

Patent Career: Video Starter Course

Video 3 Details About the Patent Bar Exam

Copyright © 2024 Intellectual Properties Enterprises, Inc

All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage or retrieval system, without the written permission of the copyright owner.

Every precaution has been taken to ensure that the information presented in this book is accurate. However, neither the author nor Intellectual Properties Enterprises, Inc. shall have any liability to any person or entity with respect to any loss or damage caused or alleged to be caused directly or indirectly by the information contained within this work. The information is presented on an “as is” basis; there is no warranty.

Website: PatentEducationSeries.com

PES Video 3

[00:00:00] Welcome to this next video, where I'll be covering details about the Patent Bar Exam. Now that we've gone through a career in patent law and what the requirements are to take the Patent Bar Exam, let's go through details of the exam.

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

You can take the computerized exam through the Prometric Testing Agency, and these Prometric Testing Centers are located throughout the country. According to the Prometric site, they operate a network of over 8,000 test centers in 160 different countries. So chances are there's one near you. You can go to the Prometric website and find out where the nearest testing location is to you.

You can take the Prometric administered version of the exam anytime throughout the year. Many Prometric facilities also offer the exam on weekends.

At this point, there is no paper and pencil version of the exam. It had been offered this way in the past, but anymore, [00:01:00] the exam is only available to take on a computer.

There are a few fees required to take the patent bar exam. The first is the application fee. The application fee for most applicants is \$110, and do please note that any of these fees may change at any time.

These are the current fees, and likely if they've changed, they've only gone up by a little bit. They'll all be in the official bulletin if you'd like to take a look.

Now, sometimes the application fee is quite a bit more, and that's in cases where you have a conviction, are a disciplined professional, or have been suspended on ethical grounds from practicing law or another profession.

So in that case you can still send in an application, but you have to pay to have your specific case reviewed for a much higher fee.

The additional fee is currently \$1,680. And again, this additional payment is the amount due to have your application reviewed by the Office of Enrollment and Discipline, also known as the [00:02:00] OED. And in this case, it'll have to be reviewed by their director. If it's not approved, then you don't get that extra fee refunded.

So, in a lot of cases, this keeps people who may have a conviction or had some sort of disciplinary action taken against them from even attempting to take the patent bar exam.

In addition to the application fee, there's a registration examination fee. Currently, the registration examination fee is \$210.

And then also, in addition to the registration examination fee that is required when you send in your application, once your application has been accepted, you'll need to pay an additional fee to Prometric. And this Prometric fee is currently \$182. And this fee is absolutely required to take the exam. So, that brings the total to around \$500 to take the exam unless you have a past conviction or other potential issue that you're willing to have them consider.

And do expect the cost to increase. [00:03:00] Even with the increases, the cost to apply and take the exam for the majority of test takers will likely be right around \$500.

And then do please note that once you've sent in the application, sent in the prometric fee, and actually taken and passed the exam, there's also a required registration fee, which is currently \$210.

And this is the final step to gaining that registration as a patent agent or patent attorney. And we actually did have a client pass the exam a few years ago and forget to pay this fee. There is unfortunately a time limit on paying this fee. So this particular client forgot. And once that time limit expired, if you can believe it, he had to retake the exam.

So he was willing to restudy for the exam, retake it, he ended up passing again. And then obviously this time he paid and he finally got his registration. But the point is, you don't want to forget to pay this fee once you pass. You'll receive further instructions on how to pay this fee and [00:04:00] when it's due once you pass.

And make sure that you pay it right away, so that covers the fees.

And if you meet the requirements to sit for the exam, then upon passing it, you'll gain registration as a patent practitioner. If you already have a law degree, then you'll gain status as a patent attorney. If you don't have a law degree, but have the proper science or engineering background, then you'll gain status as a patent agent.

If you have a design degree, then you'll gain status as a design patent practitioner. These individuals can help patent designs only, so there are a few designations depending on your background, but all of them fit under the umbrella of Patent Practitioner.

Now, let's get into what the exam is like for you as the test taker. The patent bar is a 100 question, multiple choice exam. The exam runs 6 hours in total and is broken into 2 sessions with 50 questions each. You need to score a 70 percent or above to pass it. [00:05:00] One thing is that there are 10 beta questions in the exam and that's part of the 100 questions.

The USPTO tests out brand new questions as beta questions for fairness, and they don't score these beta questions. So in reality, you need to get 63 of the 90 scored questions right in order to pass. That's a 70 percent or above. You have no way of knowing which questions are beta questions, so it's best to try to answer all the questions accurately.

The patent bar tests over the Manual of Patent Examining Procedure, or MPEP, which is the official document for all the laws and rules of patent law. In addition, the exam sometimes covers supplemental materials that are relevant to current patent rules and laws, but have not yet been incorporated into the MPEP.

Test takers actually get access to the MPEP and any tested supplements, which makes this an open book exam. Most people study for the exam on their own and take a review [00:06:00] course to help guide them.

There are few review courses that are live, but those typically only last a week. You won't be able to cram all the information you need to pass this exam into a one week course.

Therefore, even if you do sign up for a live course, you'll be expected to spend your own time outside the course learning patent law. Therefore, there are also online only courses, and these can be spread out over time. Instead of signing up for a review course, other test takers invest in multiple study aids and try to piece the information together.

Still others try to review the MPEP on its own, in its entirety. It is free and online, so you can definitely try to do that. However, good updated review courses are the preferred method in order to save a lot of time and frustration. As you can see, there's some variety in how people prepare for this exam.

But ultimately, since you don't need to go back to school, or gain a degree, or take a college course in patent law, in order to gain [00:07:00] entry into this field, most of the time you spend studying will be independent study. And one thing to point out is even though you likely qualify to take the exam and get started in a career in patent law as a patent practitioner, hopefully you don't rush out and send off your application for the patent bar just yet.

And that's because once you're accepted to take it, you likely will trigger what's called a 90 day window within which you must schedule it. And that's not always enough time. Do note though that the USPTO has extended this 90 day window out to 180 days. You'll need to visit the USPTO site to determine how long the current window is.

The problem with especially the 90 day window is that that really isn't enough time for everyone to prepare for the exam. People a lot of times do their best. They may think that they'll get through all the materials in the 90 day window, but life often gets in the way. And you do have to know a lot about patent law to stand any chance of passing the exam.

So if the [00:08:00] USPTO is only offering a 90 day window when you're thinking about applying, then you really need to start studying before you apply to take the exam. And this is actually one reason for the low pass rate. Plus it's a very difficult exam.

The pass rate for the patent bar exam usually hovers around 50 percent as reported by the USPTO.

Each year about 2,000 people take the exam and each year more than half of them fail it. As you can see from this table showing recent USPTO patent bar statistics, in each year the pass rate was under 50%. For example, in 2023, about 2,000 people took the exam and only 46 percent of them passed it. So here you can take a look at the table for the stats for the last several years, if you'd like.

You can see they're all under 50 percent for each year. Part of the reason, again, for the low pass rates is that patent law is complicated. In addition, the test itself also takes an already complicated subject [00:09:00] and asks difficult questions.

As you've seen, all that stands between an engineer, designer, or scientist with the right background and starting a new career in patent law is passing the patent bar exam.

Therefore, this exam is designed so that only those with detailed, solid knowledge of patent law can pass it. So, if you don't go into the exam with very detailed, solid knowledge of patent law, then you'll likely fail it. The patent bar is difficult, so you desperately need a high quality patent bar prep course in order to pass it within a reasonable amount of time.

The next video covers more on the patent bar challenges. I hope to see you there.