

statutes and Executive orders with respect to this rulemaking.

*Executive Orders 12866, 13563, and 13771*

This proposed rule has been drafted in accordance with Executive Order 12866, section 1(b), “The Principles of Regulation,” and Executive Order 13563, “Improving Regulation and Regulatory Review.” The Administrative Committee has determined that this proposed rule is not a significant regulatory action as defined under section 3(f) of Executive Order 12866. Thus, this proposed rule has not been reviewed by the Office of Management and Budget (OMB), and it is exempt under OMB guidance from the requirements of Executive Order 13771 (see Office of Mgmt. & Budget, Guidance Implementing Executive Order 13771, Titled “Reducing Regulation and Controlling Regulatory Costs” (2017)).

#### *Regulatory Flexibility Act*

This proposed rule will not have a significant impact on small entities because it imposes no requirements on the public. Members of the public can access **Federal Register** publications for free through GPO’s website, <https://www.govinfo.gov/>.

#### *Federalism*

This proposed rule has no federalism implications under Executive Order 13132. It does not impose compliance costs on state or local governments or preempt state law.

#### **List of Subjects in 1 CFR Part 12**

Code of Federal Regulations, Compilation of Presidential Documents, **Federal Register**, Government publications, Public papers of Presidents of U.S., U.S. Government Manual.

For the reasons discussed in the preamble, under the authority at 44 U.S.C. 1506, the Administrative Committee of the Federal Register proposes to amend 1 CFR part 12 as follows:

#### **PART 12—OFFICIAL DISTRIBUTION WITHIN FEDERAL GOVERNMENT**

■ 1. The authority citation for part 12 continues to read as follows:

**Authority:** 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.

■ 2. Amend § 12.1 by:

- a. Revising paragraph (a),
- b. Redesignating paragraphs (b) through (e) as (d) through (g), and
- c. Adding new paragraphs (b) and (c).

The revision and additions read as follows:

#### **§ 12.1 Federal Register.**

(a) The **Federal Register**, issued under the authority of the Administrative Committee, is officially maintained online and is available on at least one Government Publishing Office website.

(b) Requests for subscriptions to the **Federal Register** may be made as follows:

(1) Requests from a Member of Congress or any other office of the United States for a specific issue or a subscription may be submitted via a Government Publishing Office website or by email to an email address provided on that website.

(2) Official subscription requests:

- (i) May be made in the current year for that year or for the upcoming year,
- (ii) Will expire at the end of each calendar year, and
- (iii) Will not automatically continue into a new calendar year.

(c) Notifications regarding procedures for requesting official copies of specific issues or print subscriptions are available:

(1) On a Government Publishing Office website dedicated to official subscriptions,

(2) On [www.federalregister.gov](http://www.federalregister.gov), and

(3) In the front matter of the **Federal Register**, which is the text that precedes the main text of the daily issue of the **Federal Register**.

\* \* \* \* \*

**Oliver A. Potts,**

*Secretary, Administrative Committee of the Federal Register.*

[FR Doc. 2020–28663 Filed 12–29–20; 8:45 am]

**BILLING CODE 1301–00–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA–2020–1022; Project Identifier AD–2020–01101–T]**

**RIN 2120–AA64**

#### **Airworthiness Directives; The Boeing Company Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757–200, –200CB, and –300 series airplanes. This proposed AD was

prompted by a report indicating the passenger service units (PSUs) and life vest panels became separated from their attachments during several survivable accident sequences. This proposed AD would require installing lanyard assemblies on the PSUs, and, for certain airplanes, on the life vest panels and video panels as applicable. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by February 12, 2021.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1022.

You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1022.

#### **Examining the AD Docket**

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1022; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200

South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3566; email: [michael.s.craig@faa.gov](mailto:michael.s.craig@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views about this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one copy of the comments. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2020-1022; Project Identifier AD-2020-01101-T” at the beginning of your comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received by the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this NPRM because of those comments.

