

From the Bench to the Bar

(No, not that kind of bar)

Patent Law Careers for Scientists



Edward Ergenzinger, J.D., Ph.D.

Director of Intellectual Property

Duke Human Vaccine Institute

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Today's Talk

Types of Intellectual Property

Careers in Patent Law

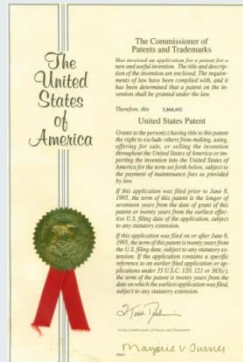
My Career Path

Job Market



Types of Intellectual Property

Patents



Trade Secrets

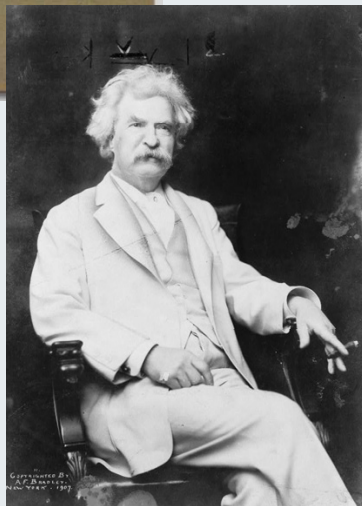
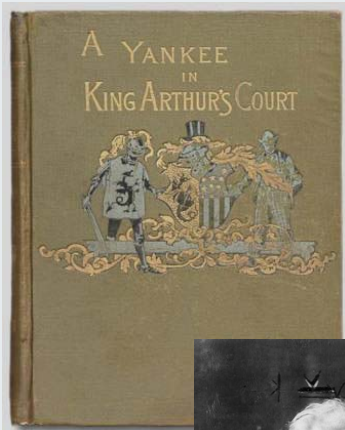


Copyrights



Trademarks





Mark Twain

A Connecticut Yankee in King Arthur's Court

“...the very first official thing I did, in my administration -- and it was on the very first day of it, too -- was to start a patent office ...”

“for I knew that a country without a patent office and good patent laws was just a crab, and couldn't travel any way but sideways or backwards.”



Careers in Patent Law

Specialties

- Patent Prosecution
- Patent Litigation

Settings

- Law Firms
- Companies
- Universities
- US Patent & Trademark Office



Careers in Patent Law

Positions

- Patent Attorney
- Patent Agent
- Technical Advisor/Patent Specialist
- Patent Examiner



Careers in Patent Law

Patent Attorney

- Represents clients before the US Patent & Trademark Office and in Federal Courts, prepares patent-related opinions and agreements
- Must have a law degree
- Must pass state bar exam
- Must pass the US Patent & Trademark Office registration exam
 - Requires technical background to qualify to take the exam.
 - Exam is based on patent laws and the Manual of Patent Examining Procedure



Careers in Patent Law

Patent Agent

- Represents clients before the US Patent & Trademark Office
- Law degree is not required
- Must pass the US Patent & Trademark Office registration exam



Careers in Patent Law

Technical Advisor/Patent Specialist

- Assists patent attorneys and agents in the prosecution of patent applications before the US Patent & Trademark Office
- Law degree is not required
- US Patent & Trademark Office registration exam is not required



Careers in Patent Law

Patent Examiner

- Works in the US Patent & Trademark Office reviewing and examining applications
- Law degree is not required
- US Patent & Trademark Office registration exam is not required



Careers in Patent Law

Average Salaries*

- Law Firm Patent Agent: \$103,831
- Law Firm Patent Attorney (Associate): \$145,466
- Law Firm Patent Attorney (Partner): \$394,465
- Company Patent Agent: \$109,153
- Company Patent Attorney: \$183,812
- Patent Examiner: \$87,571

* 2005 AIPLA Report of the Economic Survey



My Career Path

Science Education

- Bachelors in Biology and Psychology from Wake Forest University (1994)
- PhD in Neuroscience from Wake Forest University (1999)

Decision to Pursue Patent Law

- Still enjoyed science but not the benchwork
- Alternative Careers for Scientists Seminar
- Interviewed patent attorneys and researched the field



My Career Path

Additional Education and Licenses

- Registered to practice before the USPTO (2001)
- JD from Wake Forest University School of Law (2002)
- Licensed to practice in NC (2002)

Work Experience

- Patent specialist and then patent agent for a small IP law firm (Rhodes & Mason, PLLC)
- Patent attorney with a large general practice law firm for 8 years (Alston & Bird, LLP)
- Solo IP practice
- Clients included startups, universities such as Emory and Duke, and large companies such as Wyeth, LabCorp, Syngenta, and Becton Dickinson



My Career Path

Current Position

- Director of Intellectual Property, Duke Human Vaccine Institute
- Manage patent portfolio
- Draft and negotiate material transfer agreements and collaborative research agreements
- Miscellaneous legal matters



Job Market

Decreased Demand

- Over the past couple years, many law firms have laid off significant numbers of attorneys and staff, slashed their hiring, and/or cut salaries
- Many law students right now are having a very hard time finding job opportunities
- Situation is much more uncertain than it was just a few years ago



Job Market

My Recommendations

- Look for opportunities as technical advisor/patent specialist:
 - See if you enjoy the work
 - Decide whether you want to move on to become a patent agent or go to law school to become patent attorney
 - Also will buy some time to see if the market stabilizes for attorneys
- If you decide to go to law school now:
 - Try to minimize student loans as much as possible
 - Go to the best school you can get into
- Consider working for the USPTO



Resources

USPTO

- www.uspto.gov

PatentlyO

- www.patentlyO.com

Patent Docs

- www.patentdocs.org

Above the Law

- www.abovethelaw.com

Thank you

