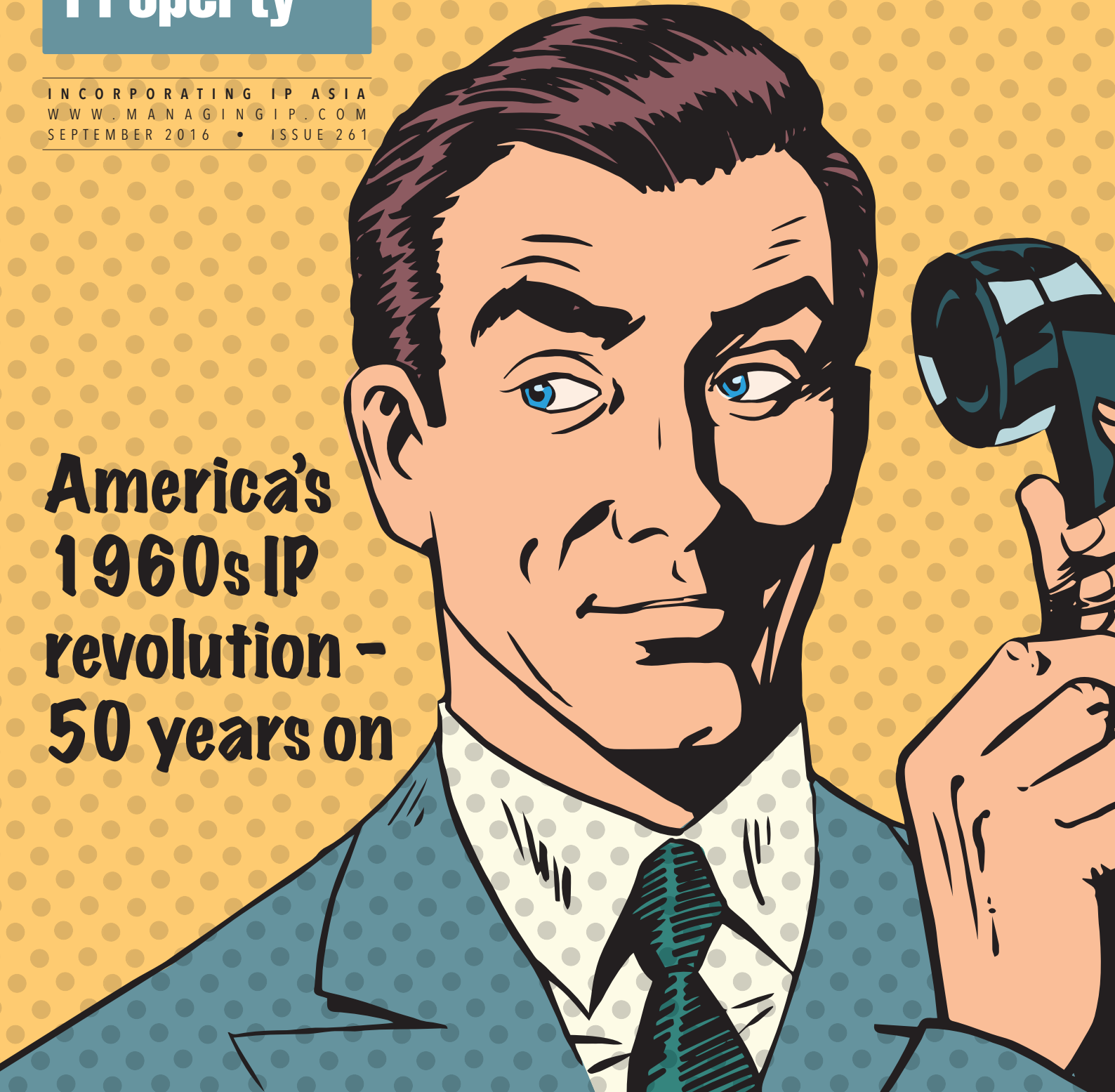


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America's 1960s IP revolution - 50 years on



PATENT LITIGATION
STRATEGY IN JAPAN

TRADE MARK USE
ACROSS THE EU

LATEST TRENDS IN
RUSSIA'S IP COURT

JUDGES GET TOUGH
ON INTERMEDIARIES



The Mad Men of IP

In the early 1960s, patent practice was quiet and inventors often faced a hostile environment. But then, like now, new technologies were emerging to reshape business and the economy. Across North America, innovative lawyers set up boutique firms that would transform the market, many of which still exist today. Fifty years on, **Jakob Schnaidt** tells their story

In 1961, the Florida state bar association sued to prevent local patent agent Alexander Sperry from processing patent applications at the local patent office, and advertising himself as a “patent attorney” (he wasn’t an attorney). Because Sperry had been admitted to the USPTO in 1928, however, he had flown under the radar even after a 1938 rule which reserved the “patent attorney” designation only for those admitted to the bar. And since the American Patent Law Association started excluding non-lawyers from the patent section of the American Bar Association in 1944, the organising power of patent agents had been withering.

The district court ruled against Sperry, but with the support of the remaining patent agents in the Florida Patent Law Association, he appealed to the Supreme Court and in 1963 emerged with his patent practice intact. Arguing that a patent practitioner’s value to society lay more in his technical expertise than his legal training, Sperry and his advocates persuaded the Court to consider the economic ramifications of an effective firing of 45% of the country’s patent practitioners (the other 55% being attorneys).

