

distribute the time and location of stations to the lobster industry, work only during daylight hours, post an extra lookout to avoid gear, and actively avoid tangling in stationary gear. The project would work in cooperation in with NHFG and AOLA to tag lobsters with the primary goal of documenting their movement on and off Georges Bank. The applicant states that data from the tagging project could also help answer questions of lobster discard mortality in the scallop fishery.

All tows would be conducted with two 15-foot (4.6-m) turtle deflector dredges for a duration of 30 minutes using an average tow speed of 4.8 knots.

One dredge would be rigged with a 7-row apron and twine top hanging ratio of 2:1, while the other dredge would be rigged with a 5-row, extended link apron and 1.5:1 twine top hanging ratio. Both dredge frames would be rigged with identical rock and tickler chain configurations, 10-inch (25.4-cm) twine top, and 4-inch (10.2-cm) ring bag. Gear comparison data will help improve efforts to reduce scallop dredge bycatch. Dredge gear would conform to scallop gear regulations.

For all tows, the entire sea scallop catch would be counted into baskets and weighed. One basket from each dredge would be randomly selected, and

the scallops would be measured in 5-milimeter increments to determine size selectivity. All finfish catch would be sorted by species and then counted and measured. Weight, sex, and reproductive state would be determined for a random subsample (n=10) of yellowtail, winter, and windowpane flounders. Lobsters would be measured, sexed, and evaluated for damage and shell disease. No catch would be retained for longer than needed to conduct sampling, and no finfish or lobsters would be landed for sale. All catch estimates for the project are listed in Table 1, below.

TABLE 1—COONAMESSETT FARM FOUNDATION GEORGES BANK SCALLOP RESEARCH PROJECT

Common name	Scientific name	Estimated weight (lb)*	Estimated weight (kg)
Sea Scallop .....	<i>Placopecten magellanicus</i> .....	33,103	15,015
Yellowtail Flounder .....	<i>Limanda ferruginea</i> .....	1,097	498
Winter Flounder .....	<i>Pseudopleuronectes americanus</i> .....	1,605	728
Windowpane Flounder .....	<i>Scophthalmus aquosus</i> .....	5,656	2,566
Summer Flounder .....	<i>Paralichthys dentatus</i> .....	1,886	855
Fourspot Flounder .....	<i>Paralichthys oblongus</i> .....	148	67
American Plaice .....	<i>Hippoglossoides platessoides</i> .....	180	82
Grey Sole .....	<i>Glyptocephalus cynoglossus</i> .....	24	11
Haddock .....	<i>Melanogrammus aeglefinus</i> .....	116	53
Atlantic Cod .....	<i>Gadus morhua</i> .....	199	90
Monkfish .....	<i>Lophius americanus</i> .....	16,839	7,638
Spiny Dogfish .....	<i>Squalus acanthias</i> .....	173	78
Barndoor Skates .....	<i>Dipturus laevis</i> .....	2,217	1,006
NE Skate Complex (excluding barndoor skate) .....	<i>Leucoraja erinacea, Leucoraja ocellata</i> .....	127,055	57,631
American lobster .....	<i>Homarus americanus</i> .....	1,000**	

\* Weights estimated using catch from a similar 2016 project.

\*\* Number of individual animals estimated to be caught.

The applicant states that the exemptions are necessary to allow them to conduct experimental dredge towing without being charged DAS, as well as deploy gear in areas that are currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. Exemptions from possession limits would allow researchers to sample finfish and lobster catch that exceeds possession limits or prohibitions. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFF will accompany each trip taken under the EFP. The goal of the proposed work is to provide information on spatial and temporal patterns in bycatch rates in the scallop fishery, with the objective of identifying mechanisms to mitigate bycatch. The data collected would enhance understanding of bycatch and

scallop yield as they relate to access and open area management.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 18, 2018.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2018-15724 Filed 7-20-18; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**Submission for OMB Review; Comment Request; Third-Party Submissions and Protests**

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

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

*Title:* Third-Party Submissions and Protests.

*OMB Control Number:* 0651-0062.

*Form Number(s):*

- PTO/SB/429

*Type of Request:* Regular.

