



Patent Practice

Program Overview

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, and entrepreneurial ventures hire non-lawyers to draft patents.

At the Sandra Day O'Connor College of Law at Arizona State University, 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 U.S. legal system. Skills gained enable students to successfully assist clients in securing rights in their patentable inventions.

Clinical Experience

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 startup 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.



Master of Legal Studies

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

Faculty Expertise

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.



Rachel Bennett

Adjunct Professor

Rachel Bennett is an adjunct professor. Her instructional focus is on the biotech technology fields and patent enforcement. She is an ASU Law alumna having graduated from ASU with her JD in 2012. She also holds a PhD in Biophysics from Medical College of Wisconsin and an MS and a BS in Electrical Science from Beijing Normal University. Before going to law school, Professor Bennett was an engineer at GE Healthcare and a research faculty member at Johns Hopkins University, developing and conducting research on medical devices. She is a member of the Arizona State bar and licensed to practice before the U.S. Patent and Trademark Office and United States District Court at the District of Arizona.





Patent Practice

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.



Who is eligible?

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



Hockey may have drawn **John "Liam" Norris** to Arizona State University, but it was the MLS in Patent Practice at ASU Law that kept him in the Grand Canyon State.

A native of Calgary, Alberta, Canada, Norris graduated from ASU in May 2015 with an undergraduate degree in mechanical engineering. Intrigued by the prospect of becoming a patent agent, Norris looked into ASU Law's Patent Practice Program. "I spoke with Professor Michelle Gross about becoming a patent agent and what that career path entailed," he said. "As I learned more about the program and opportunities it opened up, I decided it was the right choice for me."

Admittedly, there were a few other incentives for choosing ASU Law. "I could continue to play on the ASU hockey team while attending one of the top public law schools in the country," Norris said. Norris said that the patent practice degree helps take careers in new directions. First, it helps degree holders pass the Patent Bar Exam and it provides students with real-world work product samples that can be presented to potential employers. "Second, if an individual decides they do not want to take the patent agent path, the degree makes you more valuable to a company," he said. "For example, you can work as an engineer and have knowledge of the United States Patent and Trademark Office system."

Norris, who earned his MLS in Patent Practice in May 2016, works for PING in Phoenix, one of the top manufacturers of golf clubs and golf accessories in the world. He came to PING's attention when representatives of the company attended ASU Law's on-campus interviews. In his new job, Norris combines his knowledge of engineering and patent law. "My duties at the company involve patent prosecution, prior art searches, patentability opinions, and freedom to operate opinions, all while working with the engineers to help with input on new designs," he said. Thanks to ASU Law, Norris is scoring goals in his career.

"The law school has not only lived up to, but also surpassed the expectations that I had when beginning my program."