

Dear Sir or Madam:

The United States Patent and Trademark Office (PTO) has significantly underestimated the time burden for filing a patent application in DOCX format--30 minutes--as shown in the Notice.

Although some small number of applications might require only 30 minutes of additional time to file in DOCX format, that is almost certainly a best-case estimate, and many other applications will require much more time--perhaps several hours.

The actual time burden for filing an application in DOCX format varies by the subject matter, length, and complexity of the application, the authoring software (e.g., word processor) used by the filer, and whether the application as drafted by the filer conforms to the PTO's preferences as to style and word-processing document structure, which preferences are arbitrary, neither required by nor defined in statute or rule.

There are at least two factors of the PTO's electronic filing system that create additional time burdens in connection with filing in DOCX format. ("Additional" here refers to the alternate electronic filing format, PDF.) A first is the time burden imposed by the PTO's arbitrary stylistic and document structure preferences. A second is the time burden of comparing the rendering of the document--as it appears on the filer's computer-- with the rendering of the document on the PTO's computers.

To put those additional burdens in context, it is useful to consider some differences between filing in PDF format and filing in DOCX format, as those alternatives have been implemented in the PTO's patent electronic filing systems.

Historically, the PTO accepted electronically-filed documents in PDF format, and converted the document supplied by the filer into an image representation. The PDF format is highly standardized, and, in practice, standards-compliant documents are rendered the same way by a wide variety of PDF viewing software on a wide variety of computing platforms. Thus, when rendered, the documents appear identical to the human eye when displayed on a screen or printed on paper. In particular, the image representation of the characters is the same, and the pagination is the same, across variations in rendering software, operating system, and hardware platforms.

Moreover, not only has the PTO's workflow of converting the PDF document to the image representation been inherently reliable and faithful, filers who question whether

the conversion from PDF to image is faithful can efficiently compare the PTO's computer's rendering of the document as an image to the rendering of that document on their own computer, either by human eye, or using image comparison tools which highlight any deviations. Using image comparison tools, 100 pages can easily be checked for deviations by a human reviewer in less than five minutes. Pagination is expected to be identical. The words and characters on each line are expected to be identical. Deviations are instantly visible.

Further, for applications filed in PDF format, the PTO does not purport to inspect the text, nor impose its stylistic and document structuring preferences, of an electronically-filed application during the filing process. And the PTO is generally unaware of the particular word processing software features used by the filer in drafting the document.

ADDITIONAL BURDEN--CONFORMANCE WITH PTO'S DOCUMENT PREFERENCES

Filings in DOCX format, on the other hand, are subject to inspection by the PTO's electronic filing system, where conformance with the PTO's arbitrary preferences as to document style, document structuring, fonts, and use of word processor features are enforced, such that the document will not be accepted until the alleged non-conformance is corrected. For example, in complex documents, some users employ the *field* feature of word processing software to maintain consistency of terminology throughout the document. The PTO's electronic filing system does not accept documents in which that feature is used. The PTO has published an extensive list of "errors" that apparently make a DOCX document unacceptable for filing, including at least a dozen relating to word processing features that the PTO's system does not support.[1] For another example, the PTO's system also rejects DOCX documents containing references to certain fonts.

For simple applications drafted from scratch, it may be feasible for the drafter to simply omit using the forbidden features, and to structure the document in the way the PTO prefers. However, the prohibition of using the features in more complex applications can increase the time required to draft the application. The document automation features were added to word processors, and users have adopted them, because their use saves time or improves accuracy and consistency, etc., and foregoing them increases the time and cost of drafting the application. The user might draft the application using the feature, and later, just before filing, replace the document automation instances with plain text. But this takes additional time, especially in long, complex application. The process is error-prone if done manually,

so the results of the replacement must be checked carefully, which is an additional time burden. Alternatively, the user might forego the features and suffer the time burden of performing manually what the word processor software could have done by automation.

Moreover, not all patent application documents to be filed in the U.S. are drafted from scratch. A patent practitioner may receive an initial document from an inventor or a patent practitioner in another country, where the PTO's forbidden features, fonts, or document structuring, have already been used. A filer may first become aware of the use of the forbidden items when they attempt to file the application using the PTO's Patent Center system. Removing the forbidden features from a DOCX document is not always trivial and can impose a significant time burden. In a public report some months ago, the PTO's Patent Center system was said to have rejected a DOCX document for the alleged presence of font not acceptable to the system. The reporter could not find any text to which the font had been applied. Even if elaborate "workarounds" may be available reconstruct a document to surmount such problems, they require care and error checking, which imposes an additional time burden. (It is believed that about 25 percent of new U.S. utility application filings are first filed in other countries, and so are not drafted from scratch by the U.S. filer.)

ADDITIONAL BURDEN--LABORIOUS COMPARISON OF FILER'S VERSION OF A FILED DOCUMENT WITH PTO'S RENDERED VERSION

The file format of DOCX documents is said to be subject to international standards promulgated by ECMA and ISO. Although such standards exist, as best understood, they do not constrain the rendering behavior of available software. Moreover, by default, most word processing software produces files that do not conform to the standards. (The user has to undertake extra steps to produce strictly standards-conformant files, and those files do not properly support some features of the word processing software.)

That is, there is no guarantee that a particular DOCX document will appear identically on two different computers, such as a first computer operated by a patent application filer and a second computer operated by the PTO.

