

Special Report:
*Insider Tips for Passing
the Patent Bar Exam*

Patent Education Series™

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Websites: www.PatentBarStudy.com
www.PatentEducationSeries.com

A few words about this report

This Special Report explains the details of the Patent Bar exam. We will cover why you should take it, who can take it, how to apply, general info about what you should study to pass, and insider tips for getting through it quickly. You will also learn about the PES-System, the Patent Bar review program developed to help you dramatically cut down on your study time. Learn the information you need to pass the Patent Bar exam as painlessly as possible.

If you're reading this report with an Internet connection, you may simply click on the blue links to be taken to the appropriate page. You must have an Internet connection in order to view the different websites recommended in the report.

You will find more information explaining our Patent Bar exam prep materials and review program at the [Patent Education Series](http://www.PatentEducationSeries.com) website. If you have further questions, please generate a support ticket for us by [clicking here](#).

Sites:	www.PatentBarStudy.com www.PatentEducationSeries.com
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Dear Future Patent Practitioner;

Thank you for downloading your free copy of our Special Report: “Insider Tips for Passing the Patent Bar Exam.” I wish to congratulate you for taking the first step toward pursuing Patent Law as a career.

If you would like more background on the Patent Bar exam and who may take it, please visit us at our [Patent Bar Study site](#).

We are committed to the success of those pursuing a career in Patent Law. Therefore, we are interested in any feedback or improvements you may have for our series of Patent Bar exam prep tools (including this report) and our websites. Any suggestions for new study aids or information that would make your preparation easier and more productive are very much appreciated.

I wish you the best of luck with your future career!

Sincerely,

Lisa Parmley – President
Intellectual Properties Enterprises, Inc
March 10th, 2013

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Chapter I:

Overview of the Patent Bar

The Patent Bar exam consists of 100 multiple choice questions. Beginning in July of 2004, a company called [Prometric](#) began officially administering the exam via computer. You may take the computer version of the exam weekdays throughout the year. Since Prometric is a national testing agency, there is likely a testing center located near you.

In addition, the USPTO also offers paper and pencil exams once per year. This paper version is usually held in Virginia (so it is not nearly as convenient.) The deadline to apply for the paper version of the exam is usually in April while the actual exam date is usually sometime in July. If you are interested in taking the paper version of the exam, you will need to visit the USPTO's website (you may [click here](#)) and download the official application for the Patent Bar exam and read further instructions.

Just as a side note, we see no benefit to taking the paper version of the exam. Both tests are structured so that both the computerized and paper versions share the same degree of difficulty.

Regardless of whether you take the computerized or paper version of the exam, you may not bring anything with you the day of the exam. You will be granted access to the USPTO's Manual of Patent Examining Procedure (MPEP). The MPEP is the only reference material you may access during the entire exam. In addition, the testing facility will also provide you with scratch paper and a pencil, both of which will be collected at the end of the exam.

Prometric has provided a convenient online tutorial of the computerized exam that includes an example format of the MPEP you will be granted access to. Just [click here](#) to view it. As you will see, the test is very user friendly. The online format itself is really nothing to be anxious about.

The Patent Bar exam consists of a morning and an afternoon session with a 1-hour break between the two sessions. Each session consists of 50 multiple choice questions. You will have 3 hours to complete each session. You will have to answer at least 70% of the questions correctly in order to pass.

Please note that although there are 100 questions, 10 of these questions will be beta questions (which means they are not graded). The point of this is to gauge the fairness of these questions before they are put into the actual question pool. Even with the 10 beta questions on your exam, you will still need to answer 70% of the questions correctly. That means you need to answer 63 questions correct in order to pass. You will have no

way of knowing which questions are beta questions and which are not on your exam so it's best to try to answer all the questions accurately.

Another point to make is that not just anyone may take the Patent Bar exam. You must first prove to the PTO that you possess the proper background in science or engineering before you may sit for the exam. You may download the current [admissions bulletin](#) from the USPTO's website. Our [Patent Bar Study](#) site also provides you with a summary of the application requirements. You can submit your application to sit for the computerized exam at any time throughout the year. There are no application deadlines for the computerized version.

After submitting your application to sit for the exam, the PTO will determine whether or not you qualify. The PTO attempts to respond to applications within 2-4 weeks of their submission, but the process can take as long as 2 months. There's really no way of knowing how long the application process will take, which makes planning an exam date tricky. So it's best to begin preparing for the exam before you apply to take it.

Once you've been admitted to sit for the exam, you will need to schedule an appointment to take the Patent Bar at one of the hundreds of Prometric testing facilities located throughout the country.

What Happens After You've Been Accepted?

If you're accepted to sit for the exam, the PTO will provide you with a 90-day window for scheduling your exam with a Prometric testing center. Once this window has been granted, you must take the exam before the 90-day period expires. Therefore, it's suggested you begin studying before you ever submit your application. Ninety days won't be enough time for everyone. It really depends on how many hours you can spend studying per week. As you can see, early preparations will only help ensure you are ready to take the exam before the 90-day window has expired.

We suggest you wait until you have completed Step II of our strategy (or at the very least, started it) before applying to take the exam (we'll get to this in the next chapter.) Remember, you can always take the exam at an earlier point during the 90-day window period if you are ready sooner.

The cost of the exam is expected to be as follows (you will need to confirm from the USPTO's site that it has not changed):

- A nonrefundable application fee of \$40
- A registration examination fee of \$200
- A service fee to Prometric for \$150

Upon taking the exam, the computer will calculate your "unofficial result." If you passed, it will tell you that you have "unofficially passed." The official result will be mailed out to you within a week or two. The computer will provide you with your exact score only if you fail.

