

any failure by USPTO personnel to follow the Patent Subject Matter Eligibility Interim Guidelines is neither appealable nor petitionable.

The Patent Subject Matter Eligibility Interim Guidelines merely revise USPTO examination practice for consistency with the USPTO's current understanding of the case law regarding patent subject matter eligibility under 35 U.S.C. 101. Therefore, the Patent Subject Matter Eligibility Interim Guidelines are interpretive or relate only to agency practice and procedure, and prior notice and an opportunity for public comment are not required under 5 U.S.C. 553(b)(A) (or any other law). Nevertheless, the USPTO is providing this opportunity for public comment because the USPTO desires the benefit of public comment on the Patent Subject Matter Eligibility Interim Guidelines.

*The USPTO is particularly interested in comments addressing the following questions:*

(1) While the Patent Subject Matter Eligibility Interim Guidelines explain that physical transformation of an article or physical object to a different state or thing to another establishes that a claimed invention is eligible for patent protection, Annex III to the Patent Subject Matter Eligibility Interim Guidelines explains that identifying that a claim transforms data from one value to another is not by itself sufficient for establishing that the claim is eligible for patent protection. Therefore, claims that perform data transformation must still be examined for whether there is a practical application of an abstract idea that produces a useful, concrete, and tangible result. Is the distinction between physical transformation and data transformation appropriate in the context of the Patent Subject Matter Eligibility Interim Guidelines? If not, please explain why and provide support for an alternative analysis.

(2) Is the USPTO interpretation of *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998), as holding that if there is no physical transformation, a claimed invention must necessarily, either expressly or inherently, produce a useful, concrete, and tangible result (rather than just be "capable of" producing such a result) either too broad or too narrow? If so, please suggest an alternative interpretation and reasons therefor.

(3) As the courts have yet to define the terms "useful," "concrete," and "tangible" in the context of the practical application requirement, are the explanations provided in the Patent Subject Matter Eligibility Interim

Guidelines sufficient? If not, please suggest alternative explanations.

(4) What role should preemption have in the determination of whether a claimed invention is directed to a practical application of a 35 U.S.C. 101 judicial exception?

(5) Annex IV to the Patent Subject Matter Eligibility Interim Guidelines explains why the USPTO considers claims to signals *per se*, whether functional descriptive material or non-functional descriptive material, to be nonstatutory subject matter. Does the USPTO analysis represent a reasonable extrapolation of relevant case law? If not, please explain why and provide support for an alternative analysis. If claims directed to a signal *per se* are determined to be statutory subject matter, what is the potential impact on internet service providers, satellites, wireless fidelity (WiFi<sup>®</sup>), and other carriers of signals?

The USPTO also notes that the U.S. Supreme Court has granted certiorari in *Laboratory Corp. of America Holdings v. Metabolite Laboratories, Inc.*, S.Ct. No. 04-607 (*LabCorp*). See 546 U.S. \_\_\_\_ (Nov. 2, 2005). The USPTO expects that a decision in *LabCorp* will be rendered sometime before the end of June 2006. Since the Court's decision in *LabCorp* may impact the broader question of patent subject matter eligibility under 35 U.S.C. 101, the USPTO is extending the period for public comment on the USPTO's Patent Subject Matter Eligibility Interim Guidelines until June 30, 2006. The USPTO will publish a notice further extending the period for public comment on the USPTO's Patent Subject Matter Eligibility Interim Guidelines if necessary to permit the comments to take into account the Court's decision in *LabCorp*.

Dated: December 14, 2005.

**Jon W. Dudas,**

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

[FR Doc. E5-7552 Filed 12-19-05; 8:45 am]

**BILLING CODE 3510-16-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR)

abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments [if any].

**DATES:** Comments must be submitted on or before January 19, 2006.

#### FOR FURTHER INFORMATION OR A COPY

**CONTACT:** David Van Wagner, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418-5481; FAX: (202) 418-5527; e-mail: [dvanwagner@cftc.gov](mailto:dvanwagner@cftc.gov) and refer to OMB Control No. 3038-0048.

#### SUPPLEMENTARY INFORMATION:

*Title:* Off-Exchange Agricultural Trade Options (OMB Control No. 3038-0048). This is a request for extension of a currently approved information collection.

*Abstract:* Off-Exchange Agricultural Trade Options, OMB Control No. 3038-0048—Extension.

