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Kathi Vidal interview: Why America's diversity rollback 'is a mistake'

The ex-USPTO director and IP influencer is bringing her values, open style, and government expertise to bear on Silicon Valley's tech scene, finds Tom Phillips.

If you hear an unexpected knock at the door, it might just be Kathi Vidal—ready to answer the question you hadn't thought of yet.

With a Californian sunrise behind her, the ex-[US Patent and Trademark Office](#) (USPTO) director explains how—after two-and-a-half years in the toughest job in IP—she has returned to private practice refreshed and, predictably, on the front foot.

“I’m re-energised, I see a greater purpose in everything that I do,” says the patent litigator, who last November swapped the office’s Virginia headquarters for the familiar surroundings of her previous home, as managing partner of [Winston & Strawn](#)’s Silicon Valley office.

Lobbyists ‘don’t see the big picture’

The firm will be delighted to have her. A reinvigorated Vidal, now with a meta-view of US innovation, connections across government, plus perhaps the highest profile of any IP professional, is a formidable force.

From her childhood growing up on military bases to her electrical engineering background, spells at General Electric Aerospace, to leading Fish & Richardson’s IP litigation practice, then the USPTO, Vidal’s career is defined by her work ethic, intelligence, guts, and—most distinctively—openness, making a conversation with her a memorable experience.

While at the office she delivered so many of the administration’s 2022-2026 goals they filled a USPTO [microsite](#).

But she wasn’t without her critics. Having a thick skin is pretty much on the job spec, but one imagines it is bruising when the knocks come from [previous USPTO directors](#).

Did comments by, for example, [C4IP](#)’s David Kappos and Andrei Iancu surprise her?

“I think it’s hard when somebody who was a leader at the USPTO says things that might impact people within the USPTO who are working really hard and see the bigger picture,” she replies.

“Those of us on the outside—me now as well—don’t see all the levers that are being pulled within the government. With everything that we did, we had to work with the White House, the State Department, Health and Human Services. We had to negotiate internationally.

“If you’re on the outside, you can advocate zealously.”

And despite being “as open as I could be”, certain things can’t be shared, she maintains. And some, whether it was C4IP or others, “don’t see that big picture”.

She gives a passionate defence of her overall record.

“We advanced a lot of policies that were extremely balanced, including a package that we’re setting up for the next administration on discretionary denial with the PTAB.

“[It was] very pro-innovation, but didn’t have an agenda that was favouring one industry over others.”

Selfies, strangers and straight talk

Vidal's willingness to post daily on LinkedIn and X, sharing selfies with her colleagues and the thousands of people she met alongside updates on PTAB panel rules and AI guidance, made her unusually accessible in the world of IP.

She even regularly gave out her email address on stage and would encourage people to contact her personally—which they still do.

As we speak, a stranger emails to ask about a letter they received bearing her name, which said the USPTO needs more Dogecoin to promote the efforts of the incoming President Trump.

The scam, and her willingness to help, typify a person who has gone out of her way to be approachable.

While in office, she began "listening sessions" for the office's 14,000 employees, and heard from about 2,000 of them.

What she discovered led to the first pay increase in 10 years for patent examiners and a new collective bargaining agreement (CBA) with the patent union—the first in more than 38 years.

For Vidal, it's about being heard.

"I realised that certain voices were being lost," she says of her early days at the USPTO. "Smaller companies didn't have spokespeople. I also realised that there was a wealth of knowledge within the USPTO."

She realised that one's own background can generate bias "if you're not hearing everybody's views and taking them all seriously".

"I also think that as somebody who was in a judicial role, it was really important for me to be open about everything that we were doing at the USPTO. It was important that people have trust in what we were doing."

Diversity rollback 'a mistake'

When a young Vidal showed interest in playing drums in a band she was told it was a boy's instrument and she should play something else, like a violin.

Her answer: a firm 'no'.

"The fact that I experienced those things gave me a sense early on in my childhood that certain things are just wrong and that the world needs to be different. And I needed to play a role in that," she explains.

This drive for fairness has led to significant work on diversity, most notably via the [ChIPs Network](#) and [encouraging more women inventors](#).

But her advocacy for equality in the IP profession—including at the USPTO—is now out of step with the new US administration. President Trump has rescinded orders that encouraged DE&I within the government that extend to its contractors.

This and lawsuits attacking diversity, equity, and inclusion (DE&I) in the workplace have spread through corporate America, with Meta, Walmart, and Amazon among a growing list of the country's biggest companies to drop DE&I schemes.

Vidal, who sits alongside [Justice Ruth Bader Ginsburg](#) in ChIPs' Hall of Fame, calls the nationwide rollback “a mistake”.

“I think it's short-sighted. I think it's reactionary,” says Vidal.

She doesn't believe in “putting a thumb on the scale” (she has two white sons herself). What Vidal wants is equal opportunity for everyone.

And it's no surprise, given what she encountered at the USPTO.

When she first arrived at the 223-year-old department, for the first month and a half she recalls how “every person” sent to her office for promotion was a white male.

“I said: ‘Stop. It's broken.’ It's not possible that the right person for all these roles is a white male,” Vidal says.

Her response was to create a way to prevent hiring managers from placing undue weight on the characteristics of those in the role before—because leadership was mostly non-diverse white men.

The plan, presumably now scrapped under Trump, forced hiring managers to redo the candidate search if three “attestations” designed to ensure a level playing field were not met. And it worked.

“I was leading a government agency and the restrictions on me related to diversity were so much stronger than the scrutiny that any other company is under. And yet, in the last year alone, we increased the diversity of our leadership by 5%.

“It's not about rote head count. It's not about giving people unfair advantages. It's about seeing potential in people, not just hiring from past experience.”

Did being a woman, the second only to lead the USPTO, make a difference? Did it make such changes **more** possible? On this, she is measured.

“I don't know whether I would say it's because I'm a woman. I think that's part of it.

“I think part of it is that I grew up in the military, and I was used to moving from base to base and having to understand dynamics.

“The fact that I did AI in the 90s contributed to how I see the world; that I'm an electrical engineer who worked in industry; the fact that I was an inventor, I invested in startups and I also represented big tech—all of those things, contributed to my outlook on life.”

AI and the future

Back in the Big Tech scene, Vidal has kept up her USPTO pace, reconnecting with former clients in daily meetings and speaking to hundreds more potentials at engagements.

Some things have changed while she was away. AI appeared with a bang while she was USPTO director and it now forms a large part of her day-to-day practice.

Vidal describes AI as “a terribly important opportunity”. For the country’s tech leaders hoping to realise that opportunity, the IP situation is uncertain.

Trump’s push to deregulate the industry, including [tearing up](#) work Vidal herself oversaw, will likely dominate the agenda for months to come.

But some things will be no different. Her lawyering style will continue the proactive attitude she brought to the USPTO, while “figuring out the needs of our clients from a broader perspective”.

“That's the same approach I'm going to take now in the private sector—not just waiting until a client gets sued and **then** being willing to help them.”

This means exploring how she can help her clients to “shape the law, shape the policy”.

Vidal adds: “I now have the skill set of having been a judge and knowing what judges are looking for, of being a diplomat and dealing across government and internationally. And I just want to bring that to my clients.”

<https://www.worldipreview.com/patent/kathi-vidal-interview-why-americas-diversity-rollback-is-a-mistake>