One last point to make is that an individual who fails the exam will not be allowed to re-take it for 30-days. And that appeals are no longer accepted.

What Will the Test Set-up Be?

On the day of your scheduled test date, be sure to bring a current ID with you. The exact types of identification that are considered appropriate will be outlined for you by Prometric and on your PTO Patent Bar exam acceptance form.

Test takers are normally told to report to the testing facility no later than 8:30 a.m. on the day of the test. The computerized exams typically start then, but the exact Prometric testing center you take the exam at will provide you with the specifics when you schedule your test date.

Once the test begins, you will have no more than three hours to complete the first section of the exam consisting of 50 multiple-choice questions. You will have access to a searchable form of the MPEP on your computer terminal, some scratch paper and a pencil.

At the end of the three-hour test period, you will have a one-hour break for lunch, and when you come back, you can expect another set of 50 multiple-choice questions. Once again, you will have another three hours to complete this section of the exam. In addition, you will also have access to a searchable MPEP on your computer terminal, some scratch paper and a pencil.

You may assume that because you have access to the MPEP on your computer testing terminal, the test will be easy and you won't have to memorize too much material. An assumption like this will almost certainly cost you time and money by resulting in a failing score.

The truth is; no one ever has enough time to look up even half the answers, let alone all of them. The test covers far too much material. The MPEP is over 3,000 pages. You may have the time to look up the topics covered in approximately 10-15 questions per test session if you read quickly and are familiar with the organization of the MPEP, although even this may be a bit of an overestimation.

The day of the exam, you should plan to spend the entire day at the testing facility. It is wise to arrive a half-hour early and expect not to leave until about 5 p.m.

Prior to the day of the test, you should locate the test facility. Be sure you know exactly how to get to the test facility. Also search for the bathrooms, parking spaces, a place to eat lunch and anything else you can think of. The day of the test will probably be stressful enough; no need to add any more stress to it.

Make sure you're well-rested the night before the test. Of course, eat a good breakfast the morning of the test and have access to a good lunch. If you do plan to travel for lunch, keep track of the time and arrive back early to finish your exam.

It is wise not to drink too much caffeine before or during the test. Also, try to stretch out and look away for a moment or two during the exam. Short breaks are necessary to help you focus.

Keep in mind that the temperature in the testing room may not be a nice, comfortable 70 degrees. You may want to bring a light sweater or jacket and wear layers as you may become a bit overheated. Another possibility is that you might become distracted with the noise of people at other computer terminals. You may want to consider bringing in sound-deadening earphones or ear-plugs on test day if you get easily distracted. These should be allowed, although the Prometric test facilitator may need to inspect them first.

The Test Itself

There is no special college course, training class or specific patent-related college degree required to become a patent practitioner. So all that stands between an engineer or scientist (with the appropriate technical background) and this new career is achieving a passing score on the Patent Bar exam. Therefore, the PTO has tried to make this test difficult. And they do a pretty good job of that as the national pass rate usually falls around 40%. Only highly ambitious individuals who learn the material inside-out actually pass.

You Might be Asking, Just How Can a Multiple Choice Test Be So Difficult?

There are a number of reasons, and we've listed out just a few for you here...

- **The exam is designed to test your analytical skills.**

The test is designed to test your analytical skills, not just your knowledge of patent law. Therefore, without a proven guide set up to help test your analytical skills beforehand, you're likely to fail.

- **The official material the exam is based on (patent law in general) is very confusing.**

If you study for the exam by yourself; your only choice is to read the Manual of Patent Examining Procedure (MPEP.) This manual contains all the laws and rules used by the Patent Office. All the questions on the exam come from the MPEP. But you should know the MPEP is well **over 3,000 pages** in length spread out over 27 major Chapters. It includes **endlessly lengthy** paragraphs. Single sentences span over entire paragraphs. It is also full of legal jargon - with **no glossary** to explain the terms. Be prepared to put in at least 5 times the amount of prep-time if you go this route (which could bring your total study time to well over 1,000 hours).

- **You may waste time learning something that is not tested on the exam.**

Not everything in the 3,000+ page MPEP is on the exam. How will you know what is and isn't tested? Unless you purchase some kind of review course, you really won't know what to study.

- **The laws and rules tested on the exam change often.**

It's a fact. Here is a schedule showing when new editions and revisions of the MPEP were posted by the Patent and Trademark Office.

<u>Date</u>	<u>MPEP Version</u>
August 2001	8th Edition
February 2003	8th Edition, Revision 1
May 2004	8th Edition, Revision 2
August 2005	8th Edition, Revision 3
October 2005	8th Edition, Revision 4
August 2006	8th Edition, Revision 5
September 2007	8th Edition, Revision 6
July 2008	8th Edition, Revision 7
July 2010	8th Edition, Revision 8
August 2012	8th Edition, Revision 9

And this is just the schedule for the MPEP revision updates. Now that the America Invents Act is being incorporated into the Patent Bar exam there have been as many as 2 major updates to the exam in a single year.

As of April 2nd, 2013, the Patent Bar exam covers material in the MPEP 8th Edition, Revision 9 + supplemental materials.

- **And finally, the exam questions are incredibly difficult.**

Most of the questions on the Patent Bar exam are more complex than the average multiple-choice question from your college days. Patent law is already complicated enough to pose problems on its own, but the PTO makes it more complicated with the difficult question style they prefer. The PTO not only tests you over the material in the MPEP, but also on your ability to think logically and analytically.

Basically, the USPTO goes out of their way to present difficult material in a manner which makes it even more difficult to comprehend. However, if you take the time to really learn the material and familiarize yourself with previous exam questions, you will not be overwhelmed with the question style.

