

American Chemical Society AMA: I'm Paul Dietze, special counsel for Haynes & Boone, LLP, here to discuss a career in patent law. AMA!

AmerChemSocietyAMA¹ and r/Science AMAs¹

¹Affiliation not available

April 17, 2023

Abstract

Hello, everyone! I am Paul Dietze, and I'm here to chat with you about a career in patent law. A little bit about me: I've always liked science. When I was a kid, I had a chemistry set, I had a microscope, and I had one of those van de Graaff generators that you crank and make static electricity. I went to Queens College at the City University of New York, and that was a wonderful place. I got my undergraduate degree in chemistry from there. I worked a 40 hour week all through college, in an ice cream store. I never borrowed a dime to go to college. I paid for it as I went. I got a job as an analytical chemist within a year after I graduated college. I remember the job market was not real good when I graduated in 1976. I got a job at a flavor and fragrance company in Manhattan, Fritzsche, Dodge & Olcott. I went to NYU at night for my master's in chemistry. I liked school much better than I liked the job, so I applied to the Ph.D. program and got accepted. I really enjoyed the teaching part, and I decided I wanted to teach. When I graduated I was offered a teaching position at a small liberal arts college in Indiana, Earlham College. I taught there for two years. I missed doing research, so I did a postdoc in the lab of William P. Jencks at Brandeis University. In 1987, I got a position as an assistant professor at the University of Maryland, Baltimore County. In 1993, I was not offered a tenure position, and I was always interested in law, so I applied for law school. At the same time, I applied for a job at the FDA to be a review chemist in the division of oncologic drug products anticancer drugs. I loved law school. I looked forward each day to getting out of work to go to school. Today, as a special counsel for Haynes and Boone, LLP, I provide counseling to clients in the generic pharmaceutical industry. I get to use my chemistry, and I get to use my law degree. It's really a perfect blend of everything. If I had to do it all over again, I'd do it exactly the same way. I'm here to answer any questions you have about a career in patent law or how to use your chemistry degree for a nontraditional career. I'll be online at 11:00am EDT to begin answering your questions! For more on nontraditional careers in chemistry, check out C&EN's new Career Ladder series in the first issue of every month in C&EN. My Career Ladder profile appears in the inaugural June 6th issue of Career Ladder in C&EN. For a C&EN article on how to get a career in patent law, see: A Patently Satisfying Career updated links 08:35 EDT -acs Thank you for your questions. I have enjoyed chatting with you. —Paul

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The ability for patents to be filed which can be broadly encompassing, despite not having the appropriate results, has lead to many companies not patenting technology and fighting against disclosure of proprietary technology. Particularly for smaller companies or individual filers who have less money dedicated towards fighting patent infringement.

In the future, as technology gets more specific, requires more capital, and competition increases, do you see patents becoming more problematic or beneficial regarding disclosure of proprietary technology for smaller businesses?

[BlackManonFIRE](#)

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Society AMA: I'm Paul Dietze,
special counsel for Haynes &
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career in patent law. AMA!,
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Patents provide valuable protection to a company. Without a patent you have little protection. Although some patents have claims that are very broad, the validity of broad claims are easier to challenge. It is important for inventors to limit the scope of their patent to what they actually invent.

If your patent is valuable, it is worth asserting in a patent infringement action. There also are alternatives to taking legal action such as licensing the patent.

What level of scientific knowledge is required in this field? Also, would you have to get a law degree to work with this?

[canoodle_me](#)

Having a good scientific background is a big asset when practicing patent law. In my opinion, you need to really understand the science to draft a patent that meets all the legal requirements for the patent to be valid.

Similarly, it is much easier to challenge the validity of a patent in court when you understand the science. Invariably, there will be expert scientific witnesses when a patent is challenged and it is important to be understand the experts testimony if you are going to challenge that testimony.

Many firms hire scientists, typically Ph.D. scientists, who are not lawyers, as technical specialists to assist with the technical and scientific issues in a case.

Sounds like an interesting career—thanks for the AMA! I hear a lot about there being too many law school grads these days, though, and not enough jobs for them. For someone with a science or engineering degree who's looking into patent law, which of these would you suggest:

1. Taking the PTO registration exam, maybe getting some prosecution experience, and then looking into law school, or
 2. Going to law school first and focusing on patent law while already there?
- Or is there another path you'd recommend?

[myersjustinc](#)

Great question. There are a lot of lawyers today. But, I think there is still a need for lawyers with technical/scientific skills. I would go to law school only if you find it interesting and really want to do it. I love what I do. If you are uncertain, perhaps see if you can get a position as a technical specialist with a law firm to see if you like that kind of work. If you elect to go to law school, try and do something to set you apart from others like law review, top of your class, or moot court.

When I went to law school I thought I would be a patent attorney, but did not focus on patent law. I wanted to learn about other areas of law and realized I would not have a chance to be exposed to these other areas after I left law school. Take a patent course, but you will learn all you have to know when you join a firm. Best of luck.

In your opinion what area of scientific patent law is the most misunderstood in the wider public and conversely what area is the most misused?

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I think much of the wider public does not understand exactly what a patent is and what benefits are conferred by a patent. Often it is a misunderstanding of the legal rights you have with a patent, not the

"scientific" issues that cause misunderstandings.

First, thank you for taking the time to share your knowledge and experience here at [/r/science](#). With the objective nature of scientific research, how do you contend with the "theatrics" that are often associated with the legal system? It seems to me that these two fields tend to be fairly polarized on the objective:subjective spectrum. Do you ever find your client's requests challenging your scientific morals?

[DonQuesoDeLaVega](#)

There are legal requirements to obtain a patent. For example, is a claimed invention obvious to a person of ordinary skill in the art and is the claimed invention enabled. Whether a patent claim satisfies these legal requirements is a question of law, but what would be obvious to a person of skill in the art or what is enabled is a question of how advanced the science was at the time of the alleged invention. Thus, there is really not a conflict between law and science. They are both part of analysis and need to be considered together.

I have never been put in a position where I was asked to compromise my scientific morals (i.e., say something scientifically incorrect) as part of a legal proceeding, and I would not do that.

As a side note, I think that the analytical approach used by scientists is helpful in analyzing complex legal issues. The structured, logical approach of science can be applied to analyzing legal issues.