

In addition, a certificate of correction is permissible under 35 U.S.C. 255 only for "a mistake of a clerical or typographical nature, or of minor character." See 35 U.S.C. 255.

Thus, the USPTO has long maintained that a request for a certificate of correction under either 35 U.S.C. 254 or 255 is not an appropriate venue for seeking a change to the patent term adjustment indicated on a patent. See *Revision of Patent Term Extension and Patent Term Adjustment Provisions*, 69 FR 21704, 21707 (Apr. 22, 2004) (final rule) ("Petitions under [37 CFR] 1.182 or 1.183, or requests for a certificate of correction under either 35 U.S.C. 254 and [37 CFR] 1.323 or 35 U.S.C. 255 and [37 CFR] 1.324, are not substitute *fora* to obtain reconsideration of a patent term adjustment determination indicated in a notice of allowance if an applicant fails to submit a request for reconsideration within the time period specified in [37 CFR] 1.705(b), or to obtain reconsideration of a patent term adjustment determination indicated in a patent if a patentee fails to submit a request for reconsideration within the time period specified in [37 CFR] 1.705(d)"). The patent term adjustment provisions of 35 U.S.C. 154(b) provide for the establishment of procedures for patent term adjustment determinations, including providing the applicant one opportunity to request reconsideration of any patent term adjustment determination. See 35 U.S.C. 154(b)(3). It would render the provisions of 35 U.S.C. 154(b)(3) superfluous if patent term adjustment determinations could be revised at any time during the life of the patent via a certificate of correction under 35 U.S.C. 254 or 255. In addition, the patent term adjustment provisions of 35 U.S.C. 154(b) are designed to have patent term adjustment issues to be resolved shortly after a patent issues by providing a period of one hundred and eighty days from the grant of the patent for seeking court review of the USPTO's patent term adjustment determination (rather than the six-year statute of limitations otherwise applicable for actions under the Administrative Procedures Act). See 35 U.S.C. 154(b)(4). It would negate the purpose of the one hundred and eighty day period in 35 U.S.C. 154(b)(4) to allow patent term adjustment determinations to be revised at any time during the life of the patent via a certificate of correction under 35 U.S.C. 254 or 255. Therefore, it is not appropriate to issue a certificate of correction under 35 U.S.C. 254 or 255 to revise the patent term adjustment indicated in a patent unless it is being revised for consistency with: (1) The

patent term adjustment determined via a decision on a request for reconsideration under 37 CFR 1.705; or (2) the total patent term adjustment indicated on the Patent Application Information Retrieval (PAIR) screen that displays the patent term adjustment calculation for the patent.

Accordingly, the USPTO is clarifying that it will treat letters submitted by applicants and patentees stating that the USPTO's patent term adjustment determination indicated on a notice of allowance, issue notification, or patent is greater than what the applicant or patentee believes is appropriate by placing these letters in the file of the application or patent without comment. The USPTO will no longer review these letters or issue certificates of correction under either 35 U.S.C. 254 or 255 on the basis of a review of these letters. In addition, the USPTO will not grant a request for a certificate of correction under either 35 U.S.C. 254 or 255 to revise the patent term adjustment indicated in a patent, except in the two situations discussed previously. If a patentee submits a request for a certificate of correction under either 35 U.S.C. 254 or 255 to revise the patent term adjustment indicated in a patent that includes changes in the patent for which a certificate of correction would be appropriate, the request for a certificate of correction will not be granted unless the patentee submits a new request for a certificate of correction that does not also attempt to revise the patent term adjustment indicated in the patent.

If the applicant or patentee wants the USPTO to reconsider its patent term adjustment determination, the applicant or patentee must use the procedures set forth in 37 CFR 1.705 for requesting reconsideration of a patent term adjustment determination, whether the USPTO's patent term adjustment determination is greater than or less than the adjustment that the applicant or patentee believes to be appropriate. A patentee may also file a terminal disclaimer at any time disclaiming any period considered in excess of the appropriate patent term adjustment. See 35 U.S.C. 253 and 37 CFR 1.321.

However, the USPTO does not require an applicant or patentee to file either a request for reconsideration under 37 CFR 1.705 or a terminal disclaimer when the patent term adjustment indicated on a notice of allowance, issue notification, or patent is greater than what the applicant or patentee believes is appropriate.

The appropriate sections of the MPEP will be revised in accordance with this notice in due course.

Dated: July 14, 2010.

