

Dated: May 7, 2012.

**Tammy C. Adams,**

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Recruitment of First Responder Network Authority Board of Directors

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Middle Class Tax Relief and Job Creation Act of 2012 ("the Act"), Public Law 112-96, 126 Stat. 156 (2012), the National Telecommunications and Information Administration (NTIA) announces the recruitment of the Board of Directors of the First Responder Network Authority (FirstNet). The Act created FirstNet as an independent authority within NTIA that will establish a single nationwide, interoperable public safety broadband network. The Board of Directors will be responsible for making strategic decisions regarding FirstNet's operations. Expressions of interest for membership on the FirstNet Board of Directors will be accepted until May 25, 2012.

**DATES:** Expressions of interest must be postmarked or electronically transmitted on or before May 25, 2012.

**ADDRESSES:** Persons wishing to submit expressions of interest as described below should send that information to: Jim Wasilewski, Deputy Chief of Staff, by email to [FirstNetBoard@ntia.doc.gov](mailto:FirstNetBoard@ntia.doc.gov); by U.S. mail or commercial delivery service to: Office of the Assistant Secretary, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4898, Washington, DC 20230; or by facsimile transmission to (202) 501-0536.

**FOR FURTHER INFORMATION CONTACT:** Jim Wasilewski, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4898, Washington, DC 20230, (202) 482-1840, [jwasilewski@ntia.doc.gov](mailto:jwasilewski@ntia.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Authority

Title VI of the Act provides 20 megahertz of spectrum and \$7 billion to

establish a single nationwide, interoperable public safety broadband network. It also establishes FirstNet as an independent authority within NTIA to build, deploy, and operate the network and to hold the single public safety license granted for wireless public safety broadband deployment.<sup>1</sup> The Act also sets forth the structure of FirstNet's Board of Directors.<sup>2</sup> Under the Act, the Board will be responsible for making strategic decisions regarding FirstNet's operations and ensuring the success of Congress's vision for the network. The Act requires that the Board be established no later than August 20, 2012.

##### II. Structure

The FirstNet Board of Directors will be composed of 15 individuals.<sup>3</sup> The Act names the Secretary of Homeland Security, the Attorney General, and the Director of the Office of Management and Budget as permanent members of the Board.<sup>4</sup> The Secretary of Commerce will select the remaining 12 members.<sup>5</sup> Each Board member must have expertise in at least one of the following substantive areas: Public safety, technical, network, and financial.<sup>6</sup> In addition, three Board members must represent the collective interests of states, localities, tribes, and territories; three Board members must have served as public safety professionals; and the Board as a whole should reflect geographical and regional diversity as well as rural and urban representation.<sup>7</sup>

Responsibilities of the Board will include creating the over-arching strategic framework for the public safety network, ensuring nationwide standards for use and access to the network based on commercial standards, working to deliver economies of scale for public safety, maximizing opportunities for long-term cost savings and improved functionality, integrating federal first responders and public-safety-related uses to maximize the efficiency of the new network, and formulating a fee collection system to ensure FirstNet self-sustainability.

##### III. Compensation and Status as Government Employees

FirstNet Board members will be appointed as federal government employees. FirstNet Board members

will be compensated at the daily rate of basic pay for level IV of the Executive Schedule (approximately \$155,000 per year).<sup>8</sup> Each Board member must be a United States citizen, cannot be a registered lobbyist, and cannot be a registered agent of, employed by, or receive payments from, a foreign government. The Board will meet at the call of the Chair and not less than once each quarter. Initial Board members will serve one, two, or three year terms. Subsequent Board members will be appointed for a term of three years, and Board members may not serve more than two consecutive terms.

##### IV. Financial Disclosure and Conflicts of Interest

FirstNet Board members will be required to comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. FirstNet Board members will generally be prohibited from participating on any particular matter that will have a direct and predictable effect on his or her personal financial interests or on the interests of the appointee's spouse, minor children, or non-Federal employer.

##### V. Selection Process

At the direction of the Secretary of Commerce, NTIA has been conducting outreach to the public safety community and industry to solicit nominations for candidates to the Board who satisfy the statutory requirements for membership. In addition, by this Notice, the Secretary of Commerce, through NTIA, will accept expressions of interest from any individual or organization who wishes to propose a candidate. All parties wishing to be considered should submit their full name, address, telephone number, email address, a current resume, and a statement of qualifications referencing the Act's eligibility requirements as described in this Notice.

The Secretary of Commerce will select FirstNet Board candidates based on the eligibility requirements in the Act and input and recommendations from NTIA. Board candidates will be evaluated based on their ability to contribute to the goals and objectives of FirstNet as set forth in the Act. Board candidates will be vetted through the Department of Commerce. FirstNet Board candidates may be subject to an appropriate background check for security clearance.

<sup>1</sup> See Middle Class Tax Relief and Job Creation Act of 2012 § 6201, Public Law 112-96, 126 Stat. 156 (2012).

<sup>2</sup> Id. § 6204(a).

<sup>3</sup> Id. § 6204(b).

<sup>4</sup> Id. § 6204(b)(1).

<sup>5</sup> Id. § 6204(b)(1)(d).

<sup>6</sup> Id. § 6204(b)(2)(B)(i).

<sup>7</sup> Id. § 6204(b)(2)(A).

<sup>8</sup> Id. § 6204(g)(1).

Dated: May 7, 2012.