In April 1998, the Commodity Futures Trading Commission (Commission or CFTC) removed the prohibition on off-exchange trade options on the enumerated agricultural commodities subject to a number of regulatory conditions. 63 FR 18821 (April 16, 1998). Thereafter, the Commission streamlined the regulatory or paperwork burdens in order to increase the utility of agricultural trade options while maintaining basic customer protections. 64 FR 68011 (Dec. 6, 1999).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on October 12, 2005 (70 FR 59319).

*Burden statement:* The respondent burden for this collection is estimated to average 5.59 hours per response.

*Respondents/Affected Entities:* 360.  
*Estimated number of responses:* 411.  
*Estimated total annual burden on respondents:* 2,391 hours.

*Frequency of collection:* On occasion.  
Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038-0048 in any correspondence.

David Van Wagner, Division of Market Oversight, U.S. Commodity

Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: December 15, 2005.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 05-24254 Filed 12-19-05; 8:45 am]

**BILLING CODE 6351-01-M**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meeting

#### AGENCY HOLDING THE MEETING:

Commodity Futures Trading Commission ("Commission").

**DATE AND TIME:** Wednesday, February 15, 2006, commencing at 10 a.m.

**PLACE:** 1155 21st Street, NW., Washington, DC, Lobby Level Hearing Room (Room 1000).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Public Hearing on Self-Regulation and Self-Regulatory Organizations ("SROs").

#### CONTACT PERSONS AND ADDRESSES:

Requests to appear and supporting materials should be mailed to the Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581, attention Office of the Secretariat; transmitted by facsimile at 202-418-5521; or transmitted electronically to *secretary@cftc.gov*. Reference should be made to "SRO Hearing." For substantive questions on requests to appear and supporting materials, please contact Stephen Braverman, Deputy Director, (202) 418-5487; Rachel Berdansky, Special Counsel, (202) 418-5429; or Sebastian Pujol Schott, Attorney-Advisor, (202) 418-5641, Division of Market Oversight.

**SUPPLEMENTARY INFORMATION:** In a separate **Federal Register** release published today, the Commission extended the comment period for "Self-Regulation and Self-Regulatory Organizations in the Futures Industry"<sup>1</sup> ("Requests for Comments") by 14 days. The comment period now closes on January 23, 2006. The Request for Comments seeks public input on a range of SRO issues, including governance, board and disciplinary committee composition, conflicts of interest within self-regulation, and the ability of independent, board-level regulatory

oversight committees to insulate self-regulatory functions from improper influence. The Request for Comments also notes that it will form the basis of an upcoming public Commission meeting on self-regulation and self-regulatory organizations ("SRO Hearing"). The Commission's 2004 Request for Comments on SRO Governance and industry developments since the initiation of the SRO Study will be considered.<sup>2</sup>

The Commission hereby announces that the SRO Hearing will commence on Wednesday, February 15, 2006, at 10 a.m., at the Commission's headquarters in Washington, DC. An agenda will be provided as the hearing date approaches. All individuals or organizations wishing to appear before the Commission must submit to the Secretariat, at the above address, a request to appear. Such request must be received by January 13, 2006, and must include the name of the individual appearing; the entity that he or she represents, if any; a concise statement of interest and qualifications; and a brief summary or abstract of his or her statement. The Commission will invite a representative number of individuals or organizations to appear at the hearing from those submitting requests to appear. A transcription of the hearing will be made and entered into the Commission's public comment files, which will remain open for the receipt of written comments until March 2, 2006.

The Commission believes that providing interested members of the public with an opportunity to appear before it, responds to questions, and address differing viewpoints will enhance its decision-making as the SRO Study nears conclusion.

Issued in Washington, DC on December 15, 2005, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 05-24293 Filed 12-16-05; 11:25 am]

**BILLING CODE 6351-01-M**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0145]

#### Federal Acquisition Regulation; Information Collection; Use of Data Universal Numbering System (DUNS) as Primary Contractor Identification

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0145).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning use of data universal numbering system (DUNS) as primary contractor identification. This OMB clearance expires on April 30, 2006.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before February 21, 2006.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT** Mr. Ernest Woodson, Contract Policy Division, GSA, (202) 501-3775.

**SUPPLEMENTARY INFORMATION:**

<sup>1</sup> 70 FR 71090 (November 25, 2005).

<sup>2</sup> 69 FR 32326 (June 9, 2004).