The Patent Education Series™ System was developed for one reason: to help you pass this difficult exam. It will most certainly save you substantial amounts of time, money and frustration over you attempting it all on your own. The following chapter will introduce you to how our program works and what you will receive when you purchase access to our training program.

Chapter II:

The Patent Education Series™

The Patent Education Series™ System consists of:

- **Basic Patent Training™ course:**

- An in-depth course with modules, interactive quizzes, a complete glossary and an MPEP cross referencing section.

- **Guidebook to Patent Law set:**

- Lecture-style outline of the Manual of Patent Examining Procedure (MPEP) that will prove invaluable during your preparations for the exam and even the first few years of your career.

- **Patent Bar Exam Prep Workbook Quizzes:**

- Short answer, fill-in-the-blank and true/false questions with answers.

- **PatExam Engine™:**

- Online software
 - Contains over 600 PTO exam questions/answers which may be answered by topic or randomly.
 - Also includes the MPEP in PDF format (which is what you will have the day of the exam).

- **12 – Week Lesson Plan to help guide you through it all**

- The 12-part Lesson Plan may be adjusted to fit any time schedule.
Complete 1 lesson each week (about 15-20 hours) and you will finish in 12 weeks.

- **3 - Progress Tracker Checklists to keep you on track**

The material you need to know in order to achieve a passing grade on the Patent Bar exam is all within the Patent Education Series™. This next chapter will discuss the best method for using these materials in order to ensure that you receive a passing grade on your first try.

What Exactly Does the Test Cover?

As you've hopefully gathered by now, this exam tests your knowledge of the *Manual of Patent Examining Procedure* (MPEP). The MPEP is a few thousand pages in length and it explains and references many laws and rules set-up by the Patent and Trademark Office (PTO.)

The *laws* established by the PTO are described in "United States Code Title 35 – Patents." This group of laws is referred to as *35 U.S.C.* The *rules* covered in the MPEP are known as the "Code of Federal Regulations – Patents, Trademarks and Copyrights" and are referred to as *37 C.F.R.* Both the MPEP and the Patent Bar exam only cover the Regulations covered in the Patents section. The rest is for copyright and trademark attorneys to know.

Between 35 U.S.C. and 37 C.F.R., there are hundreds of laws and rules that establish and govern the fundamentals of patent law. You will need to know very specific details about these laws and rules in order to pass the patent bar exam.

The MPEP basically covers every angle of each of the relevant 35 U.S.C. laws and 37 C.F.R. rules. It lists them, defines them, and discusses them ... exhaustively. One thing to keep in mind is that the MPEP was written to establish the specifics of patent law not only for patent practitioners, but for PTO examiners as well (examiners are the individuals who determine whether or not a patent application should become a full-fledged patent.)

Fortunately, there are sections of the MPEP that really only pertain to examiners (the employees at the Patent and Trademark Office who examine patent applications) and are never tested on the Patent Bar exam. Therefore, you do not need to know every law or rule or even every chapter of the MPEP to the same extent (some are tested much more often). In addition, the MPEP is also filled with forms used by patent practitioners or inventors when filing patent applications. It also references important court cases that have helped establish the laws and rules of the PTO. Therefore, you can easily cut out quite a bit out of the MPEP when preparing for the exam, but what is left is still a fairly tall and daunting heap of paperwork.

Another point to make is that the MPEP is not set in stone. As we touched on earlier, the laws, rules and forms change, newer editions of the MPEP are published. The PTO constantly makes adjustments and refines the laws and rules. They make errors and often the updates exist to correct them.

Even the basic fundamentals of patent law change over time. The area of biotechnology is a prime example. Two decades ago, the field of biotechnology was in its early stages, but now it has exploded. Corporations are patenting genetic sequences, natural chemicals, microorganisms, even plants and animals. The PTO has been busy adjusting their laws and rules to keep up with the changes in this area of rapidly changing technology.

Another example of major changes occurred when the PTO added in an entire chapter discussing the topic of Patent Terms (Chapter 2700.) In Rev 2 of the MPEP, they added in a chapter on Inter Partes Reexaminations (Chapter 2600.) The MPEP is growing, which is a very scary thought.

Another twist is that the Patent Office will frequently make changes to the rules, laws and even the MPEP itself whenever they want. So, whatever the latest edition is now, the PTO may be changing its content right at this very moment. They post these changes on a daily basis on their website. The PTO will notify you as to exactly which edition and revision along with any supplements they are testing over before you take the exam.

Fortunately, the PTO is slow to update the Patent Bar exam to reflect new material (they will post a notice 90-days before they update the exam). In addition, the same “core” topics and details are tested time and time again. It is *estimated* that only 10 questions will deal with the latest changes to the MPEP when you take your exam (and it's possible these may only be in the beta question pool and not count on your exam grade).

However, you do need to be aware of the fact that the MPEP is dynamic and ever-changing. Once you get into the field of patent law, you will need to keep this in mind. There will always be a new manual to purchase and become familiar with throughout your career.

Prep Review Choices

Since the Patent Bar exam is based on the MPEP and you have easy access to it, the material that you need to know in order to pass the exam is very accessible. The one rather large glitch is that the MPEP is well over 3,000 pages in length and is written in rambling legal language. It does not differentiate between tested material and that which is unnecessary for the exam.

Therefore, a review course or prep materials will only be beneficial to you. It will save you time and frustration. That means you can spend your time more wisely, like searching for that great job or spending your time doing the things you enjoy.

Although it is quite inexpensive, the Patent Education Series™ provides you with what you need to know to pass and is highly competitive even in comparison with much more expensive review courses. The Patent Education Series™ System (PES-System) is a well-structured, convenient program. You will not need to travel or take time off from work and may even study from the convenience of your own home. All you need is an internet connection and you're set.

