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DOCX filing is absurd. It creates an undue burden on patent practitioners. It increases practitioners' malpractice liability risk. The PTO has evaded the cost-benefit analysis required by several laws

The requirement of 37 C.F.R. § 1.16(u), a \$400 surcharge for filing a patent application in PDF form rather than DOCX, creates unwarranted burden on the public, and should not be approved. The PTO claims that its cost savings are \$3.15 per application. I estimate that the costs of pre-filing error correction, post-filing error correction, loss of patent validity, and increase in malpractice insurance costs will be much greater than \$400 per patent application filed.

Malpractice liability insurance carriers will likely not be able to cover claims that arise from filing patent applications in DOCX form. There are many liability issues associated with DOCX filing (see, for example, the letter from seventy three practitioners at

[https://www.uspto.gov/sites/default/files/documents/Comment\\_Seventy\\_Three\\_Patent\\_Practitioners\\_092719.pdf](https://www.uspto.gov/sites/default/files/documents/Comment_Seventy_Three_Patent_Practitioners_092719.pdf)). The PTO has not addressed any of those issues, instead preferring to place all liability on the patent practitioner.

DOCX filing is really dumb. There is no DOCX "standard." DOCX is burdensome for the patent practitioner. DOCX filing is a major liability risk for the patent practitioner, since the patent practitioner must assume the liability risk associated with the PTO's conversion of the DOCX file. The PTO has whitewashed all of the inherent problems associated with DOCX filing and