Nomination of John A. Squires
To be Under Secretary of Commerce for Intellectual Property and the Director of the United States Patent and Trademark Office
Questions for the Record
May 28, 2025

QUESTIONS FROM SENATOR GRASSLEY

1. What are your goals and priorities for the USPTO? What do you think will be your greatest challenges?

RESPONSE: My goals, if I am honored with confirmation to steward America's innovation agency, are to restore the USPTO to its rightful place atop the world as executor of our Nation's constitutional mandate and to boost America's ingenuity engine with the intellectual property that drives economic growth, technological progress, and global competitiveness. American intellectual property shall again set the standard for competing and winning in the marketplace of ideas.

My priorities are to pursue, promote and implement those policies that streamline our unitary patent system for all walks of inventors to ensure the intellectual property rights it issues are timely of high quality, and ensure it is aimed to foster continued innovation, opportunity and growth.

As Secretary Lutnick stated in his testimony to the Senate Commerce, Science, and Transportation Committee, USPTO's greatest challenge is to address the present "unacceptable "patent backlog and provide updated tools to ensure the issuance of market-timely intellectual property of demonstrable quality.

2. You previously testified before the Senate Judiciary Committee in favor of the creation of the PTAB.
    a. What is your present position regarding the PTAB? Do you have any concerns with the way it is functioning? Do you intend to make any changes to the PTAB's infrastructure, process or procedures? If so, what and why?

    RESPONSE: I believe that the creation of the PTAB was the right thing to do and testified before the Senate Judiciary Committee in 2007 regarding the creation of the PTAB, that an executive agency should have some form of ability to retake jurisdiction of its output. With the institution of the AIA, we now have the benefit of approximately 14 years' worth of data to examine.

    Overall, it is my belief that if we can analyze trends against the relevant issued patent marketplace data to better understand why IPRs have the types of numbers reported while PGRs seem less preferred; why prior art was missed in cases of invalidation and if that art is making it back to the art unit post disposition to address issues on the front end; and why industry appears to be under-utilizing third party submissions and what can be done to address this issue; among other issues. Some of the answers to those questions will

Google
Exhibit 1124
Google v. Advanced Coding
IPR2025-01278
Ex. 1124-001

reveal themselves along the lines of the dual and differently directed functionality of Patent Trials and Appeal functions.

If confirmed, I will work avidly with the office's stakeholders, leadership, and Congress to provide that feedback and transparency to ensure that the PTAB is functioning in accordance with its creation and goals.

b. If confirmed, will you implement policies to alter the PTAB's authority or restrict access to IPRs? If so, how and why?

RESPONSE: If confirmed, I have no pre-disposition to alter the PTAB's authority or restrict IPR access. Ultimately, a balanced approach works best and is an indicator of ex parte and inter partes system that is in balance and functioning as intended in our robust, unitary system. Should I be confirmed, I will work to ensure that the Congressional intent and goals of the PTAB are met and in keeping with relevant decisional authority.

c. Will you commit that if you are confirmed, you will ensure that American companies that are sued on questionable patents will be allowed to seek review on the merits of those patents at the PTAB?

RESPONSE: Yes, if confirmed, I will work to ensure that American companies will have this important avenue of redress available to them.

d. Please explain your position on the PREVAIL bill currently being considered by the Senate. Do you agree with the changes it seeks to make to the PTAB process? Why or why not? Please be specific.

RESPONSE: As I testified at the hearing, I believe Congress is undertaking important work to strike the right balance for stakeholders since the creation of the PTAB. I have not had the opportunity to study the bill in great detail but if confirmed, I look forward to working with stakeholders, PTO management, and Congress to achieve these important aims.

3. Patent quality has been a major concern because poor quality patents can be easily weaponized to attack and inhibit U.S. manufacturers and other businesses due to the extremely high cost of patent litigation. Promoting patent quality is the most effective way to prevent those harms, while still ensuring that patents incentivize real innovations.
   a. If confirmed, what will you do to improve the USPTO's examination process to promote patent quality, both at the front-end during examination and at the back end through effective post-issuance review and reexamination?

RESPONSE: I believe leaning-in to AI here can help at all stages insofar as patent quality. At the front end, best-in-class AI software should be evaluated as an adjunct to assist the Patent Examiners' evaluation of whether a patent application satisfies patentability standards. Indeed, the private sector increasingly uses AI software to find invalidating prior art. Our world-class Examining Corps should have access to and where helpful utilize these same tools. This would promote patent quality at the front end and,

in fact, discourage applicants from filing weak patent applications, thereby introducing an element of self-regulation and concomitant backlog reduction.

At the back end, these same tools can offer quality assistance. In addition, avenues should be explored to encourage third party submissions without later penalization for having injected art into the system at the earliest possible time. Incentives should be considered where relevant to utilize the PGR process to promote and improve patent quality nearer the time of issuance. If confirmed, I will work with the USPTO and stakeholders on these ideas and others to address examination areas and stages of examination where quality can be improved.

4. Management of the USPTO is not an easy task. In recent years, we have seen an increase in the backlog of patent applications pending review, which stands at more than 800,000 applications. On average, it takes more than two years from filing until final disposition. For many small businesses, two years is a lifetime to wait.
   a. Do you agree that the growing backlog of patent applications is a problem?

   RESPONSE: Yes. In private practice, reduction of patent application backlog was the subject of a seminal white paper I authored following my 2007 Senate Judiciary Testimony ("Peer to Patent" SJC submission 12D, No. 29). If confirmed, I am committed to working with Congress, USPTO staff, and stakeholders to implement effective, long-term solutions to ensure the USPTO can fulfill its mission and support American innovation.

   b. If confirmed, what steps will you take to decrease the backlog and application pendency?

