may be made in any nonprovisional utility, design, and plant application, including any continuing application. A third-party submission under 37 CFR 1.290 must include a concise description of the asserted relevance of each document submitted, and must be submitted within a certain statutorily specified time period.

37 CFR 1.291 permits a member of the public to file a protest against a pending application. Protests pursuant to 37 CFR 1.291 are supported by a separated statutory provision from third-party submissions under 37 CFR 1.290. As a result, there are several differences between protests and third-party submissions, as explained in the table below.

**TABLE 1—COMPARISON OF THIRD-PARTY SUBMISSIONS AND PROTESTS**

Comparison	Third-party submission	Protest
Statute/Regulation .....	35 U.S.C. 122(e), 37 CFR 1.290 .....	35 U.S.C. 122(c), 37 CFR 1.291.
Content .....	Printed publications .....	Printed publications and any facts or information adverse to patentability.
Remarks .....	Concise description of relevance (limited to a concise description of each document’s relevance).	Concise explanation of the relevance (allows for arguments against patentability).

TABLE 1—COMPARISON OF THIRD-PARTY SUBMISSIONS AND PROTESTS—Continued

Comparison	Third-party submission	Protest
Timing .....	The earlier of—(A) the date of a notice of allowance; or (B) the later of—(i) 6 months after the date of Pre-Grant Publication, or (ii) the date of the first rejection of any claim during the examination of the application for patent.	(1) Prior to the date of Pre-Grant Publication or the date of a notice of allowance, whichever occurs first, or (2) accompanied by written consent of the applicant and prior to the date of a notice of allowance.

For example, 37 CFR 1.291 permits the submission of information that is not permitted in a third-party submission under 37 CFR 1.290. Specifically, 37 CFR 1.291 provides for the submission of information other than publications, including any facts or information adverse to patentability. Unlike the concise explanation of the relevance required for a preissuance submission under 37 CFR 1.290, which is limited to a description of a document’s relevance, the concise explanation for a protest under 37 CFR 1.291 allows for arguments against patentability. Additionally, the specified time period for submitting a protest differs from the time period for submitting third-party submissions and is impacted by whether the protest is accompanied by the written consent of the applicant.

This information collection covers the items used by the public to submit information and protests regarding patent applications to the USPTO. This information collection is necessary so that the public can contribute to the quality of issued patents. The USPTO will use this information, as appropriate, to assist in evaluating the patent application as it moves through the patent examination process.

**II. Method of Collection**

The items in this information collection may be submitted electronically, or on paper by either mail or hand delivery.

**III. Data**

- OMB Control Number: 0651–0062.
- Forms: (SB = Specimen Book)
- PTO/SB/429 (Third-Party Submission Under 37 CFR 1.290)

*Type of Review:* Extension and revision of a currently approved information collection.

*Affected Public:* Private sector.

*Respondent’s Obligation:* Required to obtain or retain benefits.

*Estimated Number of Annual Respondents:* 1,033 respondents.

*Estimated Number of Annual Responses:* 1,033 responses.

*Frequency:* On occasion.

*Estimated Time per Response:* The USPTO estimates that the responses in this information collection will take the public approximately 10 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 10,330 hours.

*Estimated Total Annual Respondent Hourly Cost Burden:* \$4,617,510.

TABLE 2—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hours)	Estimated burden (hour/year)	Rate <sup>1</sup> (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1 .....	Third-Party Submissions in Nonissued Applications Under 37 CFR 1.290.	1,017	1	1,017	10	10,170	\$447	\$4,545,990
2 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291.	16	1	16	10	160	447	71,520
Totals ..	.....	1,033	.....	1,033	.....	10,330	.....	4,617,510

<sup>1</sup> 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms which is \$447 per hour (<https://www.aipla.org/home/news-publications/economic-survey>).

*Estimated Total Annual Respondent Non-hourly Cost Burden:* \$153,686. There are no capital start-up, maintenance costs, or recordkeeping costs associated with this information

collection. However, the USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of filing fees and postage, is \$153,686.

*Filing Fees*

The filing fees associated with this information collection are listed in the table below.

TABLE 3—FILING FEES

Item No.	Fee code	Item	Estimated annual responses	Filing fee (\$)	Non-hourly cost burden (\$)
			(a)	(b)	(a) × (b) = (c)
1 .....	1818	Third-Party Submissions in Nonprovisional Applications Under 37 CFR 1.290 (undiscounted).	742	\$180	\$133,560

TABLE 3—FILING FEES—Continued

Item No.	Fee code	Item	Estimated annual responses (a)	Filing fee (\$) (b)	Non-hourly cost burden (\$) (a) × (b) = (c)
1 .....	2818	Third-Party Submissions in Nonprovisional Applications Under 37 CFR 1.290 (small and micro entities).	275	72	19,800
2 .....	1830	Protest by the Public Against Pending Applications Under 37 CFR 1.291—second or subsequent protest by the same real party in interest (undiscounted).	1	140	140
2 .....	2830	Protest by the Public Against Pending Applications Under 37 CFR 1.291—second or subsequent protest by the same real party in interest (small entity).	1	56	56
2 .....	3830	Protest by the Public Against Pending Applications Under 37 CFR 1.291—second or subsequent protest by the same real party in interest (micro entity).	1	28	28
Totals	.....	.....	1,020	.....	153,584

*Postage Costs*

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 1% of the 1,033 items will be submitted in the mail resulting in 10 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be \$10.15. Therefore, the USPTO estimates the total mailing costs for this information collection at \$102.

**IV. Request for Comments**

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency’s estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address,

phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

**Justin Isaac,**

*Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.*

[FR Doc. 2024–14920 Filed 7–5–24; 8:45 am]

**BILLING CODE 3510–16–P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Fastener Quality Act Insignia Recordal Process**

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comments on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public’s reporting burden. Public comments were previously requested via the **Federal Register** on April 23, 2024 during a 60-day comment period (89 FR 30324). This notice allows for an additional 30 days for public comment.

*Agency:* United States Patent and Trademark Office, Department of Commerce.

*Title:* Fastener Quality Act Insignia Recordal Process.

*OMB Control Number:* 0651–0028.

*Needs and Uses:* Under Section 5 of the Fastener Quality Act (FQA) of 1999,<sup>1</sup> 15 U.S.C. 5401 *et seq.*, certain industrial fasteners must bear an insignia identifying the manufacturer. It is also mandatory for manufacturers of fasteners covered by the FQA to submit an application to the USPTO for recordal of the insignia on the Fastener Insignia Register.

The procedures for the recordal of fastener insignia under the FQA are set forth in 15 CFR 280.300 *et seq.* The purpose of requiring both the insignia and the recordation is to ensure that certain fasteners can be traced to their manufacturers and to protect against the sale of mismarked, misrepresented, or counterfeit fasteners.

The insignia may be a unique alphanumeric designation that the USPTO will issue upon request or a trademark that is registered at the USPTO or is the subject of an application to obtain a registration. After a manufacturer submits a complete application for recordal, the USPTO issues a Certificate of Recordal. These certificates remain active for five years. Applications to renew the certificates must be filed within six months of the expiration date or, upon payment of an additional surcharge, within six months following the expiration date.

If a recorded alphanumeric designation is assigned by the manufacturer to a new owner, the designation becomes “inactive” and the

<sup>1</sup> <https://www.govinfo.gov/content/pkg/PLAW-106publ34/pdf/PLAW-106publ34.pdf>.