

# INTELLECTUAL PROPERTY: PATENTS

Patent law is a major subfield of intellectual property (IP) law. Patent law involves the protection of inventions, industrial designs, and plants, whereas other aspects of intellectual property law involve the protection of literary, artistic, musical, and other expression, commercial signifiers, and other intangible property. Students who focus on patent law are encouraged to also take courses in copyrights, trademarks and unfair competition, trade secrecy, internet law, and courses in other related areas, such as antitrust, First Amendment law, and administrative law.

Typically patent attorneys: (1) litigate patent rights in the U.S. and other jurisdictions; (2) sell patent rights, license patent rights to or from others, and provide opinions regarding patent validity and application; or (3) prepare applications and seek to have them granted (“patent prosecution”) by the U.S. Patent and Trademark Office (USPTO) and other jurisdictions’ patent offices. While patent prosecution is generally limited to those having engineering or other scientific backgrounds, **other fields of patent law do not require such a background.**

**Patent litigation** is a large aspect of the patent field, and is one of the continuing growth areas of practice both domestically and abroad. Patent litigators are **not** required to have a technical background (although some firms or businesses seek lawyers who already have a significant scientific background, particularly in the technological fields of their clients). In many lawsuits, a litigation team may comprise both patent attorneys and non-patent attorneys having knowledge of litigation, particular forums, or the experience of juries and judges. **Patent litigators** assess possible infringement and litigate over patent rights on behalf of companies or individuals. Patent litigators (like **patent licensors**) may also issue opinions regarding the patentability of inventions, whether a particular invention is likely to infringe upon other valid patents, and whether an issued patent might be invalidated if challenged.

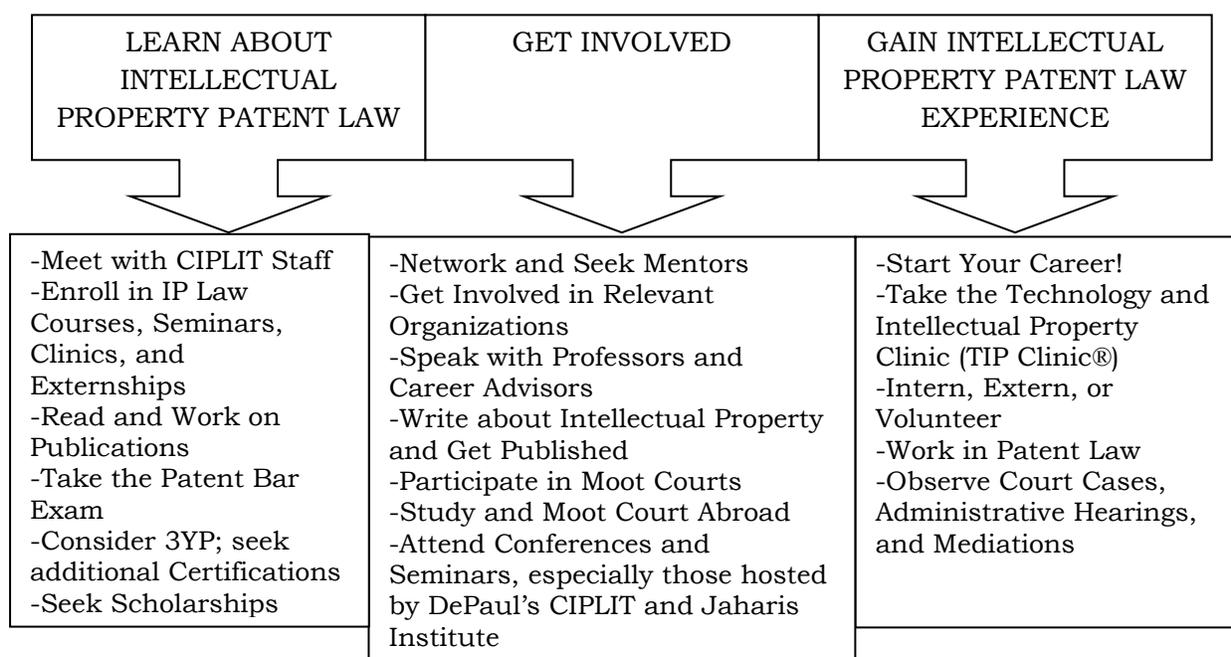
**Patent licensors and evaluators** are found in many different industries and law practice areas. Patent licensors and evaluators also do not require a technical background, although it may sometimes be helpful -- as is a background in finance, economics, or business. Licensors negotiate contracts to use patent rights; evaluate patentability, patent validity, and freedom to operate without restriction by patents; and otherwise provide business advice relating to patents, trade secrecy, and other intellectual property protection or avoidance strategies.

