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As of January 2022, 37 C.F.R. 1.16(u) will impose a \$400 'penalty' for filing a patent application in PDF form in an effort to force practitioner and applicant conformance to the PTO's preference for Microsoft Word DOCX. This will create immense and unwarranted burden on the public, and should not be approved.

There is no uniform, reproducible way to render a DOCX into a final document. Every computer and application is free -- as set out in the DOCX standard -- to render (or NOT render!) elements of a DOCX document as the programmers see fit. The PTO proposes that applicants will file a DOCX patent application created according to one implementation of the DOCX standard, and the PTO will convert the DOCX to PDF on their computers **according to an almost certainly DIFFERENT implementation of the DOCX standard.** The USPTO acknowledges that there is no way for the PTO to guarantee that the PDF generated on their computer will look anything like the DOCX filed, or like the PDF generated on any other computer from that same DOCX file. Accordingly, the likelihood of error in filing of patent applications in DOCX is unacceptably high: in fact, it becomes almost a certainty.

The PTO understands that the DOCX file is unsuitable for archival and transmittal purposes, and so proposes that the **generated PDF** becomes the "official copy" instead of the actual document uploaded by the Applicant. This is tantamount to tampering with the filed document. To obviate this proposed 'tampering,' the PTO proposes to shift the burden to the filer to proof-check **every character** of the generated PDF (within the sign-on expiration time of the PTO website!) before filing. The attorney cost for pre-filing error checking and post-filing error correction (and malpractice insurance costs) will be well above the PTO's fee of \$400 per application. Furthermore, the PTO's position is self-defeating: if a PDF is the only suitable 'legal' document for recordation, such that the PTO will generate the "legal document" from the "actual document" submitted by the Applicant, why does the PTO propose to impose an additional burden of requiring DOCX in the first place? Furthermore, the PTO does not implement text-searchable PDF files because of the potential problems of incompatibility and discrepancies. However, searchable PDF files are much more standard and compatible across programs and operating systems (due at least in part to the more specific PDF standards implemented) than DOCX.

The public comment letters pointed out the incompatible, inconsistent way that different computers treat DOCX files, including multiple examples of the PTO generation system arbitrarily modifying documents to fundamentally change the meaning of the document and/or omit critical elements of the document. The PTO did not fairly answer the public comments during notice-and-comment. Instead the comments were paraphrased to align with the predetermined outcome of imposing DOCX, whether then meaningfully addressing the problems DOCX would create.

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

We recognize that the USPTO has implemented many helpful and innovative procedures and programs to better serve the public, inventors, and their representatives. However, the current proposal is fatally flawed.