

# **How to Transition From Science or Engineering into a Career in Patent Law**

**VIDEO 1**

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# PATENT AGENT/PATENT ATTORNEY CAREER DISCOVERY VIDEO

Welcome to the patent agent/patent attorney career discovery video. Let's go through this presentation together.

If you're watching this video then you may be a scientist or engineer looking for a new opportunity.

My name is Lisa Parmley and I was once in your shoes.

As a research scientist I liked my job well enough, but wasn't happy with the low pay and the repetitive nature of my daily tasks.

I realized early on it wasn't what I wanted to do for the next 30+ years.

So I started looking into other career pathways. Medical school. Law school. Getting a Doctorate.

The thought of going back to school again just wasn't what I wanted to do. Even worse, it was all far more expensive school than what I had already spent on getting a Master's degree.

I longed for a career change that wouldn't require me to take more classes since the degrees I already had didn't lead me to a fulfilling job.

The idea of getting another degree just didn't sound right.

I was afraid I'd go through all that and still not be fulfilled.

So I kept looking.

Finally, I came across the field of patent law.

At first it seemed I would need to go to law school.

Then I realized even without a law degree, I was eligible to get started in this little known career path.

And all that stood between this new career path and me was passing an exam.

If you're an engineer or scientist then you likely have all the educational requirements you need to transition into a career in patent law.

In fact, you probably just need to pass an exam known as the patent bar exam.

This exam is offered through the United States Patent and Trademark Office or USPTO. In order to take the exam you must have a background in technology such as a degree in science or engineering.

You don't need a law degree because patent law is composed of two main career paths; a career as a patent agent and a career as a patent attorney.

In order to become either a patent agent or a patent attorney, you need to pass the patent bar exam.

If you pass the patent bar exam as a scientist or engineer without a law degree you'll be classified as a Patent Agent. If you have a law degree and are already considered an attorney, you'll be classified as a Patent Attorney upon passing the exam.

Both patent agents and patent attorneys may write and prosecute patent applications before the USPTO so there's no difference there.

But patent attorneys may also litigate patents in a court of law and advise or represent clients in legal matters. A patent agent may not since they are not attorneys.

Patent agents are often hired because in many cases they have more science or engineering experience than patent attorneys. An agent might forgo the law degree and instead have a graduate degree plus years of experience working in science or engineering. This experience is valuable for understanding new, complex inventions and how they differ from what's already available.

In addition, although patent agents are paid a decent salary especially in comparison to scientists and engineers, they are typically paid less than patent attorneys.

That means companies and law firms save money by hiring patent agents to write and prosecute patent applications and limit the use of the more expensive patent attorneys for infringement cases.

You can gain entry into a career in patent law as either a patent agent or a patent attorney.

Once you pass the patent bar exam and become a patent agent, you can always gain a law degree and become a patent attorney later on. So you're not limited to just one path.

Either way, a career in patent law is often a more lucrative and enticing option for engineers and scientists seeking a change from their current position.

Since you don't need to go to law school, you don't need to rack up more in student loans. Patent law builds on your background in technology.

In fact, patent agents and patent attorneys must possess the scientific or engineering background you already have. As mentioned, a regular attorney cannot become a patent agent or patent attorney without first gaining a degree and/or experience in science or engineering.

Most inventions (at least those that are complex) stem from the fields of science or engineering.

Therefore only individuals with the proper background in science or engineering can sit for the patent bar exam.

A patent application must convey exactly what has been invented as well as convey exactly why it's new from everything else out there. So patent agents and patent attorneys must absolutely understand the field of the invention.

If you already have that science or engineering background then you only need to learn patent law in order to start a new career helping inventors.

Here are the top 6 reasons a career in patent law is a great career for scientists and engineers to transition into:

1. You'll be positioned on the cutting edge of technology.
2. The pay is high.
3. Patent law is a very prestigious career field.
4. You can start a new career without gaining another degree.
5. As a patent agent or patent attorney, you'll help others and do good for society.
6. There are multiple options for gaining employment.

We'll get into each of these now.

### **1. You'll be positioned on the cutting edge of technology.**

Becoming a patent agent or patent attorney will put you squarely on the cutting edge of science and technology.

