

## **Cantor Colburn Client Alert: USPTO to Delay the Effective Date of the Non-DOCX Filing Fee**

### **Summary**

On November 19, 2021, the United States Patent and Trademark Office (USPTO) issued a final rule that will delay an additional fee for nonprovisional utility patent applications, including any continuing applications, not filed in DOCX format. Through this ruling, the USPTO is delaying the effective date of this fee until January 1, 2023.

### **Overview**

The USPTO previously published a final rule in the Federal Register that set forth a new fee for any original patent – except design, plant, or provisional applications – where the specification, claims, and/or abstract do not conform to the USPTO requirement for submission in DOCX format.

Prior to the implementation of the new DOCX file format requirement, documents were simply filed in a .PDF file format with no requirements on the internal formatting (such as section headings). Under the new system, this DOCX format will be converted by the USPTO into a PDF format.

Due to feedback provided to the USPTO on concerns related to the USPTO PDF conversion process, and errors generated when the DOCX file was uploaded, the USPTO is delaying the effective date of the fee to enable enhanced testing of the information technology systems as more users file in DOCX. This will also give applicants more time to adjust to filing applications in Patent Center and in DOCX format. Through this decision, the effective date of the fee will be January 1, 2023.

### **For Further Information and Assistance**

Cantor Colburn has substantial experience representing clients in patent matters in virtually all technologies. Please contact David Bomzer, at [dbomzer@cantorcolburn.com](mailto:dbomzer@cantorcolburn.com) and +1 (860) 286-2929, ext. 1317 or your Cantor Colburn attorney with any questions you may have regarding this matter and your IP in general. Maggie Russell contributed to this article.

***Please note that each situation has its own unique circumstances and ramifications. This Client Alert is for informational purposes only and is not legal advice.***