   RESPONSE: USPTO should undertake a review and work in connection with the USTR to identify and eliminate from the system cases, especially foreign-filed cases, that are overburdening the system. Some applicants could self-elect with petitions to suspend examination for six months, especially with large portfolios of broad ranging patents and there may be incentives attendant to that. If confirmed, I will work with the USTPO and stakeholders on the best way to address the backlog and patent pendency including hiring additional examiners as well as using AI tools in examination.

   c. If confirmed, what technologies or approaches would you deploy to address this problem?

   RESPONSE: As I testified in my opening statement, I believe it is time for the USPTO to "lean-into" AI to provide tools to reduce backlog. Several areas should be investigated to provide immediate results in terms of utilizing generative AI, for example, on matters of written description, enablement and indefiniteness. I am aware of Examiner blogs reporting favorably on the exploration of such technology utilization.

   If confirmed, I would work with the USPTO and stakeholders to develop our own playbook to utilize generative AI tools to allow examiners to spend less time on tedious repetitive tasks that slow down review processes.

5. Recently the USPTO has lost a number of examiners and PTAB judges, which may increase the patent backlog and impact the ability of the USPTO to perform its duties.
    a. How do you intend to minimize further departures and ensure that the USPTO will carry out its statutory responsibilities?

    RESPONSE: If confirmed, I will work with others in the USPTO as well as PTAB leadership to ensure that the USPTO and the PTAB can continue to carry out their statutory responsibilities. Additionally, if confirmed, I will review the many areas I understand the USPTO currently has as to incentivization and retention in efforts to reenergize our professionals with the Office's important mission.

6. Patent examiners have expressed concerns that the subscriptions they utilize to research databases for their prior art reviews are being cancelled. They are concerned that without these resources, they will not be able to conduct their required prior art reviews in a comprehensive and complete manner, potentially resulting in the issuance of low-quality patents.
    a. Do you agree that it is critical for patent examiners to have access to all the literature they need to conduct in-depth and comprehensive prior art reviews in order to ensure high-quality patents?

    RESPONSE: Yes. In this day and age, search tools exist and can be deployed so that prior-art is knowable, accessible and applicable at the time of examination, including non-patent prior art, literature. This is where new AI applications can help and I believe should be made available so high quality patents are issued in the first instance. I believe this issue can be managed and applied correctly by the examiners, who after all are all of high skill in their respective areas.

    b. Will you commit to ensure that patent examiners have access to all the resources they need for their application reviews?

    RESPONSE: If confirmed, I commit to diligently explore all avenues of resources wherein the office provides both the tools and resources to do the job and execute on our mission. As I testified in my opening statement, our patent examiners are world class and we want inventors from all walks to come to our American patent system first, where we will help them "hone and hew" strong proprietary rights, expeditiously issued and of provable quality.

7. Please explain your position on USPTO fee diversion.
    a. Do you agree that the USPTO should have full access to its fee revenue to meet its operating needs?

    RESPONSE: Yes. As I testified, since the USPTO is a fee-based agency, I believe it should have full access to its fee revenue so it can be run efficiently like a business.

    b. Will you commit to safeguarding the fees that the USPTO collects, consistent with the USPTO's authorizing statutes?

RESPONSE: Yes. That is my understanding of the charge Congress provided for the Director and, if honored with confirmation, shall faithfully execute those duties, particularly because I believe that all Americans should benefit from the tremendous value of government-issued IP rights.

c. Do you agree that we should end USPTO fee diversion? Will you work to stop this practice?

RESPONSE: Yes.

8. Many are concerned that litigation funding can lead to abusive filings and undermine legitimate small business activity.
   a. If confirmed, do you pledge to vigorously oppose abusive patent troll tactics and protect American businesses from frivolous patent litigation?

RESPONSE: Yes. As I testified to and have written about in co-authoring a 2015 Wharton Business Journal piece, "Why Investment Friendly Patents Spell Trouble for Trolls," "troll" practices are based not upon notions of valuation of patents as self-standing assets (or investment parlance, "fundamentals") rather they are based upon " nuisance value" due to the extreme cost of defending litigation. They are predatory " arbitrage" plays, and the inventors are almost always the one who get hurt.

9. Some are concerned that foreign rival countries are bankrolling lawsuits in order to hobble the operations of U.S. companies and/or to gain access to sensitive technology, especially in the patent space.
   a. Do you support the mandatory disclosure of foreign litigation financing investors in the filing of a lawsuit or PTAB proceeding?

RESPONSE: Allowing foreign rivals to bankroll lawsuits against U.S. companies to gain access to our technology is unacceptable. District court local rules require such disclosures and notification of the patent office of such parties in interest, the PTAB should have similar transparency requirements. If confirmed, I will work to ensure that the PTAB proceedings are used in accordance with statutory requirements.

10. You have been a strong proponent of business method patents, especially novel financial strategies.
    a. What is your position on the scope of patentability for business methods?

RESPONSE: My position and views on the patentability of business methods were formed as a result of patent filings expedited by the USPTO as "inventions" to combat terrorism for suspicious transactions, interdiction of illicit funds and disruptions of terrorist financing networks in their attempts to conduct their business in the shadows. Based upon these patents, and the anti-terrorist financing technologies they spawned, I co-authored briefs to the Supreme Court that argued, ultimately successfully, that the courts cannot properly confine patentable inventions to some preexisting view about what innovation should look like. The U.S. patent system should be open to all

classes of innovation and affords tools, such as 102, 103 and 112 to weed out bad patents no matter the class of innovation.

b. Tax patents were a type of business method patent that Congress banned in the America Invents Act. Some of the concerns about tax patents are also applicable to business method patents in general. Will you ensure that the USPTO won't expand its policy relative to business methods patents to allow for tax patents? Will you ensure that the USPTO will follow the law and not issue tax patents?

RESPONSE: If confirmed, I commit to following the law. Tax patents are uniquely problematic because they are interposed between the taxpayer and the government's ability to collect revenue.