Patents give the owner the right to exclude others from making, using, selling, offering for sale, and importing an invention in the U.S. for a limited period of time.

When an inventor comes up with new technology, they want to gain a patent so they can be the only source for consumers to get that new invention from.

The patent system offers individuals and companies a means to benefit from the creation of new, useful technology.

Although an inventor can try to patent an invention on their own, patent law is so complex that in order to secure a patent of value, a patent agent or attorney is practically required. Most inventors without patent law knowledge do not try to gain patents on their own. And whether they are in-house or through an IP law firm, corporations always use skilled professionals to draft their applications.

If you enter this career field, you'll learn about new technology in your area of expertise. In addition, you'll help drive technology forward. That's because through your services, you'll ensure that individuals and companies gain value from their inventions.

You'll be right on the cutting edge of technology, learning about new inventions before anyone else, playing an integral role in helping those inventions reach consumers.

## **2. The pay is high.**

The Bureau of Labor Statistics (BLS) reported that for 2020, the median pay for lawyers was \$126,930 per year. The lowest 10 percent of lawyers earned less than \$61,490 and the top 10 percent of lawyers earned more than \$208,000 per year.

The BLS collects salary data for attorneys in general. However, the BLS states that due to the complexity of patent law and the technical knowledge it requires, patent attorneys are likely much closer to the highest 10 percent of lawyers. This puts them around \$208,000 or more as of May 2020. However, most patent attorneys in this range would be expected to have solid experience.

To provide another perspective, according to Payscale.com salary data, patent attorneys typically earn \$138,423 per year as of 2020. The range at Payscale showed patent attorney salaries starting at \$74,000 going up to \$199,000 per year.

Although much older, a 2012 salary study by the American Intellectual Property Law Association (AIPLA) showed that patent attorney partners in private law firms had a median gross income of \$400,000. The gross income includes salary, partnership income, bonuses, retirement, and savings plans.

The AIPLA study showed that patent attorneys in private practice earned a median income of \$225,000 in 2012. Corporate practitioners were shown to have a median income of \$211,000 in 2012.

As you can see, there's a big range in pay. It definitely depends on where you look.

However, even the low end of patent attorney salaries is high.

Although it's still high, patent agents typically earn a lower salary than patent attorneys. This makes sense because patent agents don't have a law degree and cannot provide all the services a patent attorney can provide.

According to Payscale, the average salary for patent agents is \$100,526 per year.

Also according to Payscale research, the lowest 10% of patent agents earn \$63,505 a year. The highest 10% earn \$147,195 a year.

When it comes to the low end, this could be the typical starting salary for an individual with a Bachelor's degree and little to no experience in their field of specialty. If you have experience in your field and/or more than a Bachelor's degree (like a Master's or Ph.D.) then your starting salary is expected to increase.

To recap, according to Payscale, the average salary for patent agents is right around \$100,000 per year and the average salary for a patent attorney is \$138,000 per year.

To contrast, here's a list of average engineering and science salaries that patent agents and patent attorneys commonly transition from. All the salary data on this list came from Payscale.

The top two are patent attorney and patent agent salaries to help you see the difference.

- **Patent Attorney – \$138,423**
- **Patent Agent – \$100,526**
- Mechanical engineer – \$71,803
- Electrical engineer – \$77,066
- Environmental engineer – \$66,455
- Civil engineer – \$67,671
- Biochemist – \$61,607

This list helps you see average patent agent and patent attorney salaries compared to the typical engineering and science salaries.



In many cases, a patent agent salary is much higher than the typical earnings for both engineers and scientists.

Only petroleum engineers and pharmacologists earn similar pay than patent agents.

However, your pay as a patent agent is dependent on your specific background. While we couldn't find definitive data on pay for patent agents with a background in petroleum engineering or pharmacology, even the starting salary is likely much higher than the typical \$100,000 per year.

So if you have a background in one of these higher paying science or engineering fields, you would likely make the higher end of a patent agents salary.

In addition, a career as a patent attorney pays higher than all of the careers listed here. According to Payscale, the average salary for a patent attorney is \$138,000 a year.

