

Patent Attorney interview questions

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What to expect

Patent attorney interviews test technical reasoning and legal precision side by side. Expect panels that include a senior attorney or partner and sometimes a client-facing manager, because the job requires both accurate drafting and the ability to explain that drafting to non-technical clients.

- **Technical and legal knowledge:** Questions checking your understanding of patent law concepts such as novelty, inventive step, prosecution and opposition procedure before IP Australia.
- **Process walk-through:** Questions asking you to describe how you'd actually carry out a task, such as drafting a specification or running a prior-art search, step by step.
- **Scenario and judgement:** Hypothetical situations testing how you'd handle competing patents, tight deadlines or conflicting client instructions.
- **Behavioural (STAR):** Questions about past experience handling client relationships, disagreements or complex technical communication.

Interviews typically open with background and motivation, move into technical and process questions to test depth of knowledge, then use a scenario question to see how you reason under uncertainty, and close with a behavioural question and your own questions about the firm's client base and technical specialisations.

1. Walk me through how you would draft a patent specification for a new mechanical invention from an initial disclosure meeting.

Why they ask

This checks whether you understand the practical drafting workflow, not just the legal theory behind it.

How to structure your answer

Process walk-through: describe each stage in order, from instructions to filing, noting the decisions you make at each point.

Example answer

"I'd start with an inventor interview to understand what's new about the invention and how it differs from what's already out there. From there I'd run a prior-art search to check patentability and identify the closest existing documents. I'd then draft the claims first, working from broadest to narrowest so the specification supports fallback positions if the broad claim is challenged. The written description and drawings come next, making sure every feature in the claims is properly supported. Before filing with IP Australia, I'd send the draft back to the client for technical accuracy checks, since they know the invention better than I do."

2. Tell me about a time you had to explain a complex technical concept to a client who wasn't familiar with patent law.

Why they ask

Client advisory is a core part of the role, and this tests whether you can bridge the gap between technical detail and commercial decision-making.

How to structure your answer

STAR: situation, task, action, result.

Example answer

"A client had developed a chemical process and wanted to know why their draft claims kept getting rejected on novelty grounds. The task was to explain the prior-art issue without losing them in patent terminology. I walked them through the specific prior document side by side with their claims, showing

exactly which words overlapped and why an examiner would read it that way. Once they saw the comparison directly, they understood the problem immediately and we worked out a narrower claim that avoided it. The result was an application that cleared examination with fewer objection rounds than the first draft would have faced."

3. A competitor has just filed a patent application that looks very similar to your client's pending invention. What do you do?

Why they ask

This tests judgement under pressure and understanding of the practical options available, since this situation comes up regularly in prosecution work.

How to structure your answer

Judgement-under-pressure: state your immediate priority, then the analysis you'd run, then the range of actions available and how you'd choose between them.

Example answer

"My first step would be to establish the priority dates on both applications, since that usually determines who has the stronger position rather than who filed the visible application first. I'd pull the competitor's claims and compare them closely against my client's specification to see whether there's genuine overlap or just surface similarity. Depending on what I find, options range from accelerating prosecution to strengthen our position, to advising the client on freedom-to-operate risk if the competitor's claims are broader. I'd present the client with the analysis and the realistic options rather than a single recommendation, since this often affects their wider commercial strategy."

4. How do you conduct a prior-art search, and which sources do you rely on?

Why they ask

Prior-art searching underpins almost every task in the role, so interviewers want specifics rather than a general description.

How to structure your answer

Process walk-through: outline your search strategy and the tools you use at each stage.

Example answer

"I start with keyword and classification searches in Thomson Innovation to map out the general landscape, then narrow using citation searching once I've found close documents, following forward and backward citations to catch related filings. I cross-check against LexisNexis for legal commentary on how similar claims have been treated in past disputes. For trademark-adjacent issues I'll check the WIPO Global Brand Database as well. I document the search terms and databases used so the client and any examiner can see the search was thorough, not just a quick keyword check."

5. Describe a situation where you disagreed with a client's preferred patent strategy. How did you handle it?

Why they ask

Attorneys need to balance client wishes against realistic legal advice, and this question probes whether you can push back constructively.

How to structure your answer

STAR: situation, task, action, result.

Example answer

"A client wanted to file extremely broad claims to cover as much ground as possible, but the prior art made that approach risky and likely to draw a costly opposition later. My task was to advise against it without simply refusing their instructions. I set out the specific prior-art documents that would likely be raised against broad claims, and modelled the cost difference between a narrower, defensible filing and a broad one that might be revoked in opposition. The client chose the narrower scope once they

saw the cost and risk comparison laid out plainly, and the granted patent has held up without challenge.”

6. What's your understanding of the opposition process before IP Australia, and what does representing a client in an opposition actually involve?

Why they ask

Opposition work is one of the higher-stakes tasks in the role, and this checks both regulatory knowledge and practical experience.

How to structure your answer

Technical knowledge question: give the regulatory framework first, then the practical steps involved in running a matter.

Example answer

“Opposition proceedings before IP Australia allow a third party to challenge a patent application before or after grant, usually on grounds like lack of novelty or inventive step. Representing a client involves preparing a statement of grounds and particulars, gathering technical evidence, often from expert declarations, and making submissions on how the prior art applies to the claims in dispute. I'd manage the evidentiary timetable closely, since missing a filing deadline can effectively end the opposition, and I'd keep the client updated on the likely commercial outcome rather than just the procedural status.”