**Patent prosecutors** prepare and file patent applications on behalf of inventors, and must be licensed to practice before the USPTO. Prosecutors often work with foreign lawyers to file abroad for their own domestic clients or to file in the U.S. for their own or other lawyers’ foreign clients. The patent prosecution area of IP law generally requires practitioners to possess a technical background such as a degree in engineering or one of the hard sciences. While it is not necessary to have a law degree to be a patent prosecutor (registered non-lawyers are called “patent agents”), many registered patent prosecutors possess law degrees (and are called “registered patent attorneys”). Some firms and businesses make having a law degree and being a registered patent attorney a strong hiring preference. Licensure by the USPTO as a registered patent attorney or patent agent requires a qualifying technical educational background and passage of the [Patent Bar Exam](#).

**Patent lawyers** may work in large or boutique law firms, government agencies, non-profit organizations, or as in-house counsel for companies or organizations. Patent lawyers are generally in high demand because the number of patents has steadily increased over time, as technological advances continue and as the patent system has entered new areas of social activity. Many patent opportunities exist in the health sciences and medicines fields in addition to engineering and the hard sciences. Currently, attorneys with advanced scientific degrees or computer science knowledge are in very high demand (although PTO licensing requirements for computer science degrees are tricky). Large firms in particular are typically most interested in hiring attorneys who not only have the technical or scientific background to qualify to take the Patent Bar, but also have academic or practical experience relevant to the firm’s clients.

This guide provides a quick overview of sample resources, ideas, and opportunities. It is not meant to be all-inclusive, nor does it guarantee success in your job search and career development. Please meet with [Center for Intellectual Property Law and Information Technology \(CIPLIT®\)](#) administration members and your [Law Career Services \(LCS\)](#) advisor to broaden your scope and to obtain personalized advice for your career.

## INTERESTED? HERE'S WHAT TO DO:



## LEARN ABOUT INTELLECTUAL PROPERTY PATENT LAW

- **Meet with CIPLIT Staff**

At your earliest convenience, meet with the staff of DePaul's Center for Intellectual Property Law and Information Technology (CIPLIT®). If you have a background in the health sciences or medicine, also meet with the staff of DePaul's Jaharis Health Law Institute. Sign up for the CIPLIT e-mail notification list (listserv) and plan to go to as many of CIPLIT's hosted events as possible. Your involvement in CIPLIT's programs and attendance at events could be the key to your patent law career.

- **Enroll in Intellectual Property Courses**

Intellectual property courses offered at DePaul cover a broad range of intellectual property and information technology (IP/IT) topics. You should plan to get a solid grounding in the core fields of patents, copyrights, and trademarks, and to take additional courses in areas of specialization (such as patent law) and in practical training (such as the various IP moot courts and legal drafting courses). You should also enroll in one of many specialized IP seminars and in the Technology and Intellectual Property Clinic (TIP Clinic®). You may gain class credit with an externship through DePaul's Field Placement Program or by taking an independent study with a CIPLIT Professor. Professional skill-building courses in business planning, dispute resolution, mediation, trial advocacy, and litigation strategy can also be helpful.

- **Read and Work on Publications focusing on Intellectual Property Law**

DePaul's *Journal of Art, Technology & Intellectual Property Law* provides good opportunities to develop your knowledge of the field as well as your writing skills. Other publications, such as the *BNA Patent, Trademark and Copyright Journal* (available for free through DePaul's law library) and *Landslide* (published by the American Bar Association Section of Intellectual Property) provide timely and interesting information on patent and other IP developments. Also follow relevant IP blogs such as Patently-O: Patent Law Blog, Patent Docs, and TechLawForum; find additional blogs in the ABA Blawg Directory.