When the filer uploads the document, the PTO's Patent Center system (or systems associated therewith) modifies the document in ways not fully and definitively explained to the public. Even apart from the PTO's intentional modifications, there have been a number of reported instances where the PTO's rendering of a DOCX file

differs from how that file appears on a filer's computer, where the appearance of characters and mathematical formulae were changed in ways that altered their meanings. The content of a patent application, as filed, is critical to the protection it affords, so a dispute between an applicant and the PTO as to what was in the application on filing day may be fatal to any patent that may eventually issue, or to the patent's commercial value.

Even if the rendering deviations involved in those instances may be corrected, there is no guarantee that novel deviations will not occur. Moreover, the PTO changes the behavior of its systems without notice. Filers simply cannot rely that the PTO's computers will render a DOCX document exactly as it appeared on the filer's computer.

Thus, in order to ensure the PTO has rendered their filed document the filer intends, the filer is obliged to compare the filer's computer's rendering of the filed document with the rendering performed by the PTO's computers in the Image File Wrapper (IFW). For simple, short applications, this may involve relatively small effort. Applications that involve only plain text, comprising regular American typewriter characters, in standard fonts, are believed to be at low risk for errors in rendering. But many patent applications are not that simple. Many applications involve the extensive use of mathematical symbols and formulae, chemical symbols, Greek letters, and other non-typewriter characters. According to a blog post by Prof. Dennis Crouch, the size of published patent applications has increased from about 7,600 words in 2005 to over 13,000 words in early 2025. [2]

The PTO's electronic filing workflow is poorly adapted to the use of automated comparison tools, because the PTO's rendering does not always maintain the same pagination. Subtle differences in word processing software, fonts, printer drivers and the like, can change how the document is formatted, resulting in variations in the number of words on lines, how paragraphs break across pages, and other pagination discrepancies. These variations frustrate attempts to compare corresponding pages as images, because the pages no longer correspond. (Local comparison of the originally-filed DOCX document with the PTO-modified version does not solve the problem because such comparison will not detect differences in how the PTO's systems interpret and render the document.) Thus, a user may have to laboriously compare their document with the PTO's IFW version of the document, page by page, line by line, character by character, with special attention to formulae, chemical symbols, and any other non-typewriter text. For a longer application full of special characters, this comparison could take many hours.

The PTO allows a filer who files in DOCX format to file in the same session an

applicant-generated "auxiliary" PDF document on which the filer may rely if "a discrepancy occurs during the filing process," i.e., between the PTO's DOCX rendering and the PDF. That does not eliminate the need for comparison, but simply defers the need for comparison until some time after filing. Moreover, the PTO has not explained in detail what standards would be applied in a grantable petition to rely on the auxiliary PDF document. (If the petition is required, that would add to the time burden attributable to a DOCX filing.) In any case, creating the auxiliary PDF, and the associated record-keeping, including maintaining the original DOCX file and the auxiliary PDF file in coherence, docketing for later comparison, and performing the comparison, all take time.

COMMENTER'S ESTIMATES

The undersigned provides these estimates of the additional time burden of filing utility applications in DOCX format:

A. Best case (application drafted from scratch by filer, no auxiliary PDF; detailed description is fewer than 10 pages and comprises only typewriter characters):

* 60 minutes.

(Includes comparing the PTO's preview PDFs with filer's original document, and record-keeping to preserve documents filed, filing confirmations, PTO-generated preview and feedback documents, etc.).

Additional time burden for cases with complicating factors:

B. Filer will accompany the DOCX filing with an applicant-generated "auxiliary" PDF document:

* Add 30 minutes (typical).

(Includes generating the auxiliary PDF, coherent recordkeeping of the word-processing document and the auxiliary PDF, and docketing deferred comparison of the PTO's IFW version with applicant's auxiliary PDF. Does not include a Petition to the Director to correct the record

if a discrepancy is found.)

C. Application to be filed is received as a word-processing document from the inventor or non-U.S. patent counsel:

* Add 30 minutes (typical; reasonable range 15-90 minutes).

(Includes checking for and eliminating or correcting forbidden fonts, word-processing software features, and deviations from PTO style preferences, that may block filing in Patent Center.)

D. Complex specification with extensive use of mathematical symbols and formulae, chemical symbols, Greek letters, or other non-typewriter characters. Length: 15 pages of detailed description in typescript.

* Add 90 minutes (typical).

(Includes human comparison of PTO's rendered PDF (preview or IFW).)

E. Complex specification with extensive use of mathematical symbols and formulae, chemical symbols, Greek letters, or other non-typewriter characters. Length: 75 pages of detailed description in typescript.

* Add 300 minutes (typical).

(Includes human comparison of PTO's rendered PDF (preview or IFW).)

Respectfully submitted:

Neil R. Ormos Dated: 26 June 2026

[1] USPTO, DOCX Feedback Errors and Warnings, <https://www.uspto.gov/sites/default/files/documents/DOCX_Feedback_Errors_and_Warnings.pdf>, November 3, 2022.

[2] Crouch, "The Expanding Patent Document: Fewer Claims, More Words, and a Trend That Predates Alice", <<https://patentlyo.com/patent/2026/03/the-expanding-patent-document-fewer-claims-more-words-and-a-trend-that-predates-alice.html>>, March 9, 2026.