

*Patent Prosecutors, Innovation, and Ethics
in Everyday Legal Practice*

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This paper presents findings from an ongoing qualitative study of lawyers who prosecute patents for clients in the U.S.P.T.O. It is part of a larger series of projects that seek to map, understand, and theorize IP lawyers' roles in the strategic acquisition and enforcement of intellectual property rights. Previously published projects in this research series have focused on the ethical understandings and practices of patent litigators and on trademark and copyright lawyers' roles in enforcing IP rights in private negotiations in the "shadow" of the law and the formal legal system.

Drawing on literatures in intellectual property, legal ethics, law and society studies, and socio-legal studies of the legal profession, this study examines how patent prosecutors understand their role as intermediaries in the patenting of client innovations. It also focuses on prosecutor attitudes and behaviors towards the U.S.P.T.O., including whether prosecutors believe that patent examiners get it "right" in the patent examination process. This study also examines the ethical issues that arise in everyday patent practice and how patent prosecutors deal with those issues when advising clients.