
ALERT MEMORANDUM

USPTO Announces Standard-Essential Patent Working Group

January 8, 2026

On December 29, 2025, the United States Patent and Trademark Office (“USPTO”) announced the formation of a Standard-Essential Patent (“SEP”) Working Group, which will report directly to USPTO Director John A. Squires.¹ According to the USPTO, the Working Group is intended to advance agency policy initiatives relating to the treatment and enforcement of patents that are incorporated into technical standards.

If you have any questions concerning this memorandum, please reach out to your regular firm contact or to the Cleary authors below.

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¹ USPTO Announces Standard-Essential Patent Working Group to Renew American Leadership in Technology Standards, United States Patent & Trademark Office (Dec. 29, 2025), <https://content.govdelivery.com/accounts/USPTO/bulletins/401f7ff>.



I. Announcement. In announcing the Working Group, the USPTO emphasized the role of technical standards in facilitating interoperability and commercialization across a range of industries, including telecommunications, automotive systems, and artificial intelligence.

The Agency stated that many such standards incorporate patented technologies and that questions surrounding licensing and enforcement of standard-essential patents have become an area of sustained policy focus.

In its announcement, the USPTO stated that the creation of the Working Group is motivated by its view that the current SEP ecosystem has become increasingly unfavorable to patent holders. The Agency cited what it described as widespread efforts to devalue patented contributions to standards, unclear rules governing patent holders' rights, and systematic pressure on licensing rates, and indicated that these dynamics have prompted the need for a coordinated policy response addressing patent remedies, licensing practices, and participation in standards development.

II. Recent SEP Filings by the USPTO. The USPTO's announcement follows the Agency's articulation twice in 2025 of its views regarding patent remedies and enforcement in the context of standards-related technologies.

a) *Radian Memory Systems LLC v. Samsung Electronics Co.* (E.D. Tex., June 24, 2025). The USPTO filed a statement of interest explaining its position that limitations on the availability of preliminary injunctive relief may undermine the incentives underlying the Patent Act, and asserting that irreparable harm may be present in patent infringement cases—including where the patent holder licenses rather than practices the asserted technology.

b) *Certain Dynamic Random Access Memory (DRAM) Devices* (ITC, Nov. 25, 2025). The USPTO submitted a public-interest comment expressing its view that enforcement of valid patent rights through exclusion orders generally aligns with, rather than conflicts with, the public interest in proceedings before the U.S. International Trade Commission.

III. Structure and Focus of the SEP Working Group. The SEP Working Group will be co-chaired by USPTO Deputy General Counsel for Intellectual Property Law and Solicitor Nicholas Matich and Senior Legal Advisor Austin Mayron. The USPTO indicated that the Working Group will be cross-functional and will operate within existing USPTO authorities. The Working Group will focus on three core areas:

a) *Patent Remedies.* Examining issues related to the enforcement of valid patent rights, including standard-essential patents.

b) *Standards Participation.* Assessing ways to encourage and facilitate participation in standards development organizations, including by small and mid-sized enterprises.

c) *Stakeholder Engagement.* Engaging with patent holders, implementers, standards bodies, and other stakeholders to gather input and to develop resources aimed at increasing predictability in SEP licensing and standards development.

IV. Looking Ahead. The establishment of the SEP Working Group formalizes and centralizes the USPTO's recent policy engagement concerning SEPs. While the announcement does not itself alter existing statutory or judicial standards, the Working Group's activities may inform future agency guidance, litigation positions, and inter-agency coordination on SEP-related issues.

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