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be

placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Discussion**

The FAA has received a report indicating the PSUs and life vest panels became separated from their attachments during several survivable accident sequences. In addition, there is no secondary means of retention (lanyards) for the PSU to the airplane structure. The FAA has determined that video panels may also become separated from their attachments during survivable accident sequences. This condition, if not addressed, could result in the PSUs, life vest panels, and video panels becoming detached and falling into the cabin, which could lead to passenger injuries and impede egress during an evacuation.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed Boeing Special Attention Requirements Bulletin 757-25-0315 RB, Revision 1, dated May 20, 2020. The service information describes procedures for installing lanyard assemblies on the PSUs, life vest panels, and video panels as applicable. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**FAA’s Determination**

The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would require accomplishment of the actions identified in Boeing Special Attention Requirements Bulletin 757-25-0315 RB, Revision 1, dated May 20, 2020,

described previously, except as discussed under “Differences Between this Proposed AD and the Service Information,” and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1022.

**Explanation of Requirements Bulletin**

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are “required for compliance” (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the “Accomplishment Instructions.” The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.*, only the RC actions).

**Differences Between This Proposed AD and the Service Information**

Since Boeing Special Attention Requirements Bulletin 757-25-0315 RB, Revision 1, dated May 20, 2020, was issued, the FAA has determined that airplane having variable number NB451 is also affected by the unsafe condition. Therefore, we have included variable number NB451 in this AD. This difference has been coordinated with Boeing.

**Costs of Compliance**

The FAA estimates that this proposed AD affects 363 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install Lanyard Assemblies .....	Up to 75 work-hours × \$85 per hour = Up to \$6,375	Up to \$45,750	Up to \$52,125	Up to \$18,921,375.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**The Boeing Company:** Docket No. FAA–2020–1022; Project Identifier AD–2020–01101–T.

##### (a) Comments Due Date

The FAA must receive comments by February 12, 2021.

##### (b) Affected ADs

None.

##### (c) Applicability

This AD applies to The Boeing Company Model 757–200, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Special Attention Requirements Bulletin 757–25–0315 RB, Revision 1, dated May 20, 2020, and airplane having variable number NB451.

##### (d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

##### (e) Unsafe Condition

This AD was prompted by a report indicating the passenger service units (PSUs) and life vest panels became separated from their attachments during several survivable accident sequences. The FAA is issuing this AD to address the PSUs, life vest panels, and video panels becoming detached and falling into the cabin, which could lead to passenger injuries and impede egress during an evacuation.

##### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

##### (g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin 757–25–0315 RB, Revision 1, dated May 20, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 757–25–0315 RB, Revision 1, dated May 20, 2020.

**Note 1 to paragraph (g):** Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin 757–25–0315, Revision 1, dated May 20, 2020, which is referred to in Boeing Special Attention Requirements Bulletin 757–25–0315 RB, Revision 1, dated May 20, 2020.

##### (h) Exceptions to Service Information Specifications

(1) Where Boeing Special Attention Requirements Bulletin 757–25–0315 RB, Revision 1, dated May 20, 2020, uses the phrase "the Revision 1 date of Requirements Bulletin 757–25–0315 RB," this AD requires using "the effective date of this AD."

(2) For airplane variable number NB451, do the applicable actions for Group 4 identified in, and in accordance with, the

Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 757–25–0315 RB, Revision 1, dated May 20, 2020.

##### (i) Parts Installation Limitation

As of the applicable time specified in paragraph (i)(1) or (2) of this AD, no person may install on any airplane any PSU, life vest panel, or video panel without an updated lanyard assembly installed.

(1) For airplanes that have PSUs, life vest panels, or video panels without the updated lanyard assemblies installed as of the effective date of this AD: After modification of the airplane as required by paragraph (g) of this AD.

(2) For airplanes that do not have PSUs, life vest panels, or video panels without the updated lanyard assemblies installed as of the effective date of this AD: As of the effective date of this AD.

##### (j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

##### (k) Related Information

(1) For more information about this AD, contact Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3566; email: [michael.s.craig@faa.gov](mailto:michael.s.craig@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on November 6, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness  
Division, Aircraft Certification Service.*

[FR Doc. 2020-28823 Filed 12-29-20; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 1

[Docket No. PTO-P-2020-0015]