11. What is your position on patents and AI? What do you plan to do with respect to AI policy at the USPTO, and do you plan to introduce new policies regarding AI-assisted inventorship, the impact of AI on prior art-related determinations, subject matter eligibility, or other such areas?

RESPONSE: As I testified in my opening statement, if harnessed and smartly applied, AI tools can help deliver our finest hour. The private sector has adopted such tools, the USPTO needs to keep pace to equip our world-class examining corp to grant patents tested by those same fires, expeditiously issued and of provable quality. If confirmed, I would immediately explore new policies to meet those goals, within the appropriate constitutional confines, including areas of inventorship, eligibility, prior art, eligibility, and other areas such as enablement, written description, and indefiniteness.

12. How do you intend to make enforcement of American intellectual property a priority in trade negotiations and in talks with international organizations?

RESPONSE: If confirmed, I commit to working closely with others in the Administration, including the USTR and the State Department, in ensuring that any future trade agreements include the availability of strong IP provisions as well as ensure that IP provisions in existing trade agreements are adequately enforced.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for John Squires
Nominee to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
May 28, 2025

1. At your hearing, you stated that you saw "no evidence of wrongdoing" in your areas of responsibility while employed by Perkins Coie LLP. You also said that you had seen President Trump's executive order entitled "Addressing Risks from Perkins Coie LLP."
    a. Do you agree with President Trump's characterizations of Perkins Coie in his March 6 executive order?

    RESPONSE: As I stated at the hearing, my practice was limited to intellectual property issues and in connection with my practice and client work, I was unaware of any evidence of wrongdoing during my time at Perkins Coie from 2012 to 2016.

    b. Do you agree with President Trump's decision to issue executive orders targeting Perkins Coie and other law firms?

    RESPONSE: As I stated at the hearing, my practice was limited to intellectual property issues and in connection with my practice and client work, I was unaware of any evidence of wrongdoing during my time at Perkins Coie from 2012 to 2016.

2. The U.S. Patent and Trademark Office (USPTO) has reportedly cut access to certain non-patent literature, particularly in the chemical arts, that examiners rely upon to properly examine biotech and pharmaceutical patent applications. I am concerned that this will lead to the issuance of low-quality patents that would allow Big Pharma to improperly extend their patent monopolies and maintain high drug prices in this country.
    a. What is your response to these reports?
    b. If you are confirmed as USPTO Director, what will you do to ensure examiners have the resources they need to properly examine patent applications and make sure the patents issued by the USPTO are of high quality?

    RESPONSE: Answers to 2 a and 2 b: If confirmed, I commit to reviewing the examination process at the USPTO, including which tools examiners may need to effectively examine patent applications. Implementing software and other AI-aided tools should allow examiners to be confident that access to necessary literature and other public information is sufficiently searched. In addition, the use of such tools, the increased efficiencies to follow should minimize any effects from the recent departures and should help foster a more productive and satisfying work environment.

3. Last month, the Judiciary Committee reported the Interagency Patent Coordination and Improvement Act—a bill I introduced with Senator Tillis—by voice vote. This bill would establish a task force between the USPTO and the Food and Drug Administration to enhance communication and coordination between the agencies in implementing their respective

activities related to patents. Coordination of this type would be particularly effective in addressing gamesmanship and abuses involving pharmaceutical patents that keep prescription drug prices too high for American patients.

a. Do you support increased coordination between the USPTO and FDA to combat abuses of the patent system?

RESPONSE: The USPTO and FDA have begun coordinating their patent-related efforts pursuant to Executive Order (EO) 14036 on "Promoting Competition in the American Economy."

b. Do you commit to continuing these efforts if you are confirmed as USPTO Director?

RESPONSE: I support proper information sharing between agencies to promote government efficiency. If confirmed, I commit to working with the FDA Commissioner on improving information sharing between the agencies.

4. I am concerned about potential harm to patent quality as a result of recent efforts to reduce the size of the federal workforce, including the ongoing hiring freeze. According to the data on the USPTO's website, the USPTO lost more than 350 examiners between January and March. That is a drop of more than four percent in just three months, and the attrition will almost certainly be much higher when the numbers for April are released. Further, the attrition has disproportionately affected technology centers in highly complex fields, such as TC1600 (Biotechnology) and TC1700 (Chemicals), where mentorship and institutional knowledge are critical for prior art analysis.

   Even prior to this loss of examiners, the USPTO was already failing to keep up with the volume of patent applications it receives, with the USPTO's backlog increasing by nearly 30 percent over the last five years. Secretary Lutnick has pledged to reduce the backlog and make sure that "American inventors get taken care of quickly and effectively." In the short term, that will require the USPTO to examine significantly more applications with a smaller workforce, which raises serious concerns about whether examiners will have enough time to conduct adequate examinations.

   a. If confirmed, how will you address attrition rates in specialized technical centers, particularly in light of the learning curve for examiners in highly complex fields?
   b. If confirmed, how do you plan to reduce the application backlog without substantially impairing patent quality?

   RESPONSE: Answers to 4 a and 4 b: If confirmed, I will work with others in the USPTO and in the Administration to determine the best way to address the backlog and patent pendency.

   Specifically, in terms of backlog reduction, I believe AI tools deployed to repetitive and time-consuming tasks is the way forward. If confirmed, I would work with the USPTO and stakeholders to develop our own playbook to achieve similar results.

5. Section 32 of the America Invents Act of 2011 required the Director of the USPTO to support the establishment of pro bono programs across the country to assist under-resourced independent inventors and small businesses. Within five years of the law's enactment, the USPTO helped to set up programs to serve patent applicants in every state. Many of those programs still exist to help applicants navigate the USPTO and submit applications to protect their inventions.
    a. What role should the USPTO play to further support pro bono efforts and ensure resources exist to enable inventors to access the USPTO?
    b. Do the USPTO's pro bono programs free up resources that could be used to reduce the patent backlog or pursue other priorities?

