Careers in Patent Law

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“Regular” vs. Patent Attorneys

All attorneys must:

• Possess at least a Bachelor’s degree (4 years)
• Earn a Juris Doctor (typically 3 years)
• Pass at least one state bar exam

Patent attorneys must also:

• Possess a minimum of either:
  o A Bachelor’s degree in a “Recognized Technical Subject” (Mechanical Engineering, Biology, etc.); or
  o A Bachelor’s degree plus a specified combination of technical coursework

• Pass an additional bar exam (patent registration exam)
What do patent attorneys do?

- Work with inventors to turn an idea into a patent application
- File and prosecute patent applications with the US Patent & Trademark Office (USPTO)
- Prepare patentability and clearance opinions
- Draft and review licenses and other technology transfer agreements

Pay and Work Environment

- $$-$$$$
- Private law firm (1-2 person all the way up to mega firms), in-house counsel, government
**Pros**

- Patent attorneys typically have a better work-life balance and higher pay than most other attorneys
- Little or no travel requirements
- Work with a variety of technologies and clients

**Cons**

- Three more years of school*
- Law school is expensive
- The work can get tedious at times

*University of Dayton School of Law has a 2-year law program!
PATENT AGENT
General Qualifications:
• Possess a minimum of a Bachelor’s degree in a Recognized Technical Subject or a Bachelor’s degree plus a combination of technical coursework
• Pass the patent bar

Job Responsibilities
• Almost the same as a patent attorney except that an agent cannot provide legal advice i.e. opinions

Pay, and Work Environment
• $$-$$$$
• Same types of employers as a patent attorney and similar pros and cons
  o Patent agents do not have to go to law school
PATENT EXAMINER
General Qualifications:
• Possess a minimum of a Bachelor’s degree in engineering or science or a combination of specified coursework and/or experience

Job Responsibilities, Pay, and Work Environment
• Examine patent applications at the USPTO
• $-$
• USPTO is the only employer
Pros
• Incredibly flexible hours and the option to telecommute from anywhere in U.S.
• Government benefits (insurance, retirement, etc.)
• Can use it as a “gateway” position to other Government jobs

Cons
• New examiners typically start at a GS-5 pay level ($42-55K) and initial advancement is slow
• New examiners must work in Washington D.C.
• The job has lots of bureaucracy and a rigid production quota
PATENT LITIGATOR
• Patent litigators are attorneys who specialize in representing clients in patent infringement cases

• Many litigators are not scientists or engineers but a technical degree is a big plus

• Patent litigators work almost exclusively in private law firms but a few work for the Government and in-house

• Pay: $$$-$$$$$$
Pros

• Litigation is typically the highest paid legal profession
• The work tends to be fast-paced and interesting
• Opportunities for rapid advancement

Cons

• Three more years of school
• Long hours are expected and lots of travel is typically required
• It is adversarial, so you have to develop a thick skin
OTHER PATENT-RELATED PROFESSIONS
Patent and Technical Literature Searchers

- Conduct patentability and infringement/freedom to operate searches and provide analysis

Patent Translators

- Provide patent translation services
- Must speak at least one other language fluently

Patent Drafters/Illustrators

- Provide technical drawings for patent applications
Job Postings

Attorneys and Patent Agents

• Individual law firm websites
• U.S. Government
  o USAJobs (https://www.usajobs.gov/)
• Patent law blogs
  o http://patentlyo.com/jobs
• Specialized employment websites (headhunters)
  o http://www.wkmclaughlin.com/
• Local and national intellectual property law associations (IPLA)
  o DIPLA, CIPLA, Cincy IP, AIPLA
• Local and national bar associations
  o Dayton Bar Association, American Bar Association
Patent Examiners

• USAJobs (https://www.usajobs.gov/)
• General information: http://careers.uspto.gov/

Other Patent-Related Professions

• Individual company websites
• Employment websites (Monster.com, CareerBuilder, Simply Hired)
Job Search Tips

For all careers:
- Demonstrate an interest in the position
- Research your prospective employer

For careers that require the patent bar and/or a law degree:
- Get the patent bar out of the way early
- Get good grades in law school!
- Use your summers and free time wisely