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I feel it necessary as a US Patent Practitioner (and as an inventor of four issued US patents) to point out my serious concerns with this proposal. The proposal 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.

I find this particularly concerning because when I first started practicing in 2000, the PTO created a DOC format based electronic filing system that was not widely used. The reason was simple and is the same problem that exists with the modern DOCX format.

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.

This is then combined with the PTO's position that any errors in filing are typically the fault of the Applicant. Thus, for me to file using DOCX format, I am forced to accept a risk I have no control over. For this reason, attorney's will do precisely what they did in 2000 and NOT USE ELECTRONIC FILING.

Interestingly, the problem in 2000 was resolved by changing to PDF format. A format that makes the filed document clear and unalterable when it is filed. This change resulted in the prior electronic filing system using a DOC format (which was effectively unused) being thrown out and replaced with the current PDF system which is widely used. Thus, the actions of the PTO are effectively to roll back the technology from a highly successful electronic filing system to one which was widely regarded as unusable.

Effectively, what the PTO is really proposing here is a flat \$400 filing fee increase in the guise of a technological improvement.

The public comment letters pointed out the incompatible, inconsistent way that different computers treat DOCX files. The PTO did not fairly answer the public comments during notice-and-comment. Instead they misparaphrased the comments, and answered only the misparaphrase, without coming to grips with the problems DOCX would create from a practitioners point of view.

For both reasons of unjustifiably large burden and for reasons of unjustifiable procedural shortcuts, the PTO's DOCX proposal should be disapproved.