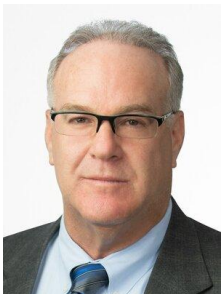
USPTO Under Squires: A Look At The First Month

By **Puya Partow-Navid and Brian Michaelis** (October 17, 2025)

Puya Partow-Navid



Brian Michaelis

The director's chair at the U.S. Patent and Trademark Office is never just an administrative seat — it's a policy lever. With John A. Squires' confirmation and swearing-in in late September, the USPTO gained a leader whose early actions are already rippling through patent-eligibility doctrine, Patent Trial and Appeal Board and day-to-day prosecution.

Squires arrives at a moment when artificial intelligence inventions are testing the boundaries of Title 35 of the U.S. Code, Section 101, patent-eligibility. Issues like backlog management remain a perennial pressure, and stakeholders are split over how aggressive the office should be in steering doctrine versus deferring to the courts and Congress.

Squires' opening acts, substantive and symbolic, signal a posture that is more welcoming to technological improvements, e.g., in software and AI, while insisting that patent quality be policed through Sections 102, 103 and 112, rather than blunt Section 101 exclusions.

Background and Career

Squires' resume blends technical grounding, Wall Street pragmatism and private-practice leadership. According to his USPTO official biography, he holds a B.S. in chemistry from Bucknell University and a J.D., magna cum laude, from the University of Pittsburgh School of Law, where he made law review and Order of the Coif.

He assumed office as under secretary of commerce for intellectual property and USPTO director on Sept. 22, becoming chief executive of a roughly $5 billion, 14,000-employee agency and principal intellectual property adviser to the president through the secretary of commerce.

Prior to government service, Squires was best known for a lengthy in-house stint as chief IP counsel at Goldman Sachs during the 2000s, followed by partner-level roles in private practice and work spanning AI, blockchain and cybersecurity. Contemporary coverage of his nomination emphasized that blend of financial-sector discipline and tech-policy fluency. The U.S. Senate confirmed him on Sept. 18, placing him at the helm as the office confronts competition from abroad and unsettled law on AI inventorship and eligibility.

That mix of experiences shows up in his rhetoric and actions to date. In early remarks and testimony, Squires has framed IP as part of the nation's innovation infrastructure and has cautioned against using Section 101 as a catch-all barrier to issuance of patents. His first policy decisions as director quickly translated those views into action, signaling a willingness to take direct control over how the USPTO manages both substance and procedure.

On his first full day in office, he highlighted issuing two patents — one in distributed-ledger technology (U.S. Patent No. 12,419,202) and one in medical diagnostics (U.S. Patent No. 12,419,201) — in fields that have been flashpoints for eligibility debates. The point was less about the specific patents than about signaling a recalibration toward expansive

eligibility for genuine technological advances.

Early Moves and Policy Shifts

On Oct. 17, USPTO Director John Squires announced that he will personally decide whether to institute America Invents Act trials, including inter partes reviews and post-grant reviews. Since 2012, the Patent Trial and Appeal Board had exercised that authority through delegation. By reclaiming the director's statutory role, Squires intends to restore the framework established by Congress, reduce concerns that the PTAB is filling its own docket, and make these decisions directly accountable to a Senate-confirmed official.

Under the new process, Squires will consult at least three PTAB judges before deciding whether to institute a review, and he will issue a short notice granting or denying the petition. When a petition involves complex issues such as claim construction, priority, or real-party-in-interest questions, he may refer portions of the decision to PTAB judges for further analysis. Once a review is instituted, a three-judge PTAB panel will conduct the trial phase.

This change also ends the bifurcated process that Acting Director Coke Morgan Stewart introduced earlier this year, where discretionary denials, including Fintiv-related factors, were handled separately from the merits. Squires stated that both types of determinations will now fall under his direct supervision, following the principles from Stewart's 580 prior rulings.

Together with the USPTO's recent proposal to limit IPR access, including higher standing requirements and restrictions on serial petitions, Squires' action signals a broader policy shift toward narrowing entry into post-grant review. These changes could favor patent owners by reducing the number of instituted reviews, increasing procedural hurdles for petitioners, and concentrating greater discretion in the director's office.

Squires' consolidation of PTAB authority aligns with his broader effort to reshape how the USPTO evaluates and manages patent quality across both procedural and substantive fronts.

In late September, he convened the USPTO's Appeals Review Panel and vacated a PTAB-imposed new ground of Section 101 rejection in an AI-focused application in Ex parte Desjardins — a decision widely read as a rebuke of categorical exclusions for machine-learning claims and an instruction to realign with the U.S. Court of Appeals for the Federal Circuit's improvement-focused precedents (e.g., the Federal Circuit's 2016 decision in Enfish LLC v. Microsoft Corp.).