The review course is based around a 12-week Lesson Plan. We estimate that each lesson can be completed in about 15-20 hours of study time. Of course, this varies from person to person, but you can definitely prepare for this exam in your spare time using our course. If you do not have the time to complete one lesson a week, you may easily stretch each lesson out and give yourself 2, 3, or even 4 weeks to complete a single lesson. Obviously, this will lengthen the time it will take you to complete the program, but it may make preparing for the exam more convenient for you.

You may also shorten the length of time per lesson as well. We have heard from several clients that actually prepared for and passed the exam with less than 1 month of study time. As you can see, the review course can be completely customized to your individual schedule.

Remember that no matter how you plan to tackle this exam, expect to read a large quantity of material and put in some serious independent study time. This holds true even for live courses. Ultimately, you will get out of it what you put into it.

How the PES-System Works

We understand the importance and challenge of the Patent Bar exam and have developed our system to help you pass on your first try in the least amount of time. Therefore, the PES-System includes everything that you need to pass.

One of the main benefits of our program is that we leave out everything you don't need to know. We've also explained the difficult and cumbersome legal jargon in plain English. In addition, our self-study course provides you with ultimate flexibility. You take it at your own pace.

The Patent Education Series™ System revolves around a 3-Step Strategy. We provide you with a detailed 12-week Lesson Plan that guides you through each step. There are even 3 checklists so you can track your progress. Here, we will touch on each of the three steps and give you insight into how the program works.

Step I: Learn the Fundamentals of Patent Law by working with the Basic Patent Training™ course

The Basic Patent Training™ course is a self-paced system with a few major components: the Modules, a Glossary, and Quizzes. The Modules are the primary component. Begin learning the modules and you will be well on your way to learning Patent Law.

We have broken the fundamentals of Patent Law down into nine different modules that cover all the important objectives of Patent Law. Each module contains several topics. To make assimilating the material easier, the modules have less than a dozen different topics within them. The topics are explained in an easy-to-understand, 'big picture' format. A clear navigation system lets you know which topic you are currently on and exactly where that is within the module. Jump ahead, jump back or use the navigation to pace yourself.

The Basic Patent Training™ course also contains short multiple-choice quizzes. You may take a quiz for a particular topic or a set of modules when you are ready. Correct/incorrect responses are shown for each question. Attempting all the quizzes will greatly increase your comprehension.

There is also a separate Glossary section in the course. Within the glossary, you will find over 250 easy-to-comprehend definitions to necessary patent-related terms. It's simple to find what you need.

This introductory course covers the fundamentals of the major topics tested on the exam and is sure to speed up your study time. It was developed in order to make understanding the material as painless as possible and is all online for your convenience.

Step II: Learn the details of Patent Law with the Guidebook to Patent Law/Prep Workbook Quiz Questions

The Guidebook to Patent Law set follows the same basic organizational pattern of the MPEP; both consist of Chapters 100-2700, a section on ethics and an index. However, the Guidebook is much easier to follow and it only includes the material that is commonly found on the Patent Bar exam. The endless text found in the MPEP is replaced with a concise, lecture-style outline. By reviewing the Guidebook, you will not only learn the detailed material, but you will know exactly where to find the necessary

information in the MPEP (for exam day look-up) since all the same section headings are preserved throughout it.

The material within each chapter of the Guidebook to Patent Law is presented in a logical manner. In addition to containing the regular chapters, the Guidebook also has an in-depth section on Prior Art Rejections. This is a very heavily tested area. In the MPEP, prior art rejections are spread-out over Chapters 700 and 2100, two of the longest and most heavily tested chapters. By combining the material into a separate section, the details of prior art rejections becomes much easier to learn and to reference.

Be prepared to read through the material presented in the Guidebook more than once. After all, this material is complex and it builds on itself. Focus on gaining an in-depth understanding of the material while becoming familiar with the organization of the Guidebook and therefore, the MPEP.

We've also included a Hot Topics section in the Guidebook. The most commonly tested details of the MPEP are all spelled out in this valuable section.

Each chapter within the Guidebook to Patent Law begins with a chapter number and title. Following the chapter title is a short summary of the covered topics. A short paragraph follows that begins with a number of stars. The stars rank the chapters by importance in an easily recognizable format; the five-star system.

Five stars indicate that the chapter is a heavily tested one, while one star indicates that it will not contain too much testable material (as you can guess, these are the shortest chapters.) A short description follows the stars, discussing the most heavily tested sections within each chapter. This will help you identify the most important material

within the longer chapters.

While you are reading through each of the chapters, it's suggested that you take notes. It is always easier to learn complicated material if you take the time to write something down, at least the major points, and put the ideas into your own words. You may also want to highlight certain sections.

The Workbook Quizzes will help you test your knowledge as you learn the details of Patent Law. You should answer questions from the Workbook Quizzes as you review the Guidebook to Patent Law. Every chapter is covered in the Workbook Quizzes. The questions consist of fill-in-the blank, short answers, and true/false. All the answers are there for you. In addition, important key terms and rules and laws are highlighted for each chapter. Again, this is all online for you so you can access it from anywhere.

We suggest that you review each chapter in the Workbook Quizzes as you read the corresponding chapter in the Guidebook to Patent Law. Keep in mind that for some of the Workbook questions from Chapter 700 and 2100, you will need to reference the Prior Art Rejections section found in the Appendix of the Guidebook.

Step III: PatExam Engine™

Once you feel confident with the material presented in the Workbook Quizzes and the Guidebook, you should move on to the PatExam Engine™. This online testing center contains over 600 previously asked patent bar exam test questions. These are all unique questions ... unlike many testing software suites; we have taken out the repeat questions and made sure to remove the old questions that do not pertain to the updated laws and

rules. Answers for every question are provided and often they are even cross-referenced to the MPEP.

