

What Is the Role of the Patent Examiner and How Do I Become One?

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A patent examiner is a person who reviews your patent application. A patent examiner carries an advanced level of engineering and scientific skills and knowledge along with a bachelor's or a higher degree in the relevant field.

Chief employers of patent examiners are the USPTO (The United States Patent and Trademark Office), EPO (The European Patent Office), JPO (The Japan Patent Office) and other patent offices across the world.

Role of patent examiner

The main role of a patent examiner is to examine or review the application of patent and determine whether the innovative idea or invention qualifies.

The Act of 1970 was the first law drafted in the interest of patenting. The job of patent examiners was highly in demand after USPTO was formally established in 1802.

According to USPTO, a patent examiner:

- Searches existing technology for claimed invention
- Serves as the protector/advocate of public interest in regards to intellectual property
- Issues valid patents
- Provides assistance and direct service to customers from inside and outside the USPTO
- Serves as a judge on patentability in regards to claimed inventions

Reads and understands the invention set forth in Title 35 of the United States Code
Reviews patent applications and determine if those comply with fundamental format, principles and legal requirements.
Determines the scope of the invention claimed by the inventor
Searches for specific technologies and compare similar previous inventions with the latest invention claimed in the application of patent
Communicates the research as to the patentability of the applicant's invention through a documented action to patent/inventors practitioners.

How to become a patent examiner

Patent examiners generally study several courses and subjects related to science and technology and gain a deep understanding of these subjects. This will ultimately help you in becoming a capable patent examiner.

Completing your bachelor's degree in physics, chemistry, biotechnology, microbiology or biology would help you in gaining scientific knowledge. Alternatively, you may select engineering at an undergrad level if you like solving problems or if you prefer the information technology field.

After completion of your formal education, you must apply for the role of the patent examiner at the Patent Office. Patent examiner traits include the ability to understand the idea and technology behind the patent. For instance, if someone applies to patent a diagnostic tool, the examiner must be able to understand how that tool works.

Duties of patent applicants

The patent applicant must submit duly completed application along with proper documentation and drawings to the USPTO. The application must have an invention title along with the description of the utility of the invention. All this information would help the examiner in gauging what he/she is applying the patent for.

All drawings and description must be precise with little or no room left for imagination other than the intended purpose of the invention. For instance, if drawings or descriptions are vague, the application may be rejected outright. Also, if a patent is granted basis vague descriptions/drawings and if any individual alleges such patent of infringement, the inventor may possibly be sued.

Various inventors have lost patent rights on the ground of vague descriptions and drawings.

Life of a Patent Examiner

Patent examiners must assess the applications and conclude whether the invention claimed must be granted the patent or must be rejected. After receiving an application, the examiner further compares it to the previous art, databases, patents, scientific literature, etc. The examiner or issuing office must also explain to the applicants any potential protest or objections existing against granting of the patent.

Basically, the responsibilities of a patent examiner revolve around reviewing the patent applications extensively and assessing whether those meet the legal requirements for granting a patent. Legal requirements for patentability include sufficiency of disclosure, novelty, industrial application or utility and inventive step or non-obviousness.

The job of a patent examiner is highly challenging as well as interesting. If you have an inquisitive and legal bent of mind, this might be the right career for you.

Paul and Paul can help you if you need help with [patent laws](#)! If you'd like to get a free phone consultation about patent laws, contact us at (866) 975-7231 for more information!

About Paul & Paul

Paul & Paul is one of the leading Patent Law firms in the greater Philadelphia metropolitan area. Our attorneys have the experience before state and federal courts throughout the United States, including the U.S. Patent and Trademark Office, the U.S. Copyright Office, the U.S. International Trade Commission, and the U.S. Federal Trade Commission.

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