

Building Bridges: How Patent Pathways is Shaping a Diverse IP Future

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ES So Patent Pathways' next goal is really our vision for the program. It's to make sure that the word "under-represented" is not used in connection with the patent field. So we won't stop until the patent community and the patent field matches the demographics of our country.

TD Welcome to this episode of Knobbe IP+ Podcast. I'm your host of today's episode, Terra Davis, Chief Diversity & Talent Development Officer at the law firm of Knobbe Martens. Today I'll be speaking with Harrity & Harrity Partner and Patent Pathways Advisory Board Member Elaine Spector.

We'll be discussing how IP-focused pipeline programs and partnerships like Patent Pathways are moving the needle, one cohort at a time, to create a pipeline of diverse students entering the intellectual property field through data, partnerships, and mentors. This is going to be an exciting and hopefully inspiring conversation, so let's jump right in. Elaine, welcome to the podcast.

ES Thank you so much for having me.

TD So Elaine, I am so excited about talking about Patent Pathways today primarily because, I will be a bit selfish here saying that I have seen how Patent Pathways is truly working and moving to change the lives of so many students across the U.S. So I'd love to hear from you, how did Patent Pathways get started? What is Patent Pathways for our listeners today who aren't familiar with the program?

ES Sure. Well I think the story begins back when I joined Harrity & Harrity back in 2017. Harrity was already on their diversity mission to address the diversity issue within the patent profession. John Harrity, our founding partner – I think you've met him before Terra – he suffered a widow maker heart attack. And when his twin brother visited him in the hospital he thought, "Gosh, I need to change my mentality about my law practice," and they adopted this give to give idea and they started a nonprofit called

“Harrity for Charity.” And then John thought, “Gosh, diversity is such a big issue in the patent profession. Let’s do what we can do to change that problem.”

The Harritys are innovators and so they weren’t just going to say something about diversity, they were going to do something about diversity. Very action oriented. Fast forward when I joined the firm in 2017, when I interviewed with the firm, the firm was a lot smaller. There were 14 practitioners. They were all male. But they had just started their diversity mission, and they had laid the groundwork for me to enter. They really wanted to focus on diversifying our firm, changing our practices internally.

Another aspect that they had worked on before I had entered into Harrity was quantifying what the statistics looked like with regard to the patent profession. So they had acquired data with regard to 28,000 patent practitioners – registered patent practitioners – to identify gender and race. And based on that information, I worked with a member of our analytics team, Tia Brand, we published an article in *ABA Landslide* magazine called “Diversity in Patent Law,” and we identified what areas of the patent field were less diverse than other areas. But interestingly, coming out of that paper was a statistic that was really bothersome to all of us: the statistic that there are more practitioners registered to practice before the United States Patent and Trademark Office that were named Michael than all racially diverse women. So with that statistic in mind we thought, well this isn’t right. This isn’t, we knew it wasn’t diverse, but that statistic just kind of blew our minds. So we thought, “Hey, we’re going to do something about it.”

So our initial focus was to develop a program, which first started within Harrity, that helped recruit more racially diverse practitioners into the patent field. So the first step is really informing those about careers in patent law. Many of us have had this circuitous way of learning about patent law as a career. They don’t typically teach it in your undergraduate studies. You don’t learn about it in grade school. And maybe you have a family member that says something to you. That happened to me with regard to a family friend that said, “Hey look, you’ve got an engineering degree, and it sounds like you like law, why don’t you marry the two and become a patent attorney.” So he planted that seed for me in high school. Well many other people, especially in diverse and under-resourced areas, don’t have that friend or family member telling them that “Hey look, patent law is a potential career for you.”

So our first thought was, “Hey, let’s get the message out about patent law as a career to under-represented communities.” And then educate them about what this career is like. What is patent law all about? Let them know that they can become registered practitioners with a hard science or engineering degree. That’s another fact that hasn’t gone out. People don’t know that. They think “Oh I have to go to law school, I don’t have the funding for law school, I’m not going to go.” Well actually, you know when I give lectures to undergraduate students, that’s one of the key facts that I highlight to them. You can sit, you are eligible to sit for the patent bar, when you have these 1) category A, 36 degrees (engineering, biology, chemistry), but you can also get it through category B – so we’re not going to get into the details of that.

And then we thought, how can we quickly change the statistics with regard to racially diverse women in the patent field? We're going to inform them. We're going to educate them. But we also thought, "Hey, let's provide a resource to those who are interested and cover their PLI course or patent bar review course and the sitting fees for taking the exam and provide that bridge to them to enter into the patent profession."

So the idea of Patent Pathways was birthed out of a statistic and now it's a program geared towards undergraduates, or could be also law students, could be career engineers who want to shift. Anyone who is typically facing barriers entering into our profession, giving them the resources to take and pass the patent bar and quickly moving the numbers and, not as quickly as we want to see, but moving numbers and shifting the numbers to become a more inclusive profession.

