



# Pitch – Diversity at the Patent Office

**Professor Paul Gugliuzza and  
Dean Rachel Rebouche  
(Temple University)**

# Diversity at the Patent Office

Paul Gugliuzza

Temple University

Beasley School of Law

[paul.gugliuzza@temple.edu](mailto:paul.gugliuzza@temple.edu)

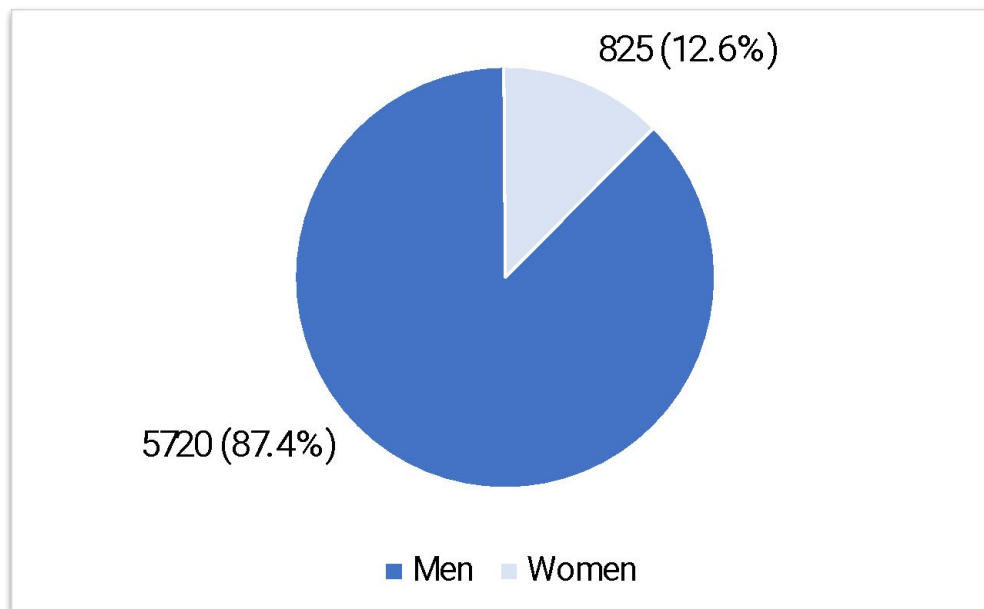
Rachel Rebouché

Temple University

Beasley School of Law

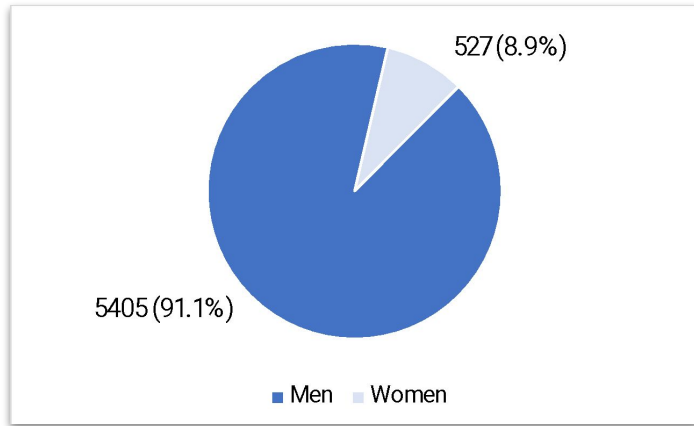
[rebouche@temple.edu](mailto:rebouche@temple.edu)

