

Patents Examiner interview questions

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What to expect

Patents Examiner interviews at IP Australia focus on your technical background, your understanding of patent law, and how you apply both to real applications. The panel wants to see that you can search thoroughly, reason legally, and communicate decisions clearly.

- **Technical and legal knowledge:** Questions that test your grasp of the Patents Act 1990, novelty, inventive step, and examination practice.
- **Process and method:** Questions about how you conduct prior art searches, structure an examination, and draft reports.
- **Behavioural:** Questions about managing caseloads, attention to detail, and working with patent attorneys.
- **Scenario and judgement:** Hypothetical situations where you must decide on objections or handle disagreement.

The interview usually begins with an introduction and a discussion of your technical background. Then the panel moves to legal knowledge and scenario questions, often walking through a real or hypothetical patent application. You may be asked to explain a search strategy or outline an examination report. The interview typically ends with time for your questions.

1. Walk me through how you would examine a patent application from receipt to first report.

Why they ask

The panel wants to see that you understand the statutory process and can manage each stage methodically.

How to structure your answer

A chronological walk-through: receipt, formalities, search, assessment, report.

Example answer

"First, I review the application to understand the invention and check formal requirements. Then I conduct a prior art search across Espacenet, PatBase, and Derwent Innovation, using keywords and classification codes. I assess novelty and inventive step against the Patents Act 1990. If I find objections, I draft an examination report setting out the issues and giving the applicant a chance to respond. If everything is in order, I accept the application."

2. How do you determine whether an invention involves an inventive step?

Why they ask

This tests your ability to apply the legal test to real claims, not just recite the definition.

How to structure your answer

State the legal test, then apply it to a concrete example.

Example answer

"The test is whether the invention would have been obvious to a person skilled in the art in light of the prior art. I consider the common general knowledge and ask if the difference between the invention and the prior art is inventive, not just a simple variation. For example, if an invention combines two known features but produces an unexpected synergistic effect, that might support an inventive step."

3. Tell me about a time you had to manage a high-volume caseload while maintaining accuracy.

Why they ask

Examiners work to statutory deadlines, so the panel needs evidence you can stay organised without cutting corners.

How to structure your answer

STAR: situation, task, action, result.

Example answer

"At a previous role, I was assigned a caseload of 100 applications with tight deadlines. I prioritised by statutory due dates, used a checklist for each examination, and blocked time each morning for deep search work. I also communicated early with attorneys if I needed more information. As a result, I met all deadlines and my reports were accepted without rework."

4. You are examining an application and the patent attorney disagrees with your novelty objection. How do you handle it?

Why they ask

This role involves robust but professional disagreement, so the panel looks for evidence-based reasoning and composure.

How to structure your answer

Judgement under pressure: acknowledge, re-examine, explain reasoning, offer next step.

Example answer

"I would first acknowledge their perspective and invite them to point to any prior art or argument I may have missed. I would re-examine the cited document and the claims carefully. If I still believe the objection stands, I would explain my reasoning with reference to the Patents Act and case law, and offer a hearing if they wish to pursue it. My goal is a correct decision, not a win."

5. What prior art databases are you familiar with, and how do you decide which to use?

Why they ask

The panel wants to know you can search efficiently and choose the right tool for the technical field.

How to structure your answer

Tool inventory, then decision criteria, then example.

Example answer

"I regularly use Espacenet, PatBase, and Derwent Innovation, as well as IP Australia eServices. I choose based on the technical field: for mechanical inventions, I might start with Espacenet for its broad coverage, then use PatBase for family and legal status. Derwent is useful for chemical and pharmaceutical searches with its abstracting. I also use non-patent literature like journal articles."

6. How do you explain a complex objection to an applicant who is not a patent attorney?

Why they ask

Examiners must communicate clearly with a range of stakeholders, including self-filers and small businesses.

How to structure your answer

Plain language explanation: law, finding, required change, offer support.

Example answer

"I break it down into three parts: what the law requires, what I found in the prior art, and what they need to change. I avoid jargon and use analogies if helpful. I also offer a phone call to talk it through."

The aim is for them to understand the objection and feel they have a fair path forward."