

RE: Public Comment on 0651-0089 (DOCX Submission Requirements).

To whom it may concern:

Thank you for the opportunity to provide a public comment regarding the DOCX submission requirements for filing patent applications at the USPTO. To provide some background, I have been a registered patent attorney for almost 30 years, and I am a frequent user of the USPTO's Patent Center.

At Table 1 of this request for public comments, the USPTO estimates the time burden of DOCX filing at "0.5 hours (30 minutes)." In my experience, 30 minutes is the minimum time required to prepare a document for filing in DOCX format instead of PDF format, not the average or the mean time required. I routinely encounter several issues with filing DOCX documents.

First, Patent Center generates a feedback document upon filing a patent application in DOCX. This is appreciated when there are genuine problems with the DOCX document. However, every single time I file, the feedback document tells me that there are problems with multiple items. Almost always, the feedback document states that the paragraph numbers are not consecutive, or include duplicate numbers. This feedback has never once been correct. Almost always, the feedback document states that one of the claims is missing a period, that there is improper dependency, that a claim number is missing, or that a claim number is duplicated. This feedback is almost never correct.

It would be foolish to ignore the feedback document. After I open the feedback document, I review the identified issues. That review, by itself, takes an average of 30 minutes itself. The vast majority of the time, the feedback is simply incorrect, due to the unreliability of the feedback document, and whatever software generates the document on the Patent Center side. The time spent reviewing nonexistent issues identified in the feedback document needs to be accounted for as part of the time burden of DOCX filing.

Second, as a veteran filer through the old EFS-Web system, I am extremely familiar with non-embedded font errors. One advantage of DOCX filing was supposed to be the end of those frustrating errors. I only use one font for USPTO filings of any kind; my patent applications are not a patchwork of Arial and Comic Sans. However, on occasion, I receive a non-embedded font error when submitting a DOCX document. Finding and fixing that error can take 15-60 minutes, by itself.

Third, when equations are presented in a patent specification, it now takes significant time to format those equations in a manner in a DOCX document. Equations in a DOCX document are very susceptible to being shown differently on different computers, particularly on different computers using different word processing software to create and/or read DOCX files. Having an equation in a patent application that is displayed differently to an examiner than what I typed into the document can be fatal to the applicant's hopes to obtain a patent. The burden for formatting equations in a DOCX document, in a manner in which I have the most hope for them to survive for the Examiner to see them, is often two to three hours.

The problem that a DOCX document is displayed in one way to a user on one computer, and in a different way to a different user on a different computer, results from the fact that DOCX is not a standard. It is a Microsoft file type. For this reason, different DOCX implementations on different machines running different versions of operating software display different results. ISO 29500 nominally governs DOCX files. However, that standard is split into two conformance classes: strict and transitional. "Strict was meant to be the future and Transitional the temporary bridge. Two decades after standardisation, Transitional remains what Office produces, what users receive, and what any competing implementation must support to be useful. The clean standard exists on paper. The standard that exists in practice — and that Microsoft Office produces by default — is the messy one." ("A Standard in Name Only: What OOXML Transitional Tells Us About Format Sovereignty," Italo Vignoli (2026), at <https://blog.documentfoundation.org/blog/2026/06/02/a-standard-in-name-only/>).

The time burden to submit patent applications as DOCX documents, as opposed to PDF documents, is significantly more than the 30 minutes that has been estimated by the USPTO.



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Based on my own experience, I estimate that time burden to be 90 to 120 minutes. The USPTO time burden estimate of 30 minutes is unreasonably low, and should be revised to account for the amount of time actually required for applicants to file patent applications in DOCX format.

I appreciate and support the goal of reducing the hours that USPTO hours have to spend on tedious and menial work creating and proofing documents for publication and issue. In my opinion, that goal is much better served by requiring document submission in a commonly-used file format that follows well-known standards, such as PDF/A, which is defined and controlled by ISO 19005. PDF/A also provides for easy text extraction without scanning or optical character recognition. There are alternatives that accomplish the goal of greater efficiency that do not lock the USPTO and its customers into a proprietary file format that produces unpredictable results on different computers. Further, steps toward reaching that common goal have to reflect the actual time burden on applicants, which the current estimate of 30 minutes does not.

Thank you for considering my comments.

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