

Patent Agency

Program Description

The patent agency program prepares students who have a science or engineering background¹ to practice as patent agents before the United States Patent and Trademark Office in patent cases. A patent agent is a non-attorney whose license, issued by the Patent and Trademark Office, allows the person to prepare and prosecute patent applications. The global legal community is experiencing an increasing demand for intellectual property law services, thereby resulting in an increasing demand for patent agents knowledgeable in the field of intellectual property law.

The patent agency program provides the theoretical and practical knowledge needed to enter the field of patent agency well-prepared to prepare and prosecute patent cases. This program does not administer the Patent Agency Bar Examination, as the administration of the examination is the exclusive province of the United States Patent and Trademark Office. However, in addition to the theoretical and practical knowledge this program provides, a student can use the program to help prepare for taking the Patent Agent Bar Examination. Notably, the written portion of the Patent Agent Bar Examination has recently been eliminated. That means that many patent agents who pass the examination could be entering the work force with virtually no preparation in patent application drafting. A course of study that teaches students the art of patent drafting, such as this one, will likely result in the student being more competent, marketable, and hopefully, more highly compensated.

The coursework in the patent agency program is designed to provide students who have a science or engineering degree the opportunity to practice as patent agents before the United States Patent and Trademark Office in patent cases. In addition, the coursework is designed to help prepare students to take the Patent Agent Bar Examination.

Learning Goals for the Patent Agency Program

Upon completion of the program, students should:

- Understand the fundamentals of legal reasoning and analysis.
- Understand the legal environment in which individuals, businesses, and the judiciary operate.
- Be able to apply the theory of legal research and writing to practical problems encountered in patent litigation.
- Obtain the practical knowledge needed to enter the field of patent agency well prepared to prepare and prosecute patent cases.
- Understand the rules and regulations governing the filing and prosecution of applications before the U.S. Patent and Trademark Office, including both the legal and ethical obligations of those practicing before the Office.
- Master the computer skills necessary to search for patents along with finding court precedent regarding various patents.
- Learn the fundamentals of intellectual property law and how it applies to patent litigation.

1. Pursuant to the General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases before the United States Patent and Trademark Office, patent agents must possess the "legal, scientific, and technical qualifications necessary to enable him or her to render applicants for patents valuable service." Section 10.7. See Section 10.7 for educational credentials that can demonstrate the required scientific and technical training. Students in this program are entirely responsible for ensuring that they qualify to sit for the Patent Agent Bar Examination. For more information, please visit <http://www.uspto.gov/web/offices/dcom/olia/oad/examregist.htm>

Program Curriculum

The 36 credit hours required for the M.A. degree must include the following courses for a major in patent agency.

LEGL 5000 Introduction to Legal Studies (Requisite Course)
LEGL 5260 Methods of Legal Research and Writing I
LEGL 5900 Foundations of Intellectual Property Law
LEGL 5910 Patent Law
LEGL 5920 Patent Drafting
LEGL 5930 Patent Prosecution
LEGL 5940 Patent Law Regulations, Procedures, and Ethics
LEGL 5950 Patent Litigation in the Federal Courts
LEGL 6030 Integrated Practices in Patent Agency

Three elective courses (9 credit hours) from the following:

LEGL 5710 Global Intellectual Property Law
LEGL 5720 Copyright and Trade Secret Law
LEGL 5730 Trademark Law
LEGL 5740 Ownership, Licensing, and Transfer of Intellectual Property
LEGL 5750 Computerized Patent Searching and Patentability
LEGL 5800 Computerized Legal Research
LEAN 5620 Applied Legal Decision Making

Since the M.A. in patent agency is not a law or paralegal degree, it does not apply for approval by the American Bar Association.

Successful completion of Webster's patent agency program should not be construed to imply state, local, or board certification, as only the United States Patent and Trademark Office licenses patent agents.

Course Descriptions

LEGL 5260 Methods of Legal Research and Writing I (3)

This course is designed to develop the student's research and writing skills, including legal citations. Methods of Legal Research and Writing I introduces the student to the skills necessary for identifying, locating, and using legal resources, including: primary sources of statutory and case law; secondary authority; and research reference tools commonly located in a law library which are used to navigate the primary and secondary sources. In addition, the students will be introduced to the process of computer-aided legal research. This class also explores the process of legal analysis through the incorporation of the results of legal research into legal argument and legal memoranda. Prerequisite: LEGL 5000.

LEGL 5270 Methods of Legal Research and Writing II (3)

This course is a continuation of LEGL 5260. Methods of Legal Research and Writing II is designed to build upon the research skills learned in Methods of Legal Research and Writing I and to enhance the student's legal analytical and writing skills. The course includes several legal issue writing projects, at least two of which will combine both research and writing skills. Prerequisite: LEGL 5000 and LEGL 5260.

LEGL 5710 Global Intellectual Property Law (3)

This course will introduce students to intellectual property outside the U.S. It will also cover the challenges and problems in protecting and enforcing patents, trademarks, copyrights, and trade secrets outside the U.S. Additionally, this course will cover the major intellectual property treaties, including the Paris Convention; The Patent Cooperation Treaty; the Madrid Agreement and the Madrid Protocol; the Berne Convention; the Universal Copyright Convention, and others, focusing on the practical impact of these treaties on protecting rights outside of the United States. Prerequisite: LEGL 5000.