We suggest that you initially answer questions from individual topics to help focus in on the material. Follow along with the Lesson Plan and attempt the topics in the order we have presented them for you. You will have a maximum of 3 hours with any given topic per session. However, many of the topics only have a few questions and can therefore be completed in minutes. The software will keep track of how many questions you have attempted, how many you answered correctly, your current percentage, and count down the time for you.

You may review the questions in each topic as many times as you'd like. Each time you do, the questions will be given to you in a random order. At the end of each test session, you will be presented with answers and full explanations.

The PatExam Engine™ will keep track of your score for each topic in a scoreboard. When you score 70% or above in each topic, you are ready for the randomized test sessions.

Once you've become familiar with the test questions, you should begin taking simulated practice exams. With these, you will be given questions randomly from the total question pool. Since there are over 600 questions in the pool, this option will enable you to simulate an unlimited number of final exams. Each exam will be set-up with a 3-hour time limit with 50 questions. During the exam session mode, the software will keep track of how many questions you have attempted and count down the time.

In exam session mode, you will not receive feedback until you have attempted every question. When you have completed the test session, you'll be provided with answers to all the questions, explanations, and MPEP referencing where appropriate.

We recommend that when you begin taking old exam questions with the PatExam Engine™, you use the MPEP in PDF format for help with finding the answers to the difficult questions. You can get the MPEP in PDF format for free from the USPTO or from our online training center.

Looking things up with the online MPEP will be incredibly cumbersome. Learning the details in the Guidebook initially will help you gain a solid understanding of the material. Please realize that although the test is considered “open book,” you will not have too much time to look many answers up. If you learn the material before you take the exam, the time factor will not be an issue. By following our strategy, on the day of the real exam, you will breeze through the questions and will only need to use the PDF MPEP on your computer terminal a few times during the day.

One reason for the low pass rate of the Patent Bar exam is that many people do not take advantage of the fact that they have access to old exams. They diligently read through their MPEP or study guide and then simply run out of time and energy to answer practice exams.

Don't fall into this trap. The old test questions really are your best gauge for determining if you are ready to take the real exam. Everything else will hopefully help make sense of patent law, but attempting the old exams will truly help prepare you for taking the Patent Bar exam.

When taking a practice exam, remember that you only need a 70% to pass. It is very likely that of the people who do pass, not many get over 80 correct out of 100. The test is mentally strenuous and covers more material than the normal individual is used to having to know to pass a single exam. The PatExam Engine™ will help you apply the material in the manner and format in which the PTO will test over.

Our Review Program

We realize that many people are on a budget and spending thousands of dollars on a Patent Bar review course just isn't an option. And we feel that an education really shouldn't be something you have to pay off on a credit card for several years. That is why we offer the [PES-System](#) for such a low price. Check it out on our website for the current deals. We're sure you won't find a better offer for quality materials.

The following chapter will introduce you to some test-taking tips that will help you become more familiar with the PTO's testing style, and ultimately, in finding the correct answer, passing the test and moving on with your life.

Chapter III: Tips for the Test

The difficulties associated with the Patent Bar examination have already been discussed. The long, detail-oriented questions, the stress of the time limit, and the complexity of the material all mount to quite an obstacle. The focus will now shift to providing you with tips for overcoming the difficulties, hopefully leading you to a passing score.

For each of the different model types of questions on the test, an example is given. The answer to the question is also provided, but for now, you don't need to get too wrapped up in the answers or even the topics themselves (they won't be clear until after you have extensively read through and studied the Guidebook to Patent Law.) For now, it is important to focus on the types of questions and to become familiar with the topics that will be tested.

Seven Types of Questions You Will Likely Encounter:

•Straightforward true or false questions
•Story questions with more information than you would ever need to answer the question (very difficult)
•Claim drafting questions (very difficult)
•Fill in the blank questions
•Finish the sentence questions
•Select from Roman numerals
•Miscellaneous

Detailed Breakdown of the Test Questions

• *Straightforward true or false questions*

These questions are usually the easier ones. They contain straightforward phrasing and there is no background story to sort through. The phrases frequently found in these straightforward questions include:

- 1) Which of the following is in accord with proper USPTO practice and procedure?
- 2) Which of the following is not in accordance with proper USPTO practice and the procedures set forth in the MPEP?
- 3) Which of the following is not a USPTO recommendation or requirement?
- 4) Which of the following is true?

- 5) Which of the following statements concerning (insert topic such as preliminary amendments) is/are in accordance with proper USPTO rules and the procedures set forth in the MPEP?
- 6) In accordance with the USPTO rules and the procedures set forth in the MPEP, which of the following statements is most correct?

As you can see, the questions are set up very simply (there is no extensive background,) and ultimately, you can approach choice A, B, C, D and E as though each one were a true or false question. Occasionally, the choices for A, B, C, D and E may cover completely different topics, or the PTO may throw in a choice for all of above or none of the above.

Even with these little tricks, these are very straightforward questions. More often than not, the answer choices will be text taken word-for-word straight from the MPEP (and most of these are presented word-for-word in the Guidebook too.) You will just need to look for either the most correct or the most incorrect response. Make certain you distinguish which one you are searching for by writing either true/false, or correct/incorrect down on your scratch paper. Then for each of the answer choices, ask yourself if the statement is true or false and indicate that by marking the appropriate letter on your scratch paper as well.

The following is an example of a straightforward question taken from a previous exam.

It's an old question as you can see from the dates, but we want to give you an example.

