

Kathi Vidal Discusses the Effect of Actions to Remove DEI Programs on USPTO Innovation Goals with Law360



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Winston & Strawn partner Kathi Vidal was quoted in a Law360 article discussing how the Trump administration's actions to remove diversity, equity, and inclusion (DEI) programs from the federal government and private sector could undermine one of the U.S. Patent and Trademark Office's top objectives of expanding access to innovation. Agencies across the government have removed DEI information from their websites following the executive order requiring federal agencies to eliminate "DEI offices and positions" along with "equity action plans, initiatives and programs." The U.S. Office of Personnel Management told agencies to close offices focused on DEI initiatives by the evening of January 22 and to lay off staffers by January 31.

Among the information removed from the internet is the USPTO's "diversity information platform," which provided data on diversity at the USPTO, detailed industry best practices, and included resources making the case for the importance of diversity in innovation. Additionally, the agency's latest strategic plan, which was to run through 2026 and included making innovation more inclusive and diversifying the agency's workforce in its goals, is no longer listed on the agency's website. Proponents of the programs aimed at ensuring diversity of the USPTO workforce argue that it's good for the nation's innovation ecosystem, and that deemphasizing diversity at the USPTO can have downstream impacts and hurt innovation more broadly in the U.S.

Kathi, the former USPTO Director, told Law360 that the USPTO during her tenure "created a more energized and innovative workforce and hired and retained the best talent while increasing productivity and improving quality."

"During my tenure as the USPTO director, USPTO leadership focused on lifting and supporting all employees — not through quotas or preferential treatment, but by de-biasing systems and providing opportunity for all," she said. "Our work was bipartisan and supported the business and economic imperative of improving the timeliness and quality of our work, reducing patent and trademark pendency, and issuing robust and reliable IP protection."

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