

the pre-examination of the application to ensure it is in good condition for examination by a patent examiner.

In April 2022, the USPTO announced that, for a period of time ending December 31, 2022, it was providing patent applicants with the option to submit a back-up, applicant-generated PDF version of the application along with the DOCX file(s) when filing an application in Patent Center. *See* Filing Patent Applications in DOCX Format, 87 FR 25226 (April 28, 2022) (April 2022 Notice). The goal of providing such an option was to encourage more applicants to begin filing patent applications in DOCX format. In particular, the USPTO anticipated that allowing applicants to submit a back-up PDF version of the application—without incurring additional fees—for a temporary period would encourage applicants to file in DOCX while ensuring that if any discrepancies were discovered, the back-up version could be used to correct the discrepancies. In December 2022, the USPTO extended this temporary period through June 30, 2023. *See* Extension of Period To Allow Submission of a PDF With a Patent Application Filed in DOCX Format, 87 FR 77812 (December 20, 2022).

In response to stakeholder requests, the USPTO is extending, until further notice, the option to submit an applicant-generated PDF of the application along with the validated DOCX file(s) when filing an application in Patent Center.

The April 2022 Notice stated that the “applicant-generated PDF . . . will not become part of the permanent record unless a petition is filed requesting the USPTO to correct the record in view of the applicant-generated PDF” and that “[i]n the absence of such a petition, the USPTO will dispose of the applicant-generated PDF, and all copies thereof, after a retention period of at least three years after the patent grant or abandonment of the application.” However, in view of stakeholder requests, the USPTO will now keep copies of the applicant-generated PDF as part of the permanent record, regardless of whether a petition is filed. For example, for granted patents, the USPTO will keep copies of the applicant-generated PDF for at least 25 years after the patent grant before transferring it to the National Archives and Records Administration.

With the changes detailed above, patent applicants choosing to submit an applicant-generated PDF with the validated DOCX file(s) when filing an application in Patent Center will have an ongoing safeguard should any unexpected conversion discrepancies

occur during the filing process. The USPTO reminds applicants that the option to submit an applicant-generated PDF version of the application is not available for applications filed via EFS-Web. Applicants are also reminded that they can file test submissions through the Patent Center Training Mode to practice filing in DOCX. Information on filing application documents in DOCX and a link to the DOCX training sessions are available at [www.uspto.gov/patents/docx](http://www.uspto.gov/patents/docx).

As discussed in the April 2022 Notice, patent applicants who choose to submit an applicant-generated PDF with the validated DOCX file(s) when filing an application in Patent Center will not have to pay additional fees, such as an application size fee, as a result of filing the applicant-generated PDF and, on petition, will be able to rely on the applicant-generated PDF if a discrepancy occurs during the filing process. To avoid incurring additional fees for the PDF, applicants must follow the process for submitting an applicant-generated PDF (Auxiliary PDF) set forth in the quick reference guide available at [www.uspto.gov/sites/default/files/documents/Aux\\_PDF\\_QRG\\_Final\\_2022.docx](http://www.uspto.gov/sites/default/files/documents/Aux_PDF_QRG_Final_2022.docx). The USPTO will continue to waive the petition fee under 37 CFR 1.17(f) for a petition under 37 CFR 1.182 that relies on an applicant-generated PDF that was filed in Patent Center as the source to make a correction to the record.

For more information regarding the filing of an applicant-generated PDF in Patent Center, including the options available for making corrections to the record, please review the guidance in the April 2022 Notice.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

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**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–C–2023–0022]

### Request for Comments on Southeast Regional Office and Community Outreach Office Locations

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) is seeking information to inform the

planning and design of the USPTO satellite offices (regional offices) and newly-authorized community outreach offices (COOs). The USPTO is also seeking information on potential locations for a future USPTO regional office in the southeast region of the United States (Southeast Regional Office or SERO) and a COO in the northern New England (NNE) region (Northern New England Community Outreach Office) that the USPTO was directed to establish under the Unleashing American Innovators Act of 2022 (UAI Act), signed into law as part of the Consolidated Appropriations Act, 2023 on December 29, 2022.

**DATES:** To ensure consideration, written comments must be received by 5 p.m. ET on or before July 11, 2023 and should be submitted in accordance with the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections. No public hearing will be held.

**ADDRESSES:** For reasons of government efficiency, comments must be submitted electronically by completing the form at [https://iqconnect.iqfed.com/iqextranet/EForm.aspx?\\_cid=USPTO&\\_fid=100155](https://iqconnect.iqfed.com/iqextranet/EForm.aspx?_cid=USPTO&_fid=100155). Complete the required fields using the pre-formatted response form that will allow you to comment on each topic of interest or question you choose to address. You may enter your responses directly into the form or cut and paste your responses from a MICROSOFT WORD® or ADOBE® portable document format (PDF) document into the field provided for each question. You must submit any attachments that provide additional support to a question through the electronic form. Attachments to the form will be accepted as ADOBE® PDF or MICROSOFT WORD® documents. To be considered, comments must be submitted through the electronic form. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

If submission of comments through the electronic form is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions regarding how to submit comments by mail or by hand delivery, based on the public's ability to obtain access to USPTO facilities at the time.

