

Program Statement for Masters in Patent Practice

This memorandum describes the program for a *Masters in Patent Practice* at the Case Western Reserve University School of Law. The proposal was initiated by Professor Craig Nard and Interim Deans Jessica Berg and Michael Scharf. The proposal has the deans' full support.

General Description

The *Masters in Patent Practice* is designed to prepare students for a career as patent agents.¹ The program is open only to candidates who are eligible to sit for the patent bar exam, which requires the candidate to possess an undergraduate degree in engineering, computer science, or one of the physical or biological sciences as set forth in the U.S. Patent and Trademark Office's Rules of Eligibility.²

Rationale and Mission

The purpose of the degree program is to prepare a cadre of students for successful careers as patent agents. In any given year, recently graduated engineers and scientists enroll in law school with the goal of becoming patent lawyers, but over the past few years, a growing number

¹ A patent agent is a person who is licensed to practice before the United States Patent and Trademark Office ("USPTO"). The USPTO website states there are currently 31,699 patent attorneys and 10,740 patent agents. See <https://oedci.uspto.gov/OEDCI/>

(last visited on May 15, 2014).
² See [uspto.gov/ip/boards/oed/exam/GRB_January_2014.pdf](https://www.uspto.gov/ip/boards/oed/exam/GRB_January_2014.pdf). Eligibility to sit for the patent bar can also be satisfied if the student fits into the USPTO's "Category B" eligibility requirements, which provides for a combination of credit hours from various technical disciplines as set forth by the USPTO's Rules of Eligibility. The proposed *Masters in Patent Practice* will also consider applicants who are moderately shy of eligibility with respect to credit hours, but have expressed a willingness to enroll in the necessary science or engineering courses to fulfill eligibility requirements.

have become reluctant to invest in a three-year JD program. The proposed *Masters in Patent Practice* seeks to provide a viable alternative fova

Patent Law;”⁵

APPENDIX A

Masters in Patent Practice Description

The *Masters in Patent Practice* is a masters degree offered by the law school. The degree is primarily intended for training students to be patent agents. Currently, there are three other institutions that offer a degree focused on training patent agents.⁸

The proposed *Masters in Patent Practice* offers 24-credit hours of course work, including a clinical experience. All of the courses and an experiential opportunity are designed to train students to represent clients (inventors) before the U.S. Patent & Trademark Office.

⁸ See footnote 5-7, *supra*.

**MASTERS IN PATENT PRACTICE
COURSE OF S**

differ depending on the

II (B) Review of the FP by RACGS Member Institutions

(1) Academic Quality: Competency, experience, and number of faculty, and adequacy of students, curriculum, computational resources, library, laboratories, equipment, and other physical facilities, needed to mount the program.

The *Masters in Patent Practice* program would be supported by one dedicated director, at least one staff member, and the library staff. The library has 26,778 linear feet of materials, with 352 available student seats or carrels. There are two, thirty-computer labs, one of which is used for instruction; an on-site technical computer staff; and, an on-site, full-time computer program tutor.

(a) In addition to this analysis, for entry level graduate degree programs, academic quality assessment will focus on the adequacy of the answers provided in response to the following questions:

There are only three other institutions in the United States that offer a masters degree for aspiring patent agents. While the *Masters in Patent Practice* is not a requirement for practicing before the U.S. Patent & Trademark Office, a student who enrolls and completes the requirements of this degree will be better prepared and more competent to represent clients before the U.S. Patent & Trademark Office.

i. Is the program distinctly different, both conceptually and qualitatively, from the undergraduate degree programs in the same or related disciplines? If so, is there a detailed listing of the specific differences?

There is no undergraduate program in this country that prepares students for a career as a patent agent. At the graduate level, there are only three other programs in the country that offer a masters degree focused for aspiring patent agents. The University of Notre Dame offers a

The *Masters of Patent Practice* program provides a capstone experience for

iv. How does accreditation by the appropriate professional organization relate to the academic experience outlined in the program plan? Describe the specific aspects of the program plan, if any, that are necessary to achieve professional accreditation.

In order to achieve professional accreditation, it is necessary that the American Bar Association Committee on Legal Education “acquiesce” in the offering of the degree. The American Bar Association requires that a program provide adequate administrative and faculty support, adequate physical facilities, adequate law library support, and not detrimentally affect the diversity and richness of J.D. course offerings.

v. What is the relationship between theory and practice as expressed within the proposed curriculum? Identify a set of core courses and show how the curriculum enhances the student’s professional preparation.

There are a total of eight courses in the *Masters of Patent Practice* program (a total of 24-credit hours) that are designed to marry the theory and practice of representing clients before the U.S. Patent & Trademark Office. These courses include:

1. Intellectual Property Survey
2. Patent Law
3. Patent Drafting and Prosecution I
4. Patent Drafting and Prosecution II
5. IP Management and Commercialization
6. Patent Bar Review
7. Claim Drafting Lab
8. Experiential

vi. Does the number of credit hours required for graduation differ significantly from traditional graduate degree programs? How is the number of credit hours required for graduation influence by mandated professional experiences?

have large populations of underrepresented groups (e.g., HBCUs); (2) develop effective networks; (3) attend and present the *Masters of Patent Practice* program at minority-focused fairs and conferences (e.g., Annual Biomedical Conference for Minority Students); (4) offer campus visits and research opportunities; and (5) communicate inclusiveness efforts

(4) Statewide Alternatives

A *Masters in Patent Practice* is not currently offered in the state of Ohio. Admission to the masters program at Case Western Reserve University School of Law would be strictly limited only to students of the very highest academic potential.

(5) External Support: Community, Foundation, Governmental, and other Resources.

While endowment may be sought, the *Masters in Patent Practice* program can be fully supported from the operating budget, including endowment funds from the Center for Law, Technology & the Arts. As part of the significant interdisciplinary initiatives of the law school, and the Case Western Reserve University's prioritization of the complete integration of the law school into the university's fuller community, masters students will have the full academic support of the university as a whole.