

## Herda in Bloomberg Law: Design Patent Bar Plagued by Low Applicant Numbers

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March 2, 2026 Alan Herda

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**PRACTICES** Patents, Design Patents, Intellectual Property

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Haynes Boone Partner [Alan Herda](#) spoke with *Bloomberg Law* as the United States Patent and Trademark Office's new design patent bar has seen unexpectedly low participation numbers, which has led to ongoing concerns that the unchanged patent bar exam and limited outreach may be hindering broader access.

*The test is the same, according to Alan Herda, a Dallas-based partner at Haynes Boone.*

*That presents a barrier to entry for those with design backgrounds—but possibly an appropriate one—Herda said, noting that design and utility patent case law have moved closer together in the last few years with courts rulings on issues, including obviousness.*

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*More outreach to students is needed, too. Both Gajewski and Herda said they remember IP attorneys speaking to their undergraduate engineering classes.*

*“During the presentation, you realized that being a patent lawyer was an option for engineers in the future,” Herda said.*

To read the full article from *Bloomberg Law*, click [here](#).