### FOR FURTHER INFORMATION CONTACT:

Shirin Bidel-Niyat, Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, at 571–272–8600 or [NewOffices@uspto.gov](mailto:NewOffices@uspto.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

Enabled by the 2011 America Invents Act (AIA), the USPTO currently has four regional offices that are located in Detroit, Michigan; San Jose, California (Silicon Valley); Denver, Colorado; and Dallas, Texas. The purposes of the regional offices (ROs), as originally defined in the AIA and amended by the UAIA, are to:

- *RO1*: Better connect patent filers and innovators with the Office, including by increasing outreach activities to individual innovators, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings;

- *RO2*: Enhance patent examiner and administrative patent judge retention, including patent examiners and administrative patent judges from economically, geographically, and demographically diverse backgrounds;

- *RO3*: Improve recruitment of patent examiners;

- *RO4*: Decrease the number of patent applications waiting for examination; and

- *RO5*: Improve the quality of patent examination.

The USPTO has been focused on outreach and impact, and is working on ways to better support those new to the innovation ecosystem, bringing more people in America into the fold. The USPTO is also studying the role of the regional offices in serving both the public and the needs of our colleagues across the agency.

The UAIA supports the USPTO's expanded outreach efforts by requiring the USPTO to establish, within three years of enactment (*i.e.*, no later than December 29, 2025), a Southeast Regional Office in the geographic region comprised of the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Arkansas. The UAIA requires the Office to consider the following when selecting the site for the SERO:

- *SERO1*: Number of patent-intensive industries that are located near the site;

- *SERO2*: How many research-intensive institutions, including higher education institutions, are located near the site;

- *SERO3*: Governmental and business frameworks, at both the State and local levels, that support intellectual property-intensive industries that are located near the site; and

- *SERO4*: The proximity of the office to anchor institutions (such as hospitals primarily serving veterans and institutions of higher education), individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings.

The Act also requires the USPTO to report out within two years on whether additional offices are necessary to further increase participation in the patent system by individuals who have historically been underrepresented in patent filings.

In addition to regional offices, the UAIA requires the USPTO to establish at least four COOs within five years from enactment of the Act (*i.e.*, no later than December 29, 2027). The purposes of the COOs are to:

- *COO1*: Further achieve the purposes described above for the regional offices;

- *COO2*: Develop partnerships with local community organizations, institutions of higher education and/or research, and businesses to create tailored community-based programs that provide education regarding the patent system and promote the career benefits of innovation and entrepreneurship; and

- *COO3*: Educate prospective inventors, including individual inventors, small businesses, veterans, low-income populations, students, rural populations, and any geographic group of innovators that the Director may determine to be underrepresented in patent filings, about all public and private resources available to potential patent applicants, including the patent pro bono programs.

The UAIA prohibits the establishment of a COO in the same state as the principal location of the USPTO (Virginia), or in a state that has a regional office (California, Colorado, Michigan, or Texas). The UAIA also requires that at least one of the COOs be established in the NNE region and serve the states of Vermont, New Hampshire, and Maine. Under the Act, the Office must give preference to locations where:

- *NNECOO1*: There is at least one private institution of higher education and at least one public institution of higher education;

- *NNECOO2*: There are no more than 15 registered patent attorneys based on information from the USPTO's Office of Enrollment and Discipline; and

- *NNECOO3*: According to data from the 2012 Survey of Business Owners conducted by the U.S. Census Bureau, less than 45% of the firms are owned by women, minorities, or veterans.

The USPTO will use quantitative metrics and criteria to inform the location selection for future ROs and COOs. The Office plans to consider the following classes of data (D) at a minimum:

- *D1*: Business demographics
- *D2*: Concentration of research- and IP-intensive industries
- *D3*: Socioeconomic and demographic metrics of the regional/local population
- *D4*: Availability and concentration of existing business development resources
- *D5*: Overall geographic diversity of office locations

The USPTO welcomes input from all stakeholders on any matter that they believe is relevant to the overall planning and design of the USPTO RO and COOs, or the selection of locations for the new SERO or NNECOO. Commenters are encouraged to address any or all of the statutory considerations listed in the UAIA and summarized above, any other considerations they believe the USPTO should consider, and the questions listed below.

