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Training Patent Attorneys in the Age of AI

Building independent judgment, effective collaboration and responsible supervision throughout a legal career

Jeffrey Cobia • Lucas Hjelle

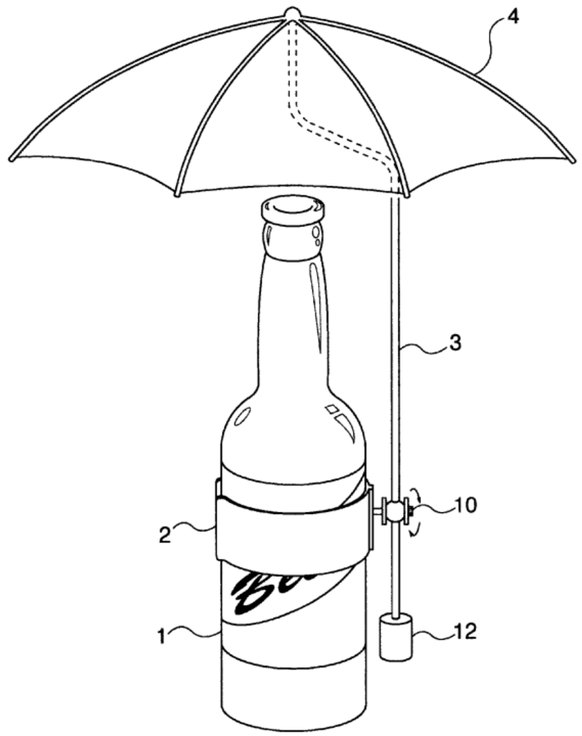


Figure 2

From U.S. Pat. No. 6,637,447

THE OPENING QUESTION

Patent-Law Training Has a New Problem

Traditional apprenticeship

1. Read examples
2. Draft it yourself
3. Receive a redline
4. Discuss what went wrong
5. Try again

AI can perform parts of the sequence
before the junior knows what the work requires.

How do we use AI without skipping the experiences that build judgment?

Are we teaching attorneys to practice patent law, or to supervise AI?

THE HIDDEN-RISK PROBLEM

Fluent Output Is Not the Same as Good Judgment

POLISHED SURFACE

A concise, well-structured, confidently written answer

Complete organization • Fluent prose • Fast delivery

Looks ready

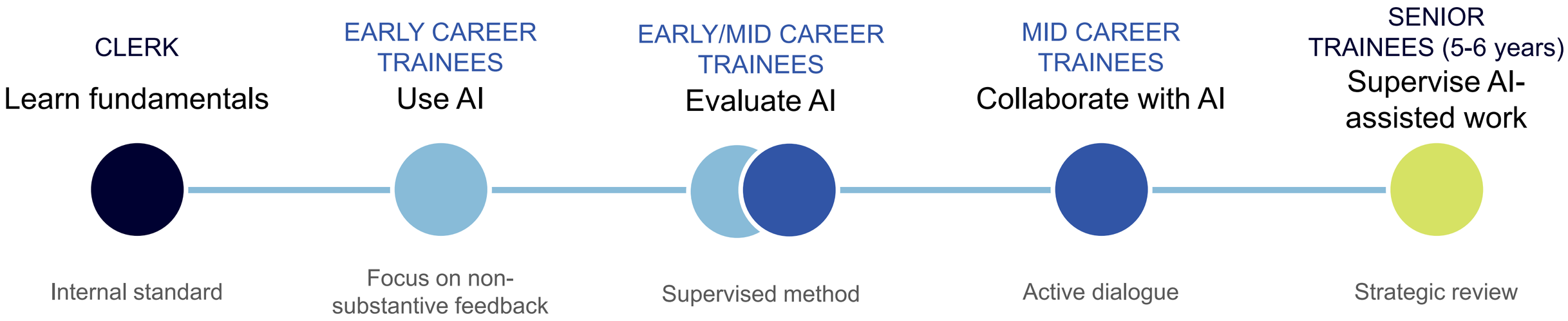
SUBSTANTIVE DEFECTS

- Claim reads on the prior art
- Limitation lacks support
- Argument addresses the wrong point
- Authority is mischaracterized

Delegation can look like competence.