    RESPONSE: Answers for 5 a and 5 b: As I have dedicated my practice in the last 8 years to independent inventors, small business and startups, I know first-hand the value and importance of these programs. If confirmed, I will work with the USPTO senior leadership on continuing and providing support and resources to these efforts. I have seen the wonderful results they can bring, including ensuring appropriately expeditious tracks are available for examination and to help pro se applicants and small/micro entities successfully navigate the application to patent issuance.

Nomination of John Squires to be Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office

Questions for the Record

Submitted May 28, 2025

QUESTIONS FROM SENATOR COONS

1. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.
    a. If you would not resign, what would you do? Please explain.

    RESPONSE: The President would not ask me to do something illegal or unethical. If confirmed, I will make every effort to faithfully discharge my duties, I will always follow the law and uphold my sacred oath to support and defend the Constitution.

2. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. If confirmed and should such a situation manifest, I would consult the Office of Counsel for guidance and advice and be sure to follow the advice of counsel in the discharge of my Constitutional duties.

3. The Patent Trial and Appeal Board (PTAB) was designed to be a faster, cheaper alternative to federal district court litigation. Unfortunately, that has not been the case. What, if any, reforms do you think should be made to the PTAB so that it can actually function as the alternative to federal court it was meant to be?

RESPONSE: If confirmed, I will work with stakeholders, USPTO leadership and Congress to assess the almost 15 years of data since the PTAB creation to assess the effect of the differing standards between federal district court litigation proceedings and PTAB IPR proceedings. From this data and analysis, I will work to ensure any legislation concerning the PTAB fulfills Congress's intent that the PTAB serve as a faster and cheaper alternative to district court litigation.

4. If confirmed, what steps would you take to tackle the U.S. Patent and Trademark Office's (USPTO) patent examination backlog?

RESPONSE: Several immediate steps should be explored for both their short term and long-term benefits. With immediate effect, the Office should undertake a review and work in connection with the USTR to identify and eliminate from the system cases, especially foreign-filed cases that are overburdening the system. Some applicants could self-elect with petitions to suspend examination for six months, especially with large portfolios of broad ranging patents and there may be incentives attendant to that. Above all, if confirmed, I will work with the

USTPO, stakeholders on the best way to address the backlog and patent pendency including hiring additional examiners as well as using AI tools in examination.

5. The USPTO's Office of Policy and International Affairs (OPIA) works to promote global intellectual property (IP) protections and prevent the theft of American IP around the world. If confirmed, what steps will you take to support OPIA and its mission?

RESPONSE: OPIA plays an important role in making sure U.S. IP interests are expressed and defended across the globe. If confirmed, I plan to work with OPIA, other stakeholders and USPTO leadership to provide resources to strengthen and improve policy for strengthening and balancing our system and its reach both at home and abroad.

6. The USPTO's IP Attaché Program serves as a vital asset for U.S. businesses, innovators, and creators striving to protect their IP rights in complex international markets. These attachés assist American rights holders in navigating foreign IP laws, advocating for stronger IP protections, and combating IP theft. Their efforts not only safeguard U.S. economic interests but also foster fair trade practices globally.
    a. If confirmed, how would you bolster and expand the IP Attaché Program to address current staffing vacancies and enhance its global reach?

    RESPONSE: If confirmed, I would look to bolster the program by ensuring IP Attachés meet the aims of safeguarding U.S. economic interests as well as fostering fair trade practices around the world.

    b. Are there specific regions or countries where you believe the deployment of additional IP attachés would significantly benefit U.S. stakeholders and promote robust IP enforcement?

    RESPONSE: I do not have any specific regions or countries in mind at present, but if confirmed I commit to working ardently with others within the USPTO, stakeholders, the executive branch and Congress to ensure strong IP protections and companion enforcement mechanisms exist and are available both domestically and internationally.

    c. In 2020, the Department of Homeland Security published a report to the President titled, Combating Trafficking in Counterfeit and Pirated Goods. Which recommendations, if any, do you think should be revisited from this report?

    RESPONSE: If confirmed, I will review this report and will work with Congress, others in the Trump Administration, and with IP stakeholders, on how best to stop counterfeit and pirated goods. I would note the Judiciary IP subcommittee's recent hearing on "Foreign Threats to American Innovation and Economic Leadership" elicited shocking testimony regarding the safety concerns of counterfeit parts, freely available from e-tails and the near impossible task of either consumers or e-tailers from discerning the authentic from counterfeit. Any recommendations from the 2020 report should fully take into account the deceitful and harmful to public safety practices that the hearing elicited.

7. Do you believe that the USPTO benefits from interagency coordination? If so, in what contexts?
    a. How will you promote continued cross-agency collaboration?

    RESPONSE: I support proper information sharing and coordination between agencies as a means of promoting government agency effectiveness and harmonization. If I am confirmed, I would look for new opportunities to promote collaboration afforded by new technologies, such as blockchain.

8. If confirmed, how would you work with the Intellectual Property Enforcement Coordinator (IPEC)?
    a. Where do the objectives of the IPEC and the USPTO Director align and where do they diverge?

    RESPONSE: Effective and coordinated IP enforcement both at home and abroad is key to maintaining U.S. technological dominance. If confirmed, I look forward to working with others in the Trump Administration in determining the most effective ways to ensure alignment on matters concerning the respect of IP rights both at home and abroad.

9. Acting USPTO Director Coke Stewart recently issued a memo outlining a new process for post-grant proceedings that clarifies the Director's discretion to deny petitions and expedite review. Acting Director Stewart also rescinded a 2022 memo that constrained the Director's statutory discretion. If confirmed, would you keep these policies in place? Why or why not?

