A woman with long dark hair, wearing a dark blue suit jacket over a white top, is speaking at a wooden podium. She is looking slightly to her right with a pleasant expression. In the background, several men in suits are seated, some looking towards the speaker. The scene is set in what appears to be a courtroom or a formal hearing room.

The PTAB Judicial Law Clerk Program

Learn about becoming
a Judicial Law Clerk
at the Patent Trial and
Appeal Board (PTAB)
at the
United States Patent
and Trademark Office



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Grow your career as a USPTO PTAB Judicial Law Clerk

About the Program

The judicial law clerk program at the Patent Trial and Appeal Board (PTAB) is designed for recent law school graduates and other attorneys early in their career who want to gain valuable experience in patent law. The program currently runs for a one-year fixed term and is based at the USPTO's headquarters in Alexandria, VA.



Kyla B.

Judicial law clerk,
Patent Trial and Appeal Board (PTAB)
FY2021

"I get a firsthand look at how the patent legal system is portrayed through the eyes of those who have been senior associates, partners, patent examiners, and are now Administrative Patent Judges."

Judicial law clerks work directly with administrative patent judges (APJs) and provide assistance throughout the decision-making process. Assignments include assisting in adjudicating America Invents Act (AIA) trials such as inter partes review and post-grant review proceedings, addressing ex parte appeals from adverse decisions of examiners regarding patent applications, and conducting other research, as needed, to analyze the issues and matters germane to the PTAB's overall mission.

The program further includes opportunities to work with other individuals at the PTAB and the U.S. Patent and Trademark Office (USPTO) on special projects and initiatives concerning patent laws, statutes, and USPTO policy.

For example, some judicial law clerks have worked on a detail with the Director of the USPTO.

Clerkship Opportunities and Responsibilities

Each judicial law clerk will be assigned to work primarily with three APJs, one of whom will serve as the judicial law clerk's supervisor. Throughout the adjudication process in both AIA trial and ex parte appeal proceedings, judicial law clerks will review the factual record and submissions by the parties, analyze the pertinent legal and technological issues, and provide recommendations to the APJs on the resolution of the various issues.

Judicial law clerks will typically attend hearings and observe oral arguments, and will also complete a variety of writing assignments that include drafting bench memoranda, opinions, orders, and reviews of any underlying prior art and technology. Judicial law clerks may also take part in conferencing with the panel of APJs assigned to a particular proceeding, where the panel will review the facts and details of the case, collaborate on the analyses of the issues, and discuss the next steps to take going forward.

Benefits of the Clerkship

The judicial law clerk program provides significant professional and personal experiences particularly helpful to lawyers who are at the beginning of their legal careers. Through the program, judicial law clerks gain the legal skills necessary to succeed as a lawyer, such as writing, research, and communication pertaining to complicated issues of law and science. Judicial law clerks also gain technical exposure by working in a vast array of technological fields, ranging from mechanical inventions to pharmaceuticals to software.

The program provides judicial law clerks with unique insights into how the PTAB makes its decisions and how the PTAB and the USPTO function together. Through these experiences, judicial law clerks will also have the chance to build a wide network, not only through interacting with other parts of the USPTO and attending conferences, but also by forming close relationships with the APJs, who may become lifelong mentors and provide advice and guidance long after your clerkships end.

Who Should Apply, and Why?

The judicial law clerk program is ideal for attorneys who possess a strong interest in patent law. Because judicial law clerks work on appeals and AIA trials, anyone seeking to gain experience in prosecuting patent applications or litigating the validity and patentability of an issued patent should consider applying to the program.



As USPTO employees, judicial law clerks can take advantage of working at a federal government agency with one of the nation's highest ratings in job satisfaction. Among other things, this includes a great work-life balance while still gaining vast substantive experience by working with other USPTO employees. And spending the one-year term in the Washington, D.C. area makes it even easier for judicial law clerks to build a strong network in the heart of the patent world.

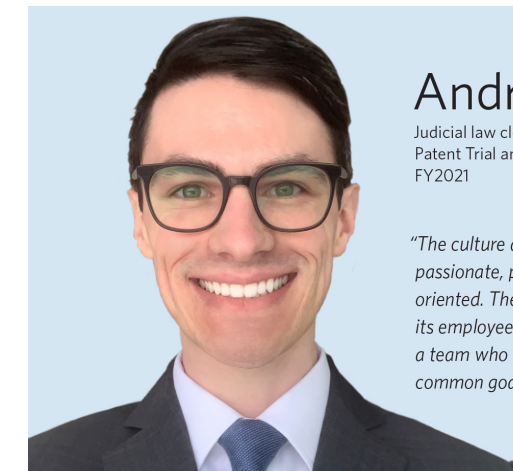
Application Requirements

To apply to be a PTAB judicial law clerk, you must:

- Have a scientific or technical background sufficient to take the USPTO Registration Exam, known as the patent bar examination.
- Earn a Juris Doctor before starting
- Plan to sit for the bar exam of any State
- Be a U.S. citizen and pass a background check

The job opening is posted on **USAJOBS.gov**. To coincide with the hiring timeline for other judicial law clerk programs, the application window typically lasts from late summer to early fall, for clerkships starting about one year later.

The components of the application, which will be listed on the USAJOBS.gov posting, typically include: a resume, transcripts (undergraduate, law school, and graduate, if applicable), and an optional cover letter.



Andrew K.

Judicial law clerk,
Patent Trial and Appeal Board (PTAB)
FY2021

"The culture at the USPTO is warm, passionate, productive, and team-oriented. The USPTO really makes its employees feel like members of a team who care about achieving a common goal."



The United States Patent and Trademark Office
Patent Trial and Appeal Board

For more information, please visit www.uspto.gov/ptab