ONE CAREER ARC

Different Career Stages, Different Training Problems



AI involvement changes with capability, but human supervision and verification remain throughout the career.

ONE INVENTION, FOUR TRAINING LESSONS

Our Running Example

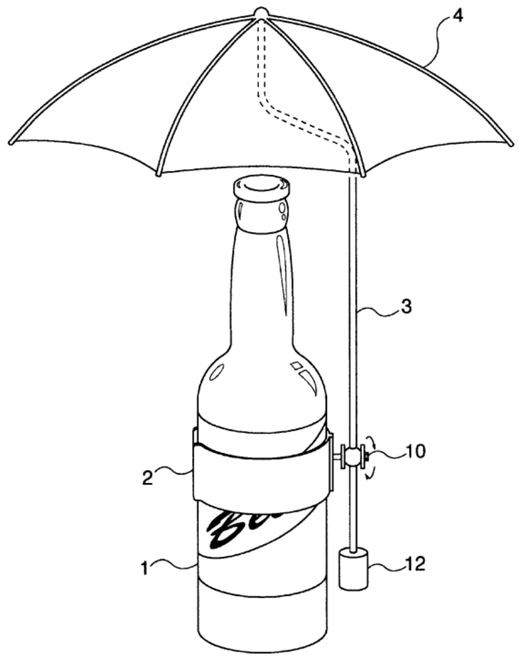


Figure 2

CLAIM 1 (MODIFIED FROM U.S. PAT. NO. 6,637,447)

A beverage shading apparatus comprising:
an attachment configured to removably secure the apparatus to a beverage container;
a shaft extending upward from the attachment; and
an umbrella coupled to the shaft above the beverage container,
wherein the umbrella shades the beverage container from sunlight.

We will revisit this same claim throughout the presentation.

CLERK STAGE

BUILD THE INTERNAL STANDARD

Clerks and Summer Associates

Clerks and Summer Associates: Learn by doing

Clerk and Summer Associate Activities:

- Claim drafting
- Prior-art reading
- Patentability analysis
- Claim interpretation

Senior Attorneys: Preserve apprenticeship

Senior Attorneys should:

- Detailed redlines
- Explain the “why”
- Separate style from substance
- Defend choices orally

Use restraint deliberately

- AI should not replace the experiences that create foundational judgment.
- Frame unaided work as an investment in future supervision.

BUILD BEFORE YOU BENCHMARK

Example: Clerk Stage

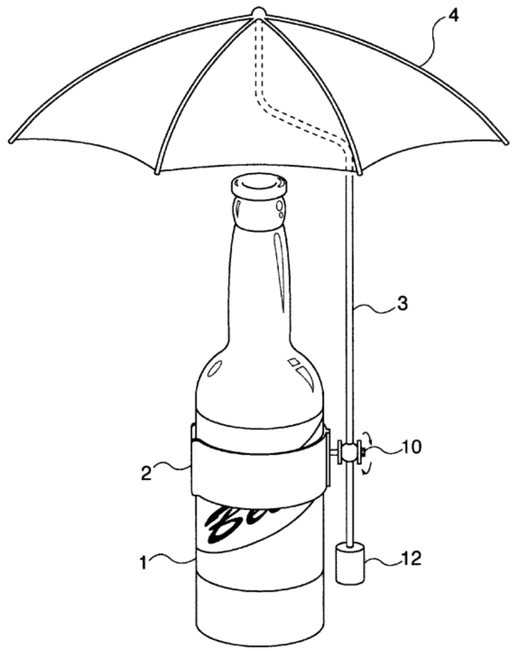


Figure 2

TRAINING OBJECTIVE

Draft the claim without AI.

Ask the trainee:

01 What belongs in the claim?

02 What should be left out?

03 Which elements are essential?

04 How broad is too broad?

The goal is not perfection. It is an internal standard for future AI output.

