

# Gupta Trades Science Job for Career as Patent Attorney

RICHARD J. ALLEY | *The Daily News*

With a Bachelor of Science in biomedical engineering from the University of Pennsylvania and a new job in the Hematology-Oncology Department at the jewel of medical institutions, St. Jude Children's Research Hospital, Hemant Gupta's life appeared to set with a promising career in medical research.

But then a funny thing happened on the way to the lab one day.

"While working at St. Jude, I met the patent attorney," Gupta said.

"He was speaking to a large group of researchers about what he does and I was really fascinated by what he described. You get to see so much different technology."

Gupta's plan was to finish his master's degree while at St. Jude and work as a researcher, but that plan was altered and he instead entered the University of Memphis Cecil C. Humphreys School of Law to become a patent attorney.

After graduating in 2005, Gupta went out on his own before eventually joining Butler, Snow, O'Mara, Stevens and Cannada PLLC in 2007.

The number of patent attorneys in private practice in Memphis can be counted on two hands, most of those in the field working on the corporate side within companies such as Smith & Nephew and Medtronic Inc. Gupta's clients include national tech companies with a local presence and universities.

As a requirement of the U.S. Patent

and Trademark Office, any attorney looking to take the patent bar must have either a science or engineering background.

So while Gupta may not have an advantage over other patent attorneys given his undergraduate degree and history of research with St. Jude, he does consider that "having different tech backgrounds in both engineering and the molecular biology background does have advantages, it does help me work with technologies in different fields."

The field of patent law and that of intellectual property is one that changes from day to day and is in the forefront of the nation's attention with battles raging among tech giants such as Apple and Samsung over proprietary software rights.

"When they initially wrote these patent laws years ago, they weren't thinking in terms of cell phones or areas that were going to be so competitive as they are now," Gupta said.

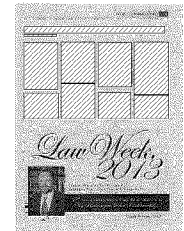
"They weren't thinking of software at all when they first wrote these laws ... those have all been trying to keep up with the tech changes."

Indeed, the very question of whether or not software – nothing more than series of ones and zeros, algorithms that are unpatentable in their own right – should be patentable or not is one being discussed from laboratories to courtrooms around the world these days.

It's the sort of debate that Gupta finds both challenging and rewarding.

"There's always a lot happening, a lot of interesting cases that happen weekly and we have to pay attention to what's happening around the world because the U.S. is moving towards this system which is harmonized with the rest of the world and usually clients want to file a patent application, not just in the U.S., but in other countries as well," he said.

Gupta has researched and written



many papers and given extensive presentations in the field of patent law.

His wife, Mary, is a pathology resident with the University of Tennessee Health Science Center and helps to keep him up to speed on scientific developments, and Gupta still has the highest regard for medical researchers in general and St. Jude in particular.

