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## Chief Judge Rader Swears In New Administrative Patent Judges



Written by [Gene Quinn](#)  
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Posted: Jan 25, 2012 @ 7:13 pm

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Chief Judge Rader with Director Kappos at USPTO

The United States Patent and Trademark Office earlier today welcomed 10 new Administrative Patent Judges of the Board of Patent Appeals and Interferences.

At 10:00am this morning in the North Auditorium of the Madison Building on the campus of the USPTO, Federal Circuit Chief Judge Randall Rader administered the oath of office to Jacqueline Wright Bonilla, Erica Franklin, James Housel, Deborah Katz, Neal Abrams, George Best, Andrew Caldwell, Thomas Giannetti, Andrew Metz and Grace

Obermann.

The ceremony lasted approximately 45 minutes. It was well done, together with several musical numbers. After USPTO Director David Kappos' brief opening remarks, Laverne Smith, a Board Supervisory Paralegal, sang "My Country, 'Tis of Thee." The program was then concluded with "God Bless America," which was sung by April Mosby, a Board Patent Attorney.

After Ms. Smith's vocals James Moore, Vice Chief Administrative Patent Judge, took the podium. Judge Moore provided a bit of historical context for the event. He said: "Four score and 70 years ago President Lincoln signed the legislation that formalized the Board of Patent Appeals. I'm being a little grandiose because Judges were then Presidential appointees with an important mandate. [The Board of Patent Appeals] and the even older Board of Interferences are the historic origin of today's Board of Patent Appeals and Interferences."



Judge James T. Moore

I didn't realize this piece of Lincoln trivia, but it is certainly in keeping with the man. President Lincoln's second inauguration ball was held at the United States Patent Office and President Lincoln was himself an inventor and the only U.S. President to be a patentee. Even prior to Lincoln becoming President he would famously say that the patent laws "added the fuel of interest to the fire of genius, in the discovery and production of new and useful things." The Patent Office is indeed one agency with a very long and rich history.

After Judge Moore's remarks, James Donald Smith, Chief

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Judge James Donald Smith

Administrative Patent Judge, then took the podium to deliver his remarks and to introduce all of the new APJs; an impressive bunch that averages 3 advanced degrees in either science or law, some of who come from the largest patent law firms in the country, including [Arnold & Porter, Foley & Lardner, Jones Day, Hunton & Williams](#) and [Finnegan Henderson](#). Others of the new Judges come from within the USPTO or the Department of Justice. Several of the new APJs were formerly on the Board and are now returning after a period of time in private practice.

Judge Smith also introduced Chief Judge Rader, explaining the reason why he was invited to swear in the new APJs: "Our thinking was that if he joins us this morning, and swears in our Judges, he could be thought to in part be blamed for who is at the Board, blamed therefore for its decisions and perhaps inclined to speak a little more gently when pointing them out."

As you can imagine the room roared in laughter, with Chief Judge Rader loudest among those laughing and enjoying the moment. In truth, Chief Judge Rader was not only a logical choice given that he is the top Judge on the Court that will review appeals from the BPAI, but also because two of the new Judges were former law clerks of his – Judge George Best and Judge Jacqueline Wright Bonilla.

Prior to administering the oath Chief Judge Rader gave a few remarks. As the Chief Judge frequently does, he told a story. The story today was about his meeting with the Chief Justice of the Korean Supreme Court. Rader recounted this encounter by saying:

I can't convey all of his remarks, but I can convey in a couple sentences the substance of them. He said: 'the future of my country depends upon our economy's ability to innovate, and the future of our ability to innovate depends upon our devotion to intellectual property laws. Please bring your Court to Korea.' Director Kappos and I will work on that, but I've thought so often how I could convey that message to the United States. That the future our country too depends upon our ability to innovate and that ability depends upon administration of the laws which you are undertaking now with this oath, to the best of your ability. You are now key players in the future of your Nation. So you carry not just the responsibilities of administering the law appropriately for the cases in front of you, but you have a devotion now to your Nation, which is appropriately a part of this oath.

Judge Rader then administered the Oath of Office.



Chief Judge Rader administers the Oath of Office to the new Administrative Patent Judges at the USPTO

Congratulations to all of the new APJs!

For those reading who might want to become an Administrative Patent Judge, according to Director Kappos, the USPTO has a budget to hire 100 new Judges this fiscal year. When I interviewed the Director recently he told me: "So 20 down, 80 to go, tell your readers... if you're an experienced patent attorney and you want to have a great career move, we give you a robe and a wig and a gavel and you get to be a judge. It's fun." I'm pretty sure that he was kidding

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about the wig, but if that would be the icing needed to attract the right, high quality candidates I bet something could be worked out.

Seriously, while there are 80 more openings for Board Judges that can be filled during fiscal 2012, I have also heard rumors that the fiscal year 2013 budget will have funds to hire another 100 Judges further, but we all know how future budgetary plans frequently work at the USPTO. Regardless, the size of the Board could go from 100 in 2011 to 300 Judges by 2012. This is an exciting time for the Board, and with the increased responsibilities thrust upon the Board by the America Invents Act there are some very highly qualified patent attorneys interested.

For more information on [USAJobs.com](http://USAJobs.com). There are currently several BPAI postings there open through Friday, January 27, 2012, but I suspect more will be posted in the coming weeks and months.



The new Administrative Patent Judges pose for a group picture with Director Kappos (left) and Chief Judge Rader (right)

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## About the Author



**Gene Quinn** is a US Patent Attorney, law professor and the founder of [IPWatchdog.com](http://IPWatchdog.com). He is also a principal lecturer in the [top patent bar review course in the nation](#), which helps aspiring patent attorneys and patent agents prepare themselves to pass the patent bar exam. Gene started the widely popular intellectual property website [IPWatchdog.com](http://IPWatchdog.com) in 1999, and since that time the site has had many millions of unique visitors. Gene has been quoted in the Wall Street Journal, the New York Times, the

LA Times, USA Today, CNN Money, NPR and various other newspapers and magazines worldwide. He represents individuals, small businesses and start-up corporations. As an electrical engineer with a computer engineering focus his specialty is electronic and computer devices, Internet applications, software and business methods.

### 3 COMMENTS

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1. [Mark Fearer January 26th, 2012 8:17 am](#)

Congratulations to the distinguished new administrative patent judges!

2. [Living in a cave January 26th, 2012 1:49 pm](#)

Can you be an APJ remotely and /or do hotelling? Do you have to show up in Alexandria routinely?

3. [Gene Quinn January 26th, 2012 2:18 pm](#)

Living in a cave-

I asked that very same question yesterday and I was told that tele-work is available to APJs. The rules differ slightly if you live within 50 miles versus outside of 50 miles from the USPTO, but the job would be work-from-home friendly. I understand that some APJs have full-time offices, some share offices (i.e., A is in the Office M,W,F, while B is in that same Office on T, Th) and some work nearly exclusively from home.

-Gene

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