RESPONSE: I understand the AIA to confer rather broad-based discretion on the Director. To understand the exercise of discretion, I would need to examine bases underlying policy changes as well as operational considerations that have gone into such. If confirmed, I would look forward to working with Acting Director Stewart, PTO management and stakeholders to ensure that the PTAB meets Congress' intent of providing a faster, cheaper and agency-based alternative inter partes proceedings as an alternative to lengthy and expensive District Court litigation.

10. Some in the technology community have argued that the United States should "delete IP law."
    a. Do you think Congress should "delete" existing IP laws?

    RESPONSE: The U.S. Constitution charges Congress with the promotion of "the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" in Article I, Sec. 8, Clause 8. If confirmed, I look forward to working with Congress as they exercise their Constitutional authority.

    b. Why are robust IP protections important to our country and to the American economy?

    RESPONSE: Our Founders understood the importance and value of IP by enshrining it in the U.S. Constitution. IP laws are imperative to the United States' technological

leadership as it incentivizes innovation and protects the inspiration, perspiration and tenacity of innovators and creators from others stealing their work. As a key driver of economic development, growth and the source of millions of jobs each year, robust IP laws are fundamental to and an integral part of the U.S. economy.

Nomination of John Squires to be the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
Questions for the Record
Submitted May 28, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. President Trump's recent Executive Order directs federal agencies to "optimize" intellectual property policies to make drugs more affordable. At the same time, Trump has systematically cut USPTO's staffing by implementing hiring freezes, terminating probationary employees, and incentivizing early retirement, which has reduced the patent examiner corps and exacerbated pre-existing staff shortages. In just one month, from February to March, the USPTO lost 5% of its patent examiners. Fewer examiners mean rushed patent reviews that can lead them to issue flawed patent applications. When the USPTO issues flawed drug patents it delays generic entry and increases drug prices for Americans.
    a. Do you agree that understaffing hinders USPTO's ability to review and issue patents, both slowing down the frequency with which new patents are issued and increasing the potential for hurried review?

    RESPONSE: I believe equipping Examiners with productivity tools, such as AI can alleviate staffing concerns. If confirmed, I am committed to working with USPTO leadership and stakeholders to ensure patent applications are processed in a timely manner for shorter pendency for all applications, and to align production capacity with incoming workload. I am committed to introducing new initiatives aimed at reducing pendency. If confirmed, I will also work with USPTO to align its examination capacity and productivity tools to attack the at-present unacceptable inventory of unexamined applications.

    b. How will you rebuild staffing to enhance the quality of patent reviews, especially for drug-related applications?

    RESPONSE: If confirmed, I will work with stakeholders, others in the Trump Administration, and USPTO leadership to determine staffing requirements and outfit staff with the productivity tools, such as AI, to find the best way to address the backlog and patent pendency, including in technology areas that deal with drug-related applications.

Nomination of John Squires
To be Director of the United States Patent and Trademark Office
Questions for the Record
Submitted May 28, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

1. If President Trump or anyone at the Department of Commerce asks you to engage in conduct that violates the law or your ethical obligations, what will you do?

RESPONSE: The President would never ask me to engage in unlaw conduct. I will follow the law and uphold my sacred oath to support and defend the Constitution.

2. Has President Trump or any member of his team asked you to approve or deny a petition for inter partes review or post-grant review? If yes, please describe.

RESPONSE: No one has made any such request of me, nor, if confirmed, do I anticipate any such request.

3. Has President Trump or any member of his team asked you to take any official action that would advantage a specific person or entity? If yes, please describe.

RESPONSE: No one has made any such request of me, nor, if confirmed, do I anticipate any such request.

4. Have you had any discussions with any member of the Trump administration concerning personnel at the Office to which you've been nominated? If yes, please describe with specificity.

RESPONSE: I have recommended names of qualified individuals to be considered for senior leadership positions at the Office. The Secretary of Commerce and the Office of Presidential Personnel ultimately oversee all personnel decisions.

5. Under what circumstances, if any, could a federal government official legally defy a court order issued in a case to which the official or the government was a party?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. If confirmed, and should such a situation manifest, I would consult the Office of Counsel for guidance and advice and be sure to follow the advice of counsel in the discharge of my Constitutional duties.

6. What would be the appropriate action for a court to take in the event that the government or a public official defied a court order?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. If confirmed, and should such a situation manifest, I would consult the Office of Counsel for guidance and advice and be sure to follow the advice of counsel in the discharge of my Constitutional duties.

7. Was the U.S. Capitol attacked by a violent mob on January 6, 2021? Were violent rioters who were convicted of assaulting police officers on January 6 political prisoners?

RESPONSE: I am generally aware of the issue of "political prisoners" making its way to the Supreme Court, but do not recall the outcome of the issues litigated.

8. Did Joe Biden win the 2020 presidential election?

RESPONSE: President Biden was sworn in as 46th President of the United States of America on January 20, 2021.

9. Does the 22nd Amendment permit a president to be elected more than twice?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. However, it is my understanding that a person may only be elected President of the United States for two terms.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for John Squires
Hearing on "Nominations"
Wednesday, May 21, 2025

1. In 2007 you testified at a Senate Judiciary Committee patent hearing in support of the Patent Reform Act. The Patent Reform Act eventually became the Leahy-Smith America Invents Act (AIA), which was signed into law in 2011 and created new post-grant proceedings for invalidating patents at the Patent Trial and Appeal Board (PTAB).
   a. What is the current role of the PTAB?

   RESPONSE: The "PTAB" is actually a concatenation of two important functions created by the AIA one being "Patent Trails" and the other "Appeals" Boards. The "Patent Trials" function comprises IPRs, PGRs and Derivation proceedings. The Appeals Board function is different as it affords a direct appeal to the Director from an examiner impasse, providing an important point of redress for applicants.