RIN 0651-AD46

#### Disclaimer Practice in Patents and Patent Applications

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) proposes to amend the rules of practice to expand when certain types of patent applicants and patentees may, subject to other conditions, obtain or enforce a second patent for an invention that is similar (*i.e.*, patentably indistinct) to a first patent. Ordinarily, in examination before the USPTO, any application for a second patent covering such similar invention would be rejected. The proposed rule change is limited to the situation where owners of the first and second patents or patent applications are different but have an agreement to conduct research together (*i.e.*, a joint research agreement). For this limited situation, the proposed rule change would increase the ability to file a document, called a terminal disclaimer, that ties the rights of a second patent to the first patent. Specifically, a terminal disclaimer causes the second patent to limit its enforceable patent term to end no later than the first patent's term and limits when the second patent can be enforced. The proposed rule change would expand when a terminal disclaimer is permitted to be filed in the joint research agreement situation by eliminating the requirement that the second patent or patent application be filed later than the first patent or patent application. The USPTO also proposes to amend its rules of practice to explicitly state existing practices in the rules regarding when certain affidavits and declarations, as well as terminal disclaimers, may be filed.

**DATES:** Comments must be received by March 22, 2021 to ensure consideration.

**ADDRESSES:** For reasons of government efficiency, comments must be submitted

through the Federal eRulemaking Portal at <https://www.regulations.gov>. To submit comments via the portal, one should enter docket number PTO-P-2020-0015 on the homepage and click "search." The site will provide search results listing all documents associated with this docket. Commenters can find a reference to this notice and click on the "Comment Now!" icon, complete the required fields, and enter or attach their comments. Attachments to electronic comments will be accepted in Adobe® portable document format or Microsoft Word® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions.

**FOR FURTHER INFORMATION CONTACT:**

Susy Tsang-Foster, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by email at [Susy.Tsang-Foster@uspto.gov](mailto:Susy.Tsang-Foster@uspto.gov); or Robert Clarke, Editor, Manual of Patent Examining Procedure, Office of the Deputy Commissioner for Patent Examination Policy, by email at [Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Patent applications and patents are subject to the doctrine of nonstatutory double patenting to prevent both the unjust timewise extension of the right to exclude and multiple infringement suits by different parties. These situations may arise from the granting of multiple patents with patentably indistinct claims where the patents have a common owner, applicant, or inventor or where the patents are not commonly owned but are subject to a joint research agreement. Double patenting analysis is not limited to situations in which the reference patents or applications, whose claims form the basis for the nonstatutory double patenting rejection, are prior art as defined in 35 U.S.C. 102. The reference may have an effectively filed date that is before, the same as, or after the effective filing date of a claimed invention in an application under examination or patent under reexamination (*i.e.*, the subject patent application or patent). Thus, the reference need not be "prior art" to the claimed invention in the subject

application or patent for its claims to be relied upon in a nonstatutory double patenting rejection. For more information on the nonstatutory double patenting doctrine, see section 804 of the Manual of Patent Examining Procedure (Ninth Edition, Revision 10.2019, June 2020).

*I. Background: A. Joint Research Agreements:* The Cooperative Research and Technology Enhancement Act of 2004 (CREATE Act), Public Law 108-453, 118 Stat. 3596, was passed to promote cooperative research between universities, the public sector, and private enterprises. The CREATE Act amended 35 U.S.C. 103(c), effective on December 10, 2004, to provide that subject matter developed by another person and a claimed invention shall be treated as owned by the same person or subject to an obligation of assignment to the same person for purposes of excluding prior art usable in obviousness rejections if three conditions are met: (1) The claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made; (2) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and (3) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

The legislative history recognized that the CREATE Act would result in two or more patents being issued to patentably indistinct inventions, and called upon the nonstatutory double patenting doctrine to protect the public from multiple enforcement actions based on patents issued due to the passage of the CREATE Act. *See* H.R. Rep. No. 108-425, at 6 (2003) (stating that a terminal disclaimer is required "when double patenting is determined to exist for two or more claimed inventions" for any application for which the applicant takes advantage of the "safe harbor" provision in [pre-AIA] 35 U.S.C. 103(c) as amended by the CREATE Act). Consistent with the legislative history, the nonstatutory double patenting doctrine was expanded to include rejections based on patents or patent applications that were disqualified as prior art under pre-AIA 35 U.S.C. 103(c).

A prior art exception, similar to the prior art exclusion in the CREATE Act, was enacted in 35 U.S.C. 102(b)(2)(C) and 102(c) by the Leahy-Smith America Invents Act, Public Law 112-29, 125 Stat. 284 (2011). Consistent with this prior art exception, the nonstatutory double patenting doctrine was further