Here it is:

1. Which of the following is in accord with proper USPTO practice and procedure?
 - (A) Upon request to convert a provisional application to a nonprovisional utility application, the nonprovisional application is accorded a filing date as of the date on which the request to convert was filed, but the original filing date of the provisional application is preserved.
 - (B) If a provisional application does not have a claim as filed, and a claim is not filed with a timely request to convert the provisional application to a nonprovisional utility application, the Office will notify the applicant and set a time period for submitting a claim for examination.
 - (C) A provisional application filed in November 2000 is entitled to the right of priority under 35 U.S.C. 119 of a copending utility application for patent filed in Great Britain in January 2000.
 - (D) A request filed in January 2001, to convert a provisional application filed in the USPTO in April 2000, to a nonprovisional utility application is timely if filed after the abandonment of the provisional application, i.e., after the pendency of the provisional application, but within twelve months of the filing date of the provisional application provided no petition to revive has been filed and granted.
 - (E) A nonprovisional utility application filed under the provisions of 37 CFR 1.53(b) in January 2001, and claiming the benefit of the earlier filing date of a provisional application must be filed during the pendency of the provisional application.

Answers & rationale:

- False - A) This is definitely false as there is only one application and that application has a single filing date. This filing date is always the filing date of the provisional application...the original filing date is not preserved.
- True - B) A claim must be presented in order to convert a provisional application to a nonprovisional application. The PTO will set a time period within which a claim must be submitted for the Office to grant the request if the

provisional application does not have a claim and a claim is not filed with the request.

False - C) Provisional applications are never entitled to the right of priority of any other application. Therefore, C is definitely false.

False - D) You cannot convert a provisional to a nonprovisional application if the provisional application is already abandoned.

False - E) The provisions were amended to eliminate the requirement that a nonprovisional application claiming the benefit of a provisional application must have been filed during the pendency of the provisional application.

As you can see, if you have a solid grasp on the topic of converting a provisional application to a nonprovisional application, (which is covered in MPEP 200) this type of question would not give you too much trouble at all.

And if you don't know anything about patent law yet at this time, don't worry, you'll understand all this once you go through your study materials. We're just providing you with example questions here so you get an idea of what type of questions are on the exam.

- *Story questions*

These questions are usually fairly difficult, especially compared to the straightforward true/false questions mentioned previously. The story questions will provide you with a detailed background, most of which happens to be completely irrelevant. These questions require a great amount of time just to read through, let alone to sift out the unnecessary information. After you read through the story, there is usually a sentence

stating “based on the above, which of the following statements is most correct?”

Therefore, you can approach these in the same manner as the straightforward true/false questions by marking a T or F by each answer choice. And sometimes, as we will show you, it is possible to answer the question right without even reading the question itself.

Now that the exams are administered on a computer, the PTO has stated they are slimming down the questions (due to the fact that they will not fit on a computer screen). You may see fewer of these questions on your exam and hopefully, none will be more than a paragraph in length (in the past, there were a few where just the question was an entire page long). However, they still ask you story questions designed to provide you with more information than you need to answer the question.

The following is an example taken from a previous exam:

15. Joe and Jim, local businessmen, conceived the idea of an improved fishing pole. Thereafter, they had a prototype made, and after successfully testing the pole, they filed a patent application on their invention. Both men are widowers, Joe with a grown son, and Jim with a grown daughter. Joe and Jim invite their children to come to the next Lions Club social event, and it isn't long before the children are thinking in terms of wedding bells. Ecstatic at the thought of the upcoming marriage, Joe and Jim decide to assign their patent application to their children as a wedding present. Accordingly, they execute a document properly assigning their patent application to their children effective on the date of their marriage, and mail it to the USPTO with a cover letter requesting that the document be recorded. Shortly after the document is recorded, Joe's son meets another woman, and breaks off his engagement to Jim's daughter.

In light of this scenario, which of the following statements is true?

- (A) Since the assignment was conditioned on the marriage of the children, and the condition was not fulfilled, the USPTO will regard the assignment as without effect for Office purposes.
- (B) Since the assignment was recorded, the USPTO will require the parties to certify that the marriage condition was fulfilled before the assignment will be effective for Office purposes.

- (C) Since the assignment was recorded, the USPTO will not determine whether the marriage condition was fulfilled and will regard the assignment as absolute.
- (D) Since the USPTO does not record conditional assignments, the recording of the assignment document will be regarded as inadvertent, and without effect for Office purposes.
- (E) Since the assignment was recorded, the USPTO will regard it as a determination of the validity of the document and the effect that the document has on the title to the patent application.

The best way to approach this question is to jump immediately to the answer choices in order to determine what the general topic of the question is. In this case, the topic is assignments (found in MPEP 300). Once you have established the topic, quickly skim through the question, underlining the relevant information. The only information necessary in the story at all are the four words, “the document is recorded,” which is found in the last sentence. The MPEP states that once a document is recorded, the PTO will not check to see if any conditions of the recordation have been filled. Therefore, the correct answer is clearly answer C. Since the assignment was recorded, it will be regarded as absolute. End of story.

Answers:

- 15) You don’t need to know what was invented, the inventors’ names, or that they are widowers. The details of this question are ridiculous, so don’t waste your time with any of them.

False - A) The Office does not check whether conditions of an assignment are fulfilled or not.

False - B) Since the Office will not determine whether a condition has been fulfilled, the Office will treat the submission of such an assignment for recordation as signifying that the act or event has occurred.

- True - C) Assignments which are made conditional are regarded as absolute assignments for Office purposes, the PTO will not check to see if such conditions have been fulfilled.
- False - D) The Office will record any properly made assignment.
- False - E) The recording of a document is not a determination by the Office of the validity of the document or the effect that document has on the title to an application or patent.

