

Patent Career: Video Starter Course

Video 2 Requirements to Become a Registered Patent Practitioner

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PES Video 2: Requirements to Become a Registered Patent Practitioner

[00:00:00] Welcome to this next video, where we'll discuss the requirements to become a Registered Patent Practitioner.

To recap, here are the top six reasons a career in patent law is a great career for scientists, engineers, and designers to transition into. Number one, you'll be positioned on the cutting edge of technology.

Number two, the pay is high. Number three, patent law is a very prestigious career field. Number four, you can start a new career without gaining another degree. And number five, as a patent agent or patent attorney, you'll help others and do good for society. And lastly, number six, there are multiple options for gaining employment.

Again, in all likelihood, you already meet the requirements to start a career in patent law. You may just need to pass the patent bar exam to become a patent practitioner. The sooner you do this, the faster you can take advantage of this lucrative career and increase your stature. In this [00:01:00] video, we'll go over exactly who's eligible to take this exam.

If you're eligible, then you're eligible to practice patent law once you pass this exam. Before I get into the requirements, I'd like to give you just a little information on the exam.

The patent bar is offered by the USPTO, or United States Patent and Trademark Office.

It's called the Examination for Registration to Practice in Patent Cases before the Patent and Trademark Office.

In short, it's known as the patent bar.

It tests over knowledge from the Manual of Patent Examining Procedure, also known as the MPEP. The patent bar is only offered online at a Prometric Testing Facility. The MPEP and any tested supplements are provided in PDF format on the computer.

The USPTO publishes an Official General Requirements Bulletin that lays out the current requirements for qualifying to sit for the exam.

It's highly recommended that you review the bulletin for the final say in whether or not you [00:02:00] may sit for the patent bar exam. Although we do our best to be accurate, it is possible that the USPTO has put out a new bulletin with changes to it. So you'll want to download a copy of the current bulletin and refer to that.

There are actually four categories you may qualify to take the patent bar exam under. Categories A, B, C, and D.

We'll go through each of these starting with Category A. Category A, Bachelor's Degree, Master's Degree, or Doctor of Philosophy Degree in a recognized technical subject. This category, Category A, was changed significantly only fairly recently. Several degrees were added during the October 2021 publication of the official bulletin.

In addition, you are not limited to only a bachelor's degree anymore, but can also have a master's or a PhD in one of the listed degrees. So those are really the biggest new changes. The requirements to sit for the patent exam will be [00:03:00] met if you have a degree in one of the fields that we're going to talk about here.

And to prove that you have one of those degrees, you'll need to provide an official transcript. Do note that the office wants an official transcript, including the university stamp or seal. The transcript may be sent by you, whom they call the applicant, or it may be sent through the university. But a diploma or a copy of a transcript will not be accepted.

In some cases, the USPTO will accept degrees that demonstrate equivalence to one of the degrees listed here for Category A. But with that, the office will have the final say in determining whether the transcript demonstrates equivalence. Do keep in mind that if you don't meet the requirements of Category A, then you may still qualify under Category B or C.

The degrees under Category A include Computer Science. Do note that acceptable Computer Science degrees must be accredited by the Computer Science Accreditation Commission of the Computing Sciences Accreditation Board, [00:04:00] or by the Computing Accreditation Commission of the Accreditation Board for Engineering and Technology.

The accreditation must have occurred on or before the date the degree was awarded. If your Computer Science degree is not accredited, then they won't count that. And in that case, you need to look and see if you meet the requirements under Category B or C.

Then, in addition to computer science, they have a list of science degrees that can qualify you under Category A. So you can take a look at those degrees here. Then next, they also have a technology section. So if you have one of the degrees listed out under the technology section, you will also meet the requirements of Category A.

And then they also have a list of engineering degrees that qualify you under Category A. You can take a look at those here. Just pause the video if you need more time. It's also wise to double check that your degree is listed out in the official bulletin as the requirements can change. Those are all the [00:05:00] degrees that can allow you to fit under Category A.

In case you don't fit under Category A because you don't have one of these degrees, let's move on to Category B.

Category B. This category is titled Bachelor's Degree, Master's Degree, or Doctor of Philosophy Degree in another subject. Category B relies on a degree in a subject not listed

under Category A. You may still meet the technical qualifications without one of the degrees listed in Category A. You may qualify based on scientific and technical training equivalent to a degree in one of the subjects listed in Category A.

Getting in under Category B includes a review of the college coursework that you've completed. So they have four different options or sets of coursework, and I'm going to go ahead and list out. These sets of coursework show what may be substituted for one of the degrees listed in Category A.

So, the first one is Option 1, and this one involves you having 24 [00:06:00] semester hours in physics.

And in that case, only physics courses for physics majors will be accepted.

Then the next option is Option 2, and this one involves you having 32 semester hours in a combination consisting of the following. 8 semester hours in a combination of chemistry and physics with at least one course including a lab plus 24 semester hours in biology, botany, microbiology, or molecular biology.

And with those only courses for science or engineering majors will be accepted.

Then there's option three, which involves you having 30 semester hours in chemistry, and for this only chemistry courses for chemistry majors will be accepted.

