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December 30, 2020

Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President

Re:

OMB CONTROL NUMBER: 0651-0032
ICR REFERENCE NUMBER: 202011-0651-006
TITLE: Initial Patent Applications

Dear Sirs:

The following comments are submitted as a supplement to the letter I submitted earlier today.

The number of patent applications a research institution such as a university files on an annual basis is likely more than the number of patents it is granted annually because universities often abandon applications that remain unlicensed when examination begins. Nevertheless, assume the number of applications filed annually is about the same as the number its patents that are granted.

A single university that files 100 patent application per year would be forced to either pay the USPTO 40,000 USD for the pleasure of ensuring zero conversion errors that could otherwise significantly and detrimentally impact its IP or pay its patent counsel at least the same to review the uploaded DOCX file in excruciating detail in order to try to minimize the risk of conversion errors.

Also assume that ALL university applications meet the requirements of small entity fees, which certainly is not the case, such that the DOCX penalty fee for universities is 200 USD per application.

And, assume the attached 2019 patent grant rankings for universities represent their average patent grant rate per year.

Based on the above assumptions, the DOCX penalty fee would increase the patent costs for the top 16 US-based universities that file 100 or more applications per year as follows:

The Regents of the University of California	\$126,200.00
Massachusetts Institute of Technology	\$71,000.00
The University of Texas	\$55,200.00
Stanford University	\$43,400.00
Johns Hopkins University	\$33,600.00
California Institute of Technology	\$33,400.00
Wisconsin Alumni Research Foundation	\$32,000.00
University of Michigan	\$31,600.00
President and Fellows Harvard College	\$31,200.00

Arizona State University	\$27,400.00
Purdue Research Foundation	\$27,200.00
Northwestern University	\$25,800.00
University of Florida Research Foundation	\$23,000.00
University of South Florida	\$21,600.00
The Regents of University of Minnesota	\$20,400.00
Columbia University	\$20,000.00

This results in an estimated \$623,000.00 of (small entity) DOCX penalty fees that would be paid to the USPTO by merely 16 applicants who are the primary drivers of US innovation from bench to industry.

Of course, as a practitioner who is paid by the hour, it would be nice to have extra work and hence money in my pocket to meticulously review uploaded DOCX patent applications in order to avoid the DOCX fee, but because one cannot guarantee that after the most meticulous review of an uploaded DOCX patent application, there will be no “conversion errors”, I cannot ethically recommend my clients have me file and review DOCX patent applications instead of simply paying the penalty.

Certainly, these research universities have budgets and shortfalls, such that the increase in patent costs resulting from the DOCX penalty fee would cause a decrease in the patent application filings that drive US innovation. These numbers show that the DOCX penalty fees would be significantly costly to major American universities that drive American innovation.

Hence, the DOCX penalty fee would likely reduce, rather than expand, American innovation—which is counter to the USPTO recent request for comments on strategies for expanding American innovation. *See* 85 FR 83906, <https://www.federalregister.gov/documents/2020/12/23/2020-28298/request-for-comments-on-the-national-strategy-for-expanding-american-innovation>.

For this reason and the reasons previously submitted, the USPTO’s proposed DOCX penalty fee should be disapproved.

Sincerely,
/Suzannah K. Sundby/
Suzannah K. Sundby
Reg. No. 43,172

The opinions expressed herein are mine and should not be attributed to any other person or client of Canady + Lortz LLP.

Top 100

Worldwide Universities Granted U.S. Utility Patents

C. A. REHM.
GEOGRAPHICAL GLOBE.
APPLICATION FILED MAR. 30, 1909.

930,316.

Patented Aug. 3, 1909.

