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I strongly believe the a \$400 surcharge for filing a patent application in PDF form other than DOCX, which would be required by 37 C.F.R. § 1.16(u), creates unwarranted burden on the public and should not be approved. The cost savings claimed by the USPTO are \$3.15 per application, whereas the costs of pre-filing error correction, post-filing error correction, loss of patent validity, client communication and management of expectations, and increase in malpractice costs will be much greater than \$400 per patent application filed (for example, such tasks can take many hours - perhaps 2-10 - and the average hourly rate for a solo practitioner in the US was \$345/hour, according to AIPLA data. So, it can cost many thousands of dollars to remedy DOCX issues). Several of us have asked our malpractice carriers about the error risk that the PTO proposes to impose, and they have advised that they will likely not be able to cover claims that arise from filing patent applications in DOCX form.

Seventy-three lawyers joined on a letter explaining the costs, https://www.uspto.gov/sites/default/files/documents/Comment_Seventy_Three_Patent_Practitioners_092719.pdf The PTO's "response to comments" in the Federal Register did not genuinely respond. Instead, the PTO paraphrased the comments to avoid recognizing the burden created, and to avoid accurately accounting for them to OMB.