

**DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

[Docket No.: PTO-P-2009-0032]

**Request for Comments on Patents Ombudsman Pilot Program****AGENCY:** United States Patent and Trademark Office, Commerce.**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is currently developing a Patents Ombudsman Pilot Program. The Patents Ombudsman Pilot Program is intended to provide patent applicants, attorneys and agents with assistance with application-specific issues including prosecution advancement concerns. The Patents Ombudsman Pilot Program is not intended to circumvent normal communication between pro se applicants or applicant's representatives and examiners or Supervisory Patent Examiners (SPEs). The USPTO is inviting public comment on the proposed Patents Ombudsman Pilot Program.

*Comment Deadline Date:* Written comments must be received on or before November 27, 2009. No public hearing will be held.

**ADDRESSES:** Written comments should be sent by electronic mail message over the Internet addressed to *ombudsmanprogram@uspto.gov*. Comments may also be submitted by mail addressed to: Mail Stop Comments (Attention: Patents Ombudsman Pilot Program), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Although comments may be submitted by mail, the USPTO prefers to receive comments via the Internet.

The written comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, 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:** Mindy Fleisher, Special Programs Advisor, Technology Center 2400, at (571) 272-3365, or Pinchus M. Laufer, Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, at (571) 272-7726.

**SUPPLEMENTARY INFORMATION:** The majority of patent applications filed with the USPTO proceed through the examination process consistent with established USPTO procedure. However, some patent applicants, attorneys, and agents have expressed that their applications have not proceeded in accordance with established procedure. In some situations, the patent applicants, attorneys, and agents have felt that examination has stalled and that their efforts to move their applications forward through the normal channels have not been effective. Patent applicants, attorneys, and agents have suggested that there be a dedicated resource they can turn to in such instances. These suggestions have led the USPTO to consider implementing a Patents Ombudsman Pilot Program.

After considering its resources, the USPTO is proposing that the pilot program take the following form. It is envisioned that pro se applicants or applicant's representatives would initiate use of the Patents Ombudsman Pilot Program via a link on the USPTO web site where pro se applicants or applicant's representatives would provide their name and phone number and select the ombudsman for the patent division (e.g., Technology Center) in which they are seeking assistance; replies to the initial communication for this pilot program will be by telephone rather than by written communication, such as e-mail. The ombudsman in the appropriate division will call the pro se applicant or applicant's representative within one business day to obtain a full description of the issue. Once the full description is obtained, the ombudsman would create a record in a database. The record in the database will be solely limited to the contact information and a broad description of the issue at a level not requiring being made part of the application record. All requests for assistance made to the pilot program will be tracked in the database to: (1) Ensure that all requests for assistance are addressed; (2) identify and use trends to develop targeted training for employees as appropriate; and (3) enhance customer service. After the USPTO gains greater experience with the Patents Ombudsman Pilot Program, the USPTO will reassess whether additional information concerning the issue should be recorded and where best to make a record of that information.

If possible, the ombudsman will immediately resolve the issue (e.g., certain routine administrative issues); otherwise, the ombudsman will forward the issue to the appropriate area for review (e.g., Technical Support Staff,

Technology Center Director, SPE, another business unit) and will request that the area send a message back to the ombudsman when the issue has been treated and the pro se applicant or applicant's representative has been notified.

It is intended that all issues be considered and treated within ten business days. The ombudsman in each division will regularly monitor the database to ensure that issues are being treated in a timely manner. In particular, the ombudsman will inquire into instances where five business days have elapsed and there is no indication that the issue has been closed out or is actively in the process of being treated.

The Patents Ombudsman Pilot Program is not intended as an alternative forum for resolution of disagreements between the applicant and the examiner that are currently resolved via appeal or petition. The Patents Ombudsman Pilot Program does not supplant the requirement that all business with the USPTO be conducted in writing.

See 37 CFR 1.2.

The USPTO is publishing this request for comments to gather public feedback on the Patent Ombudsman Pilot Program to ensure that it will serve the patent community as intended.

Dated: October 21, 2009.