Fig. 1

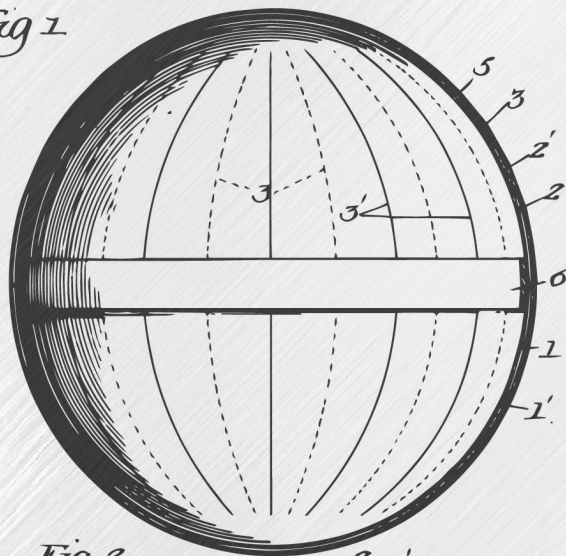
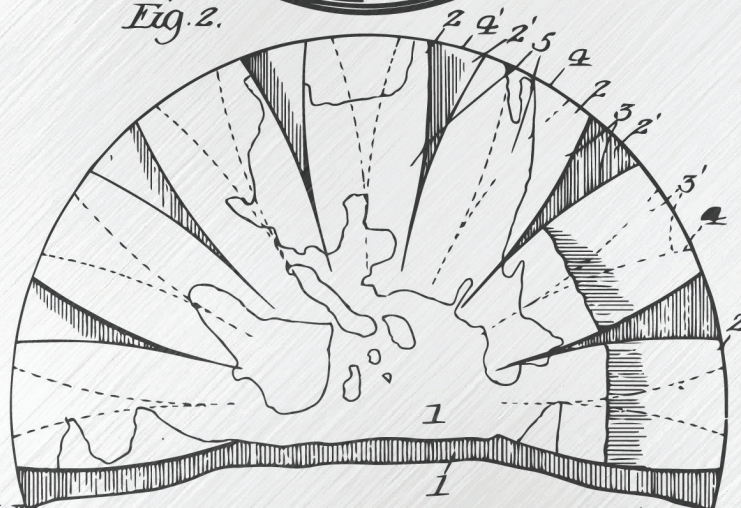


Fig. 2.



Witnesses
Chas. H. Hupstein

Inventor
Chester A. Rehm
by *A. Miller Belfield atty.*



2019

Top 100 WORLDWIDE UNIVERSITIES

GRANTED U.S. UTILITY PATENTS • 2019 •

1	UNIVERSITY OF CALIFORNIA, THE REGENTS OF	631	27	KING SAUD UNIVERSITY	85
2	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	355	28	UNIVERSITY OF MARYLAND	79
3	THE UNIVERSITY OF TEXAS	276	28	UNIVERSITY OF MASSACHUSETTS.....	79
4	KING FAHD UNIVERSITY OF PETROLEUM AND MINERALS.....	225	28	UNIVERSITY OF PITTSBURGH	79
5	STANFORD UNIVERSITY.....	217	31	NATIONAL TSING HUA UNIVERSITY	78
6	TSINGHUA UNIVERSITY	191	32	THE UNIVERSITY OF UTAH RESEARCH FOUNDATION.....	74
7	JOHNS HOPKINS UNIVERSITY	168	33	UNIVERSITY OF WASHINGTON.....	73
8	CALIFORNIA INSTITUTE OF TECHNOLOGY	167	34	OHIO STATE INNOVATION FOUNDATION, OHIO STATE UNIVERSITY	68
9	WISCONSIN ALUMNI RESEARCH FOUNDATION..	160	34	NEW YORK UNIVERSITY	68
10	UNIVERSITY OF MICHIGAN.....	158	36	UNIVERSITY OF NORTH CAROLINA.....	65
11	HARVARD COLLEGE, PRESIDENT AND FELLOWS	156	36	VANDERBILT UNIVERSITY	65
12	ARIZONA STATE UNIVERSITY, ARIZONA BOARD OF REGENTS.....	137	36	YALE UNIVERSITY	65
13	PURDUE RESEARCH FOUNDATION	136	39	UNIVERSITY OF ARIZONA.....	62
14	NORTHWESTERN UNIVERSITY.....	129	40	ÉCOLE POLYTECHNIQUE, FÉDÉRALE DE LAUSANNE	61
15	UNIVERSITY OF FLORIDA RESEARCH FOUNDATION, INCORPORATED	115	40	FLORIDA INTERNATIONAL UNIVERSITY	61
16	UNIVERSITY OF SOUTH FLORIDA	108	40	RESEARCH FOUNDATION FOR THE STATE UNIVERSITY OF NEW YORK	61
17	UNIVERSITY OF MINNESOTA, THE REGENTS OF..	102	43	FLORIDA STATE UNIVERSITY	60
18	COLUMBIA UNIVERSITY.....	100	43	KOREA UNIVERSITY RESEARCH AND BUSINESS FOUNDATION.....	60
19	UNIVERSITY OF ILLINOIS.....	98	45	UNIVERSITY OF SOUTHERN CALIFORNIA.....	59
20	UNIVERSITY OF COLORADO, THE REGENTS OF ...	92	46	THE UNIVERSITY OF TOKYO	58
21	CASE WESTERN RESERVE UNIVERSITY.....	89	47	UNIVERSITY OF VIRGINIA ALUMNI PATENTS FOUNDATION.....	57
22	UNIVERSITY OF PENNSYLVANIA	88	48	GEORGIA TECH RESEARCH CORP.....	56
23	CORNELL UNIVERSITY.....	87	49	INDUSTRY-ACADEMIC COOPERATION FOUNDATION YONSEI UNIVERSITY	54
23	UNIVERSITY OF CHICAGO, UCHICAGO ARGONNE LLC.....	87	50	NANYANG TECHNOLOGICAL UNIVERSITY	53
25	DUKE UNIVERSITY	86	51	INDUSTRY-UNIVERSITY COOPERATION FOUNDATION HANYANG UNIVERSITY	52
25	KOREA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY (KAIST)	86	51	MICHIGAN STATE UNIVERSITY	52