TD Elaine, I absolutely love how you are using data to inform this program and really kickstart everything. This is truly changing lives. And so I would love to dive a bit deeper in how Patent Pathways is doing that – how Patent Pathways is preparing students to enter the IP field. I love the story that you gave of how you entered into the IP field, of you know someone tapping your shoulder and telling you to marry the two. Marry law and marry engineering. How is Patent Pathways preparing students to marry their two loves?

ES So that's probably one of the most rewarding aspects of this program: when you're working with the participants that have found out about the program either through their university, or through a friend, or through all the outreach that we're doing, through professional organizations, HBCUs, you name it. We have a lot of ways to recruit, including TikTok. I mean any way that we can get our message across.

And when they learn about a career in patent law and how that will change the dynamics of their family – and once there are a few that are in now, in the profession with solid jobs in the profession – who have come back to us so grateful that this will change generations for their families. So when you hear that from your participants, that it's really impacting their lives, the gratitude that comes out of them is really, really overwhelming. That's one aspect of it. Another aspect is that our profession is better off because of it. Because we have a more inclusive profession and also have more inclusion in innovation. So we know that there are issues with regard to disparities in innovation among groups – women, racially diverse innovators – and now that we've got representation or are starting to increase representation of our patent agents and attorneys, we now are building trust and building relationships that weren't there. That we can help – again, they can now be a bridge to those under-represented inventors and bring them into this innovation ecosystem of the United States. There's some statistic, Terra, where they say, I think the Patent Office mentioned the statistic, that we are missing out on billions of dollars – \$4 billion dollars' worth—of lost "Einsteins" and their innovations. So we're playing a part in increasing representation within the patent field so, again, that we can bridge to those diverse innovators and get them in the game. Get them in the patent game.

TD You talk about getting in the game, and I believe one of the ways that folks who are listening can get in the game is by becoming mentors. Can you speak to the mentorship program within Patent Pathways?

ES Absolutely. Well we all understand that mentorship is very important to excelling in this career. You need a lot of support because it's not an easy career. There's a steep learning curve with regard to the patent profession, and we know that our participants need support in any way that they can get it. We thought that we – when we thought about the mentorship piece – we wanted them to have support from law firms that are currently in the field practicing day to day that can give them advice, but we also wanted them to have corporate sponsors. So each participant that goes through a program will have two mentors: one from a law firm and one corporate, in-house lawyer to also provide that support. And it really helps marry again the support that our participants need with regard to a law firm hopefully employing them, giving them some employment through the law firms, but also the corporate sponsors to come alongside them to say, "Hey look, we want to be part of this process and we want to come alongside this participant and we'll help support them." We'll help support them through sending them work, to train them, etc. So not only are the mentors acting as specific and direct support to the participant, we hope, and sometimes they have, come alongside the participant to broaden exposure to others within their company which is just the ideal situation for our participants.

TD That's incredible. There's so much value in mentorship, and in particular having to mentor so you can see both sides of the coin, as well, right?

ES Absolutely. And having two perspectives in general is super important.

TD So Knobbe Martens is a proud partner of Patent Pathways. We have had the pleasure of being involved in multiple committees within Patent Pathways to help achieve these goals. And so there are others out there who are probably listening and, I hope, being inspired, and may want to understand how do I become a corporate or a law firm partner? And what things can I do to support Patent Pathways as the partner? Elaine, what would you tell those folks?

ES So I would start with the law firm partners. We are grateful for our 23 law firm partners, and we continue to grow. A lot of law firms are seeing the value in the Patent Pathways program and, specifically, doing something to help participants take and pass the patent bar. We have a tangible outcome that they're looking for.

Law firm partners also have the ability to hire out of the program. If there's a participant aligned with their tech areas and location, they can hire out of the program providing support really for the participant and also doing the work of the non-profit. Giving them jobs and experience makes sure that they stay in the profession. That they have that first job opportunity secured so that they get the experience they need to pursue a career in the patent field.

So law firm partners also, and as you did, Terra, with your firm, volunteer within our committee work. We opened up the nonprofit, probably within a year of its inception, to

the entire patent community. And we said, “Anyone who’s interested in making our profession more inclusive, you can volunteer as a Patent Pathways participant through committee work, etc. or a mentor.” The committee work is so important. I think to this day we might have 100 volunteers within the organization because we’re scaling the program. We had 20 women start, 20 racially diverse women start, at the beginning of the program, and now our third year into it, I believe our number is 75 participants who are having barriers entering into the patent field. So we’ve modified our group to be more inclusive.

Law firm partners are instrumental in helping cover the fees for the PLI review course, as well as the Patent Office sitting fees. The donations are to a charitable organization so they’re tax deductible. So you can feel good about doing the work of a non-profit, even if you don’t have a hiring need. And we say that to a lot of law firms, like look if you don’t have a hiring need and you want to support our profession being more inclusive, you can donate and that will help a participant pay for their PLI review course and the Patent Office sitting fees. So, those are the ways that law firms can get involved. They can also help teach classes. And, Terra, you’ve probably learned this through your committee work, there’s so many opportunities. We have a lot of webinars to get involved with. My committee, the employment inclusion committee, just had a “Meet The Participant” webinar event where we provide mock interviews for the participants. We have a law firm one coming up in December. So there are absolutely wonderful ways to get law firms involved, not just check the box. You know, we are gracious for the contributions, but again, engaging in active work of the non-profit.