As you can imagine, this extra pay can make a big difference in your lifestyle.

### **3. Patent law is very prestigious career field.**

A career as a lawyer places you in an elite circle of professionals.

Even without the law degree, a career as a patent agent is prestigious. The combination of technology and in depth knowledge of patent law keep many out of this field.

You'll definitely gain respect and feel pride in your accomplishment when you become a registered patent agent after passing the patent bar exam.

In addition, the career is intellectually challenging. You need to be a problem-solver, analyst, and innovative thinker in order to do well. Your intellect will be crucial to your career success, perhaps even more so than as an engineer or scientist.

You will likely work with well-respected individuals and business leaders in your community.

You may be frustrated with your current job and feel like you're not getting the recognition you deserve. If so, getting on the path to a career in patent law may be the perfect change for you.

#### **4. You can start a new career without gaining another degree.**

Becoming a patent agent allows you to build on what you've already worked so hard for instead of backtracking or taking a different direction.

This is priceless.

There aren't a lot of options in life where you can change directions without having to backtrack at least a little. In most instances, if you want a different career, you'll need to gain more education in the form of an entirely new degree. And often, your previous education and experience don't count.

To become a patent agent, however, you don't need more formal education. You can most likely build on what you already have.

In many cases all of your experience in science or engineering will play a factor when you transition into a career in patent law, making you even more employable.

#### **5. As a patent agent or patent attorney, you'll help others and do good for society.**

As a patent agent or patent attorney you'll have direct contact with inventors.

Inventors come in the form of individuals as well as corporations.

Corporations often invest millions of dollars into the development of a new invention and need to ensure it's protected. Often times, they must see a profit from their investment to continue paying their employees. In addition, some of the money multi-million dollar corporations earn from their patented inventions winds up being used to further technological advances in the field.

You'll be playing an integral role in the business cycle for these companies.

As a patent agent or attorney, you will touch lives.

Not only will you help inventors and corporations, you'll indirectly help consumers and members of the public who benefit from the patented inventions. Inventions can be new drugs to help combat disease and maintain health as well as technological advances that make our lives easier.

Again, you'll be right on the cutting edge of technology, moving innovative technology and advances forward.

In fact, you can probably help move technology forward more as a patent agent or patent attorney than you can as an engineer or scientist. This is because you'll be directly involved in more technological advances as a patent agent or patent attorney.

As a scientist or engineer, you will likely only be involved in one or two breakthroughs (if you're very fortunate) over the life of your career, and this is only if what you're working on turns out to be a success. As a patent agent or patent attorney you can help draft possibly hundreds of inventions over the life of your career and many of these can be breakthroughs.

## **6. There are multiple options for gaining employment.**

As a patent practitioner, you'll work directly with inventors.

This means you may work with Fortune 500 companies, public and private corporations, start-ups, universities, hospitals, investors, nonprofits, and independent inventors.

Patent practitioners (whether agents or attorneys) frequently work in law firms specializing in intellectual property law or in Technology Transfer Offices. Technology transfer offices are dedicated to identifying research that has potential commercial interest. These offices are often found in universities and corporations.

In addition, as a patent agent or patent attorney, you'll have the opportunity to work for yourself by starting your own practice or business (however, experience is recommended first).

If you're doing a job search for patent agents or patent attorneys, you'll find that most patent work is found in larger cities and the surrounding areas.

We conducted a study on LinkedIn, reviewing where patent agents and patent attorneys were employed throughout the U.S. However, do note some of these may be for remote positions and it is very possible for a patent agent or patent attorney to work 100% remotely.

According to our research, the Washington DC metro area is the #1 location with 1,767 patent agents and patent attorneys on LinkedIn gaining employment there.

The San Francisco Bay, New York City, Boston, Chicago, and San Diego areas came in near the top.

But that doesn't mean this job isn't for you if you don't want to live in a major U.S. city.

Patent law firms are found all over the country, from Birmingham Alabama to Anchorage Alaska. Even smaller towns have opportunities whether in a law firm or a technology transfer office at a local college or university.