EARLY CAREER

INTRODUCE AI AS A SUPERVISED COLLABORATOR

First-Year and Early-Career Attorneys

Do not accept output. Evaluate output.



The first AI experience should never be “paste in, take out.”

CRITIQUE BEFORE YOU REVISE

Example: Early-Career Stage

ATTORNEY CLAIM

A beverage shading apparatus comprising:

- an attachment configured to removably secure the apparatus to a beverage container;
- a shaft extending upward from the attachment; and
- an umbrella coupled to the shaft above the beverage container,

wherein the umbrella shades the beverage container from sunlight.

AI ALTERNATIVE • INTENTIONALLY DEFECTIVE

A beverage cooling apparatus comprising an umbrella configured to cool a beverage.

- Changed the invention?
- Unsupported “cooling”?
- Scope changed unintentionally?

Compare the claims → identify defects → explain the legal and technical consequence.

MID CAREER

FROM PROMPTED OUTPUT TO ACTIVE COLLABORATION

Mid-Career Attorneys

AI becomes a working dialogue, not a one-time instruction.



PROPOSE
Offer an approach

CRITIQUE
Challenge assumptions

REDIRECT
Modify the objective

COMPARE
Explore consequences

DECIDE
Return to attorney judgment

Voice can reduce friction. It does not transfer decision authority.

MID CAREER

EXPLORE ALTERNATIVES, THEN CHOOSE

Example: Mid-Career Stage

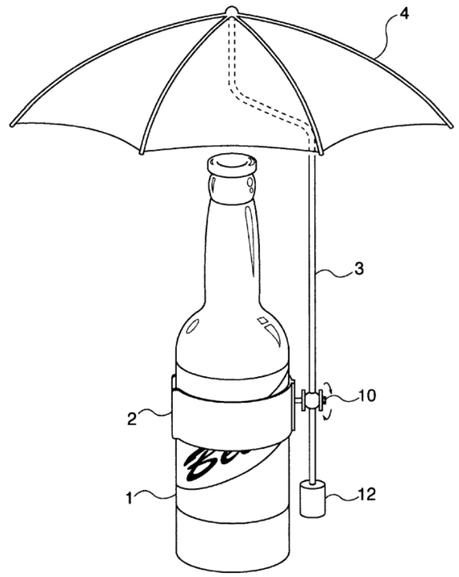


Figure 2

STRATEGY A

Claim the removable attachment

Potential focus

portability • compatibility • ease of use

STRATEGY B

Claim a pivoting umbrella

Potential focus

adjustability • orientation • user access

Which direction best serves the disclosure, prior art and business objective?

SENIOR STAGE

SUPERVISION, CALIBRATION, AND INSTITUTIONAL JUDGMENT

Senior Attorneys and Supervisors

The problem is no longer drafting. The problem is supervision.

What did AI get wrong?

Substance before polish

What was not verified?

Confidence is not a control

What risk remains?

Scope, support, authority, timing

What should not be delegated?

Strategy, advice, signature decisions

Review AI differently from a junior draft: hunt fluent omissions and verify the source.

SENIOR STAGE

REVIEW FOR STRATEGIC FIT

Example: Senior Stage

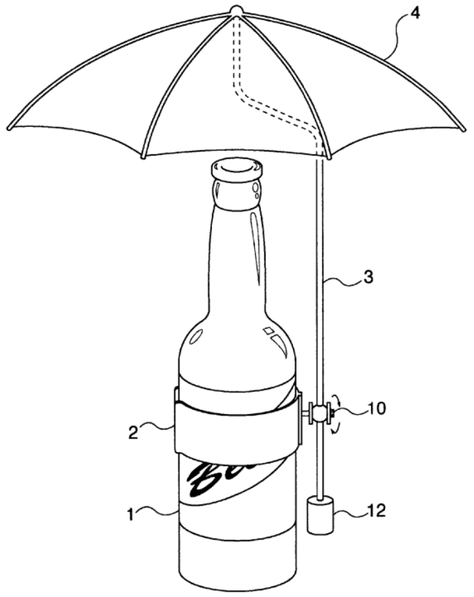


Figure 2

FINAL AI-ASSISTED CLAIM STRATEGY

- ✓ Scope appropriate?
- ✓ Supported by the disclosure?
- ✓ Prior-art exposure understood?
- ✓ Commercially valuable?
- ✓ Litigation implications considered?
- ✓ Aligned with client objectives?