   The PTAB's role is to administer these post-grant, inter-partes programs and appeal processes in a fair way to keep our unitary patent system in balance for all stakeholders and the American public.

   b. Are inter partes reviews (IPR) and post-grant reviews (PGR) effective ways to invalidate bad patents?

   RESPONSE: It seems that both forms of redress have served their function as a faster and cheaper alternative to district court litigation.

   c. If confirmed, do you commit to ensuring the PTAB has the resources and personnel to be able to fulfill their current mandate and continue to administer IPRs and PGRs?

   RESPONSE: Yes. If confirmed, I will work avidly with the office's stakeholders, leadership and to ensure the PTAB functioning in accordance with its creation and goals and fulfilling Congressional intent, including ensuring the PTO continues to have the necessary personnel – and tools – to fulfill its statutory mission.

2. Since publication of a new rule by the U.S. Patent and Trademark Office regarding discretionary denials of IPRs, the PTAB institution rate has dropped from 68% to 43%.
   a. How do you plan to address the decrease in PTAB institution rates?

   RESPONSE: We have nearly 15 years of important data on the PTAB. I testified that this data seems "skewed" to me as between the Patent Trial functions of IPRs, PGRs and Derivation proceedings as one might expect a more "normal" distribution, or at least as between IPRs and PGRs. As to the drop in the rate, I would want to explore the avenues of redress where that is headed, whether it be district court or elsewhere. If confirmed, I look forward to working with stakeholders the USPTO and Congress to ensure that the PTAB fulfills Congressional intent as to all aspects.

3. If confirmed, do you plan to hire more USPTO staff to ensure the USPTO is able to function effectively?

RESPONSE: If confirmed, I will work with the USPTO and stakeholders to ensure that the USPTO is able to fulfill its statutory missions in all aspects of its ex parte and inter partes functions.

4. Do you believe there should be a standing requirement at the PTAB?

RESPONSE: I have seen certain proposed legislation over the years that has sought to establish new standing requirements for filing petitions at the PTAB. If confirmed, I commit to working with Congress and stakeholders on this issue, including any harmonization proposals that may be attendant to companion federal district court litigation.

5. Is the PTAB an effective way to challenge bad pharmaceutical patents?

RESPONSE: Yes. The PTAB plays an important role in the U.S. patent system to provide redress in terms of a faster and cheaper alternative venue to challenge the validity of a patent in our unitary system, including pharmaceutical patents.

6. If confirmed, are there any reforms you plan to implement that would assist in more generic drugs being able to enter the market?
    a. Please describe your views on patent thickets in relation to the cost of prescription drugs.

    RESPONSE: Historically, "hard technology" innovation has been generally viewed as "incremental" whereas pharmaceutical patents have generally correlated to molecules, compounds, and the efficacy of such. These technologies have now converged, creating the prospect of incremental invention in the pharmaceutical sector. While there is no specific "quantum" of invention per se in either field, if confirmed, I am committed to ensuring the USPTO issues patents that meet the statutory requirements for patentability in every technological art area, including pharmaceuticals, and ensuring patents are not abused.

7. Do you believe that patent examiners currently have enough time to review patent applications? If not, do you have any plans to address this problem?

RESPONSE: In a unitary system housing all types of art units, some areas may require more time, some less. If confirmed, I will work with stakeholders and USPTO to evaluate the relative amount of time granted to examiners and what changes, if any, are necessary, including the provision of appropriate productivity tools, including AI.

8. Please describe any plans you may have to integrate artificial intelligence (AI) into the USPTO.
    a. What guardrails should be put in place prior to using AI at the USPTO?

RESPONSE: Non-public USPTO data and applicant data should be walled off, for one, so as to not allow training off from this pool. Any software tools contemplated for modernizing the examination process should include appropriate cyber security measures to better manage the complicated and onerous task of searching for and identifying the most relevant prior art. Enacting efficiencies will help speed the entire examination process. If confirmed, I will work with others in the USPTO on what AI tools are currently being used and how best to integrate additional AI into the USPTO's examination process.

9. Please describe your views on the issue of third-party funding of patent litigation and how you would address this issue at the USPTO.

RESPONSE: As to foreign countries, allowing funding of lawsuits against U.S. companies to gain access to our technology is unacceptable. As to domestic funding, if confirmed, I will work to ensure that the USPTO and the PTAB proceedings are used as intended by Congress, including working to make the PTAB disclosure requirements concerning funders congruent with federal district court local rules concerning the real-party in interest and notification to the USPTO of such.

Questions from Senator Tillis
for John Squires
Senate Judiciary Committee
Nomination Hearing

1. What are your thoughts regarding the need for patent eligibility reform? Do you agree that such reform is needed now, more than ever, and that it is not just a threat to innovation but that it is also a threat to our national security not to do something about it?

RESPONSE: As I testified, the area of patent eligibility suffers from clarity of precedent and sews confusion and uncertainty into our patent system. This uncertainty clouds patents, erodes confidence in our system, and is leading to a lack of American competitiveness particularly in AI and critical emerging technologies. I agree that clarity is needed and the lack of clarity is compromising our world standing and threatens our national security. If confirmed, I look forward to working with Congress and this Committee to ensure our patent laws meet the moment and serve both inventors and the Nation at large.

2. What are your thoughts regarding the need for reform of the U.S. Patent and Trademark Office (USPTO) Patent Trial and Appeal Board (PTAB)? Do you agree that for far too long the PTAB has been an arena for gamesmanship by bad actors that that such practice needs to be reined in?

RESPONSE: We have nearly 15 years of important data on the PTAB. I testified that this data seems "skewed" to me as between the Patent Trial functions of IPRs, PGRs and Derivation proceedings as one might expect a more "normal" distribution, or at least as between IPRs and PGRs. Whether this "skewing" is a result of gamesmanship by bad actors or other factors is not clear. If confirmed, I look forward to working with others at the USPTO and with Congress on ensuring that the PTAB fulfills its mission.