Corporate sponsors essentially work with their law firms to get them engaged with the program and reach out to their approved outside counsel to see if they would be interested in joining Patent Pathways as a law firm partner. Our sponsors have been crucial in helping be a bridge – that’s kind of our theme here – be a bridge to their law firm to bring them into the program. Because our feeling is this is a patent field issue. We want everyone to be engaged in the solution, and we feel like we have a program that’s scalable. And the more firms that we have involved, and the more corporations we have involved, the more participants we can bring into our profession. And I don’t know if you know this Terra, but we are a shrinking profession. We are a shrinking profession, and this non-profit addresses both those issues. We are a shrinking profession and we’re going to bring more patent agents and attorneys into our field through our outreach, through our sponsoring the PLI review course, taking the Patent Office and lining them up with job opportunities.

TD Beautiful. A reminder listeners, that I am Terra Davis, and we are here today talking with Patent Pathways Advisory Board Member Elaine Spector talking about Patent Pathways and how it’s moving the needle one cohort at a time to create a pipeline of diverse students entering the intellectual property field.

So we have been chatting about how partners are getting involved, how students are learning about the program and engaging with these partners. I’d love to hear from you what’s next for Patent Pathways?

ES You know it's interesting because we are in our third year of the non-profit. We're going to wrap up our third year at the end of May, and an important goal of the program is to continue our growth until "under-represented" is not a term used in the patent field. We want representation in the patent field which aligns with society's demographics. So we will not stop until we have accomplished that goal. That's our mission. That's our goal.

The program will continue to pivot and iterate based on lessons learned. We're almost like a startup where we have this whole plan laid out and then we execute upon the plan and then we thought, "Whoops that didn't work." And then we've got to pivot to another direction. So, along these two and a half years thus far we've made a lot of pivots, but the pivots have been important and practical and having a great outcome.

So what I'd love to see in the future for Patent Pathways is that every patent firm would join the program and do the work. We have different tiers of law firm partners based on size, so all law firms can join the program. And that we have more law firms engaged in the hiring piece. The hiring piece is still an issue. Making sure that firms can put in the work of bringing someone brand new into the field. Now some firms don't have the resources or training programs, but there are some firms that are really good at doing it. So we continue our outreach to those law firms to get them engaged, and the more law firms we have involved, the more corporations we have involved, the sooner we can get to that goal of not having a field that's under-represented.

TD As a law firm partner, Elaine, I can speak to the fact that we appreciate the way Patent Pathways makes the resume collection process seamless for us, so we are able to look through some of the top-tier candidates that you have come in and graduate from the Patent Pathways cohort program. And also Patent Pathways, for those how are listening, offers interview training for its cohorts. So we are, as a law firm partner involved in training these young professionals on how to interview well, and then we're reviewing their resumes for real positions.

So Patent Pathways is really doing the work of not only inspiring students to get into this program and marry their two loves of intellectual property and STEM, but they are also walking the walk of getting them placed in positions, whether it be corporations or law firms. So I am deeply appreciative for all that Patent Pathways is doing and deeply appreciative of the fact that Patent Pathways and those who are serving as its advisors, as its volunteers, as anything you name it, are doing a lot of the heavy lift, making it easier for law firms to really be involved and corporations to really be involved.

ES And I think the law firms, they want to participate more. They want to participate in doing the work of diversity. For example, the interviewing event that we just held was something brand new. It was our first time holding it. And it was really a way to get the participants some interview experience, but also to engage our law firm partners in doing more in the process, because they wanted to. And they wanted to find a way they could contribute, even if they didn't have an immediate hiring need. A lot of our law firm partners want to do something else, they want to be part of the solution for diversity. So we'll continue to bring those types of programming to our law firm partners and to our corporate sponsors and build our own community. Build our community of

inclusion. And it's been an amazing three years on this Patent Pathways journey, and it's just been so humbling to see so many people engaged in the process. People like you, Terra, and your firm, just coming on strong and raising your hand and saying, "Yes, I will be part of this." And we appreciate that. We appreciate all of our partners and sponsors that make this program a possibility. Not just a possibility – it's really making a difference in the patent community.

TD Well Elaine, I thank you for joining us today and I'd love for you to share with us how we can learn more about Patent Pathways, so the website. Where can people go next?

ES Yes, please. For more information about Patent Pathways you can go to our website www.patentpathways.org. If you are a law firm there are certain tabs directed for you, for corporations, there are other tabs directed towards you, and then participants, if you are interested in the program, you can apply online and get the process started for the next cohort.

TD Well that wraps up today's episode. A big thanks to our guest, Elaine Spector, for joining us today. Be sure to visit knobbe.com to listen to or view written transcripts of this and other episodes of Knobbe IP+. Until next time.

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