# Federal Circuit oral arguments in patent cases, 2010 through 2019

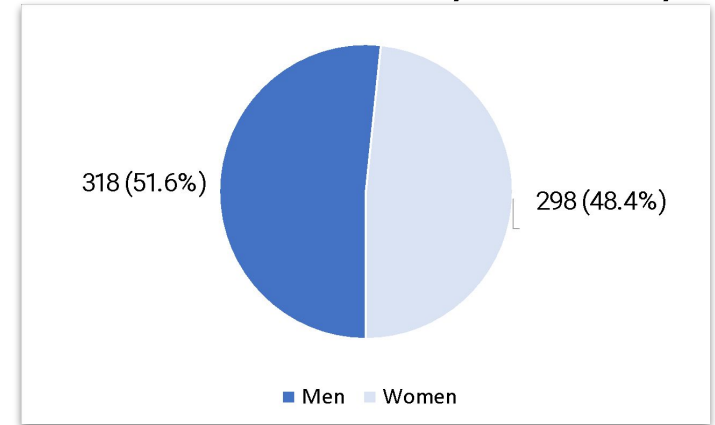


# Federal Circuit oral arguments in patent cases, 2010 through 2019

## Private sector lawyers only

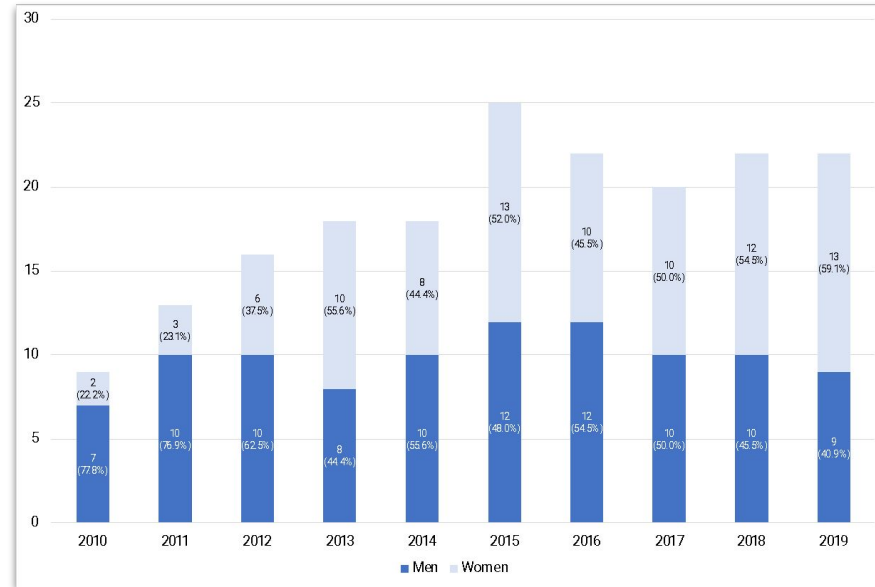


## Government lawyers\* only



\*78% of gov't lawyers in Federal Circuit patent cases are from the PTO Solicitor's Office

# Federal Circuit Oral Arguments by the PTO Solicitor's Office, 2010 through 2019



Overall, **precisely 50%** of arguments presented by the Solicitor's Office were by women (238 of 476)

Increase from 2010-12 to 2017-19: **93.2%**

# The **private/public** gender divide in patent law

## Private sector

25% of pharma **patent prosecutors** are women

12% of **attorneys** appearing before the PTAB are women

## PTO

42% of pharma **patent examiners** are women

~33% of **PTAB judges** are women

**Why** does the PTO do so much better than the private sector?

**Proposal:**

Semi-structured interviews with key PTO officials and select employees about **how** the Office secures a diverse workforce...

....at the Solicitor's Office, in the examining corps, and on the PTAB.

# Why does the PTO do so much better than the private sector?

## Questions will explore:

The PTO's recruitment and interviewing process

The backgrounds of applicants the PTO typically attracts

How hiring decisions are made

Retention efforts

What does 'diversity' mean at the PTO? (gender, race, disability, veterans...)

Is diversity a consideration?

Does diversity arise from other factors that make the PTO an attractive place to work?

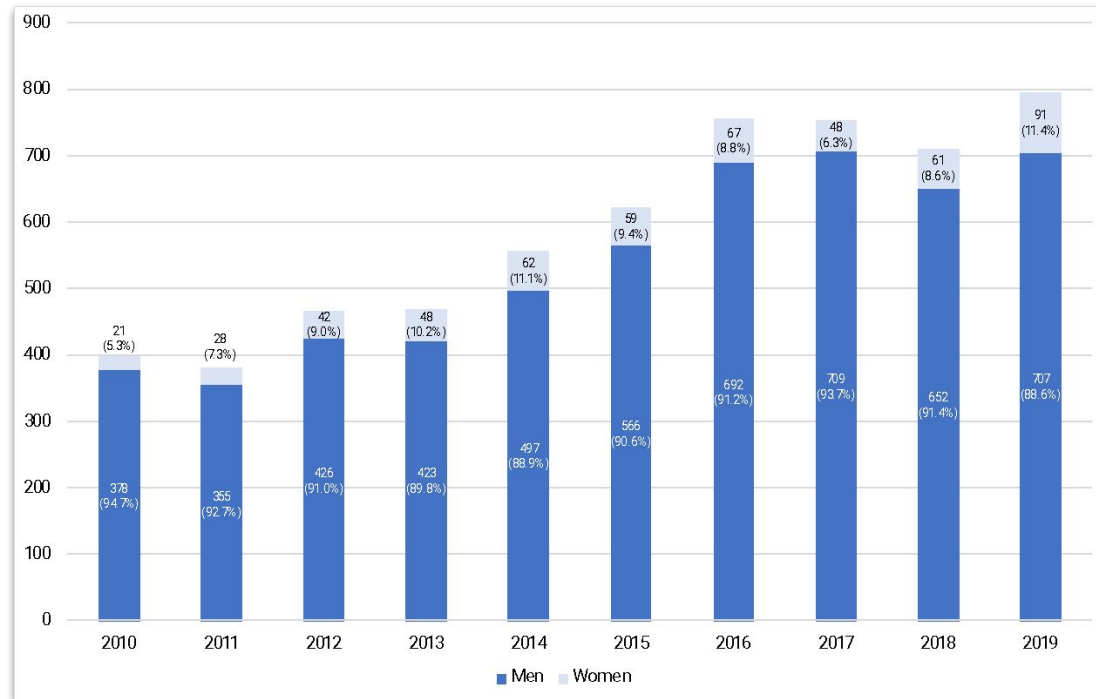


# What can the legal profession learn from the PTO?

## Core objectives:

- (1) Document the PTO's success in employing a diverse set of attorneys and examiners [while we still can!]
- (2) Identify practices the private sector could adopt to advance diversity and inclusion in patent law practice

# Federal Circuit Oral Arguments by **Private Sector Lawyers**, 2010 through 2019



# Diversity at the Patent Office

**Who:** PTO officials and employees involved in personnel strategy and decisions

**What:** Semi-structured interviews about recruitment, hiring, retention, and life at the PTO

**Why:** Why is the PTO's work force diverse and inclusive?  
What can the PTO teach the private sector?

**How:** [paul.gugliuzza@temple.edu](mailto:paul.gugliuzza@temple.edu)