**Commenting Instructions:** To be considered, comments must be submitted through the electronic form available at [https://iqconnect.igfed.com/iqextranet/EForm.aspx?\\_cid=USPTO&\\_fid=100155](https://iqconnect.igfed.com/iqextranet/EForm.aspx?_cid=USPTO&_fid=100155).

Please cite any public data that relates to or supports your responses. If data is available but non-public, describe such data to the extent permissible.

## **II. Specific Request for Comments: Planning and Design of Regional Offices and Community Outreach Offices**

With the addition of COOs to the agency's footprint, the USPTO envisions the joint mission of the ROs and COOs to be the cultivation and expansion of a vibrant and inclusive innovation and entrepreneurship ecosystem supported by intellectual property across the United States. To accomplish this mission, the offices will conduct broad stakeholder engagement with innovators ranging from individual inventors to multinational business entities; establish and leverage partnerships and relationships to scale the USPTO's work; incentivize regional innovation and entrepreneurship, especially in key emerging areas; and promote full participation by innovators and entrepreneurs of all backgrounds, including in rural areas and from our military, to support U.S. innovation and jobs.

The USPTO invites responses to the following questions:

*Regional offices:*

1. Considering the envisioned mission above, what essential services—including outreach, education, customer service, convening space, and employee support—should a RO provide to achieve the statutory purposes?

a. Do you prefer to have the services you identified delivered virtually? Why or why not?

b. Do you prefer to have the services you identified delivered in person? Why or why not?

2. What types of organizations should the RO pursue relationships and collaborations with to better leverage and scale its services?

*Community outreach offices:*

3. Considering the envisioned mission above, what essential services—including outreach, education, and customer service—should a COO provide to achieve the statutory purposes?

a. Do you prefer to have the services you identified delivered virtually? Why or why not?

b. Do you prefer to have the services you identified delivered in person? Why or why not?

4. What types of organizations should the COO pursue relationships and collaborations with to better leverage and scale its services?

5. Would you support a COO being co-located with other public sector entities/services?

a. If so, please describe the added value of having a shared location.

b. Which public sector entities/services would you suggest for the shared location(s)?

c. If not, please describe the benefit of having a unique location for a COO.

*General comments regarding regional and community outreach offices:*

6. What unique services should the ROs and COOs individually provide, and how should the full range of services complement each other?

7. Considering the potential classes of data listed in part I above, what additional key indicators or data would support future RO and COO site selection?

8. What else should the USPTO consider when planning for the ROs and COOs?

### III. Specific Request for Comments: Location of the Southeast Regional Office

Given the statutory purposes and considerations of ROs, including those specific to the SERO, as discussed in part I, and the planning and design considerations identified in part II:

9. What data would assist in assessing potential locations for the SERO site?

10. What is an ideal location for the SERO? Describe how this location meets the statutory purposes and considerations.

11. What State or local government, legal, and business frameworks that support intellectual property-intensive industries are located near the recommended site?

12. What else should the USPTO consider when determining the ideal location for the SERO?

### IV. Specific Request for Comments: Location of the Northern New England Community Outreach Office

Given the statutory purposes and considerations of COOs, including those specific to the NNECOO, as discussed in part I, and the planning and design considerations identified in part II:

13. What data would assist in assessing potential locations for the NNECOO site?

14. What is an ideal location for the NNECOO? Describe how this location meets the statutory purposes and considerations.

15. What community organizations/businesses near the recommended office location could the USPTO collaborate with to help provide intellectual property education and promote the career benefits of innovation and entrepreneurship?

16. What else should the USPTO consider when determining the ideal NNECOO?

While the Office welcomes and values all comments from the public in response to this request, the comments submitted do not bind the Office to any further actions related to the comments, and the Office may not respond to any or every comment that is submitted. The Office will, however, consider all written submissions.

Any and all decisions made with regard to the future locations of the RO and COOs will be made consistent with the criteria outlined in the UAIA and the goals and mission of the USPTO.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2023-11987 Filed 6-5-23; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; DOCX Submission Requirements

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the proposed information collection: DOCX Submission Requirements. The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

**DATES:** To ensure consideration, comments regarding this information collection must be received on or before August 7, 2023.

**ADDRESSES:** Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

• *Federal Rulemaking Portal:* <https://www.regulations.gov>.

• *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email at [raul.tamayo@uspto.gov](mailto:raul.tamayo@uspto.gov) with “DOCX ICR comment” in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under “Information Collection Review.”

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

On August 3, 2020, the USPTO published a final rule in the **Federal Register** that included a new fee set forth in 37 CFR 1.16(u). See Setting and Adjusting Patent Fees in Fiscal Year 2020, 85 FR 46932. Although that final rule indicated the new fee at § 1.16(u) would go into effect on January 1, 2022, the effective date of the new fee was delayed to give applicants more time to