3. Given that the USPTO is fully funded by user fees from inventors and entrepreneurs – not taxpayers – do you believe that these fees should remain at the USPTO and that they should not be redirected to unrelated federal programs?

RESPONSE: Yes, as I testified, it is important for the PTO to retain its fees so it can be efficiently run as a business because I also believe that all Americans should benefit from the tremendous value of government-issued IP rights.

4. What specific measures will you take to ensure that the patent backlog – now at a historic high – does not continue to grow and that pendency does not increase?

RESPONSE: Several immediate steps should be explored for both their short-term and long-term benefits. With immediate effect, the Office should undertake a review and work in connection with the USTR to identify and eliminate from the system cases, especially foreign-filed that are overburdening the system. Some applicants could self-elect with petitions to suspend examination for six months, especially with large portfolios of broad ranging patents and there may be incentives attendant to that.

As I testified in my opening statement, I believe it is time for the USPTO to "lean-into" AI to provide tools to reduce backlog. Several areas should be investigated to provide immediate results in terms of utilizing generative AI, for example, on matters of written description, enablement and indefiniteness. I am aware in fact of Examiner blogs reporting favorably on the exploration of such technology utilization.

If confirmed, I will work with the USTPO and stakeholders on the best way to address the backlog and patent pendency including hiring additional examiners as well as using AI tools in examination.

5. Fundamental to the patent examination process is the prior art search. Thorough and complete and prior art searches, at every stage of examination, are key to ensuring high quality and efficient examination.

   Do you agree with this and what are your general thoughts on this topic?

RESPONSE: A thorough and comprehensive prior art search is the foundation of every patent examination and the foundation of quality and confidence in the patent system. The earlier prior art can be injected into the system, the better for all stakeholders to improve quality and confidence and I believe AI tools can help further these aims.

6. The USPTO maintains both unpublished and published data which is ripe for use for training AI models. This could be of great use to patent examiners for performing prior art searches, which I outlined in a May 20, 2025 letter to the USPTO asking the agency to explore this topic in earnest.

   Assuming that proper security and privacy measures are taken, do you agree with this and what are your general thoughts on this topic?

RESPONSE: Yes. Any software tools contemplated for modernizing the examination process should include appropriate cyber security measures concerning the use of LLMs and other AI-assisted tools to better manage the complicated and onerous task of searching for and identifying the most relevant prior art. Making this and other steps more efficient will help speed the entire examination process. If confirmed, I will work with others in the USPTO on what AI tools are currently being used and how best to integrate additional AI into the USPTO's examination process.

Questions for the Record
Sen. Adam Schiff (CA)

John Arthur Squires, Nominee to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO)

1. Will you be an advocate for the employees at USPTO, many of whom have already been forced to move to keep their jobs, and work with the Secretary of Commerce to exempt the agency's workforce from any reductions in force?

RESPONSE: I commit to ensuring the USPTO has the workforce necessary to carry out its statutory functions and responsibilities, including providing productivity tools with which employees can excel at their jobs.

2. You have ties to the private equity fund Fortress Investment Group. According to public reporting, you helped them get into the patent litigation business by advising them on the creation of a multimillion-dollar fund. Fortress has rapidly become a major patent litigant, bringing cases against dozens of US companies.
    a. Can you describe your involvement with Fortress IP and whether that will impact your work as USPTO Director?

    RESPONSE: I have no present ties or connection to Fortress investment group. My prior work for them was around the 2013-2017 time frame. My work and advice for them was not related to litigation funding. Specifically, my work for them centered on my written scholarship and modeling of patents as derivatives for valuation and as self-standing assets per se. My solution was a "patent mortgage" wherein operating companies pledge their patents as collateral and use their loan proceeds as working capital to fund operations, expansion or the like.

    At the time this work helped emerging companies in distress with valuable patents stave-off bankruptcy and avoid the dilemma of having to sell or license their portfolio at unfavorable valuations and divesting themselves of their prized assets. And, as I testified at my hearing, in 2020, Marshall Phelps reported in Forbes of several companies surviving the economic downturn brought on by Covid-19 using my very patent mortgage solution. If confirmed, I will abide by my Ethics Agreement concerning former client work for Fortress or any other former client.

3. Do you believe that approximately 68 out of 100 U.S. patents that are currently in force are defective?
    a. If so, what should Congress be doing to improve patent quality on the front end during the patent examination process?

    RESPONSE: No. The statistics I mentioned are those published by the USPTO concerning claim cancellation upon challenge at the PTAB which are a small subset of all issued patents, not a measure of quality at the front end. I also testified in response to Senator Coon's questions that this data seems "skewed" to me as between the Patent Trial

functions of IPRs, PGRs and Derivation proceedings as one might expect a more "normal " distribution, or at least as between IPRs and PGRs (and even a higher incidence than current numbers concerning Derivation proceedings).

In general, errors of all types should be avoided, including errors in not granting patent claims that should rightly issue. I believe it is to the benefit of all stakeholders if prior art is identified and applied at the earliest stage of examination or post issuance, as we benefit as a society from patents "born strong," beginning with the original patent grant. I further believe the third party submission provisions provided in the AIA should be incentivized and better utilized to inject art as early as possible into the system. If confirmed, I am committed to working with stakeholders, the USPTO and Congress to improve patent quality on the front end and mechanisms for achieving such.

b. What can Congress do to ensure that PTAB is effectively catching any defects that examiners miss?

RESPONSE: Quality has a place at every aspect of the examination and PTAB process and I look forward to working with stakeholders, the USPTO and Congress to make sure the tools provided are being effectively deployed and any new tools under consideration help meet Congressional intent for the PTAB and its important function.

4. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government. If confirmed, do you commit to protecting and in no way adversely affecting, or retaliating against, the employment of any employees who report internal waste, fraud and abuse of authority by the Trump Administration, including any activity that may involve you, through the proper channels to agency management, to the appropriate agency Inspector General, and to Congress?

RESPONSE: Yes.

Senate Judiciary Committee
Hearing on the Nomination of John Arthur Squires
to be Under Secretary of Commerce for Intellectual Property
and Director of the U.S. Patent and Trademark Office
May 21, 2025
Questions for the Record
Senator Amy Klobuchar

In April, the Senate Judiciary Committee advanced a number of bills to stop branded pharmaceutical companies from abusing their patents to box out cheaper generic alternatives. Senator Grassley and I have led legislation, the Preserve Access to Affordable Generics and Biosimilars Act, to help put a stop to these anti-consumer deals.

1. As Director of the United States Patent and Trademark Office, what steps can you take to ensure that patents are not abused to drive up the cost of prescription drugs?

RESPONSE: I am aware of concerns of so-called patent thickets being abused in relation to the cost of prescription drugs. I believe this is a relatively new phenomenon. Historically, "hard technology" innovation has been generally viewed as "incremental" whereas pharmaceutical patents have generally correlated to molecules, compounds and the efficacy of such. These technologies have now converged, creating the prospect of incremental invention in the pharmaceutical sector. While there is no specific "quantum" of invention per se in either field, if confirmed, I am committed to ensuring the USPTO issues patents that meet the statutory requirements for patentability in every technological art area, including pharmaceuticals, and ensuring patents are not abused, including as thickets.

Nomination of John Squires
To be Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office Questions
for the Record
Submitted May 28, 2025

QUESTIONS FROM SENATOR CORNYN

1. Please explain your view of the role of third-party litigation finance in the context of patent litigation. Specifically:
    a. Do you believe third-party litigation finance has enabled "patent trolls" to weaponize improperly-issued patents against United States small businesses by threatening lawsuits for infringement and then offering to settle for less than the cost of litigation?

    RESPONSE: Third party litigation financing may have played a part in the "troll" practice where patents are aggregated around certain sectors and asserted as "nuisance suits" I have written in opposition to such practices in the Wharton Business review, "Why Investment friendly Patents Spell Trouble for Trolls" (Knowledge@Wharton, September 24, 2015.

    b. Do you view a strong Patent Trial and Appeal Board (PTAB) as a partial remedy against this "patent troll" behavior as described above?

    RESPONSE: As to poor quality patents being asserted for nuisance value, yes. Congress established the PTAB to serve as a faster and cheaper alternative to district court litigation specifically as a remedy for patent validity issues. We have nearly 15 years of important data on the PTAB. If confirmed, I look forward to working with others at the USPTO and with Congress on ensuring that the PTAB fulfills its mission.

    c. Does the United States Patent and Trademark Office (USPTO) have all the information it needs regarding the funding behind the challenges brought before the PTAB?

    RESPONSE: The answer to this question is not clear. In federal district court litigation, local rules require identification of real parties in interest and notification of the USPTO of such. In general, it seems to me that these transparency vehicles as between the federal court system and the USPTO should be congruent. If confirmed, I commit to working with others within the USPTO and IP stakeholders to ensure the USPTO has sufficient information to address misuse of PTAB proceedings.

2. In 2024, foreign companies earned a majority of issued patents. What protections do you plan to put in place to ensure that foreign competitors like China cannot use U.S. IP to harm domestic industry?

RESPONSE: Congress has already enshrined review provisions in the United States Code when national security concerns are implicated. If confirmed, I commit to exploring the use of existing

regulatory obligations promulgated to effectuate these laws directed to the issuance of IP rights that implicate national security concerns to ensure that foreign competitors cannot use U.S. IP to harm domestic industry.

3. What will you do to ensure foreign adversaries do not impede American innovation through the funding of frivolous patent litigation?

RESPONSE: Allowing foreign rivals to bankroll lawsuits against U.S. companies to gain access to our technology is unacceptable. If confirmed, I plan to bring the full weight of the office to require transparency with respect to such and review any such situations for national security implications. I will work ardently to ensure that the PTAB proceedings are used as intended by Congress.

4. Two years ago, CIA Director John Ratcliffe wrote in the Dallas Morning News about "the burgeoning threat of patent trolls serving as puppets for adversaries that participate in U.S. litigation as an undisclosed third party." The USPTO has the tools through inter partes review at the PTAB to deter these adversaries. Will you commit to requiring the agency you lead to operate the PTAB as Congress articulated in the America Invents Act and not exceed the authority granted to discretionarily deny petitions for review as previous Directors have done?

RESPONSE: Yes.

5. Would you support taxing foreign entities that finance frivolous patent litigation against United States companies?

RESPONSE: Yes.

6. During your career in private practice, you helped found Fortress Investment Group's IP funding arm, which last year committed $6.6 billion to litigation finance, as well as $2.9 billion specifically to intellectual property litigation. What steps will you take to recuse yourself from decisions that would benefit Fortress?

RESPONSE: I have not represented Fortress since 2017 and have no arrangements with them, legally or otherwise.

My prior work for them was around the 2013-2017 time frame and stemmed from my scholarship and modeling of patents as derivatives for valuation and as self-standing assets per se. My solution was a "patent mortgage" wherein operating companies pledge their patents as collateral and use their loan proceeds as working capital to fund operations, expansion or the like.

At the time this work helped emerging companies in distress with valuable patents stave-off bankruptcy and avoid the dilemma of having to sell or license their portfolio at unfavorable valuations and divesting themselves of their prized assets. And, as I testified at my hearing, in 2020, Marshall Phelps reported in Forbes of several companies surviving the economic downturn brought on by Covid-19 using my very 'patent mortgage' solution.

I will always follow applicable government ethics laws and regulations based on guidance from the Ethics Office of the Department of Commerce to avoid actual or perceived conflicts of interest.