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37 C.F.R. § 1.16(u), which is to go into effect in January 2022, will impose a \$400 surcharge for electronically filing a patent application in any form other than the USPTO's soon-to-be preferred form for filing applications electronically -- i.e., Microsoft Word DOCX. The currently preferred form for filing applications electronically is PDF. Once 37 C.F.R. § 1.16(u) goes into effect, the USPTO will impose the \$400 penalty for any filing that is not in DOCX, including the currently preferred PDF.

Notably, according to the USPTO's proposal, patent applications filed in DOCX will still be converted by the USPTO to PDF. So, the USPTO is proposing to penalize applicants for electronically filing applications in a form that is not only the currently preferred form, but also the form the USPTO will ultimately convert the applications into. It is hard to see the change in document filing preference with its penalty for noncompliance as anything more than a bare attempt to generate more fees.

Further, the likelihood of the introduction of error during this conversion process is very high. Every computer does something different with a DOCX. There's no way that the USPTO can guarantee that the PDF they generate will look anything like the PDF applicants generate on their computers. The converted documents will have to be carefully checked to ensure that no errors have been introduced during the conversion process. This will create immense unwarranted burden on the public.

For the foregoing reasons, the USPTO's DOCX proposal should be disapproved.