- *Claim drafting questions*

Questions dealing with claim drafting are always complicated. You will have to read through the actual question in order to figure these out. Therefore, these questions are generally the most difficult on the test. In addition to understanding the rules governing claim drafting, you have to apply your analytical skills to arrive at the correct answer (fortunately, scientists and engineers have an extensive amount of practice thinking logically so you do have an advantage.)

The following is an example taken from a previous exam:

6. A patent application filed in the USPTO contains the following three original claims, including product by process Claim 3:

Claim 1. A method for making an Ethernet cable comprising the steps of A, B and C.

Claim 2. The method of claim 1, further characterized by the step of D.

Claim 3. The Ethernet cable as in any one of the preceding claims.

In the first Office action, the examiner objects to Claim 3 as being an improper dependent claim and requires cancellation of the claim. Following proper USPTO practices and procedures, which of the following replies best overcomes the examiner's objection and provides the client with the broadest patent protection?

- (A) Amend Claim 3 to read: "The Ethernet cable as made by the process set forth in claims 1-2."
- (B) Cancel Claim 3.
- (C) Cancel Claim 3 and add Claim 4, which reads: "An Ethernet cable made by a process comprising the steps of A, B and C."
- (D) Cancel Claim 3 and add Claim 4, which reads: "An Ethernet cable made by a process comprising the steps of A, B, C and D."
- (E) Cancel Claim 3. Add Claim 4, which reads: "An Ethernet cable made by a process comprising the steps of A, B and C." Add Claim 5, which reads: "An Ethernet cable made by a process comprising the steps of A, B, C and D."

Answers:

- False - A) This is an incorrect multiple dependent claim.
- False - B) Canceling claim 3 will overcome the rejection, but then the application does not have a claim to the Ethernet cable made using the processes set forth in either claim 1 or claim 2.
- False - C) Leaves application without a claim to the Ethernet cable made using the processes comprising the steps of A, B, C and D.
- False - D) Leaves application without a claim to the Ethernet cable made using the processes comprising the steps of A, B and C.

True - E) Canceling claim 3 overcomes the examiner's objection. The addition of claims 4 and 5 provide the client with patent protection in product-by-process format for the cable by both methods of manufacture. If claim 4 is invalid, claim 5 may remain valid.

There's no doubt, these are some of the hardest questions on the exam. You'll need to understand the laws governing claims (which are the most important part of an exam) and then read through the questions carefully.

- *Fill in the blank*

There are never very many of these on any given exam and they are usually very easy to answer (provided you learn the material first). There is no trick to answering these questions. College and previous exams you've taken along the way will have prepared you for them quite well.

- *Finish the sentence*

These questions are fairly easy also. You should not need to spend very much time coming up with the correct response, provided you know the topic or can look it up quickly.

The following is an example taken from a previous exam session:

31. A prima facie case of obviousness requires a suggestion, teaching, or motivation to modify the references to produce the claimed invention. The suggestion, teaching, or motivation is established:
- (A) only if the suggestion, teaching, or motivation to do so is found in the references themselves.

- (B) if the claimed invention is within the capabilities of one of ordinary skill in the art.
- (C) by the mere fact that the references can be combined.
- (D) if the suggestion, teaching, or motivation is found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.
- (E) (A), (B), (C) and (D).

Answers:

- False - A) Obviousness is not limited to being found only in the references themselves.
- False - B) This is not sufficient by itself to establish prima facie obviousness.
- False - C) This is not sufficient to establish prima facie.
- True - D) Correct - obviousness can only be established by combining or modifying the teachings of prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.
- False – E) A, B and C are all false.

• *Select from Roman numerals*

Questions following the pattern presented below can pose some difficulty. However, if you read the question carefully and then go through each of the answer choices - I, II, III and IV - marking each one with either a T or F (you will need to write out the Roman numerals on your scratch paper if you are taking a computerized exam), it should be easy to determine what the correct response is.

7. Which of the following properly creates a statutory bar to patentability of applicant's claimed invention?
- I. Applicant's invention was sold in Tokyo and New York more than one year prior to the effective U.S. filing date, but the sales were merely attempts at market penetration.
 - II. Applicant's invention was experimented with and tested to further develop the invention more than one year prior to the effective U.S. filing date, but important modifications resulted from the experimentation causing the invention to be reduced to practice after the effective U.S. filing date.
 - III. Applicant's invention was sold in Tokyo more than one year prior to the effective U.S. filing date, but the sale was merely market testing of the invention to determine product acceptance.
- (A) I.
 - (B) II.
 - (C) III.
 - (D) I and III.
 - (E) None of the above.

(A) is the most correct answer because I is the only correct answer. Sales in the U.S. occurring more than one year before the application lead to a statutory bar. Experimental testing is allowed so II does not create a statutory bar. III does not create a statutory bar because the sale was made in Tokyo, not the U.S.

• *Miscellaneous questions*

These are very straightforward questions. There are no tricks involved. Here's an example from a previous exam:

12. Which of the following documents, if any, must also contain a separate verification statement?
- (A) Small entity statements.
 - (B) A petition to make an application special.
 - (C) A claim for foreign priority.
 - (D) An English translation of a non-English language document.
 - (E) None of the above.

Answer:

- E) is correct because the Office did away with separate verification statements several years ago.

Those are the main question types on the exam. They pull questions from many different chapters across the MPEP and as you can see, some of the questions are pretty straightforward question types while others fall into the 'trick question' type of category. So it's important to practice answering questions from each of these question styles so you don't waste any time the day of the test.

Summary of Important Test Tips

It would be wise to read through these, memorize them, and practice using them.