Working at a law firm typically means longer hours than working at a technology transfer office. The trade-off to working more is that you'll usually have higher pay. Some patent agents or patent attorneys at law firms gain office perks. These might include gym memberships to box seats at sporting events or shows around town.

Working at a university or corporation in a technology transfer office might mean shorter hours, but lower pay.

And all this really all depends on the specific firm, university or corporate setting you gain employment in. Some firms only expect their employees to work 40 hours a week. Others expect overtime.

Whether you gain employment at a law firm or a technology transfer office, if you're working in an office vs remotely, you'll typically work out of a nice office with ample support staff. In addition, you may have some flexibility in your hours with the opportunity to telecommute or potentially become fully remote.

Transitioning into a career in patent law will likely bring you more income and more prestige in your career.

In addition, it'll position you right on the cutting edge of technology without the need to gain a new degree.

It's a smart move to make if you're a scientist or engineer considering a career change.

You may be wondering what a typical day as a patent agent or patent attorney is like. So we'll cover that next.

As a patent agent or patent attorney you'll draft and review patent applications, write replies to office actions, conduct patent searches, and communicate with inventors and patent examiners.

Much of your day will be spent preparing legal documents and researching legal materials.

You'll maintain patent rights in the U.S. and internationally.

You'll be responsible for meeting the strict deadlines imposed by the USPTO while representing clients in court before the USPTO.

In addition to the typical duties of writing and prosecuting patent applications, you may spend some of your time educating clients on the best strategies for their inventions.

You may even offer patent counseling including counseling clients on their patent portfolio.

As a patent attorney you can offer litigation and dispute resolution services in addition to all the previously mentioned duties.

As a patent agent or attorney you will typically work in an office every day. However, there may be an occasional need to travel to meet with a client.

You will communicate with clients and examiners. Examiners work at the USPTO ultimately deciding whether or not a specific patent should be granted.

You will make telephone calls and correspond via emails. There's a great deal of work with computers, photocopiers, scanners, the electronic filing system for the USPTO, project management software, and search software involved with patent law.

Essentially, your daily tasks will consist of getting information, making decisions, and solving complex problems. You'll need to interpret laws, rulings, and regulations referring back to them often.

It can be difficult to justify getting into the legal field when that's not what you started out in school for.

But becoming a patent agent or patent attorney is a smart career move for scientists and engineers.

Best of all, there's really no risk to transitioning to the patent law field from engineering or science.

It can be a nice change out of the lab or from what you are presently doing. Plus as you've seen, you can almost certainly expect an increase in your salary.

In addition, as already mentioned, you don't have to go to law school to enter a career in patent law.

You may take the path to the patent bar exam and become a patent agent.

If you love the career, and want even higher pay, then you can go to law school later on to become a patent attorney.

If you pass the patent bar exam, but decide not to transition into a career as a patent agent, you'll still benefit.

Many companies value individuals skilled in patent law. After you pass the patent bar, you'll gain registration as a patent agent. This is a designation you can add to your resume that will help you stand apart from others with a science or engineering background. It shows that you took initiative and you're essentially expert enough in the area of patent law that you were able to pass the patent bar exam.

You may be eligible for a promotion within your current job just based on gaining status as a patent agent. Or if you apply for a new science or engineering job in a different company, you may gain advanced positions easier than without the designation as a patent agent.

If you pass the patent bar, you don't have to find a job as a patent agent immediately after doing so. This registration does not expire. At this point, there's not even a re-certification. So you essentially keep the designation as a patent agent for the rest of your career.

That means if you decide not to transition into a career in patent law right away, you can always do so later on.

For instance, as we all know, companies often downsize. If you're laid off at your current company, having that registration as a patent agent will likely make you more employable to future employers than without.

And that hurdle, passing the exam, has already been accomplished.

It's a lot easier to take the time to study for and pass the exam when you're not in a desperate position.

Constantly finding ways to learn and improve yourself, even when you don't have to, is always smart.

Securing registration as a patent agent is a good investment in your future.

There really isn't anything to be anxious about when it comes to making this transition. It's only going to benefit you to take the patent bar if you're at all interested in a career in patent law.

We'll cover the requirements to take the patent bar in the next video. I hope to see you there!