And then finally, there's option four, which involves you having 40 semester hours in a combination consisting of the following.

Eight semester hours in a combination of chemistry, physics, and or biology, with at least one course including a lab, plus 32 semester hours of chemistry, [00:07:00] physics, biology, botany, biology, microbiology, molecular biology, or engineering. And again, only courses for science or engineering majors will be accepted.

So those are the options.

In order to qualify to sit for the registration examination under Category B, you'll need to send in official transcripts along with course descriptions from the school's catalog. In this case, the course description must be applicable the same year the course was taken. Descriptions must include copies of the catalog cover page with the year showing, along with any pages showing the requirements for the major.

In addition, any pages describing the courses that the office should consider should also be included. Another point to make is that the office will accept certified English translations of transcripts, course descriptions, and other foreign language documents.

Only courses with a grade better than a 'C' will be accepted.

While most universities use a semester hour standard, based on a [00:08:00] semester of 15 to 18 weeks, credits may be granted to those earned at a university with less than a typical 15 to 18 week semester. Quarter hour or trimester hour conversions can both be converted by multiplying the quarter or trimester hours by two thirds.

And you may also send in other training, including experience or other expertise, along with other education and military service. Specifically, they would only want you to send in objective evidence in scientific and technical training that is equivalent to that of one of the degrees listed in Category A.

And in this case, where you're sending in additional evidence, the burden is on you to establish possession of sufficient training and expertise equivalent to a Category A degree. Do note that the Patent Office has the final say as to whether or not you may sit for the registration exam. And then finally, if you don't meet the requirements under Category A or B, then Category C is still a possibility.

Category C, [00:09:00] Practical Engineering or Scientific Experience. Category C relies on practical engineering or scientific experience by demonstrating that the individual has passed the fundamentals of engineering, also known as the FE test. The FE test is a test of engineering fundamentals. The FE test is developed and administered by a state board of engineering examiners in each state or comparable jurisdiction.

It's not administered by the USPTO. To qualify to sit for the patent exam under Category C, you must send in the official results of the FE test and include an official transcript showing the award of a bachelor's degree. And that's all there is to Category C.

Category D. To qualify under this category, you need a bachelor's degree, master's degree, or doctor of philosophy degree in a recognized design subject.

Here are the subjects that qualify you for this category. Architecture, Applied Arts, [00:10:00] Art Teacher Education, Fine Arts or Studio Arts, Graphic Design, Industrial Design, and lastly, Product Design.

The degree must be from an accredited United States college or university. You must submit an official transcript from the college or university. If you don't have one of the exact degrees listed here, if you can show that the equivalent of one of the degrees was awarded, then you may still be eligible.

You will need to submit an official transcript and show how the degree you received is the equivalent to one of the above.

If you apply under Category D, then upon passing the registration examination, you can only practice patent law in regards to design patent matters only. So, those are the four categories that qualify you to sit for the Patent Bar Exam.

Again, they are Category A, which qualifies you when you have a specific degree.

Category B, which qualifies you when you meet the required coursework. [00:11:00] Or Category C, which qualifies you when you've taken the FE test plus have a bachelor's degree. Finally, there is Category D, which qualifies you to become a design patent practitioner if you have a specific design degree and you pass the patent bar exam.

You only need to meet one of the categories in order to qualify.

In most instances, people with the right technical background qualify to take the patent bar exam. That's because you'll likely already meet one of the four categories. In addition to the educational requirements, there are also a couple of other requirements.

The first of these is possession of good moral character and reputation.

To show this, it's easier to talk about what it does not include. Good moral character and reputation does not include convictions of a felony, as well as applicants who have been disbarred from the practice of law or other professions, those who have resigned from a professional license due to a disciplinary proceeding, or those who are suspended on ethical grounds from the [00:12:00] practice of law or another profession.

Patent law requires a high code of ethics. As a patent agent or patent attorney, you'll be granted access to highly sensitive and sometimes highly lucrative information for your attention. Therefore, you may be precluded from taking the patent bar even if you have the right background if you're found to violate their code of ethics.

If you have a felony or one of the other conditions previously discussed, you may not qualify to take the exam. However, you may still send in an application and let the USPTO decide whether or not you qualify.

The second additional requirement deals with citizenship and residence in the U. S. Only US citizens or permanent residents can be registered to practice law and patent matters before the USPTO.

However, limited recognition may be granted to non immigrant aliens who demonstrate that they're authorized to be employed or trained by a specific employer in the capacity of preparing and prosecuting [00:13:00] patent applications.

Individuals granted limited recognition may hold themselves out to the public only as having been granted limited recognition to practice and patent matters before the office.

Hopefully by now you have a good idea whether or not you're eligible to take the exam.

You should download the official bulletin from the USPTO and read through that, especially if there's anything about your situation that you need clarification on. The USPTO is the official source for the requirements.

The application is in the bulletin as well, so you can see exactly what you'll need to provide when you do decide to apply. And we also offer a detailed guide to the requirements right on our site. The next video covers details on the patent bar exam. I hope to see you there.