to the Commissioner (see §§ 1.302 and 1.304); and

(b) in the Court, file a copy of the notice of appeal and pay the fee, as provided for in the rules of the Court. A third party requester is deemed not to have participated as a party to an appeal by the patent owner, and thereby not subject to § 1.909, unless within twenty days after the patent owner has filed notice of appeal pursuant to § 1.983(a), the third party requester files notice with the Commissioner electing to participate.

Proceedings Involving Same Patent as in Reexamination

§ 1.985 Notification of prior or concurrent proceedings.

Any person at any time may file a paper in a reexamination proceeding notifying the Office of a prior or concurrent proceeding in which the same patent is or was involved, such as interferences, reissues, reexaminations, or litigation and the results of such proceedings. Such paper must be limited to merely providing notice of the other proceeding without discussion of issues of the current reexamination proceeding.

§1.987 Stay of concurrent proceeding.

If a patent in the process of reexamination is or becomes involved in litigation or a reissue application for the patent is filed or pending, the Commissioner shall determine whether or not to stay the reexamination or reissue proceeding.

§ 1.989 Merger of concurrent reexamination proceedings.

(a) If reexamination is ordered while a prior reexamination proceeding is pending for the same patent, the reexamination proceedings will be merged and result in the issuance of a single certificate under § 1.997.

(b) A reexamination proceeding filed under § 1.915 which is merged with a reexamination proceeding filed under § 1.510 will result in the merged proceeding being governed by §§ 1.901–1.997

§1.991 Merger of concurrent reissue application and reexamination proceeding.

If a reissue application and a reexamination proceeding on which an order pursuant to § 1.931 has been mailed are pending on a patent, a decision may be made to merge the two proceedings or to stay one of the two proceedings. Where merger is a reissue application and a reexamination proceeding is ordered, the merged examination will be conducted in accordance with §§ 1.171 through 1.179

and the patent owner will be required to place and maintain the same claims in the reissue application and the reexamination proceeding during the pendency of the merged proceeding. In a merged proceeding, participation by the third party requester shall be limited to issues within the scope of reexamination. The examiner's actions and any responses by the patent owner or third party requester in a merged proceeding will apply to both the reissue application and the reexamination proceeding and be physically entered into both files. Any reexamination proceeding merged with a reissue application shall be terminated by the grant of the reissue patent.

§ 1.993 Stay of concurrent interference and reexamination proceeding.

If a patent in the process of reexamination is or becomes involved in an interference, the Commissioner may stay reexamination or the interference. The Commissioner will not consider a request to stay an interference unless a motion (§ 1.635) to stay the interference has been presented to and denied by an administrative patent judge and the request is filed within ten (10) days of a decision by an administrative patent judge denying the motion for a stay or such other time as the administrative patent judge may set.

§1.995 Third party requester's participation rights preserved in merged proceeding.

When a third party requester is involved in one or more proceedings including a reexamination proceeding, the merger of such proceedings will be accomplished so as to preserve the third party requester's right to participate to the extent specifically provided for in these regulations. In merged proceedings involving different requesters, any paper filed by one party in the merged proceeding shall be served on all other parties of the merged proceeding.

Certificate

§1.997 Issuance of reexamination certificate after reexamination proceedings.

(a) Upon the conclusion of a reexamination proceeding, the Commissioner will issue a certificate in accordance with 35 U.S.C. 307 setting forth the results of the reexamination proceeding and the content of the patent following the reexamination proceeding.

(b) A certificate will be issued in each patent in which a reexamination proceeding has been ordered under § 1.931. Any statutory disclaimer filed by the patent owner will be made part of the certificate.

(c) The certificate will be mailed on the day of its date to the patent owner at the address as provided for in § 1.33(c). A copy of the certificate will also be mailed to the requester of the reexamination proceeding.

(d) If a certificate has been issued which cancels all of the claims of the patent, no further Office proceedings will be conducted with regard to that patent or any reissue applications or reexamination requests relating thereto.

(e) If the reexamination proceeding is terminated by the grant of a reissued patent as provided in § 1.965(d), the reissued patent will constitute the reexamination certificate required by this section and 35 U.S.C. 307.

(f) A notice of the issuance of each certificate under this section will be published in the Official Gazette on its date of issuance.

Dated: August 1, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks. [FR Doc. 95–19488 Filed 8–10–95; 8:45 am] BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5269-7]

National Oil and Hazardous Substance Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Ossineke Groundwater Contamination Site.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Ossineke Groundwater Contamination Site (the "OGC Site"), from the National Priorities List (NPL), 40 CFR part 300, appendix B, and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action to delete the OGC Site from the NPL is proposed because EPA's Office of Superfund (OSF) and the State of Michigan Department of Natural Resources (MDNR) have determined that using the Hazardous Substance Superfund (the "Fund") to fund further