The director underscored a threshold principle: Innovations that present concrete technological improvements should not be barred at the doorway by an overly abstracted view of abstract ideas.

Crucially, this was not a deregulatory free-for-all. The underlying Section 103 obviousness rejection apparently survived, underscoring that patent quality and claim scope are to be vetted on the traditional axes of novelty, nonobviousness and definiteness, not by an overextended subject-matter test.

In other words, Squires appears to be rebalancing the gatekeeping role: tamping down Section 101 as a broad instrument of ineligibility while keeping Sections 102, 103 and 112 very much in play as regards patent quality.

Squires' Senate subcommittee statement harmonizes with that move. He explicitly described seeking, "immediately," to reaffirm a commitment to expansive eligibility and pointed to day-one issuances in two contentious fields as an intentional message.

That testimony situates AI patenting not as a carveout, but as part of the office's broader stance that technological improvements, regardless of domain, deserve a fair eligibility analysis before the office — or the courts — scrutinize them under the fundamental validity provisions.

Beyond eligibility, Squires' early actions suggest more hands-on supervision of PTAB doctrine through mechanisms like the Appeals Review Panel.

Observers note that the director has been willing to intervene when board panels introduce new grounds late in the game or rely on reasoning that strays from established appellate guideposts.

This has two knock-on effects: First, it nudges panels to hew more closely to Federal Circuit doctrine; second, it gives stakeholders a clearer path for relief when process or reasoning goes sideways.

While policy grabs headlines, prosecution lives or dies on process. Here, the early news is mixed. On Oct. 2, the USPTO revised the examiner performance appraisal plan for fiscal year 2026, seemingly making examiner interviews harder to secure or less flexible, precisely the kind of small-print procedural tweak that adds sand to the gears of efficient prosecution.

The downside may be that reducing interview access or tightening prerequisites can prolong back-and-forth on paper, driving cost and delay for applicants and workload for examiners. That is an odd fit for an agency that credits interviews with reducing prosecution friction, and allows practitioners to more directly address issues with examiners and benefit their clients.

For an office under new leadership, such changes raise a messaging challenge. If Squires' policy thrust is to refine doctrine and encourage quick convergence on patentable subject matter where warranted, then process constraints that curb real-time dialogue cut the other way. Expect the director's team to face sustained stakeholder feedback here. If the goal is quality and speed, interviews used judiciously are a proven tool.

Challenges, Risks and Watchpoints

Even a forceful director cannot rewrite Section 101. The Federal Circuit remains the ultimate arbiter short of the U.S. Supreme Court or Congress. If internal guidance and Appeals Review Panel decisions trend more permissive, but the appellate law remains uneven or skeptical in certain AI and diagnostics fact patterns, applicants could win at the USPTO, only to lose on appeal or in litigation.

Squires' past commentary has leaned toward strengthening patents at the point of grant — an appealing principle, but one that can draw criticism if it's perceived as greenlighting overbroad claims.

The message in his early actions, however, is not to weaken rigor but to relocate it, and do the hard work under Sections 102, 103 and 112. If internal training and examination time budgets don't keep pace, examiners could feel whiplash — expected to do more nuanced validity analysis without the time to do it.

PTAB panels and examination corps practices do not change overnight. It takes guidance memos, examples, training sessions and repeated supervisory reinforcement to alter how thousands of professionals apply case law in close calls.

Sustained training will be needed to avoid a patchwork of outcomes. The new examiner interview policy illustrates a potential risk of mixed messages. If the office wants to reduce paper volleys, easier access to interviews, especially after new rejections or sticky Section 101 disputes, often helps.

Finally, directors have finite windows. Squires' confirmation came in a charged political context, and any administrative approach to patentability is vulnerable to shifts in congressional oversight, judicial climate or future appointments. The more he can translate his stance into durable internal practices — training, examples and prosecution guidance — the more likely the changes will outlast his tenure.

Conclusion

Squires brings a blend of technical fluency, institutional scale and market-hardened pragmatism to the USPTO at a key moment for innovation, e.g., AI and software patenting.

In his first days, he paired symbolic acts (day-one issuances in hot-button fields) with a substantive move (vacating a PTAB Section 101 rejection) that recenters the eligibility conversation where many practitioners think it belongs: on concrete technological improvements, not abstractions.

But early signals are not the same as institutional transformation. To make this stick, the office will need sustained training, careful metrics and attention to operational details that make-or-break prosecution efficiency — interviews included.

Puya Partow-Navid is a partner at Seyfarth Shaw LLP.

Brian Michaelis is a partner and chair of the intellectual property practice group at the firm.