

Reports of Death Greatly Exaggerated: Why Generative AI Is Powering, Not Pulverizing, Patent Prosecution

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When Luis Alvarez proposed that an asteroid caused the dinosaurs' extinction, he offered a dramatic explanation for a vanished world: sudden, catastrophic, and final. Lately, some voices in the patent profession have borrowed that metaphor to describe the rise of artificial intelligence. They warn that AI is the asteroid hurtling toward patent prosecution—that once it hits, the practice will be wiped out, profits will crater, and the survivors will be those who reinvent themselves in entirely new habitats.

It's a vivid story. It's also wrong.

Generative AI is not an extinction-level event for patent prosecutors. It's a force multiplier—an amplifier of legal analysis, not a replacement for it. If anything, it will allow practitioners to spend more time doing what clients value the most.

What Clients Actually Value—and Always Have

Pessimists argue that AI reduces client value by enabling clients to do more themselves and push down outside counsel rates. That sounds plausible until you consider what clients actually pay for.



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Bryan McWhorter of Knobbe Martens.

Clients don't write checks for indiscriminately putting pen to paper. They pay for judgment: the ability to connect a complex invention to the right claim strategy, to see the competitive landscape, to navigate byzantine law and rules with efficiency and credibility, to turn technology into protection and business advantage.

Formulaic content or polished formatting has never justified a lawyer's rates. Those are the mechanical parts of prosecution, not its intellectual core. When we let AI handle the mechanical, we free up more time for the strategic. And strategic thinking is what clients value.

This isn't the first time we've faced a "productivity revolution." Word processing didn't kill legal writing. Voicemail didn't end client relationships. Each innovation reduced friction and eliminated drudgery, letting professionals spend more time where expertise matters. Generative AI is simply the next chapter.

Redefining Value in the Age of Efficiency

If AI changes the economics of our work, it doesn't erode value—it forces a clearer understanding of what "value" means.

A prosecutor's value comes from the assets they create: patents. And patents' importance has not declined. Innovation remains vital to commerce and national competitiveness, and the legal infrastructure that protects it remains indispensable.

So what's the concern? Two fears dominate. First, that AI will replace prosecutors entirely. Second, even if AI cannot replace prosecutors entirely, that AI will reduce the volume of work so significantly that current business models collapse. Neither seems likely.

Anyone who reads a patent application drafted entirely by AI knows these systems do not substitute for keen legal analysis, and still require human oversight. Will AI someday replace prosecutors entirely? Perhaps—but if so, they'll replace most intellectual work, leaving society with larger problems than the future of patent prosecution. And AI's progress in true reasoning has been slower and more limited than the companies pushing this technology would have had us believe.

The second fear—that AI will reduce the volume of work—is more reasonable, but still likely wrong. Generative AI is a prosecution power tool. Just as power saws enabled carpenters to build more

in less time, AI will enable skilled prosecutors to do more with less. But more work in less time is the very definition of *increased* value.

Will demand run dry in the face of more efficient patent drafting? Not likely. When an asset becomes cheaper to produce, demand often *increases*. If we can prepare better drafts faster, clients can file more applications. Portfolios can grow. Quality can rise. Even if per-matter fees compress, the total pie can expand. And when lower fees are driven by efficiency rather than desperation, profit margins can actually improve.

Efficiency isn't the enemy of profitability. It the engine of it.

The Two-Step Framework for Thriving With AI

Firms can turn this into reality through a simple two-step framework: (1) master AI, and (2) use that mastery to deliver differentiated quality.

Step One: Master the Tools. You cannot reap efficiency gains from a system you don't understand. Here, AI doomsayers are half-right: ignoring AI is not an option. Practitioners who treat these tools as toys will fall behind. But those who treat them as instruments of mastery—who learn their strengths, limits, and biases—will operate with a level of productivity and insight the old regime can't match.

Learning AI isn't just about prompting. It's about understanding training data, where reasoning ends and pattern-matching begins, and how to channel speed without sacrificing precision. That requires rigor—the kind patent professionals already possess.

Step Two: Differentiate Through Quality. If AI truly replaced human legal analysis, value would drop. But AI can't do that now, and likely never will.

Generative models are trained on vast swaths of public data, including prior patents of wildly uneven quality. They don't "understand" new technology. And patents, by definition, deal with what's new. Without a human expert guiding it, AI reflects the inconsistencies of its training set.

That's why the real opportunity lies in *augmentation*, not automation. The best AI systems amplify human reasoning without replacing it. A practitioner who uses AI to automate the repetitive can spend more time crafting stronger claims, ensuring better enablement, and aligning each application with broader business goals. In short, AI allows the prosecutor to provide enhanced value to the client where it matters most. Clients recognize that kind of differentiation—and reward it.

The Real Revolution: From Drudgery to Depth

Imagine a prosecution practice where attorneys spend less time catching typos and more time developing strategy. Less time wrestling with formatting and more time analyzing prior art. Less time rephrasing boilerplate and more time coordinating with R&D.

This is not a future of diminished value. It's one of elevated quality.

The AI revolution, in this sense, is a return to first principles. It shifts our time away from typing and toward thinking. Work that once felt

rote becomes more analytical, more creative, more fun—and ultimately more valuable.

The Future Is Bright, If We Shape It

None of this means the profession can coast. AI is already transforming patent prosecution. But the direction of that transformation is ours to decide.

The firms that win will be those that use AI to *strengthen*—not replace—the human insight that makes great counsel indispensable. Successful firms will build cultures of experimentation, measure productivity gains carefully, and use saved hours to deliver deeper, more strategic advice. They'll file better patents, faster, at lower cost. And the firms that adapt will, as a result, be busier than ever.

The patent profession doesn't need to fear the asteroid. It needs to ride the shockwave. By becoming AI experts and using those tools to produce higher-quality, differentiated work, practitioners can help usher in a new golden age of innovation protection—one where efficiency and insight work hand in hand.

The future isn't extinction.

It's evolution.

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