*Number of Respondents:* 1,450 responses.

*Average Hours per Response:* 14,500 hours.

*Cost Burden:* \$74,160.

*Needs and Uses:* The public uses this information collection to contribute submissions and protests to the quality of issued patents. The USPTO will use this information, as appropriate, during the patent examination process to assist in evaluating the patent application.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Nicholas A. Fraser, email: [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov). Once submitted, the request will be publicly available in electronic format through [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0062 copy request" in the subject line of the message.

- *Mail:* Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 22, 2018 to Nicholas A. Fraser, OMB Desk Officer, via email to [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

**Marcie Lovett,**

*Director, Records & Information Governance Division (RIGD), Office of the Chief Technology Officer, Office of the Chief Information Officer, United States Patent and Trademark Office.*

[FR Doc. 2018-15611 Filed 7-20-18; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Proposed Collection; Comment Request; Fee Deficiency Submissions**

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

**ACTION:** Proposed collection, comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to comment on the proposed renewal of this information

collection, as required by the Paperwork Reduction Act.

**DATES:** Written comments must be submitted on or before September 21, 2018.

**ADDRESSES:** Written comments may be submitted by any of the following methods:

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0070 Fee Deficiency Submissions" in the subject line of the message.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

- *Mail:* Marcie Lovett, Director, Records and Information Governance Division, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email at [Raul.Tamayo@uspto.gov](mailto:Raul.Tamayo@uspto.gov) with "Information Collection: 0070" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Leahy-Smith America Invents Act ("Act") was enacted into law on September 16, 2011 (Pub. L. 112-29, 125 Stat. 283 (2011)). Under section 10(b) of the Act, eligible small entities shall receive a 50 percent fee reduction from the undiscounted fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents. The Act further provides that micro entities shall receive a 75 percent fee reduction from the undiscounted fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents.

This information collection covers the submissions made by patent applicants and patentees to excuse fee payment errors that result from changes in their small or micro entity status, in accordance with the procedures set forth in 37 CFR 1.28(c) and 1.29(k). Specifically, 37 CFR 1.28(c) provides a procedure by which patent applicants and patentees may be excused for erroneous payments of fees in the small entity amount. 37 CFR 1.29(k) provides a procedure by which patent applicants and patentees may be excused for

erroneous payments of fees in the micro entity amount.

Applicants who change their entity status may need to submit additional payments in order to have their applications associated with the correct category. A small or micro entity can be established in good faith, and a patent applicant pay a maintenance fee as a small or micro entity in good faith but later discover that such status was established in error or that through errors USPTO was not notified of a loss of entitlement to such status. The USPTO will excuse the error if a deficiency payment and other requirements are submitted in compliance with 37 CFR 1.28(c) or 1.29(k). This is known as a "1.28(c) petition" or "1.29(k) petition."

Thus, this information collection is necessary so that patent applicants and patentees may pay the balance of fees due (*i.e.*, fee deficiency payment) in instances when the micro or small entity fee amount was paid in error. The USPTO requires the information in order to process and properly record a fee deficiency payment, and to avoid questions arising later, either for the USPTO or for the applicant or patentee as to whether the proper fees have been paid in the application or patent. Failure to correct to the error in entity status will result in the charging of patent application fees that correspond with the correct entity status at the discretion of the Agency. If these fees are not paid, patent protection lapses and rights provided by the patent are no longer enforceable.

**II. Method of Collection**

The items in this collection may be submitted online using EFS-Web, the USPTO's Web-based electronic filing system, or on paper by either mail or hand delivery.

**III. Data**

*OMB Number:* 0651-0070.

*IC Instruments:* There are no forms in this collection.

*Type of Review:* Renewal of a previously existing information collection.

*Affected Public:* Businesses or other for-profits; not-for-profit institutions; individuals or households.

*Estimated Number of Respondents:* 2,500 responses per year. Of this total, the USPTO expects that 2,450 responses will be submitted electronically through EFS-Web and 50 will be submitted on paper.

*Estimated Time per Response:* The USPTO estimates that it will take the public approximately 2 hours to submit the information in this collection,