- *Tip #1*

There are 50 questions per exam section. Do not leave any answers blank. You may as well guess blindly on a question rather than leave it blank as there is no penalty for incorrect selections. The test is multiple-choice; therefore, you have a 1 in 5 chance of getting a particular question right by guessing. If you can narrow down the answer choices, your odds of guessing correctly will only improve. Out of 5 questions that you don't know the answer to or do not have time to even read, you should statistically get 1 right just by blindly guessing. In some instances, that can make the difference between passing and failing the exam.

- *Tip #2*

Skip the longer questions that require more reading. Save the longer questions for last (especially those pertaining to claim drafting) and answer the shorter questions first. The

easiest and most straightforward questions are those that begin with something like: “According to USPTO rules, which of the following are true.” Most of the answers to these questions come straight from the MPEP. All the questions are worth the same amount of points, so there isn’t any reason to go after the longer, more difficult questions before attempting the easier, shorter ones.

- *Tip #3*

Approach every answer choice as if it is a true or false question. This will help to simplify the questions. Once you have identified whether a particular choice is true or false, write it down next to the corresponding letter (A, B, C, D or E) on your scratch paper.

- *Tip #4*

Be sure to distinguish whether you are looking for the most correct answer or the most incorrect answer. You will have scratch paper on the day of the exam. Write down on your scratch paper which of the two you are looking for (you may indicate this by simply writing true or false, correct or incorrect). Otherwise, you may get confused and answer a question incorrectly just by interpreting it wrong. Once you’ve determined what you’re looking for, then go through the answer choices and mark each one true or false. You will always be able to find the correct answer this way.

- *Tip #5*

Don’t get too involved with the story type questions. The best method for answering these is to read the very last sentence of the question and then look over the answers. In some cases, you will be able to determine whether a choice is true or false without reading the preceding story. If you must read the story at all, skim through it quickly,

circling the relevant information. All of the story type questions will contain more information than you will ever need to determine the answer. The PTO just wants you to waste your time reading through unimportant information. Remember to keep this in mind.

- *Tip #6*

If a question seems as though there isn't a correct answer or as though there is more than one correct answer, but no choice for both; don't automatically assume you are wrong. What you think is the correct, missing answer may actually be right. Is this fair? Of course not, but unfortunately, there are times when the PTO will have questions that they do not provide a correct answer for. Any answer you choose will be correct in these cases because credit will be given for that question as long as a selection is marked.

- *Tip #7*

The PTO always has at least a few old questions on any given exam. Sometimes up to 30% of the questions will be taken word for word from a previous exam. Familiarize yourself with old PTO questions and you will most certainly recognize repeat questions, many will be word for word while others will have only slight changes to them. These are like free questions if you prepare well.

Statistics

The most commonly tested areas over several years' worth of exams were carefully scrutinized and tabulated in the following pages. Each complete test consists of 100 questions (with morning and afternoon sessions combined); therefore, each 1% on the table equals approximately one question. Remember, many topics occur less than one

percent because some questions may contain more than one topic. A summary of what the table shows and how you can use this information to your advantage follows:

<u>Topic</u>	<u>Total (%)</u>
<u>Chapter 100</u>	0.4
<u>Chapter 200</u>	10
<u>Chapter 300</u>	3.0
<u>Chapter 400</u>	1.5
<u>Chapter 500</u>	4.0
<u>Chapter 600</u>	19.0
<u>Chapter 700</u>	26.0
<u>Chapter 800</u>	1.0
<u>Chapter 1200</u>	5.0
<u>Chapter 1300</u>	1.5
<u>Chapter 1400</u>	4.5
<u>Chapter 1500</u>	1.0
<u>Chapter 1600</u>	0.1
<u>Chapter 1800</u>	5.0
<u>Chapter 1900</u>	0.8
<u>Chapter 2000</u>	0.3
<u>Chapter 2100</u>	10.0
<u>Chapter 2200</u>	2.5
<u>Chapter 2300</u>	2.0
<u>Chapter 2400</u>	1.0
<u>Chapter 2500</u>	1.0

Chapter 2700 **2.0**

Ethics **1.0**

These statistics were compiled from actual previous exams and information based on feedback from our clients. The fact is registered Patent Practitioners must know certain points from the MPEP to be even slightly competent to practice Patent Law. Because of that, the PTO will never deviate too much from having these basic topics on their test.

Our recent clients have noted that a few questions per test may come from one or more of the obscure chapters. These chapters were never tested until more recently and include chapters 1100 and 2400. In addition, chapter 1800 is now more heavily tested than it ever was in the past.

Again, you will have access to an electronic copy of the MPEP in PDF format. This MPEP does include a search function which makes it easier to look topics up. You do need to know which chapter the question comes from first, but once you have the right chapter opened up, you may search it for your topic. However, it's best if you are well versed in all the different topics before you go in to take the exam and you already know where to find them (in the event you need to look something up).

Obviously, some of the chapters are tested more often than others. As you can clearly see from our data, chapters 200, 600, 700 and 2100 are hit the hardest. This holds true now and will likely stay the same in the future as these chapters are very relevant for Patent Practitioners to do their job on even a basic level. So make sure you review these chapters in great detail to maximize your study time.

Hopefully you have found this free manual to be useful and will continue on your quest to pass the Patent Bar exam and begin your career in Patent Law...

... The next step is yours.

To [learn more about the PES-System, click here](#).

If you have any questions pertaining to the Patent Education Series, please feel free to generate a support ticket at our site by [clicking here](#). We strive to answer your questions as quickly as possible.

Thank you for your time and good luck with your Patent Law endeavor!

Sincerely,

Lisa Parmley
Founder, Patent Education Series
Registered Patent Practitioner #51,006