The review focuses on judgment, not grammar.

SENIOR STAGE

REVIEW THE PROSE, TOO

Spot AI Tells Before the Reader Does

- AI-sounding prose reads as filler, and readers skim it, including the Board.
- Teach patterns: pet verbs, “X, not Y” framing and stacked “it”s.
- Fix the draft with an actor, concrete verbs and a judgment call.

IN CLAIMS, REPEAT THE NOUN

Original
update the processor to improve the processor

↓

What AI and grammar tools suggest
update the processor to improve it

In a claim, “it” can point two ways, which invites a § 112(b) rejection. Synonym drift in the specification can suggest a different element.

EVALUATE DEVELOPMENT IN AN AI ERA

What Should We Measure?

Not only: “How good is the document?”

Baseline comparison

Compare the tool’s initial output with the attorney’s final result. Examine the value the attorney added.

Defect spotting

Seed substantive and cosmetic errors. See whether the attorney prioritizes scope, support, doctrine and accuracy.

Reasoning record

Ask for a few sentences on important decisions, changes, rejections and verification.

Can the attorney explain what the tool got wrong and why the final choices are defensible?

PROFESSIONAL RESPONSIBILITY DOES NOT MOVE TO THE TOOL

The Non-Negotiables

THE ATTORNEY REMAINS RESPONSIBLE

VERIFY	Authorities and material facts
PROTECT	Confidential information
SUPERVISE	People and AI-assisted work
FOLLOW	Client and professional obligations
OWN	Strategy, scope, advice and result

THE CAREER ARC IN ONE VIEW

The Same Claim, Different Lessons

CLERK	EARLY CAREER	EARLY / MID	MID CAREER	SENIOR
NO AI	USE AI	CRITIQUE AI	COLLABORATE	SUPERVISE
Draft independently	Improve quality	Find the defect	Explore strategies	Review strategic fit
Build the standard	Focus on non-substantive feedback	Evaluate the output	Direct the dialogue	Own the decision

The invention never changed. The attorney changed.

The AI Participated Differently at Every Stage

The attorney’s responsibility never changed.

- Build judgment before dependency.
- Teach collaboration without surrendering agency.
- Evaluate reasoning, not just output.

The goal is not attorneys who can prompt a machine. It is attorneys whose judgment is strong enough to direct, challenge, and improve whatever tools come next.

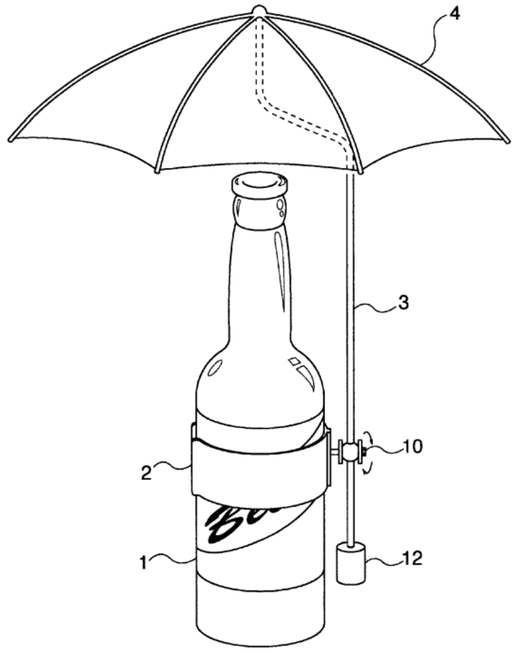


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Thank you