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37 C.F.R. § 1.16(u), to go into effect in January 2022, imposes a \$400 surcharge for filing a patent application in PDF form (today, applications are filed in PDF). The PTO proposes to impose that \$400 penalty for any filing that doesn't conform to the PTO's preference for Microsoft Word DOCX. This will create immense unwarranted burden on the public, and should not be approved.

The problem is that there is no uniform, reproducible way to render a DOCX into a final document. Every computer does something different with a DOCX. The PTO proposes that applicants will file a DOCX patent application, and the PTO will convert the DOCX to PDF on their computers. But there's no way that the PTO can guarantee that the PDF they generate on their computer will look anything like the PDF I generate on my computer. The likelihood of error in filing of patent applications in DOCX is unacceptably high.

The PTO has not fairly answered the public's comments on this problem.

Many patent practitioners, being prudent, will refuse to file applications in the DOCX format. The \$400 penalty helps the PTO's bottom line, but harms applicants.

The PTO's DOCX proposal should be disapproved.