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Analysis

Squires' National Security Fears Over RPIs Draw Skepticism

By [Dani Kass](#) · [Listen to article](#)

Law360 (October 30, 2025, 9:45 PM EDT) -- [U.S. Patent and Trademark Office](#) Director John Squires has started requiring patent challengers to disclose all real parties in interest when filing their initial [Patent Trial and Appeal Board](#) petitions, building on his policies to limit such challenges and citing concerns over national security.

Squires designated a 2015 PTAB [decision](#) — *Corning Optical Communications RF LLC v. [PPC Broadband Inc.](#)* — as precedential Tuesday, returning the board to a strict policy of identifying interested parties in inter partes reviews after several years of giving more leeway to petitioners when their disclosures were inadequate.

The PTAB had [faulted](#) Corning for not identifying its parent and sister companies as real parties in interest, given that they could have exercised control over the challenges, the decision states. All the companies were based in the U.S.

Squires issued a [memorandum](#) explaining his designation, where he spent most of the time raising concerns about the need to stop companies with connections to the Chinese government from targeting U.S. patents.

Attorneys speaking with *Law360* Wednesday saw merit in Squires' precedent choice, but not so much in the reasoning he outlined.

National Security

Squires pointed to more than 100 IPR and postgrant reviews from Chinese companies when justifying his concerns, spanning from 2015 to 2025. He cited 30 petitions from DJI; six from Yangtze Memory; four from [Semiconductor Manufacturing International Corp.](#); 78 from Huawei; and 22 from [ByteDance](#), better known as [TikTok](#).

In Tuesday's memo, Squires said each of the listed companies has been flagged by the [U.S. Department of Commerce](#) as possible national security threats. He also pointed to concerns in Congress that ByteDance could be used to track and spy on federal employees.

"The integrity of PTAB proceedings depends on knowing who is behind a petition — who funds it, directs it, and/or benefits from it," Squires wrote. "Any opacity in that chain of control invites exploitation, may facilitate technology transfer contrary to U.S. law, regulation, and interests, and serves only to undermine public confidence in the integrity of the patent system. We will not have that at America's innovation agency."

PTAB Challenges by Chinese Companies

The USPTO cited more than 100 petitions as part of asserting a national security threat. All of the

petitions were filed in response to infringement suits.

PTAB CASE	PETITIONER	PATENT OWNER	PATENT NUMBER	RELATED	COURT
IPR2021-00099	ByteDance/TikTok	Triller	9,691,429	6:20-cv-00693	WDTX
IPR2021-00476	ByteDance/TikTok	10Tales	8,856,030	6:20-cv-00810	WDTX
IPR2021-00774	ByteDance/TikTok	Triller	9,691,429	6:20-cv-00693	WDTX
IPR2021-00774	ByteDance/TikTok	Triller	9,691,429	3:20-cv-07572	NDCA
IPR2022-01546	ByteDance/TikTok	Advanced Coding	8,615,154	2:22-cv-00129	EDTX
IPR2022-01547	ByteDance/TikTok	Advanced Coding	9,313,244	2:22-cv-00129	EDTX
IPR2022-01548	ByteDance/TikTok	Advanced Coding	9,445,041	2:22-cv-00129	EDTX
IPR2024-00757	ByteDance/TikTok	CellSpin	8,756,336	2:23-cv-00496	EDTX
IPR2024-00759	ByteDance/TikTok	CellSpin	8,862,757	2:23-cv-00496	EDTX
IPR2024-00760	ByteDance/TikTok	CellSpin	8,898,260	2:23-cv-00496	EDTX
IPR2024-00767	ByteDance/TikTok	CellSpin	11,659,381	2:23-cv-00496	EDTX

Note: The related cases were identified in petitions for inter partes and post-grant review. Several cases involve antitrust claims or infringement counterclaims based on the patent. Most of Yangtze's petitions were in cases where the patent was being added to ongoing litigation but was not yet asserted. The data does not reflect whether the petitions were instituted nor whether the litigation was successful.

Source: Law360 research and reporting

[Sterlington PLLC](#) partner Brent Babcock said he's often seen the Chinese companies that Squires flagged at the PTAB, but rejected the idea that they're initiating proceedings for nefarious reasons.

"They're bringing the IPRs because they're getting sued," Babcock said. "If you don't want Huawei to challenge your patent, don't sue them."

Each of the petitions listed by Squires were filed in response to infringement suits in either district court or the [U.S. International Trade Commission](#), according to a Law360 review. One of the case numbers for Huawei — IPR2017-00779 — was an error, leading to an unrelated proceeding.

[McKool Smith](#) principal Scott Hejny said he likewise had not experienced any cases that fall under Squires' concerns.

"It's just crazy how many cases they identified related to some of these foreign entities that are such large filers of IPRs," he said.