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LEGL 5720 Copyright Law and Trade Secret Law (3)

This is a substantive law course covering the federal copyright statute (17 U.S.C. 101 et seq.) and the federal and state statutes governing trade secrets and confidential information. Issues to be examined include copyrightable subject matter, the exclusive rights afforded by copyright, ownership of copyright, and fair use. Additionally, this course will cover the preparation and prosecution of applications for copyright registration, and the federal and state schemes for protecting and enforcing rights in trade secrets and other confidential information. Prerequisite: LEGL 5000 and LEGL 5900.

LEGL 5730 Trademark Law (3)

This is a substantive law course covering the federal and state statutory and common law schemes for protecting trademarks and service marks. This course follows the process of selecting and protecting a trademark including pre-adoption searching, preparation and filing of applications, prosecution of applications, and issuance and maintenance of trademark registrations in the U.S. and abroad. Prerequisite: LEGL 5000 and LEGL 5900.

LEGL 5740 Ownership, Licensing, and Transfer of Intellectual Property (3)

This is a practical skills course covering the basics of contract formation and drafting. This course will cover the preparation and interpretation of agreements affecting the ownership, licensing, and transfer of intellectual property, including patents, trademarks, copyrights, and trade secrets. Prerequisite: LEGL 5000 and LEGL 5900.

LEGL 5750 Computerized Patent Searching and Patentability (3)

This is a legal researching and writing skills course that will focus on searching strategies and databases in patent contexts. This course will address both publicly available and private databases for searching for prior art for patentability and validity purposes, and legal precedent to support application and enforcement efforts. Prerequisite: LEGL 5000 and LEGL 5920.

LEGL 5900 Foundations in Intellectual Property Law (3)

This course is a survey of the four primary areas of intellectual property--patents, trademarks, copyrights, and trade secrets. This course will compare and contrast the protections afforded by each of these primary areas of intellectual property law, and will clarify the scope and limits of patent protection for new inventions and discoveries. Prerequisite: LEGL 5000.

LEGL 5910 Patent Law (3)

This is a substantive patent law course focusing on the federal patent laws (35 U.S.C. 1 et seq.). This course will cover the arrangement of the U.S. Patent Office, the requirements of patentability, and the patent application process. This course introduces students to the U.S. patent system, issues relating to patent law, patentability, benefits of obtaining patent protection, defenses to and remedies for patent infringement, and patent issues abroad. Prerequisite: LEGL 5000.

LEGL 5920 Patent Drafting (3)

This is a practical skills course that teaches the fundamentals of preparing a patent application, with particular emphasis on claim drafting. Drafting techniques useful for all technical subject matters will be covered. At the end of this course, students are expected to be able to draft proper claims and prepare patent application documents suitable for filing in the U.S. Patent and Trademark Office. Prerequisite: LEGL 5000, LEGL 5260, and LEGL 5910.

LEGL 5930 Patent Prosecution (3)

This is a practical skills course that teaches the fundamentals of prosecuting patent applications - corresponding with the U.S. Patent and Trademark Office to overcome formal and substantive rejections of a patent application. Prosecution strategy with a view toward subsequent

enforcement of the resulting patent will be emphasized. At the end of this course, students are expected to be able to draft a proper response to an Office Action issued by the U.S. Patent and Trademark Office, and handle other issues with the U.S. Patent and Trademark Office relating to the issuance and maintenance of U.S. patents. Prerequisite: LEGL 5000.

LEGL 5940 Patent Law Regulations, Procedures, and Ethics (3)

This course reviews the patent laws (35 U.S.C. 1 et seq.), the formal patent rules (37 CFR), and information patent rules (the Manual of Patent Examining Procedure). One of the objectives of this course is for students to become familiar with the practical side of how the patent laws are implemented by the U.S. Patent and Trademark Office. Students will also learn the nuts and bolts of patent filing - what papers are necessary to file a patent application and how to prepare and file them. This course will also cover ethical issues of patent preparation and prosecution. Prerequisite: LEGL 5000 and LEGL 5910.

LEGL 5950 Patent Litigation and the Federal Courts(3)

This is a substantive law course focusing on the Court of Appeals for the Federal Circuit, which has exclusive jurisdiction over most patent-related lawsuits. This course will cover the structure of the Court, and its procedures, and the effect of the Court's decisions on Patent Office Procedures and patent litigation. Specific attention will be given to the study of the significant rulings of the Federal Circuit on the interpretation of patents, the determination of infringement, and the remedies available for infringement. Prerequisite: LEGL 5000, LEGL 5260, and LEGL 5910.

LEGL 6030 Integrated Practices in Patent Agency (3)

This is the capstone practical skills course bringing together all of the substantive law knowledge and practical skills training and applying it to the searching, preparation, filing, and prosecution of a patent application on an invention. Students will follow a project from start to finish, producing a portfolio-type work product that may be useful as a writing sample. Prerequisite: Completion of all other required courses in this major.