

with groundfish on board, are required to have a working vessel monitoring system (VMS). To support the VMS monitoring program, the following information must be submitted to NMFS: (1) VMS installation/activation certification reports, (2) position reports, (3) exemption reports, and (4) declaration reports. The VMS, along with the fishing declaration reporting requirements, allows for monitoring and enforcement of areas closed to fishing by gear type as traditional enforcement methods (such as aerial surveillance, boarding at sea via patrol boats, landing inspections and documentary investigation) are especially difficult to use when the closed areas are large-scale and the lines defining the areas are irregular.

The collection is being revised to remove the position report from the collection with regard to burden. The position reports are automatically transmitted location signals from the VMS unit that do not require any action on the part of the captain or crew.

*Affected Public:* Business or other for-profit organizations; individuals or households.

*Frequency:* Installation/Activation/Maintenance once every four years; exemption reports are optional (estimated 2/year for 500 participants); declaration reports are estimated to be sent by each participant 20 times per year.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* 50 CFR 660.13 and 660.14.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0573.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–07750 Filed 4–14–21; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Chinook Salmon Economic Data Report (EDR)**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 13, 2021 (86 FR 2646), during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Alaska Chinook Salmon Economic Data Report (EDR).

*OMB Control Number:* 0648–0633.

*Form Number(s):* None.

*Type of Request:* Regular submission (extension of a current information collection).

*Number of Respondents:* 150.

*Average Hours per Response:* Compensated Transfer Report: 40 hours; Vessel Fuel Survey: 4 hours; Vessel Master Survey: 4 hours; CTR Verification Audit: 4 hours.

*Total Annual Burden Hours:* 600 hours.

*Needs and Uses:* The National Marine Fisheries Services (NMFS), Alaska Regional Office, is requesting extension of the currently approved information collection for the Alaska Chinook Salmon Economic Data Report (the EDR). The EDR collects economic data for the Alaska Chinook Salmon Economic Data Report Program.

NMFS manages the Bering Sea pollock fishery under the American Fisheries Act (AFA) (16 U.S.C. 1851). AFA fishing vessels harvest pollock in the Bering Sea pollock fishery using pelagic (midwater) trawl gear, which consists of large nets towed through the water by the vessel. At times, Chinook salmon and pollock occur in the same locations in the Bering Sea; consequently, Chinook salmon are

incidentally caught in the nets as pollock is harvested. This incidental catch is called bycatch and is also called prohibited species catch (PSC).

The EDR Program provides NMFS and the North Pacific Fishery Management Council (Council) with data to evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (75 FR 53026, August 30, 2010). The EDR consists of three data collections that are submitted annually by owners and operators of catcher vessels, catcher/processors, motherships, and the Western Alaska Community Development Quota Program groups qualified to participate in the Bering Sea pollock fishery (50 CFR 679.65). The EDR Program also includes a means for NMFS to verify the data submitted in these three collections.

NMFS and the Council use the information to determine the effectiveness of the Incentive Plan Agreement (IPA) (see OMB Control No. 0648–0401), the IPA incentives, the PSC limits, and the performance standard in terms of minimizing salmon bycatch in times of high and low levels of salmon abundance. NMFS and the Council also use the data to evaluate how Amendment 91 affects where, when, and how pollock fishing and salmon bycatch occur and to study and verify conclusions drawn by industry in the IPA annual reports.

The EDR is submitted annually by each person who held AFA pollock quota share in the previous calendar year or was an owner or leaseholder of an AFA permitted vessel in the previous calendar year.

The EDR requirements are located at 50 CFR 679.65.

*Affected Public:* Individuals or households; Business or other for-profit organizations.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory

*Legal Authority:* American Fisheries Act (16 U.S.C. 1851); Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/](http://www.reginfo.gov/)

*public/do/PRAMain*. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0633.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–P–2021–0019]

#### Fast-Track Pilot Program for Appeals Related to COVID–19

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is initiating the Fast-Track Pilot Program for Appeals Related to COVID–19 to provide for the advancement of applications out of turn in ex parte appeals related to COVID–19 before the Patent Trial and Appeal Board (PTAB). An appellant who has filed an ex parte appeal of an application with claim(s) that cover a product or process related to COVID–19 (such product or process must be subject to an applicable U.S. Food and Drug Administration (FDA) approval for COVID–19 use) and received a notice that the appeal has been docketed may file a petition at no cost to expedite the review of his or her appeal without paying a petition fee. The Fast-Track Pilot Program for Appeals Related to COVID–19 sets a target of reaching a decision on an ex parte appeal within six months from the date the appeal is entered into the pilot program.