**David J. Kappos,**

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

[FR Doc. E9-25798 Filed 10-26-09; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF DEFENSE****Office of the Secretary****Availability of the Fiscal Year 2008 Defense Commissary Agency (DeCA) Services Contract Inventory**

**AGENCY:** Defense Commissary Agency, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with Section 2330a of Title 10 United States Code as amended by the National Defense Authorization Act for Fiscal Year 2008 (NDAA 08) Section 807, the DeCA Director of Contracting, in coordination with the Office of the Director, Defense Procurement and Acquisition Policy, Office of Strategic Sourcing (DPAP/SS) will make available to the public the first inventory of activities performed pursuant to contracts for services. The inventory will be published to the DeCA Web site at the following location:

<http://www.commissaries.com/business/services.cfm>.

**DATES:** Inventory to be made publicly available within 30 days of publication of this notice.

**ADDRESSES:** Send written comments or suggestions concerning the inventory to Ms. Cindy Hildner, Directorate of Contracting (AMP), Defense Commissary Agency, 1300 E Avenue, Fort Lee, VA 23801-1800.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cindy Hildner, (804) 734-8000, extension 4-8483, or [cindy.hildner@deca.mil](mailto:cindy.hildner@deca.mil).

**SUPPLEMENTARY INFORMATION:** NDAA 08, Section 807 amends Section 2330a of Title 10 United States Code to require annual inventories and reviews of activities performed on services contracts. The Deputy Under Secretary of Defense (Acquisition and Technology) (DUSD(AT)) transmitted the DeCA inventory to Congress on September 29, 2009.

The DeCA Director of Contracting submitted the DeCA Fiscal Year 2008 Services Contract Inventory to the Office of the DPAP/SS on August 28, 2009. Included with this inventory was a narrative that describes the methodology for data collection, the inventory data, and the plan for review of this inventory. The narrative and cover letters may be downloaded in electronic form (.pdf file) from the following location: <http://www.commissaries.com/business/services.cfm>. The inventory does not include contract numbers, contractor identification, or other proprietary or sensitive information as these data can be used to disclose a contractor's proprietary proposal information.

Dated: October 21, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E9-25762 Filed 10-26-09; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board

**AGENCY:** Department of Defense.

**ACTION:** Notice of advisory committee meeting date change.

**SUMMARY:** On Thursday, September 17, 2009 (74 FR 47787) the Department of Defense announced closed meetings of the Defense Science Board (DSB) Fall quarterly. These meetings have been rescheduled from October 28-29, 2009,

to January 11-12, 2010; at the Pentagon. Additional information can be found in the September 17, 2009, notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301-3140, via e-mail at [debra.rose@osd.mil](mailto:debra.rose@osd.mil), or via phone at (703) 571-0084.

Dated: October 21, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E9-25761 Filed 10-26-09; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2009-OS-0153]

#### Privacy Act of 1974; System of Records

**AGENCY:** Defense Threat Reduction Agency, DoD.

**ACTION:** Notice to amend a system of records.

**SUMMARY:** Defense Threat Reduction Agency is amending a system of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective without further notice on November 27, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Freedom of Information and Privacy Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

**FOR FURTHER INFORMATION CONTACT:** Ms. Brenda Carter at (703) 767-1771.

**SUPPLEMENTARY INFORMATION:** The Defense Threat Reduction Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: October 21, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

#### HDTRA 006

#### SYSTEM NAME:

Employee Occupational Health Programs (August 9, 2005, 70 FR 46152).

#### CHANGES:

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#### STORAGE:

Delete entry and replace with "Records are stored in paper file folders and electronic storage media."

#### RETRIEVABILITY:

Delete entry and replace with "Records may be retrieved by the individual's name and date of birth."

#### SAFEGUARDS:

Delete entry and replace with "During the employment of the individual, medical records are maintained in locked file cabinets located in a secured room with access limited to those whose official duties require access. Buildings are protected by security guards and an intrusion alarm system."

#### RETENTION AND DISPOSAL:

Delete entry and replace with "Records are retained until the individual leaves the DTRA. Records are combined with the official personnel folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate."

#### SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Chief, Environmental, Safety and Occupational Health Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201."

#### NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Chief, Environmental, Safety and Occupational Health Division, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

The letter should contain the full name, date of birth and signature of the requester and the approximate period of time, by date, during which the case record was developed."

#### RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained