

# USPTO BAR EXAM OVERVIEW

## A. Exam facts your course should bake in (what students must know)

Exam element	What to teach
Question count & scoring	100 MCQ total; 90 scored; 70% of scored needed to pass (63/90)
What the exam tests	“Rules + procedure” and the ability to <b>find answers in the MPEP quickly</b> (lookup skill is huge)
Reality of coverage	In theory, any MPEP chapter can appear; in practice, some chapters show up more often (hence recommended weights)

## B. Comprehensive course outline with recommended study weights

Master Topic Table (recommended weights = how to allocate course time + question drills)

#	Topic area (what to teach)	MPEP	What students must be able to do	Exam-style prompt	Study weight
1	<b>Patentability &amp; examination standards</b> (101/102/103/112, double patenting, utility, etc.)	<b>2100</b>	Spot issue → choose correct statutory basis → find supporting MPEP section fast	“Claim rejected under §103—what must be shown / what’s proper rationale?”	<b>22%</b>
2	<b>Application parts, filing, format, Oath/Dec, IDS, drawings, specs, claims</b>	<b>600</b>	Identify missing parts, dates, fees, proper papers; fix formalities	“App filed without an inventor oath—what’s required to complete?”	<b>12%</b>

#	Topic area (what to teach)	MPEP	What students must be able to do	Exam-style prompt	Study weight
3	<b>Prosecution procedure &amp; office actions</b> (restriction, elections, finals, after-final, RCE, interviews)	<b>700</b>	Know procedural moves and deadlines; best next step	“Final OA issued—what options preserve rights?”	<b>14%</b>
4	<b>Allowances, issue, maintenance, certificates, corrections</b>	<b>1300, 1400</b> (plus related)	Understand issue process and post-issue fixes	“Incorrect inventor named on issued patent—what correction route?”	<b>5%</b>
5	<b>PCT &amp; foreign priority basics</b> (Paris, national stage, time limits)	<b>1800, Appendix (Paris)</b>	Compute timelines; understand basic PCT actions	“PCT filed—when must U.S. national stage be entered?”	<b>8%</b>
6	<b>Appeals &amp; PTAB basics</b> (appeal vs petition; brief requirements)	<b>1200</b>	Choose correct remedy; know essential filing elements	“Examiner refused entry of amendment—appeal or petition?”	<b>6%</b>
7	<b>Reissue &amp; reexamination</b> (error types; broadening windows; reexam posture)	<b>1400, 2200</b>	Identify reissue eligibility & deadlines; know reexam basics	“Broadening reissue sought—what time limit applies?”	<b>7%</b>
8	<b>AIA post-grant trials &amp; other AIA procedures (high-level)</b>	<b>2600</b> (IPR), plus AIA-related MPEP	Distinguish IPR vs PGR vs CBM legacy concepts; understand standing/timing basics	“Which proceeding challenges patentability based on patents/printed pubs after issuance?”	<b>6%</b>

#	Topic area (what to teach)	MPEP	What students must be able to do	Exam-style prompt	Study weight
9	Assignments, ownership, power of attorney, representation, access	300, 400	Who can sign? Who can access? How POA is established/revoked	“Assignee wants to take action—what proof/steps are needed?”	6%
10	Petitions, withdrawals, abandonment, revival, extensions	700 (petitions scattered)	Pick correct petition/fee; understand revival requirements	“Unintentional abandonment—what must be shown to revive?”	7%
11	Design patents (basics)	1500	Identify key differences (claiming, drawings, restrictions)	“Design app includes broken lines—what do they mean?”	3%
12	Plant patents (basics)	1600	Recognize what qualifies; basic filing/exam points	“Asexually reproduced plant—what protection type fits?”	2%
13	Ethics, discipline, practitioner conduct (exam-relevant)	37 CFR Part 11 concepts + practice before USPTO	Recognize conflicts/authority/signature duties; discipline basics	“Practitioner discovers false statement—what duty applies?”	2%

**Total: 100%**

If you want a simpler “course packaging” version, you can group the above into 6 modules: (1) Patentability 2100, (2) Filing/Parts 600, (3) Prosecution 700, (4) Post-filing pathways (1200/1300/1400/2200), (5) International 1800, (6) AIA trials + ethics/representation.

### C. Drill examples (the kind your course should include)

#### 1) Deadline & timeline drills (PCT / priority / response windows)

Scenario	Student task	Where they look (typical)
Priority claimed; later U.S. filing	Identify whether priority is proper + what must be submitted	200/201/600/1800 concepts
Final OA arrives	Choose best action to keep case alive (RCE vs appeal vs after-final)	700 / 1200

#### 2) “Choose the right procedural vehicle” drills

Issue	Correct bucket	Common trap
Examiner error in refusing entry	Petition (often) vs Appeal (substantive)	Treating every disagreement as appeal
Applicant missed response, abandonment	Petition to revive (if eligible)	Trying to “continue” without revival

#### 3) Patentability issue-spotting drills (2100)

Fact pattern theme	What they must identify
Prior art combo	§103 reasoning requirements and what references can be used
Claim support	§112 (written description/enableness/indefiniteness) decision points
Subject matter	§101 eligibility framework at a high level (what the MPEP emphasizes)

#### **D. Suggested course structure (matches weights)**

A clean way to turn the weights into a course plan:

1. **Foundation (Week 1–2):** How to use the MPEP fast + core filing mechanics (600/700)
2. **High-yield core (Week 3–6):** Patentability (2100) + prosecution (700) + parts/format (600)
3. **Pathways (Week 7–8):** Appeals (1200), allowances/corrections (1300), reissue/reexam (1400/2200)
4. **International + AIA (Week 9):** 1800 + 2600
5. **Wrap & mixed sets (Week 10+):** Mixed 100-Q simulations + targeted weak-area remediation