

From lab to law: becoming a chemical patent attorney

Mathew Lucas describes his metamorphosis to a patent attorney.

The chemical patent attorney is a strange creature. Part chemist, lawyer-like, it dwells in the shadowy underworld between science and the law. A suit is often observed covering its outer surface, a lab coat underneath (metaphorically speaking!). Why does one decide to become such a creature? How is such a creature formed? These are the questions I have been asked to explore. Let me tell you a story ...

The year was 1993 and I was a young honours student in the chemistry department at La Trobe University, Bundoora. Looking back I now acknowledge 1993 as the year I caught the chemistry bug. My supervisor at that time, the late Dr Trevor Broxton, had a great passion for chemistry and I'm grateful to him for his contagious enthusiasm. Yes, as Ol' Blue Eyes himself sang, 'When I was 21 it was a very good year' ... well, almost – I was 22.

The next year I packed my swag and headed to the 'big smoke' and the University of Melbourne. With long hair, bandana and a desire to explore new chemistry, I knocked on the office door of Professor Don Cameron. I think there may have been some initial hesitation on behalf of the professor, perhaps understandably so, as today I too would be wary of letting loose in a chemistry lab a guy who resembled Axel Rose. I was promptly referred to the new young academic Dr (now Professor) Carl Schiesser. I was provided with the challenge of preparing some seleno-sugars. The catch was that the synthesis had to include an intramolecular homolytic substitution step at selenium. I accepted Carl's challenge. I worked long hours in the famous Davies laboratory, a free-radical chemist

amongst more traditional synthetic organic chemists. At one stage, I held the nickname Isaac Asimov as my work appeared to many to be more akin to science fiction. Working in the lab with selenides, tellurides and thiols generated other, less flattering, nicknames.

The years of toil paid dividends with some satisfying publications and finally an award of a degree of Doctor of Philosophy. But I didn't want the dream to end there. I embarked on a series of postdoctoral appointments, the first at the University of Illinois, Chicago, and the second at the University of Adelaide.

I experienced a bitter winter two months into my Chicago postdoc in the laboratories of Professor David Crich. In hindsight, Chicago provides the best weather for doing

chemistry. With bitterly cold winters and sticky, humid summers, one is forced to consider more wholesome indoor activities, like chemistry. Adelaide, in contrast, with weeks of unending warmth and blue sky, is more conducive to outdoor pursuits.

Whether it was the extreme changes of season or some other underlying malcontent, after nearly two and half years on the road I started to ponder what life would be like unshackled to the bench. I remember reading a newspaper advertisement from a firm of patent and trade mark attorneys who were looking for an organic chemist to join their team. I also recall a certain uneasiness in the initial job interview, as I had no real understanding of the role of a patent attorney, and especially the role of a scientist within such an organisation. I believe the uneasiness may have been mutual, as the initial advertisement sought a synthetic organic chemist, and sitting in front of the interviewers was this long-haired guy postulating on the possibilities of using free-radical methodology to form biologically active heterocycles. 'Who is this guy?', they may have thought, 'Isaac Asimov?'

Whatever the logic, the end result was that, in the autumn of 2000, I hung up my lab coat for the last time, returned to Melbourne, bought myself a suit, had a haircut and shave, and started on a new road. I was training to become a chemical patent attorney.

As stated earlier, the chemical patent attorney is a rather strange creature. It is an understatement to say that the transition from the laboratory to an office environment is a difficult one, at least it was for me.



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Instead of reading journal articles, I was reading patent case law. No longer devising new synthetic strategies, I was assisting in drafting patent specifications that told the stories of the chemistry of others. But the chemistry was still there, at least on paper, and now I was being exposed to diverse and cutting-edge technologies.

The patent attorney starts out as a technical assistant or TA. The TA is not a qualified attorney but is on the road to becoming one. It is not an easy road to travel. To become a patent attorney the TA must study and pass multiple exams (about nine) while also juggling a full-time

job that typically involves assisting in drafting of patent specifications and the prosecution of patent applications. It is this meld of theoretical and practical experience that enables the TA to mature into a patent attorney. Qualification as a patent attorney usually takes three to four years.

The patent attorney improves and hones its skills over many years of practice. In general terms the patent attorney is a creature who has attention to detail and a flair for written communication. The patent system is dominated by deadlines. Add to this the requirements and internal deadlines of clients, and the

patent attorney is faced with many demands.

The patent attorney is not always constantly struggling to meet deadlines. Patent attorneys often like to congregate and enjoy the fruits of their labour, generally the red and white grape variety. You can often observe a patent attorney at a gym or on a golf course. They also like to attend and support chemistry conferences and seminars. Admittedly, they do not often blend in well, but don't be scared off by the suit; say hello, for they were once chemists, too.

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