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The requirement of 37 C.F.R. § 1.16(u), a \$400 surcharge for filing a patent application in PDF form, rather than as a DOCX file, creates unwarranted burden on the public, and should NOT be approved.

I am a user of the open source LibreOffice word processor and allows one to create documents in "DOCX" form, HOWEVER, I have repeatedly found that when those documents are sent to clients or colleagues who use Microsoft Word, there are often substantial incompatibilities that cause my document to render differently for them, in some cases making the document entirely unusable. In addition, there is no consistency in the incompatibility among different versions of Microsoft word (i.e., older vs newer versions and Windows vs Apple (Mac) vs Linux versions). The same is true when others send a DOCX file to me. Depending upon the program used to create it, the received document will render entirely differently on my computer and, in some cases, unusably so. This is because DOCX is NOT a standard.

In distinct contrast, PDF documents ARE standardized and, in my experience, will render the same on any computer whether viewed with a viewer provided by Adobe (creator of the Acrobat standard) OR BY THIRD PARTIES. This means that PDF files are entirely reliable, whereas DOCX files are unreliable.

Still further, due to the incompatibilities regarding DOCX files, there is a substantial risk of loss of rights because the PTO cannot guarantee that the DOCX file as submitted will render at the PTO the same as was uploaded by the Applicant or its representative. This presents a SUBSTANTIAL risk of malpractice claims, not to mention the time and expense burden of identifying when such an incompatibility is present (if it even can be found before it is too late) and correcting the problem (if it is not too late to do so). Indeed, under the circumstances, I would NEVER file a document in DOCX format, the potential risks and costs are simply too great. I estimate that the burden involved with, for example, pre-filing error correction, post-filing error correction, loss of patent validity, and increase in malpractice costs, to be many times greater than \$400 per patent application, potentially thousands of dollars PER application, because the filer will have to undertake substantial time attempting to identify if errors occurred anywhere in each application filed and, if necessary, correction of such errors (assuming such correction could occur).

Seventy-three lawyers joined on a letter explaining the costs in detail (https://www.uspto.gov/sites/default/files/documents/Comment_Seventy_Three_Patent_Practitioners_092719.pdf). Nevertheless, the PTO's "response to comments" published in the Federal Register did not genuinely respond. Rather, the PTO inaccurately rephrased the comments to avoid recognizing the burden created, and, more importantly, to avoid accurately accounting for them to the OMB. Again, the \$400 surcharge for filing a patent application in PDF form rather than DOCX creates unwarranted burden on the public, and should NOT be approved.