**Lawrence E. Strickling,**

*Assistant Secretary for Communications and Information.*

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## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No.: PTO-P-2012-0022]

#### Quick Path Information Disclosure Statement (QPIDS) Pilot Program

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is implementing a pilot program intended to reduce pendency and applicant costs when an information disclosure statement (IDS) is filed after payment of the issue fee. This pilot program will permit an examiner to consider an IDS after payment of the issue fee without the need to reopen prosecution, effectively obviating the need to pursue a request for continued examination (RCE). Where the examiner determines that no item of information in the IDS necessitates reopening prosecution, the Office will issue a corrected notice of allowability. In addition to reducing pendency, this pilot program will promote efficiency in the examination process. There will be no fee required to use this program, beyond existing fees, e.g., fees for IDS submission.

**DATES: Effective Date:** May 16, 2012.

**Duration:** The QPIDS Pilot Program will run from its effective date until September 30, 2012. Therefore, an IDS submitted under this pilot program must be filed on or before September 30, 2012. The USPTO may extend this pilot program (with or without modifications) depending on feedback from the participants and the effectiveness of the program.

#### FOR FURTHER INFORMATION CONTACT:

Nicole D. Haines, Legal Advisor, or Raul Tamayo, Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-7717 or (571) 272-7728, respectively, or by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

#### SUPPLEMENTARY INFORMATION:

Applicants who become aware of information after payment of the issue

fee often file RCEs to have this information considered by an examiner. This is because 37 CFR 1.97 does not provide applicants with the opportunity to file an IDS after payment of the issue fee. Thus, applicants who determine that they need to file an IDS after payment of the issue fee must either file a petition under 37 CFR 1.313(c)(2) to withdraw the application from issue in order to permit entry of an RCE and have the accompanying IDS considered by the examiner, or file a petition under 37 CFR 1.313(c)(3) to withdraw the application from issue for express abandonment in favor of a continuing application. These applications experience delays associated with the filing and processing of the RCE (or continuing application), even if the information in the IDS would not have otherwise necessitated reopening prosecution.

In order to reduce pendency delays and costs associated with the current process for considering IDS submissions filed after payment of the issue fee, IDS submissions made in accordance with this pilot program will be considered by the examiner before determining whether prosecution should be reopened. Under this pilot program, prosecution will only be reopened where the examiner determines that reopening prosecution is necessary to address an item of information in the IDS. When the items of information in the IDS do not require prosecution to be reopened, the application will pass to issue, thereby eliminating the delays and costs associated with RCE practice.

#### A. QPIDS Pilot Program Requirements

In order to be eligible to participate in this pilot program, an application must be a utility or reissue application (*i.e.*, this pilot program does not pertain to design or plant applications). In addition, as set forth in detail below, a QPIDS submission must include the following items: (1) A transmittal form that designates the submission as a QPIDS submission, such as form PTO/SB/09; (2) an IDS accompanied by a timeliness statement set forth in 37 CFR 1.97(e), with the IDS fee set forth in 37 CFR 1.17(p); (3) a Web-based ePetition to withdraw from issue under 37 CFR 1.313(c)(2), with the petition fee set forth in 37 CFR 1.17(h); and (4) an RCE, which will be treated as a “conditional” RCE, with the RCE fee under 37 CFR 1.17(e). All papers associated with this pilot program must be filed via the USPTO’s Electronic Filing System-Web (EFS-Web), and all fees must be paid by authorization to charge a deposit account.

#### 1. Transmittal Form

A new transmittal form, PTO/SB/09, has been made available at <http://www.uspto.gov/forms/index.jsp> to identify submissions made pursuant to this pilot program. Use of this form will help the Office to quickly identify QPIDS submissions and facilitate timely processing of such submissions. The Office of Management and Budget (OMB) has determined that, under 5 CFR 1320.3(h), Form PTO/SB/09 does not collect “information” within the meaning of the Paperwork Reduction Act of 1995.

#### 2. IDS With Timeliness Statement and Fee

A submission under this pilot program must include an IDS in accordance with 37 CFR 1.97 and 37 CFR 1.98. Because 37 CFR 1.97(d) does not provide for the filing of an IDS submission after payment of the issue fee, the USPTO is *sua sponte* waiving 37 CFR 1.97(d) for IDS submissions filed under this pilot program to the extent that IDS submissions pursuant to this pilot program may be filed after payment of the issue fee. However, the requirements of 37 CFR 1.97(d)(1) and (d)(2) that the IDS be accompanied by a timeliness statement specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p) are not waived.

IDS submissions made under this pilot program must be accompanied by either the timeliness statement set forth in 37 CFR 1.97(e)(1) or the timeliness statement set forth in 37 CFR 1.97(e)(2). The QPIDS transmittal form PTO/SB/09 provides the appropriate timeliness statements for selection by applicant. Additionally, the IDS submission must include the IDS fee set forth in 37 CFR 1.17(p), by including an authorization to charge a deposit account. The QPIDS transmittal form PTO/SB/09 provides an authorization to charge a deposit account for payment of the IDS fee. A submission that provides for payment of the IDS fee (or any other required fee) via a fee transmittal form authorizing another form of payment does not comply with the requirements of this pilot program. Thus, applicants must have an established USPTO deposit account to participate in this pilot program. Information on USPTO deposit accounts is available at [http://www.uspto.gov/about/offices/cfo/finance/Dep\\_Account\\_Rules\\_and\\_Info.jsp](http://www.uspto.gov/about/offices/cfo/finance/Dep_Account_Rules_and_Info.jsp).

#### 3. Web-Based ePetition and Fee

A submission under this pilot program must be filed with a “Petition to Withdraw from Issue After Payment of the Issue Fee” (37 CFR 1.313(c)(2))