

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

May 20, 2025

Coke Morgan Stewart
Acting Under-Secretary of Commerce for Intellectual Property and
Acting Director of the U.S. Patent and Trademark Office
U.S. Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

Dear Acting Director Stewart:

We write you today as the Chairman and Ranking Member of the Senate Judiciary Committee Subcommittee on Intellectual Property. Strong, reliable, and predictable intellectual property (IP) rights ensure that our U.S. IP system remains the global standard. However, our IP system must remain nimble and able to adapt to the needs of a world where emerging technology, such as artificial intelligence (AI), is proliferating at a breakneck pace.

Fundamental to the patent and trademark examination process is search. In the patent context, thorough and complete prior art searches, at every stage of examination – be it for a Non-Final Office Actions, Final Office Action, or Notice of Allowance – are key to ensuring high quality and efficient examination. These searches must not just capture the claimed invention, but also the inventive concept as disclosed by the specification. Unfortunately, the quality and adaptability of the search tools currently available to examiners has not kept pace with search technology currently available to the public. Current AI tools have already proven to be extremely powerful at analyzing text and images – the core components to patent applications.

The USPTO must work smarter and not harder. The USPTO maintains both unpublished and published data which is ripe for use for training AI models, which could be used by examiners. Therefore, we request that the agency immediately begin to explore the feasibility of leveraging – solely for internal use – currently available AI tools trained on this unpublished and published data with the end goal of increasing the efficiency of internal prior art searches. Of course, careful consideration must be given – at all times – to ensuring that this information remains secure. We urge you to consult directly with the private sector, drawing from the technological and academic sectors as applicable.

Please confirm receipt of this letter. Please report back to us regarding the specific steps that you plan to undertake to investigate this matter and provide a respective timetable by no later than July 3, 2025.

Thank you for your prompt attention to this matter and please do not hesitate to contact us should you have any questions. We stand ready to support you and the USPTO.

Sincerely,



Thom Tillis
United States Senator



Adam Schiff
United States Senator

CC:
U.S. Department of Commerce Secretary Howard Lutnick