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EMERGING PROFESSIONALS

Patent Law: A Career Alternative or an Engineering Tool

By Christopher C. Smith, Brooks Kushman P.C.
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It was my sophomore year in college and I started taking courses in materials science – my declared major. But as time went on, I began to investigate whether there was a career that could combine my interest in science and technology with creative skills typically not a focal point of engineering, such as writing, argument development, and negotiation. My investigation led me to patent law. I discovered that the diverse technical education I was receiving in my materials science courses could be very useful in a career in patent law.

The practice of patent law consists of two primary categories: prosecution and litigation. Patent prosecution involves drafting patent applications and communicating with examiners at the United States Patent & Trademark Office (USPTO) in a negotiation over the proper scope of the invention at issue in the application. Prosecutors typically work with engineers and scientists during the patent drafting process to focus the application on the key inventive features. In contrast, litigation consists mainly of suing and defending parties in court for patent infringement. Litigation involves drafting motions, conducting discovery for evidence, analyzing issues in cases, and arguing cases in court. During a patent lawsuit, patent litigators typically spend months working with experts to gain a deep understanding of the technology at issue. Whether prosecuting or litigating patents, an understanding of various technologies is useful and in many cases necessary. In my experience, a materials science education continues to provide a diverse understanding of technologies, making it a natural background for patent lawyers.



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The combination of writing, argument development, negotiating, and technologies is what has made patent law so appealing to me. Whether I was prosecuting patents for metals used in golf clubs or litigating issues in automotive and internet technologies, I have found my materials science background has helped me be a better patent lawyer. This is no surprise. A background in materials science offers a diverse understanding in areas such as electronic materials, biomaterials, mechanics of materials, and metallurgy, making it particularly useful to an attorney who must have a skill set flexible enough to master many technologies.

If you have an interest in pursuing a career in patent law, or just gaining a better understanding of the patent issues that can arise in your engineering practice, I suggest speaking with a practicing patent attorney. A patent attorney can help you navigate the ever-changing landscape of this complicated and rewarding area of the law. And if you ever wanted a career, which utilizes your materials science background, and exposes you to a variety of experiences, patent law is certainly an area worth pursuing.

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