**David J. Kappos,**

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

[FR Doc. 2010-17667 Filed 7-19-10; 8:45 am]

**BILLING CODE 3510-16-P**

---

## COMMODITY FUTURES TRADING COMMISSION

### Agricultural Advisory Committee Meeting

**AGENCY:** Commodity Futures Trading Commission ("CFTC").

**ACTION:** Notice of Meeting of Agricultural Advisory Committee.

---

**SUMMARY:** The CFTC's Agricultural Advisory Committee will hold a public meeting on August 5, 2010, from 9 a.m. to 1 p.m., at the Commission's Washington, DC headquarters. The agenda for the meeting includes (1) the ICE Futures US Cotton Contract, (2) wheat price convergence issues, and (3) price reporting issues in the cattle and hog markets. Members of the public may file written statements with the committee. If time permits, reasonable provision will be made for oral presentations by members of the public of up to five minutes.

**DATES:** The meeting will be held on August 5, 2010 from 9 a.m. to 1 p.m.. Members of the public who wish to make oral statements should inform Commissioner Michael V. Dunn, who chairs the committee, in writing at least three business days before the meeting.

**ADDRESSES:** The meeting will take place in the first floor hearing room at the Commission's headquarters, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Written statements and requests to make oral statements should be sent to the attention of Agricultural Advisory Committee, c/o Chairman Michael V. Dunn, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

**FOR FURTHER INFORMATION CONTACT:** Nicole McNair at (202) 418-5070.

**SUPPLEMENTARY INFORMATION:** The meeting will be webcast on the Commission's Web site, <http://www.cftc.gov>. Members of the public also can listen to the meeting by telephone. The public access call-in numbers will be announced at a later date.

**Authority:** 5 U.S.C. app. 2 § 10(a)(2) .

Dated: July 14, 2010.

By the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. 2010-17605 Filed 7-19-10; 8:45 a.m.]

**BILLING CODE P**

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **Proposed Information Collection; Comment Request**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the locating of respondents for the National Evaluation of Youth Corps. The National Evaluation of Youth Corps is a study to determine the impact of participation in youth corps on members' educational attainment, employment and earnings, workplace and life skills, and avoidance of risk behaviors. The National Evaluation of Youth Corps is based on the hypothesis that participation in youth corps may lead to measurable outcomes for participants. The study uses an experimental design to assess program impacts on program participants. Many of the youth corps programs receive all or part of their funding from the Corporation.

Copies of the information collection requests can be obtained by contacting the office listed in the address section of this notice.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 20, 2010.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention: Lillian Dote, Program Officer, Office of Research and Policy Development, Curtis Center, 601 Walnut Street, Suite 876E, Philadelphia, PA, 19106.

(2) By hand delivery or by courier to the street address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (215) 597-4933, Attention: Lillian Dote, Program Officer, Office of Research and Policy Development.

(4) Electronically through the Corporation's e-mail address system: *ldote@cns.gov*.

#### **FOR FURTHER INFORMATION CONTACT:**

Lillian Dote at (215) 597-2715 or by e-mail at *ldote@cns.gov*.

#### **SUPPLEMENTARY INFORMATION:**

The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

#### **Background**

The Corporation is interested in learning about the effects of national service on participants. This study uses an experimental design to assess the outcomes associated with participation in national service. The proposed locating effort will be completed by sample members only, including former corps members and their counterparts in the comparison group.

In an effort to reduce the burden on sample members during this locating effort, the Corporation is simplifying the information collection. A large number of employment, education, civic engagement, and risk behavior questions will be eliminated or simplified, thereby resulting in a reduction in the prior

burden estimate. In addition, the Corporation has reduced the sample from 2,267 to 2,043. Study participants who did not respond to the baseline and 18-month follow-up survey have been removed from the sample.

#### **Current Action**

The Corporation seeks renewal of its earlier application.

*Type of Review:* Renewal.

*Agency:* Corporation for National and Community Service.

*Title:* National Evaluation of Youth Corps.

*OMB Number:* 3045-0124.

*Agency Number:* None.

*Affected Public:* Individuals who have agreed to participate in the National Evaluation of Youth Corps and who have completed a baseline survey.

*Total Respondents:* 2,043.

*Frequency:* Periodically.

*Average Time per Response:* Averages 15 minutes.

*Estimated Total Burden Hours:* 511 hours.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: July 13, 2010.

**Kevin Cramer,**

*Acting Director, Office of Research and Policy Development.*

[FR Doc. 2010-17586 Filed 7-19-10; 8:45 am]

**BILLING CODE 6050--SS-P**

## **DEPARTMENT OF EDUCATION**

### **The Historically Black College and University Capital Financing Advisory Board**

**AGENCY:** Department of Education. The Historically Black College and University Capital Financing Advisory Board.

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of an upcoming open meeting of the Historically Black College and University Capital Financing Advisory Board (Board). The notice also describes the functions of the Board. Notice of this meeting is required by Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

**DATES:** Friday, July 30, 2010.