

## **topic:** PATENT LAW

### **What are the differences between a U.S. patent agent and a U.S. patent attorney?**

#### **advice:**

Commonly, a U.S. patent agent is an engineer who has completed a registration examination at the United States Patent and Trademark Office (USPTO). Completion of this examination allows the patent agent to represent inventors and entities in patent matters at the USPTO. Examples of representative matters include patent application preparation, patent application prosecution, and contesting or promoting patentability of a challenged patent claim at the USPTO.

In comparison, a registered U.S. patent attorney can perform all of the functions of a patent agent and a practicing lawyer. Unlike a patent agent, a patent attorney can perform legal services such as providing patent infringement and validity opinions, preparing and negotiating a patent license, and representing a party in court. A patent attorney's unique legal skillset is often critical in USPTO patent matters where issues are not exclusively about technology differentiation, but rather meld technology and law or nuances in the law.



**Ryan Willis**  
ATTORNEY

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Porter Wright Morris  
& Arthur LLP  
513.369.4233  
rwillis@porterwright.com  
www.porterwright.com

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**porterwright**  
PORTER WRIGHT MORRIS & ARTHUR LLP