

USPTO Squires Says Patent Eligibility Needed For National Security

By [Adam Lidgett](#) · [Listen to article](#)

Law360 (October 14, 2025, 7:57 PM EDT) -- The newly confirmed head of the [U.S. Patent and Trademark Office](#) has solidified his views that making more inventions eligible for patent protection is imperative for national security, saying expansive eligibility speaks to "the very spirit of American ingenuity."

USPTO Director [John Squires](#) said in a Thursday [statement](#) that patents have been an important tool in combating terrorism since the 9/11 attacks, pointing out that the office, in the wake of the attacks, expedited reviews of patents on counterterrorism technology.

"New and useful" inventions are enshrined in Section 101 of the Patent Act, and "patent eligibility can either unleash or stifle innovation," he said.

"Expansiveness is not recklessness," Squires wrote. "It is fidelity to the text of the statute, to the constitutional design, and to the very spirit of American ingenuity."

Squires on Sept. 24 ceremonially [signed](#) two patents on technology generally considered not patentable under Section 101, and then later issued an appellate review panel decision faulting the idea that artificial intelligence and machine learning are per se unpatentable.

He said on Thursday that expansive patent eligibility goes beyond legal and economic concerns, arguing that the idea relates to security and leadership across the globe. Squires pointed out that patents have historically played a part in defense, from radar technology advancements developed around the time of World War II to developments made post-9/11 on financial monitoring activities that helped with counterterrorism.

"Patent eligibility is not an abstract debate. It is a matter of national security, of resilience, and of ensuring that America's system of innovation remains robust enough to confront the challenges of the twenty-first century," Squires said. "It is as expansive as the American

dream itself and to respectfully borrow from the Marines, 'no better friend, no worse enemy.'"

Squires' statement came in the context of the Patent Eligibility Restoration Act, a long-gestating bill meant to make inventions easier to become patent eligible.

Sen. Thom Tillis, R-N.C., leader of the Senate's intellectual property subcommittee, said at a Wednesday hearing that before he leaves Congress in just over a year, one of his primary goals was to [advance the bill](#).

The Patent Eligibility Restoration Act, which was first introduced in 2022 with a revised version put forward in May, would effectively overrule court decisions establishing "judicial exceptions" to patent eligibility. Those exceptions prohibit patents on inventions directed to things like abstract ideas, natural phenomena and laws of nature.

The bill's sponsors have argued that courts and the USPTO have struggled to determine what those broad concepts encompass, so the measure would instead set narrower categories of inventions that are not eligible for patents by statute if they are claimed "as such," including mathematical formulas and mental processes.

[U.S. Supreme Court](#) decisions in recent years that put limits on what is eligible for a patent under Section 101 have left the law "confused, constricted, and unclear," Tillis said. He added that he believes that if the issue is not addressed, the U.S. will cede its title as a global leader in intellectual property rights to other countries.

--Additional reporting by Dani Kass and Ryan Davis. Editing by Adam LoBelia.