

available, the application that is being expressly abandoned; (iii) provide a statement certifying that applicant has not filed petitions in more than fourteen other applications requesting special status under this program; and (iv) provide a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions (see 35 U.S.C. 121, 37 CFR 1.141–142). If the examiner cannot reach the applicant after a reasonable effort or applicant refuses to make an election in a telephonic interview, the examiner will treat the first claimed invention as constructively elected without traverse for examination. In addition, the USPTO will accord special status for examination under the Patent Application Backlog Reduction Stimulus Plan to only the first 10,000 applications that meet the requirements of the Patent Application Backlog Reduction Stimulus Plan.

For the purpose of the certification that applicant has not filed petitions in more than fourteen other applications requesting special status under this program, any application that is assigned to or subject to an obligation to assign to an entity or is owned by that entity for which a petition under this program has been filed is considered to be a petition filed by applicant. Thus, the certification that applicant has not filed petitions in more than fourteen other applications requesting special status under this program is based upon ownership.

The procedure specified in the *Backlog Reduction Notice* and this notice is applicable to applicants having multiple applications currently pending before the USPTO and who are willing to expressly abandon one application to have another application accorded special status for examination. The USPTO appreciates that there are applicants who are willing to expressly abandon an application, but who have only a single application pending before the USPTO or no application for which special status for examination is desired. Applicants are reminded that 37 CFR 1.138(d) provides a procedure by which an applicant may obtain a refund of the search fee and excess claims fee paid in an application by submitting a petition (requires no fee) and letter of express abandonment. See MPEP § 711.01. The procedure set forth in 37 CFR 1.138(d), however, is applicable only to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004.

Applicants are cautioned to exercise care in filing a letter of express abandonment in an application. The USPTO cannot revive an application once the letter of express abandonment is recognized by the USPTO because the application was expressly and intentionally abandoned by the applicant. See MPEP §§ 711.01 and 711.03(c).

The procedure for petition under 37 CFR 1.102 to make an application special specified in the *Backlog Reduction Notice* and this notice is being adopted on a temporary basis until December 31, 2010. For a petition under 37 CFR 1.102 to be granted under the procedure specified in this notice, the petition under 37 CFR 1.102 and the letter of express abandonment and its accompanying statement must be filed on or before December 31, 2010, and must be among the first 10,000 applications accorded special status for examination under the Patent Application Backlog Reduction Stimulus Plan.

Dated: June 18, 2010.

**David J. Kappos,**

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

[FR Doc. 2010–15306 Filed 6–23–10; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XM26**

#### Marine Mammals; File No. 14186

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Sea World LLC, 9205 South Park Center Loop, Suite 400, Orlando, FL 32819 [Brad Andrews, Responsible Party] has been issued an enhancement permit to maintain non-releasable stranded Guadalupe fur seals (*Arctocephalus townsendi*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach,

CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Amy Sloan, (301)713–2289.

**SUPPLEMENTARY INFORMATION:** On December 19, 2008, notice was published in the *Federal Register* (73 FR 77630) that a request for a permit to conduct enhancement on the species identified above had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226). Additional authorization is provided pursuant to sections 109(h) and 112(c) of the Marine Mammal Protection Act of 1972 as amended (MMPA; 16 U.S.C. 1361 *et seq.*).

Permit No. 14186 authorizes Sea World LLC to maintain up to six (6) non-releasable stranded Guadalupe fur seals over a five-year period.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 18, 2010.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010–15322 Filed 6–23–10; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Stellwagen Bank National Marine Sanctuary Final Revised Management Plan: Notice of Availability

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of availability.