However, Hejny said if the companies are accused of infringement, "it doesn't seem like there should be an issue with them using the PTAB as an alternative venue for challenging patent validity."

"They are frequently the target of infringement litigation, and because of that, they are defending

themselves," he said. "And I don't exactly know what instance of national security gave rise to the administration's most significant concern."

A representative for the USPTO declined to comment on the infringement element or a request for additional details on national security concerns.

Each of the Chinese companies didn't respond to requests for comment.

Inter Partes Reviews

One of Squires' first actions in office was to [de-designate](#) a case made [precedential](#) by the first Trump administration's director in 2020: [SharkNinja Operating](#) v. [iRobot](#). There, the PTAB said real parties in interest didn't need to be reviewed at the institution stage unless the patent owner alleged an unnamed party could result in the petition being time-barred or the petitioner being estopped from proceeding with the case.

The new precedential decision involves the board dismissing IPRs for not identifying all real parties in interest.

Tuesday's memo from Squires cited the America Invents Act's provision that a petition "may be considered only if ... the petition [for inter partes review] identifies all real parties in interest."

Squires and Deputy Director Coke Morgan Stewart have said their goal is to make the playing field more level for patent owners, and Babcock said that shows with the new precedent.

"This is certainly against petitioners, but I don't think it's unfair," Babcock said. "I think it's rebalancing the way [that] the statute intended."

For the last several years, challengers have been able to amend their petitions to adjust real parties in interest while having the filing date of their petition remain the same. Now, the amendment date would constitute the filing date.

That's a problem for petitioners that have been sued in district court, as they only have a year to file their request.

"It feels as though [the PTAB is] going to be looking at it much more closely and making perhaps more drastic decisions on whether or not to institute or terminate," said [Cahill Gordon & Reindel LLP](#) partner Andy Cochran.

The change is in line with [other actions](#) from the administration that make it much harder to have an IPR instituted. In particular, the USPTO has been scrutinizing all petitions to see if they should be denied on discretionary factors, including newly introduced ones such as the age of the patent.

"This is just another way to tell petitioners to think twice before you file your petition because the chances of getting it instituted and decided on the merits are getting smaller and smaller," Babcock said.

Petitioners also may be disincentivized from pursuing an IPR now because a fight over real parties in interest could make the proceedings more expensive, he said. That's because it's not always possible to identify real parties in interest through public documents.

The board doesn't generally allow discovery, out of concern it could turn into a fishing expedition, but Babcock questioned whether that could change and the financial dilemma it would bring.

"You have the issue of, 'How much is it going to cost to file an IPR and get it all the way through?'" he said. "This could be another \$50,000. It could be \$100,000 to fight an RPI dispute if you got to have discovery and depositions and briefing on RPI[s]."

But any such discovery would be costly for both parties, Cochran noted.

Real parties in interest also could have an impact on organizations like Unified Patents, Hejny said. Unified Patents challenges what it considers to be weak patents on behalf of its members, which include [Cisco](#), Philips, TikTok and X, among other big names.

Whether a petition from Unified Patents should preclude its members from challenging the same patent has been [adjudicated](#) multiple times before.

"The PTAB's pretty consistently held that they're not [RPIs] because members of Unified Patents just pay a membership fee, and I don't think they have any control over what Unified Patents does from a petition-filing standpoint," Hejny said. "Obviously, control is a big issue when it comes to real parties in interest."

"I don't know if this is aimed at trying to get more disclosure from third-party filers like Unified Patents to ensure transparency," he added.

Unified Patents' general counsel did not respond to interview requests.

--Editing by Jay Jackson Jr.

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PTAB Case Information

Case Title

[Corning Optical Communications RF, LLC Inter Partes Review](#)

Case Number

[IPR2014-00440](#)

Date Filed

February 18, 2014

Law Firms

- [Cahill Gordon](#)
- [McKool Smith](#)
- [Sterlington PLLC](#)

Companies

- [Autel Robotics](#)
- [ByteDance Ltd.](#)
- [Cisco Systems Inc.](#)
- [iRobot Corporation](#)
- [Maxell Ltd.](#)
- [Nokia Corp.](#)
- [PPC Broadband Inc.](#)
- [Samsung Electronics Co. Ltd.](#)
- [Semiconductor Manufacturing International Corporation](#)
- [Sharkninja Operating LLC](#)
- [Textron Inc.](#)
- [TikTok Inc.](#)
- [Verizon Communications Inc.](#)

Government Agencies

- [International Trade Commission](#)
- [Patent Trial and Appeal Board](#)
- [U.S. Department of Commerce](#)
- [U.S. District Court for the Southern District of New York](#)
- [U.S. Patent and Trademark Office](#)