**DATES:** *Applicability Date:* Petitions for the pilot program can be filed starting on April 15, 2021. *Duration:* The Fast-Track Pilot Program for Appeals Related to COVID–19 is offered on a temporary basis, and petitions to request inclusion of an ex parte appeal in the pilot program will be accepted until 500 appeals have been accorded fast-track status under the program. The USPTO may extend the Fast-Track Pilot Program for Appeals Related to COVID–19 (with or without modification) or may terminate it depending on the workload and resources needed to

administer the program, feedback from the public, and the effectiveness of the program. If the pilot program is extended or terminated, the USPTO will notify the public.

**FOR FURTHER INFORMATION CONTACT:**

Steven Bartlett, PTAB, by telephone at 571–272–9797, or by email at [COVIDfasttrackappeals@uspto.gov](mailto:COVIDfasttrackappeals@uspto.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Appeals to the PTAB are normally taken up for decision in the order in which they are docketed. See USPTO Standard Operating Procedure 1 (Sept. 20, 2018), available at [www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources](http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources). Currently, the average appeal pendency is about 13 months. See PTAB Statistics, available at [www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/statistics](http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/statistics). However, a small number of appeals are advanced out of turn due to a special status. For example, reexamination proceedings, which are handled by the USPTO with “special dispatch,” and reissue applications are treated as special throughout their pendency, including during appeal. See Manual of Patent Examining Procedure (MPEP) 708.01. Applications that have been “made special” during examination through a petition based on the age or health of an applicant, or for other reasons listed in 37 CFR 1.102 (a)–(d), also maintain their special status through any appeal. See MPEP 1203(II). Furthermore, for the same reasons, an appellant may petition the PTAB to have an application on appeal made special. See *id.* Currently, about 1.1% of appeals are given a special status through one of the above methods.

Recently, the PTAB instituted the Fast-Track Appeals Pilot Program, in which the PTAB accepts petitions for advancing out of turn and according fast-track status to ex parte appeals that have already been docketed. 85 FR 39888 (July 2, 2020). This pilot program began on July 2, 2020 and will continue for one year or until 500 appeals have been accorded fast-track status under the program. An appellant can seek fast-track status by submitting a petition to the Chief Administrative Patent Judge under 37 CFR 41.3 and paying the fee required under 37 CFR 41.20(a), currently \$420. The Fast-Track Appeals Pilot Program sets a target of reaching a decision on the ex parte appeal within six months from the date an appeal is entered into the pilot program. More information on the Fast-Track Appeals Pilot Program can be found at

[www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program](http://www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program).

In an extraordinary situation, 37 CFR 1.183 permits the USPTO to suspend or waive sua sponte any requirement of its regulations that is not a requirement of the patent statutes. The USPTO considers the effects of the COVID–19 pandemic that began in approximately January 2020 to be an “extraordinary situation” within the meaning of 37 CFR 1.183 for affected patent applicants and innovators. Consistent with the USPTO’s determination under 37 CFR 1.183, the provisions of 35 U.S.C. 2(b)(2)(G), and the COVID–19 Prioritized Examination Pilot Program, the USPTO has decided to implement the Fast-Track Pilot Program for Appeals Related to COVID–19, under which an appellant may have any ex parte appeal to the PTAB accorded fast-track status by filing a petition under 37 CFR 41.3, without payment of the petition fee under 37 CFR 41.20(a), for certain applications that claim products or processes that are subject to an applicable FDA approval for COVID–19 use. Such approvals may include, but are not limited to, an Investigational New Drug (IND) application, an Investigational Device Exemption (IDE), a New Drug Application (NDA), a Biologics License Application (BLA), a Premarket Approval (PMA), or an Emergency Use Authorization (EUA). Information on INDs, IDEs, NDAs, BLAs, PMAs, and EUAs may be obtained at [www.fda.gov](http://www.fda.gov).

The Fast-Track Pilot Program for Appeals Related to COVID–19 will accept petitions for advancing out of turn and according fast-track status to ex parte appeals until 500 appeals have been accorded fast-track status under the program. There is no time limit for receipt of these 500 COVID–19 related appeals. Additionally, the 500-appeal threshold for COVID–19 related appeals is distinct from the 500-appeal threshold used for the regular fast-track appeals pilot. The threshold of 500 granted petitions corresponds to approximately 8% of the total number of new appeals received in the average fiscal year and was chosen in accordance with maintaining the PTAB’s overall decision pendency goals. Once the threshold of 500 granted petitions is met, the USPTO may extend the Fast-Track Pilot Program for Appeals Related to COVID–19 (with or without modification) or may discontinue it depending on the workload and resources needed to administer the program, feedback from the public, and the effectiveness of the program.