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The USPTO is proposing to impose a \$400 surcharge on inventors that do not file patent applications in the DOCX format after January of 2022 (37 C.F.R. § 1.16(u)). This will place an exceptional burden on inventors who currently file in a standard PDF format. The burden will be at least \$100 per application.

The USPTO's maximum estimate of savings by requiring all submissions to be in DOCX format is \$9 million per year (<https://www.federalregister.gov/d/2020-16559/p-117>) That corresponds to about \$13.43 per application (670,000 applications filed per year https://www.uspto.gov/web/offices/ac/ido/oeip/taf/us_stat.htm)

If the maximum cost savings is only \$13.40 per application then the non-DOCX filing surcharge of \$400 is clearly intended to be punitive. The goal is to price a non-DOCX filing so high that inventors will be forced to incur the substantial costs to change their systems and procedure so that they can file in DOCX format.

If the USPTO set the surcharge a punitive level of 4X the actual cost to inventors make the conversion to DOCX, then the cost to make the conversion is \$100 per application. That's a total cost to inventors of \$67,000,000 per year.

The USPTO must not be allowed to use punitive fee structures so that they can save a few dollars in processing cost. The USPTO needs to be inventor focused. If DOCX filings are truly in the inventor's best interest, then inventors will use it. If inventors are not using it, then the USPTO needs to improve their DOCX procedures to the point where inventors will use it without coercion. Then the USPTO will not only achieve its desired cost savings, but inventors, and the public they invent for, will benefit as well.

Regards,

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