Patents

- [6,470,399 - Flexible interface for Communication between a host and an analog I/O device connected to the interface regardless the type of the I/O device](#)
- [6,895,449 - Flexible interface for communication between a host and an analog I/O device connected to the interface regardless the type of the I/O device](#)
- [8,228,827 - Method and apparatus for detecting contention during random access procedure in a mobile communication system](#)
- [8,315,195 - Method and apparatus for transmitting and receiving control channels by restricting a set of the control channels in a wireless communication system](#)
- [6,578,086 - Dynamically managing the topology of a data network](#)
- [7,664,123 - Generalized virtual router](#)
- [8,441,438 - 3D pointing device and method for compensating movement thereof](#)
- [8,552,978 - 3D pointing device and method for compensating rotations of the 3D pointing device thereof](#)
- [8,565,346 - Apparatus for transmitting and receiving data to provide high-speed data communication and method thereof](#)
- [8,532,231 - Apparatus for transmitting and receiving data to provide high-speed data communication and method thereof](#)
- [8,504,746 - Analog data generating and processing device for use with a personal computer](#)
- [6,608,126 - Silicone liquid crystals, vesicles, and gels](#)
- [8,121,111 - Method and system for measuring latency](#)
- [8,983,288 - Method and system for measuring latency](#)
- [8,856,030 - Method, system and software for associating attributes within digital media presentations](#)
- [7,406,074 - Bundling messages in communication networks](#)
- [7,423,962 - Redundancy and load balancing in a telecommunication unit and system](#)
- [6,704,304 - Selective establishment of telecommunications connections over packet and circuit switched networks](#)
- [7,933,211 - Method and system for providing prioritized failure announcements](#)
- [7,460,658 - Apparatus, and an associated method, for selectably and automatically redirecting a telephonic call to a secondary location](#)
- [9,084,199 - Utilization of overhead channel quality metrics in a cellular network](#)
- [8,102,833 - Method for transmitting uplink signals](#)
- [8,437,293 - Methods and systems for scheduling resources in a telecommunication system](#)
- [8,724,622 - System and method for instant VoIP messaging](#)
- [9,185,688 - Providing improved scheduling request signaling with ACK/NACK or CQI](#)
- [9,148,877 - Providing improved scheduling request signaling with ACK/NACK or CQI](#)
- [7,203,517 - Mobile communication terminal device](#)
- [7,509,139 - Method for selecting base station](#)
- [6,754,440 - Video reproducing method and apparatus](#)
- [6,928,292 - Mobile handset with position calculation function](#)
- [7,671,901 - Image processing apparatus and mobile terminal apparatus](#)
- [8,232,766 - Multifunctional charger system and method](#)

- [7,834,586 - Multifunctional charger system and method](#)
- [7,893,655 - Charging and power supply for mobile devices](#)
- [7,239,111 - Universal serial bus adapter for a mobile device](#)
- [8,624,550 - Multifunctional charger system and method](#)
- [7,769,238 - Picture coding method and picture decoding method](#)
- [7,940,851 - Radio communication apparatus and radio communication method](#)
- [8,208,569 - Method and apparatus for multicarrier communication](#)
- [8,200,375 - Radio controlled aircraft, remote controller and methods for use therewith](#)
- [8,380,368 - Radio controlled aircraft, remote controller and methods for use therewith](#)
- [8,649,918 - Radio controlled vehicle, remote controller and methods for use therewith](#)
- [9,079,116 - Radio controlled aircraft, remote controller and methods for use therewith](#)
- [9,568,913 - Radio controlled aircraft, remote controller and methods for use therewith](#)
- [9,162,752 - Flight control laws for automatic hover hold](#)
- [6,973,334 - Cellular telephone](#)
- [9,544,517 - Electric camera](#)
- [6,347,068 - Information recording medium, enclosing casing of information recording medium, and information recording apparatus using the same](#)
- [10,275,950 - Avionics system adapted for employing smartphone to input-output flight data](#)
- [7,324,487 - Wireless LAN system and method for roaming in a multiple base station](#)
- [7,068,503 - Information processing unit and information processing related units](#)
- [6,928,306 - Portable mobile unit](#)
- [6,983,140 - Portable mobile unit](#)
- [7,979,174 - Automatic planning and regulation of the speed of autonomous vehicles](#)
- [9,260,184 - Compact unmanned rotary aircraft](#)
- [7,319,889 - System and method for conserving battery power in a mobile station](#)
- [8,204,554 - System and method for conserving battery power in a mobile station](#)
- [7,990,842 - Backward-compatible long training sequences for wireless communication networks](#)
- [8,416,862 - Efficient feedback of channel information in a closed loop beamforming wireless communication system](#)
- [6,941,156 - Automatic handoff for wireless piconet multimode cell phone](#)
- [9,571,716 - Handle for handheld terminal](#)
- [9,037,128 - Handle for handheld terminal](#)
- [9,055,144 - Handle for handheld terminal](#)
- [9,503,627 - Handle for handheld terminal](#)
- [6,535,227 - System and method for assessing the security posture of a network and having a graphical user interface](#)
- [7,224,678 - Wireless local or metropolitan area network with intrusion detection features and related methods](#)
- [7,440,572 - Secure wireless LAN device and associated methods](#)
- [7,039,435 - Proximity regulation system for use with a portable cell phone and a method of operation thereof](#)
- [7,009,226 - In-situ nitride/oxyntiride processing with reduced deposition surface pattern sensitivity](#)
- [8,918,230 - Teleoperation of unmanned ground vehicle](#)
- [9,352,834 - Micro unmanned aerial vehicle and method of control therefor](#)
- [6,580,122 - Transistor device having an enhanced width dimension and a method of making same](#)
- [6,933,620 - Semiconductor component and method of manufacture](#)
- [7,228,232 - Navigating a UAV with obstacle avoidance algorithms](#)
- [7,286,913 - Navigating a UAV with telemetry through a socket](#)
- [6,882,627 - Methods and apparatus for selecting multiple paths taking into account shared risk](#)

