Patent Bar Examination

Patent attorneys and patent agents who practice before the United States Patent and Trademark Office (PTO) represent inventors seeking issuance of a patent. In order to engage in this type of legal work, which is commonly referred to as patent prosecution, an individual must pass an examination administered by the PTO that is referred to as the Patent Bar Exam or the Registration Exam. By contrast, individuals who intend to litigate patent cases in federal court do not need to sit for the Patent Bar Exam.

The Patent Bar Exam is a computer-based exam administered at testing centers throughout the country. The exam, which consists of 100 multiple choice questions given in two 3-hour sessions, may be taken at any time the applicant wishes. All of the exam questions are based on the PTO’s Manual of Patent Examining Procedure, a copy of which is available at http://www.uspto.gov/web/offices/pac/mpep/mpep.htm.

To sit for the Patent Bar, an applicant does not have to be an attorney. A non-attorney who passes the examination (which would include law students) is designated a Patent Agent. However, applicants must have a technical background to be eligible to take the exam. The specific requirements for eligibility are set forth in the PTO’s General Requirements Bulletin, a copy of which is available at http://www.uspto.gov/web/offices/dcom/olia/oed/grb.pdf.

For further information about the Patent Bar, including links to relevant information on the PTO’s website and links to various Patent Bar review courses, please refer to Catholic’s IP website at http://www.law.edu/intellectualproperty/opportunities.cfm. In addition, the IPLSA frequently invites guest speakers to the law school to talk to students about patent careers and the Patent Bar exam, so we encourage you to regularly check the IPLSA webpage at http://www.law.edu/intellectualproperty/studentsassociation.cfm.