



Feature

Patent Law Careers Provide Choices for Scientists and Engineers

By Sally Sakelaris

In today's fast-paced society, it's common to want to change careers, but finding the right career can be challenging. Some people choose to completely start over by returning to school for a new degree or take a lower-paying job in a new field. This seems particularly true of scientists and engineers, who often devote years to earning degrees and becoming specialists, only to throw out their hard-earned knowledge and experience in the pursuit of a different occupation.



I certainly thought this was true when I started looking at my own career options. My first job out of college was as a molecular biologist at a government research facility, and when I took the job I was excited to work with many brilliant scientists. What I soon learned, however, was astonishing. Although many of my colleagues were engaged in prolific science careers, many felt dissatisfied with the lack of choices and

felt trapped by their career path. They worked grueling hours (as did I) for relatively little pay and recognition; I quickly realized that I wanted something different.

Fortunately, I found that patent law was equally engaging as a science career, and that my work history actually helped me transition into the field. In fact, my first job after I left the research facility was as a biotechnology patent examiner at the United States Patent and Trademark Office (USPTO), where I applied my knowledge to judging the merits of patent applications for cutting edge technologies in my area of expertise.

In today's global economy, the field of intellectual property is growing quickly opening new career paths for scientists and engineers that didn't exist only a few years ago. The speed of technological innovation has allowed patents to play a more strategic business role in translating new ideas into profitable innovations. IBM, for example, holds the most patents in the U.S., securing approximately 3,000 patents and earning \$1 billion in licensing fees each year. Patent professionals are the gatekeepers of innovation, and can secure the success of tomorrow's breakthrough technologies and ideas.

There are a wide range of jobs that have become a hotbed of opportunity for scientists and engineers, including lower level positions that are easier to transition to as well as higher level positions that require advanced degrees. Whatever your

level of education, a science background will give you a solid ground in the foundation of the technologies you'll be working with. The wider your technical skill set, the more valuable you will be to prospective employers.

A good starting point for those with a science or engineering bachelor's or master's degree is a patent searcher. This is one of the easiest jobs to obtain because it does not require USPTO accreditation, though it is highly helpful to know some patent law. A patent searcher generally conducts research on either an existing patent or in preparation for filing an application. There are several different types of searches, so the work itself can be very diverse. Patent searchers may be hired by private companies, law firms, or the USPTO, and generally earn \$50,000 on average, based on their experience and background.

While some individuals may find patent searching interesting, some may seek more complex work. Patent agents have more responsibility, but they must also obtain USPTO accreditation. A patent agent crafts patent applications and guides them through the legal process. This includes completing the application, submitting it to the USPTO and responding to questions about its merit. A patent agent can work for a law firm or in-house for a technology company, but cannot represent clients in court or provide legal counsel. That said, patent agents are in increasingly high demand because they do much of the same work a patent lawyer does at a lower salary; a starting agent earns approximately \$80,000 per year on average, according to salary.com.

Patent agents spend a lot of time working with other people—scientists, engineers, business managers, and sometimes lawyers. A good portion of their work is to learn a client's research and development process and elicit the necessary information that will help construct an application that will obtain USPTO approval and stand up to future court challenges.



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If a scientist or engineer really wants to rise to the ranks of the most elite — and most valued — positions in the IP industry, then s/he should become a patent attorney. In addition to earning USPTO accreditation, a patent attorney must obtain a Juris Doctor and be admitted to the bar association in the state where they will practice. This additional qualification enables the individual to provide legal strategy and counsel for clients about patent litigation, licensing, and other related topics; they can also represent clients in court. Patent attorneys earn approximately \$80,000 to \$150,000, with the field's top lawyers earning upwards of \$245,000, according to salary.com.

Unless an individual wants to be a patent searcher, all advanced positions require USPTO accreditation, which is earned by passing the Registration Examination. Commonly known as the Patent Bar, this test is required by the federal government to practice patent law. The test measures the applicant's familiarity with patent law rules, regulations and USPTO procedures. It's a fairly detailed test, and taking a methodical and disciplined approach to studying is highly recommended.

While a law degree is not required to enter some patent law careers, it may be necessary for advancement. For example,

some high-level positions such as chief intellectual property officer, a C-suite position at many global organizations, oversee a company's entire IP portfolio and strategy. Generally speaking, though, becoming a patent agent can be good for people who want to change careers without risking a pay cut and aren't interested in law school.

The most important thing to realize is that there are many options available. A variety of companies hire patent agents and lawyers, including law firms, technology companies, R&D companies, laboratories, universities, and pharmaceutical companies to name a few. Some even work as independent consultants. The good news is that the IP field is quickly growing, and careers can easily become what you make of them.

About the Author

Sally Sakelaris is Vice President of Patent Resources Group, the nation's leading patent education firm. Patent Resources Group offers patent bar review courses, as well as workshops and seminars for practicing patent professionals. More information is available at www.patentresources.com.

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