

TRAILBLAZERS

INTELLECTUAL PROPERTY

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PIONEER SPIRIT Bernie Knight served as deputy general counsel at the USPTO for 2000-2005 and general counsel for 2010-2013. Between those periods, he was acting general counsel of the Treasury Department and worked on the \$600 billion TARP. "As deputy GC, I learned IP law and took classes in an LLM program in the hopes that the PTO's general counsel job would open up for me someday. And, after my stint at Treasury, it did."

TRAILS BLAZED As GC of the PTO, Knight played a lead role in drafting and implementing the America Invents Act. "My job was to make sure that what was implemented was legally correct and could be run out on time. Congress only gave us one year to implement the post-grant review system, and there was no margin for error. AIA was the biggest change to the patent system in 50 years. We had to work with all branches of government to make certain it could address concerns. We had to coordinate with constituents in the user community." During that time, there were also significant Supreme Court decisions, such as *Bilski v. Kappos* and *Mayo v. Prometheus*, as well as work on the Alice case, which required administrative positions and guidance for thousands of patent administrators.

FUTURE EXPLORATIONS This is a period of change in the patent system. "Supreme Court cases have greatly changed the standards for what is patent-eligible property. A lot of software patents arguably are not eligible to be patented. We've seen a reduction in the amount of District Court litigation and a movement toward PTO and post-grant proceedings. What that means for the patent bar, I'm not really certain."

