and copying by authorized employees of the Administration under the provisions of section 510 of the Act (21 U.S.C. 880).

(h) A record developed and maintained to comply with a State law may be used to meet the requirements of this section if the record includes the information specified in this section.

Dated: November 22, 2011.
Joseph T. Rannazzisi,
Deputy Assistant Administrator, Office of Diversion Control.

SUPPLEMENTARY INFORMATION:
FOR FURTHER INFORMATION CONTACT:

DATES:
The effective date is January 1, 2012.

SUMMARY:
This rule amends Pension Benefit Guaranty Corporation’s regulation on Allocation of Assets in Single-Employer Plans by substituting a new table for determining expected retirement ages for participants in pension plans undergoing distress or involuntary termination with valuation dates falling in 2012. This table is needed in order to compute the value of early retirement benefits and, thus, the total value of benefits under a plan.

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

ASSOCIATIONS IN SECRETARY __________________________________________________________

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. Appendix D to part 4044 is amended by removing Table I–11 and adding in its place Table I–12 to read as follows:

Appendix D to Part 4044—Tables Used To Determine Expected Retirement Age
If participant reaches URA in year—

<table>
<thead>
<tr>
<th>Year</th>
<th>Low 1 if monthly benefit at URA is less than—</th>
<th>Medium 2 if monthly benefit at URA is—</th>
<th>High 3 if monthly benefit at URA is greater than—</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>575</td>
<td>575</td>
<td>2,431</td>
</tr>
<tr>
<td>2014</td>
<td>586</td>
<td>586</td>
<td>2,477</td>
</tr>
<tr>
<td>2015</td>
<td>598</td>
<td>598</td>
<td>2,527</td>
</tr>
<tr>
<td>2016</td>
<td>610</td>
<td>610</td>
<td>2,577</td>
</tr>
<tr>
<td>2017</td>
<td>623</td>
<td>623</td>
<td>2,632</td>
</tr>
<tr>
<td>2018</td>
<td>636</td>
<td>636</td>
<td>2,687</td>
</tr>
<tr>
<td>2019</td>
<td>649</td>
<td>649</td>
<td>2,743</td>
</tr>
<tr>
<td>2020</td>
<td>663</td>
<td>663</td>
<td>2,801</td>
</tr>
<tr>
<td>2021</td>
<td>677</td>
<td>677</td>
<td>2,860</td>
</tr>
<tr>
<td>2022 or later</td>
<td>691</td>
<td>691</td>
<td>2,920</td>
</tr>
</tbody>
</table>

1 Table II–A.  
2 Table II–B.  
3 Table II–C.

Issued in Washington, DC, this 18th day of November 2011.

Laricke Blanchard,  
Deputy Director for Policy, Pension Benefit Guaranty Corporation.

[FR Doc. 2011–30849 Filed 11–30–11; 8:45 am]  
BILLING CODE 7709–01–P

DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
37 CFR Part 1  
[Docket No. PTO-P–2011–0014]  
RIN 0651–AC56

Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements


ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (Office) is revising the patent term adjustment provisions of the rules of practice in patent cases. The patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) provide for a reduction of any patent term adjustment if the applicant failed to engage in reasonable efforts to conclude prosecution of the application. The Office is revising the rules of practice pertaining to the reduction of patent term adjustment for applicant delays to exclude information disclosure statements resulting from the citation of information in a counterpart application that are promptly filed with the Office. The rule change allows the diligent applicant to avoid patent term adjustment reduction for an IDS submission that results from a communication from the Office. Presently, the rule only provides relief if the IDS was cited as a result of a communication from a foreign patent office. Under this final rule, there will be no reduction of patent term adjustment in the following situations: when applicant promptly submits a reference in an information disclosure statement after the mailing of a notice of allowance if the reference was cited by the Office in another application, or when applicant promptly submits a copy of an Office communication (e.g., an Office action) in an information disclosure statement after the mailing of a notice of allowance if the Office communication was issued by the Office in another application or by a foreign patent office in a counterpart foreign application. The above changes are intended to ensure compliance with AIPA in light of the evolving case law.

DATES: Effective Date: December 1, 2011.

FOR FURTHER INFORMATION CONTACT: Kery A. Fries, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at (571) 272–7757, by mail addressed to: Box Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Kery A. Fries.

SUPPLEMENTARY INFORMATION: The AIPA amended 35 U.S.C. 154(b) to provide patent term adjustment for certain delays during the patent examination process. See Public Law 106–113, 113 Stat. 1501, 1501A–552 through 1501A–591 (1999)). Specifically, under the patent term adjustment provisions of 35 U.S.C. 154(b) as amended by the AIPA, an applicant is entitled to patent term adjustment for the following reasons: (1) If the Office fails to take certain actions during the examination and issue process within specified time frames (35 U.S.C. 154(b)(1)(A)); (2) if the Office fails to issue a patent within three years of the actual filing date of the application in the United States (35 U.S.C. 154(b)(1)(B)); and (3) for delays due to interference, secrecy order, or successful appellate review (35 U.S.C. 154(b)(1)(C)). The AIPA, however, sets forth a number of conditions and limitations on any patent term adjustment accrued under 35 U.S.C. 154(b)(1). Specifically, 35 U.S.C. 154(b)(2)(C) provides, in part, that “[t]he period of adjustment of the term of a patent under [35 U.S.C. 154(b)(1)] shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application” and that “[t]he Director shall prescribe regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application.” 35 U.S.C. 154(b)(2)(C)(i) and (iii). The Office implemented the patent term adjustment provisions of 35 U.S.C. 154(b) as amended by the AIPA, including setting forth the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application, in a final rule published in September of 2000. See Changes to Implement Patent Term Adjustment Under Twenty-Year Patent