Insights: Alerts

China Is Not Just Filing More US Patents. It Is Filing Different Ones.

JULY 20, 2026 Written by Charles W. Gray

That Chinese patent filings at the U.S. Patent and Trademark Office have climbed is no longer news. The more useful question for a U.S. practitioner is not how many, but which ones. China's filings at the USPTO are concentrated in information and communications technology to a degree that does not match China's own domestic patenting, and inside that concentration sits a real, standards-driven wireless core. The headline is not that China files more. It is that China files differently, and the difference lands squarely in the art that U.S. attorneys already prosecute and litigate.

China is now the second-largest foreign source of USPTO filings.

China-origin patent applications at the USPTO rose from roughly 548 in 2000 to 54,129 in 2024. In one generation, China went from a rounding error to the third-largest source of USPTO applications overall, behind only the United States and Japan, and the second-largest foreign source. The ranking is robust: it holds whether origin is measured by the applicant's country of residence, which is the World Intellectual Property Organization's basis, or by the first-named inventor's residence, which is the USPTO's own basis. On the inventor basis, 2024 U.S. patent grants to Japanese inventors, about 44,656, still edged out Chinese inventors, about 38,775, so Japan keeps the number two foreign position on both measures, with China close behind and closing. This is a structural feature of the office now, not a one-year spike.

The USPTO is already a majority-foreign office.

That structural point is easy to miss because the baseline itself has shifted. Foreign-origin filings were about 55 percent of all USPTO applications in 2024, roughly 332,900 of 603,194. Foreign origin crossed the 50 percent line around 2014, moving from 49.6 percent in 2013 to 51.1 percent in 2015 and upward from there. The China story is one chapter in a broader internationalization of the U.S. patent system. For a practitioner the practical consequence is a default posture: treat the relevant prior art and the relevant competitor set as global, because for most technologies they already are.

The real story is concentration, not just volume.

Volume alone would be a familiar story. The more interesting fact is what China chooses to file in the United States. China is heavily specialized in digital communication in its international filings. WIPO's relative specialization index puts China at plus 0.233 in that field, against plus 0.007 for the United States and plus 0.104 for Korea, with Japan and Germany both negative.

Here is the part most coverage misses. Digital communication is roughly 11 percent of China's USPTO filings,

measured by published applications, but only about 5.4 percent of China's patent activity across all offices. In other words, China routes its communications and computing output abroad, and disproportionately to the United States. The pattern is visible at the city level: digital communication is the single largest field of international filings from Beijing, about 30 percent, and from the Shenzhen corridor, about 26 percent, and adding computer technology pushes those two clusters to nearly half of their output. That is a concentration matched among U.S. cities only by single-company clusters such as San Diego, where one wireless licensor drives close to half of the digital communication filings.

Two honest qualifications keep the point precise. China is not uniquely specialized in digital communication; Finland, Sweden, and Singapore rank higher on the same index, and Korea is close behind. And computer technology, not digital communication, is China's single largest field across its overall portfolio. The claim is not that China dominates one field worldwide. It is that China's U.S.-directed filings are concentrated in ICT far more than its home filings are, and that concentration is what reaches the U.S. examiner's desk.

The wireless core is real, and worth describing precisely.

Within that ICT concentration the wireless component is genuine and standards-driven, and it deserves a precise description rather than a slogan. Chinese entities hold roughly 40 percent of the standard-essential patent families declared for 5G at the European Telecommunications Standards Institute, about 26,000 of some 114,000 declared families, with Huawei alone near 12 percent and ZTE near 7 percent. The same firms drive the USPTO numbers. Huawei was the fifth-largest recipient of U.S. patents in 2024, with about 3,285 grants, up 44 percent year over year, and remains the leading filer under the Patent Cooperation Treaty; ZTE, OPPO, and Xiaomi all rose sharply as well.

The calibration matters. A declared standard-essential patent is not an adjudicated essential one, and declared counts are widely understood to overstate true essentiality, so the 40 percent figure describes declaration behavior rather than a proven share of the standard. WIPO's digital communication field also captures Wi-Fi, video codecs, computer networking, and the internet of things, so the surge is broader than cellular. The accurate framing is an ICT concentration with a real 5G core, not a pure wireless story. Getting that distinction right is what separates a defensible piece of analysis from a headline.

What it means for your practice.

For prosecutors, the concentration lands in one place: the USPTO's communications examining group, Technology Center 2600. That center runs a high examiner allowance rate, about 86 percent, with first-action pendency of roughly 22 to 26 months in fiscal year 2025. A growing share of the closest art in those units is now China-origin, which means search strategy and claim positioning in the communications fields should treat Chinese filings as central references rather than as an afterthought.

One further point deserves careful handling. Analysis by Julie E. Burke, a former USPTO quality-assurance specialist, reported that China-origin applications on the expedited track, chiefly the Patent Prosecution Highway, obtain a higher and faster initial allowance rate, fewer prior-art rejections, and fewer examiner-cited references than comparable U.S.-origin expedited applications. Part of the mechanism is mundane: most of these are PCT national-phase cases resting on a CNIPA first examination built on Chinese-language patent art, so a U.S. examiner

adds comparatively few new references. This is one analyst's read of USPTO data, not an official agency statistic, but if the pattern holds it raises quality and validity questions for that cohort that both prosecutors and later challengers will want to probe.

What to do with this is concrete. In communications-field searching, pull and read the Chinese-language family members and the CNIPA file histories of the closest references, not only their U.S. equivalents, because the home prosecution often surfaces art a U.S. search will miss. Track the short list of firms that drive the volume, since the field concentrates in a handful of filers whose portfolios move together. For clients active in wireless, fold China-origin standard-essential declarations into freedom-to-operate and licensing diligence from the outset, and assume a licensing counterparty may sue first in a forum that sets a global rate. And weigh a China-origin reference's citation record with some care: where examination leaned on a narrower prior-art base, the reference's apparent novelty may not survive a fuller search.

For litigators and licensing counsel, the consequence is exposure. Standard-essential patent and FRAND rate-setting has gone global, with Chinese courts, the Unified Patent Court, and Section 337 proceedings at the U.S. International Trade Commission all in play. A U.S. wireless company's freedom-to-operate picture and its licensing exposure now carry a large and growing China-origin input, and diligence that stops at the U.S. register understates it.

None of this is slowing. The internationalization of the USPTO is a durable trend, and the ICT concentration is likely to deepen as 6G standardization accelerates and the same filers move from declaring 5G essentials to staking early 6G positions. The practical response for U.S. practitioners is concrete: treat China-origin ICT art as central in communications-field searching, describe the wireless component precisely rather than as a headline, and price standard-essential and FRAND exposure as a global, China-heavy problem. The reader who adjusts search scope, claim strategy, and licensing diligence to that reality will be a step ahead of the one still reading the volume count.

Related People



Charles W. Gray
t 303.405.8522
cgray@ktslaw.com