Patent law has become one of the integral ways to protect and commercialize inventions, ideas, and processes. Today, the U.S. Patent and Trademark Office (USPTO) does not require a law degree to sit for the patent bar exam. Undergraduates with an engineering or hard science degree can draft and submit patent applications by passing the patent bar exam and becoming a registered Patent Agent with the USPTO. Additionally, many law firms, corporations, entrepreneurial ventures, hire non-lawyers to draft patents.

At ASU’s Sandra Day O’Connor College of Law, we offer JD and LLM students the opportunity to focus on patent practice, and for MLS students we offer an MLS in Patent Practice. The MLS in Patent Practice provides students with a detailed understanding of patent law and a general understanding of intellectual property and the US legal system. Skills gained enable students to successfully assist clients in securing rights in their patentable inventions.

The MLS in Patent Practice provides a much broader level of expertise and practical experience than commercially available prep courses.

Students gain the following skills and expertise:
- Client Counseling
- Examiner Interviews
- Patent Drafting
- Office Action Responses
- Foreign Patenting Strategies
- Infringement Analysis
- Invalidity Analysis
- International Filings
- Patentability Opinions
- Post-Allowance Practice
- Post-Issuance Procedures
- Post-Grant Proceedings

The Lisa Foundation Patent Law Clinic serves as the capstone of the MLS in Patent Practice program and provides students with hands-on experience in real-world patent prosecution matters. The clinic is a member of the USPTO’s Certification Program for law school clinics in which students who are not yet patent agents receive limited recognition practice numbers to represent clients directly before the USPTO.

Through their clinical experience, students work with independent inventors and start-up companies to draft and prosecute patent applications in the USPTO under the supervision of licensed patent attorneys. The clinical experience focuses on building practical skills through client interviewing and counseling, prior art searching, drafting opinion letters, patent applications and office action responses and conducting examiner interviews. Additionally, students learn to conduct validity and infringement analyses while gaining valuable skills such as patent due diligence, valuation, and global patenting strategies.

Michelle L. Gross
Director, Lisa Foundation Patent Law Clinic
Professor of Practice
Michelle L. Gross serves as the Director of the Lisa Foundation Patent Law Clinic while developing and teaching the core curriculum of the MLS in Patent Practice program. Her instructional focus is on training students on the practical applications of laws and rules pertaining to transactional intellectual property practice, namely the practical aspects of patent and trademark application drafting and prosecution. In addition to her membership in the Arizona and Illinois State bars, Professor Gross is also a registered Patent Attorney and is licensed to practice before the U.S. Patent and Trademark Office.

Jonathan P. Rowe
Adjunct Professor
Jonathan P. Rowe is an Adjunct Professor. His instructional focus is on the biotech/chemistry technology fields. He is an ASU Law Alumnus having graduated from ASU with his JD in 2011. He also holds and MS and BS in Food Science & Technology from Brigham Young University. Professor Rowe is a member of the Arizona State bar and licensed to practice before the U.S. Patent and Trademark Office.
Patent Agent

Trends show that many law firms, large corporations, and other companies that rely on patent prosecution expertise are increasing their hiring and use of patent agents. Patent agents are non-lawyers, but are approved by the USPTO to represent individuals and companies in the patent prosecution process.

Not surprisingly, patent agents are well paid. According to the American Intellectual Property Law Association (AIPLA), for patent agents having five or fewer years of experience, the average salary is $131,333 and $147,978 for all patent agents employed at law firms who participated in the 2015 AIPLA Economic Survey.

The USPTO has identified specific undergraduate degrees that make the degree holder eligible to sit for the patent bar. Those degrees are:

- Agricultural engineering
- Biochemistry
- Biology
- Biomedical engineering
- Botany
- Ceramic engineering
- Chemical engineering
- Civil engineering
- Computer engineering
- Computer science
- Electrical engineering
- Electrochemical engineering
- Electronics technology
- Engineering physics
- General chemistry
- General engineering
- Geological engineering
- Food technology
- Industrial engineering
- Marine technology
- Mechanical engineering
- Metallurgical engineering
- Mining engineering
- Microbiology
- Molecular biology
- Nuclear engineering
- Organic chemistry
- Petroleum engineering
- Pharmacology
- Physics
- Textile technology

Students with technical backgrounds and/or degrees NOT listed above may still be eligible to sit for the patent bar exam if eligibility can be established under Category B or Category C, as described in the USPTO Office of Enrollment and Discipline’s General Requirements Bulletin.

Success Story

Tiffany Adigwe graduated from Howard University with a degree in biology and chemistry, and knew that she wanted to go on to graduate school. She considered medical school, dental school, and law school. Law was always a draw because of the influence of her mother, a mitigation specialist for Maricopa County in Arizona.

“What I learned with a degree in biology is just how much science is shaping the future,” Tiffany said. “I started to think about the importance of ideas and innovation, and the key role that the law plays in making sure those inventions come forward – that they can be used by people and protected.”

With that passion fueling her thought process, she decided to become a patent agent. “I was fresh out of college and surrounded by the incredible feeling of learning about chemistry and biology and its practical application in modern science, and I had a strong desire to get to work sooner rather than later,” Tiffany said. “I began to wish I could get the training I needed to help become a patent agent without having to wait for three years. I also wanted to be able to get the training I needed to pass the patent exam without going deep into debt for a law degree.”

The MLS with an emphasis in Patent Practice was the right fit for Tiffany. “It sounded exactly like what I wanted,” Tiffany said. “I talked with the admissions office, and they were very helpful. They helped me apply for and obtain a scholarship, map out financial assistance, and got me enrolled in less than a week.”

“The program is, of course, rigorous. In my classes I am already working on real-world examples of how to approach patent applications, and drafting strategies. It is both stimulating from an intellectual standpoint and practical from a career point of view.”

Tiffany said she didn’t want to simply study and pass the patent exam. She wanted to be able to practice as a patent agent. What she found is a program that will prepare her for the next phase of her career.