51	SEOUL NATIONAL UNIVERSITY RESEARCH & DEVELOPMENT BUSINESS FOUNDATION (SNU R&DB FOUNDATION).....	52	80	NATIONAL TAIWAN UNIVERSITY	36
54	CITY UNIVERSITY OF HONG KONG	49	80	UNIVERSITY OF BRITISH COLUMBIA	36
54	UNIVERSITY OF MISSOURI.....	49	80	UNIVERSITY OF ROCHESTER	36
56	JIANGNAN UNIVERSITY.....	48	83	KING ABDULAZIZ UNIVERSITY.....	34
57	CARNEGIE-MELLON UNIVERSITY.....	47	83	KYOTO UNIVERSITY.....	34
57	OSAKA UNIVERSITY.....	47	83	NORTH CAROLINA STATE UNIVERSITY	34
57	RUTGERS UNIVERSITY	47	83	ZHEJIANG UNIVERSITY	34
60	OXFORD UNIVERSITY INNOVATION LIMITED	46	87	RAMOT AT TEL AVIV UNIVERSITY LTD.....	33
61	NATIONAL CHENG KUNG UNIVERSITY.....	45	87	UNIVERSITY OF ALABAMA.....	33
61	SCIENCE & TECHNOLOGY CORPORATION AT UNIVERSITY OF NEW MEXICO.....	45	89	BOSTON UNIVERSITY	32
61	TECHNION RESEARCH AND DEVELOPMENT FOUNDATION, LTD.	45	89	BRIGHTMAN YOUNG UNIVERSITY.....	32
61	WASHINGTON UNIVERSITY	45	91	UNIVERSITY OF SOUTH CAROLINA.....	31
65	PENN STATE RESEARCH FOUNDATION, INC.	44	92	DARTMOUTH COLLEGE	30
65	TEXAS A&M UNIVERSITY	44	92	GWANGJU INSTITUTE OF SCIENCE AND TECHNOLOGY	30
65	UNIVERSITY OF AKRON.....	44	92	SHENZHEN UNIVERSITY	30
65	UNIVERSITY OF CENTRAL FLORIDA	44	92	UNITED ARAB EMIRATES UNIVERSITY.....	30
65	UNIVERSITY OF NEBRASKA, THE BOARD OF REGENTS / NUTECH VENTURES.....	44	96	COLORADO STATE UNIVERSITY RESEARCH FOUNDATION.....	29
70	PRINCETON UNIVERSITY	43	96	UNIVERSITY-INDUSTRY COOPERATION GROUP OF KYUNGHEE UNIVERSITY	29
71	INDIANA UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATION	42	96	UNIVERSITY OF CINCINNATI	29
72	THE CHINESE UNIVERSITY OF HONG KONG	41	99	CHINA UNIVERSITY OF MINING AND TECHNOLOGY.....	27
72	EMORY UNIVERSITY	41	99	GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO	27
72	NATIONAL CHIAO TUNG UNIVERSITY.....	41	99	THE ROYAL INSTITUTION FOR THE ADVANCEMENT OF LEARNING (MCGILL UNIVERSITY)	27
72	SUNGKYUNKWAN UNIVERSITY RESEARCH & BUSINESS FOUNDATION.....	41	99	UNIVERSITY OF CONNECTICUT	27
76	DREXEL UNIVERSITY	39	99	WASHINGTON STATE UNIVERSITY.....	27
76	UNIVERSITY OF HOUSTON SYSTEM	39	99	WAYNE STATE UNIVERSITY	27
78	IOWA STATE UNIVERSITY RESEARCH FOUNDATION INC.	38	99	YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW UNIVERSITY OF JERUSALEM.....	27
78	NORTHEASTERN UNIVERSITY	38			

The information provided in this list is based on data obtained from the U.S. Patent and Trademark Office. For this report, a university is defined as an institution that grants undergraduate-level degrees. Patents reported are utility patents granted during the 2019 calendar year. When a patent is assigned to one or more entities, credit is given to the first named entity. The number of patents granted does not necessarily indicate the value of a university's technology, the effectiveness of its research or whether its patents will be successfully licensed and/or brought to market. For inquiries, or if you have a research foundation that should be combined with your university assignment in the future, contact: info@academyofinventors.org



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