- **Take the Patent Bar Exam**

Consider taking the patent bar exam while in law school. Passing the exam in some cases can provide you with an advantage when seeking a job, particularly as a patent prosecutor. This is because law firms will know that you will qualify and pass the exam and thus can start prosecution immediately (even during law school, as a registered patent agent). To determine whether you qualify, carefully check the current General Requirements Bulletin at the website for the Office of Enrollment and Discipline at the USPTO. Note that computer science degrees may not necessarily qualify, and students sometimes may qualify by taking additional science courses (even while at DePaul).

- **Consider 3YP; seek to obtain the Patent Law (or other IP) Certifications**

For an immersive learning experience, consider enrolling in DePaul's Third Year in Practice Program (3YP). Consider seeking the Patent Law Certificate or one of other three Certificates offered by DePaul in Intellectual Property Law to supplement your law degree: the Intellectual Property Certificate; the Information Technology Certificate; or the Arts and Museum Law Certificate.

## GET INVOLVED

- **Network and Seek Mentors**

Connect with alumni through CIPLIT's Career Advisory Board, DePaul's Alumni Sharing Knowledge (ASK), the law school and university alumni associations (including your undergraduate school), and social networking sites such as LinkedIn. Intellectual Property Law Association of Chicago (IPLAC) has frequent events focused on preparing for job applications and interviews. The Chicago Intellectual Property Alliance (CIPA) has a mentorship program that matches second-year law students with practicing IP lawyers. Check the Vincent and law school event calendars for opportunities to meet IP law professionals. Additional networking opportunities are available through local, regional, and national bar associations; seek mentors by becoming involved.

- **Get Involved with Relevant Organizations On and Off Campus**

Gain hands-on experience, contribute to the intellectual property law field, network, and enhance your resume by joining and becoming active in student organizations such as DePaul's Intellectual Property Law Society; consider taking on a leadership role. Become involved in regional and national organizations such as IPLAC, CIPA, FCBA (Federal Circuit Bar Association), AIPLA (American Intellectual Property Law Association), IPO (Intellectual Property Owners Association), INTA (International Trademark Association), the International Association of Entertainment Lawyers, and the IP, antitrust, communications, science and technology, and cyberlaw sections of the American Bar Association (ABA), Illinois State Bar Association (ISBA), and Chicago Bar Association (CBA). Look for student membership rates.

- **Speak with Professors and Career Advisors**

Professors can be good sources of information, job opportunities, networking contacts, and research assistant positions. Establishing a relationship with your Law Career Services advisor is critically important. Meet with your advisor early and often for advice and support to facilitate your future in law.

- **Write about Intellectual Property and Get Published**

Submit work to writing competitions sponsored by organizations such as the American Bar Association, intellectual property law related websites, and blogs; some offer monetary prizes. Watch the CIPLIT listserv for opportunities. Write for a law school journal such as DePaul's *Journal of Art, Technology & Intellectual Property Law*, another academic journal, or a bar association publication. Publication credits give your resume more cachet, show your "expertise," and make you more attractive to potential employers.

- **Participate in Moot Court**

If you're focused on litigation, become involved in the [AIPLA Giles S. Rich Patent Law Moot Court Competition](#) (for patents – you will need a faculty advisor) or other IP Moot Court competitions to hone your litigation skills.

- **Attend Seminars and Conferences**

Students interested in practicing patent law must plan to attend the [Loyola Patent Law Interview Program](#) which is held the first week of August each year. Check the [Vincent](#) and [law school event](#) calendars for registration information and deadlines as well as other offerings on and off campus. [DePaul's CIPLIT hosts many conferences and symposiums](#), most of which are open to students. Search online for IP law conferences and committee/section meetings held by organizations including the [ABA](#) and [CBA](#). IP conferences around Chicago include the [IPLAC Patent Symposium](#) and [IPLAC's Judicial Conference](#).

## GAIN INTELLECTUAL PROPERTY PATENT LAW EXPERIENCE

- **Start your Career!**

Develop and refine your resume to brand yourself as a promising patent law job candidate. Create strong cover letters, and search effectively for jobs and internships with the help of LCS advisors and CIPLIT staff. Check out [Vincent's Resources](#) tab or contact LCS at (312) 362-8385 for more information.

