



What Do Policy Changes at the USPTO Mean for Patent Prosecution in 2026?

Mar 04, 2026

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Patent practitioners have been curious as to whether any of the economic efficiencies announced and enacted by the federal government also have been implemented at the U.S. Patent and Trademark Office (USPTO). For instance, when the Department of Government Efficiency was actively trying to find ways to cut government waste, how many, if any, changes were earmarked for the USPTO?

It should be stated up front that the USPTO is funded by user fees and is considered one of the few government agencies that is self-funded. However, the USPTO, like other government agencies, is subject to the directives of the Executive Branch. After receiving a February 2025 memo for government reductions in forces, the USPTO implemented a [reduction of its own](#), announced on September 30, 2025. One of the items announced was a layoff of approximately 1% of the USPTO's total 14,000-member workforce. Most of those layoffs were of public relations-type roles, but there were still some patent unit roles eliminated.

Additionally, the return-to-office executive directives were reviewed during this past year, and some changes were implemented. Although collective bargaining agreements signed in late 2024 were pointed to as a means to protect the teleworking status of the examining groups, the USPTO got around that hurdle by eliminating union representation for Patent and OCIO employees, stating the Patents business unit is national security work. Although that may be challenged, it is apparent that the hiring strategy of the USPTO is changing. For instance, the USPTO indicates in [its hiring literature](#) that positions are non-remote and based in Alexandria, Virginia.

In line with this renewed in-office approach and economic review, some consolidation is occurring with the remote offices of the USPTO. For example, the USPTO's regional office in Denver,

Colorado, was closed on September 30, 2025. It turns out that of the 300 teleworking employees listed as being part of the Denver office, only about 10 onsite employees were ever there. All of the examination functions are now virtual in form.

So, how do these changes potentially affect patent prosecution at the USPTO? To analyze the effects, first remember that some relevant administrative changes have taken place. One of those changes is that examiners are now required to meet 100% of their production goals, rather than the 95% previously set by the agency. Furthermore, examiners are now only going to receive credit toward their production goal for one interview per prosecution cycle. Any other interviews must be approved by the supervisor.

How should patent applicants and their attorneys plan for these new examining changes/goals and other policy changes for remote work? As an initial strategy, it would benefit patentees to schedule interviews early in the prosecution schedule to ensure that an interview takes place. Also, when scheduling interviews, it will be beneficial to have an agenda ready in advance of that interview, while allowing plenty of time for scheduling the interview. However, should an in-person interview be warranted, it is still recommended that the supervisory examiner be informed about the complexities of the case early in order to facilitate an interview.

It remains to be seen how the increase in production goals, interview limitations and other policy changes implemented by the USPTO will affect the time and thoroughness of the examination process during patent application prosecutions, but the renewed production requests on examiners, limited interview opportunities and in-office workforce should be taken into consideration by patentees and their attorneys.

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