- [7,095,713 - Network fabric access device with multiple system side interfaces](#)
- [7,515,546 - Method and apparatus for automatic discovery of network devices with data forwarding capabilities](#)
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- [10,044,013 - Battery used for unmanned aerial vehicle and an unmanned aerial vehicle](#)
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- [8,553,636 - Channel selection for carrier aggregation](#)
- [8,165,035 - ACK/NACK DTX detection](#)
- [9,288,825 - Method and apparatus for initiating communications on a shared channel in a mobile communications system](#)
- [8,457,588 - Method and apparatus for discontinuous reception of connected terminal in a mobile communication system](#)
- [8,761,130 - Control and data signaling in SC-FDMA communication systems](#)
- [8,509,350 - Methods and apparatus for downlink PDSCH power setting](#)
- [9,113,419 - Methods and apparatus for downlink PDSCH power setting](#)
- [8,756,336 - Automatic multimedia upload for publishing data and multimedia content](#)
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- [8,898,260 - Automatic multimedia upload for publishing data and multimedia content](#)
- [11,659,381 - Automatic multimedia upload for publishing data and multimedia content](#)
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- [10,872,903 - Three dimensional memory and methods of forming the same](#)
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- [9,313,244 - Content reproduction apparatus, content reproduction method, and computer-readable recording medium having content reproduction program recorded thereon](#)
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- [8,875,185 - Method and apparatus for efficient, entertaining information delivery](#)
- [9,317,597 - Method and apparatus for efficient, entertaining information delivery](#)
- [8,145,704 - Method and system for providing media programming](#)
- [9,215,261 - Method and system for providing media programming](#)
- [8,886,753 - Method and system for providing media programming](#)
- [9,923,947 - Method and system for providing media programming](#)
- [11,763,316 - Server system configured to provide graphical user interface for modifying web pages to include hyperlinks](#)
- [11,134,316 - Integrated shopping within long-form entertainment](#)
- [10,243,647 - Aircraft visual sensor system](#)
- [8,078,395 - Control system for automatic circle flight](#)
- [8,332,082 - Flight control laws for constant vector flat turns](#)

- [11,288,972 - Fleet controller](#)
- [8,803,214 - Three dimensional memory and methods of forming the same](#)
- [10,373,974 - Microelectronic devices and related methods](#)



[The 2025 Regional Powerhouses](#)

Law360's annual list of regional powerhouses reflects not only the work of exemplary firms, but also emerging legal trends in each state, from matters involving Colorado's growing life sciences industry, to an uptick in bankruptcies in Delaware, to the continued flurry of intellectual property litigation in California.

Top 10 trending in Intellectual Property

- [1Where PTAB Institution Reviews Stand As Squires Takes Lead](#)
- [2Squires To Issue Brief 'Up Or Down' Calls On Patent Reviews](#)
- [3Fed. Circ. Told 'Settled Expectations' Policy Is 'Irrational'](#)
- [4Alston & Bird Sanctioned \\$10K For LinkedIn Juror Research](#)
- [5USPTO Taps Brakes On Patent Prosecution Highway](#)
- [6Broadcom Beats Netflix Patent Suit In Alice Win, For Now](#)
- [7Licensing Co. Picks Up Xerox Patent Portfolio](#)
- [8Hyatt Urges Full Fed. Circ. To Abolish Prosecution Laches](#)
- [9Beyond Meat, Rival Headed To Trial After Mixed TM Ruling](#)
- [10Broader Eligibility For AI-Related Patents May Be Coming](#)



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