- **Intern, Extern, or Volunteer**

Check [Vincent](#) (for internship opportunities, paid or unpaid), the [Field Placement Program](#) (for externship opportunities, working for class credit), and the [Pro Bono & Community Service Initiative](#) (for volunteer opportunities). The [Chicago Bar Foundation Pro Bono Guide](#) and [ABA](#) have many links on public service opportunities. For summer IP internship listings, check the CIPA and the USPTO. Network to find job opportunities.

- **Work in Patent Law**

Job opportunities can be found in the IP departments of general practice law firms, in small boutique firms, in corporations, in non-profit organizations, and at the USPTO and other government agencies. As a law student, contact CIPLIT staff if you are interested in working at the USPTO or looking for a research assistantship during the summer. The AIPLA has an annual jobs fair at its annual conference in Washington DC, which provides opportunities to talk with many patent law firms. Check for postings on the CIPLIT listserv and in [Vincent's Job Posting](#) tab.

- **Observe Court Cases, Administrative Hearings, and Mediations**

The Northern District of Illinois is one of the most sophisticated jurisdictions for patent litigation in the country, and many of its judges participate in the [Patent Pilot Project](#). Even if not specific to your practice area of interest, understanding how the legal system works is important in the practice of law. With limited exceptions (i.e., juvenile cases), most of the judicial process is open to the public. Students who wish to observe a court in session may go to the federal courthouse, check the court calendar, and watch a proceeding; be respectful of the judicial process and try to enter the courtroom before court is called into session; dress professionally.

- **Seek Scholarships, Grants, and Income Based Repayment**

All students regardless of practice area(s) of interest can try to lower the cost of a legal education by applying for scholarships and grants through DePaul and through regional and national organizations. The [American Intellectual Property Education/Sidney B. Williams Law Scholarship](#) is an example of a scholarship available to diverse IP students. Watch the CIPLIT listserv for opportunities. Scholarships, fellowships, and grants are sponsored by bar associations, law firms, community foundations, employers, ethnic and religious associations, and more. Look for information on the [College Cost Reduction & Access Act, including Public Service Loan Forgiveness](#).

# RESOURCES

## Blogs

- [Holman's Biotech IP Blog](#)
- [Patent Docs](#)
- [Patently-O: Patent Law Blog](#)
- [Written Description](#)
- [TechLawForum](#)
- [VRP Law – The Business, Intellectual Property, and Employment Law Blog](#)

## Conferences

- [IPLAC Patent Symposium](#)
- [IPLAC's Judicial Conference](#)
- [Loyola Patent Law Interview Program](#)

## DePaul University College of Law

- [Alumni Sharing Knowledge \(ASK\)](#)
- [Center for Intellectual Property Law and Information Technology \(CIPLIT\)](#)
- [College of Law Event Calendar](#)
- [Field Placement Program](#)
- [Intellectual Property Law Society](#)
- [Journal of Art, Technology, and Intellectual Property Law \(JATIP\)](#)
- [Law Career Services Website](#)
- [Law Career Services Job Postings/Event Calendar \(Vincent\)](#)
- [Pro Bono & Community Service Initiative](#)
- [Third Year in Practice Program \(3YP\)](#)

## Professional Organizations

- [American Bar Association \(ABA\) Section of Science and Technology Law](#)
- [American Intellectual Property Law Association \(AIPLA\)](#)
- [Association of Intellectual Property Law Firms](#)
- [Chicago Bar Association \(CBA\) Antitrust Law Committee](#)
- [Chicago Intellectual Property Alliance \(CIPA\)](#)
- [Federal Circuit Bar Association](#)
- [Illinois State Bar Association Antitrust and Unfair Competition Law Section](#)
- [Intellectual Property Law Association of Chicago \(IPLAC\)](#)
- [Intellectual Property Owners Association \(IPO\)](#)
- [LinkedIn](#)
- [Loyola Patent Law Interview Program](#)
- [Public Interest Intellectual Property Advisors \(PIIPA\)](#)
- [United States Copyright Office](#)
- [United States Patent and Trademark Office \(USPTO\)](#)
- [World Intellectual Property Organization \(WIPO\)](#)

## Publications

- [BNA Patent, Trademark and Copyright Journal](#)
- [Intellectual Property and Technology Forum and Journal](#)
- [Journal of Intellectual Property Law and Practice](#)
- [Landslide](#)

## Twitter Feeds

- [@IPLawAlerts](#)
- More at [ABA Blawg Directory](#)