The 55% of USPTO registrants in 1963 who were attorneys continued to pad their ranks as the years passed, but would not become an overwhelming majority until after 1990, the year of Polaroid’s \$909 million damages award in the decades-long infringement suit against Kodak over instant photography patents. Today, a little over 80% of those registered to practice at the USPTO are attorneys, a number that causes veteran patent attorneys, such as Jonathan Marshall, to reflect on how obscure a practice patent law had been 50 years ago.

“My roommate in law school said I was an idiot, and that I should

come practise law in the wilds of New Jersey somewhere, be a real lawyer,” says Marshall about his decision to pursue patent law in the mid-1960s. Marshall had left law school with an interest in science and technology and a new job at the USPTO, where he worked before joining the IP firm Pennie & Edmonds in 1966 (the firm was dissolved in 2002). “It was a nice little backwater. It was a nice practice, and those of us who were in it had a lot of fun,” he recalls.

Don Martens, who joined Louis Knobbe in 1963 to form Knobbe Martens in Orange County, describes the practice as being either misunderstood, or worse, denigrated by many in the legal profession. “It’s a strange phenomenon. When I got into the firm, lawyers and law professors kind of looked down on patent lawyers – we were called patent lawyers, not IP lawyers,” he says.

Dan Bereskin, who co-founded Canadian IP boutique Bereskin & Parr in 1965, looks back on the early days as an object lesson in delayed gratification. “The thing that I remember most from the 1960s is that there wasn’t a lot to do,” says Bereskin, who left a job at a geophysical prospecting company to launch the firm. “If the phone rang, or we got a letter we weren’t expecting, it was exciting! Getting a new client was very, very gratifying.”

Given the scarcity of work, patent lawyers became jacks of all trades. “In those days you did a little bit of everything,” says Marshall. “I started out writing patent applications; I did licensing agreements; I did opinion work. The subject matter changes – the variety of it was terrific. I was lucky enough to be in some big cases where I could hire world-leading experts in various technologies and I could get private courses with these guys. I didn’t have labs to go to and there were no exams! So I became very knowledgeable in a lot of different technologies – that was fun.”



LEFT TO RIGHT:
Gordon Olson and wife
Helen, Louis Knobbe and
wife Jeanette, Don
Martens and wife Jan

Five decades on, *Managing IP* has spoken with some of the founding members of North American IP firms that formed in the 1960s to better understand the legal, political and economic forces that shaped IP law in that decade and beyond.

“I can’t look at this empty desk”

“My goal from the beginning was to start my own business,” says Norman Oblon, the founder of Virginia-based Oblon McClelland Maier & Neustadt. With \$500 in the bank, a three-month-old baby and no clients to his name, the 26-year-old Oblon hung a shingle out in front of a building that he described as “like a little corner doctor’s office” in Arlington, Virginia (near the USPTO) on September 8 1968. “I told my father I was opening a firm and he said ‘That’s a good idea, as long as you have a year’s income in the bank,’ and I’m thinking, ‘Where am I going to get a year’s salary in the bank?’”

Oblon’s first summer in business was slow but steady, just enough to keep him and his partner going to greet the agony of the following summer’s dry spell. “There was nothing. I called up my partner and I said, ‘I can’t come in, I can’t look at this empty desk.’”

Once the drought had run its course, work started picking up and Oblon was adding clients such as Hewlett-Packard, Combustion Engineering, Standard Oil Research (now Exxon), and the Research Corporation, a not-for-profit company that collected technology from universities for licensing purposes, which hired Oblon to write its patent applications.

Soon, Oblon had drummed up enough high-end business to move out of the little corner doctor’s office with a growing team, which included a draftsman recruited from an office down the street, and Barbara, a concert pianist-turned-secretary who typed so quickly and powerfully that, according to Oblon, she would be habitually breaking typewriters: “Without her, I don’t know what we would have done ... that first year was tough.”

Not long after that, Oblon expanded into trade mark law, assisting the University of Alabama in an early action against a local retailer that had been selling football helmets emblazoned with its logo. Oblon claims to be one of the first, if not the first, law firm to propose to file trade mark applications for universities.

The second attorney review rule

About four years earlier and six miles north of Norman Oblon’s office, Finnegan Henderson was founded. Co-founder Marc Finnegan, a West Point graduate and son of the Finnegan in Morgan & Finnegan (the New York IP firm that folded in 2009), is described as the type of person who might reject a yellow notepad whose paper he found to be “too resistant”.

According to Herb Mintz’s *A Brief History of the Founding of Finnegan Henderson Farabow Garrett & Dunner*, Finnegan and co-founder Doug Henderson were “willing to incur higher costs to obtain the best tools”, a business philosophy that resulted in their March 1 1965 opening on the top floor of the Chanin Building, a prestigious address in Washington, DC.

In addition to a focus on quality, Finnegan and Henderson decided that they would approach firm management with their past experiences in mind. Finnegan had recently been passed over for partner at his prior firm, Irons Birch Swindler & McKie, and was well on his way to developing his own vision for law firm management. Before joining Finnegan at Irons, Henderson had benefited from a strong mentorship under Donald T Lane, a Court of Claims and Patent Appeals judge who employed Henderson as a law clerk for two years.

“The founding guys worked at other firms and felt that the lawyers would be better off if the internal structure was such that people weren’t pitted against each other,” Roger Taylor, the founding partner of the firm’s Atlanta office, says. Mike Elmer, who joined the firm in the early 1970s, fondly recalls a high level of collegiality inspired by the four founding partners: “In the early days they hired lawyers because they were driven by relationships,” Elmer says. “You used to learn on the job, working with lawyers you liked to spend time with.”

Both Elmer and Taylor refer to the “second attorney review” rule, which held that any piece of writing that left the office had to be looked over by at least one other attorney, as one of the most important and enduring standards created by the founders.

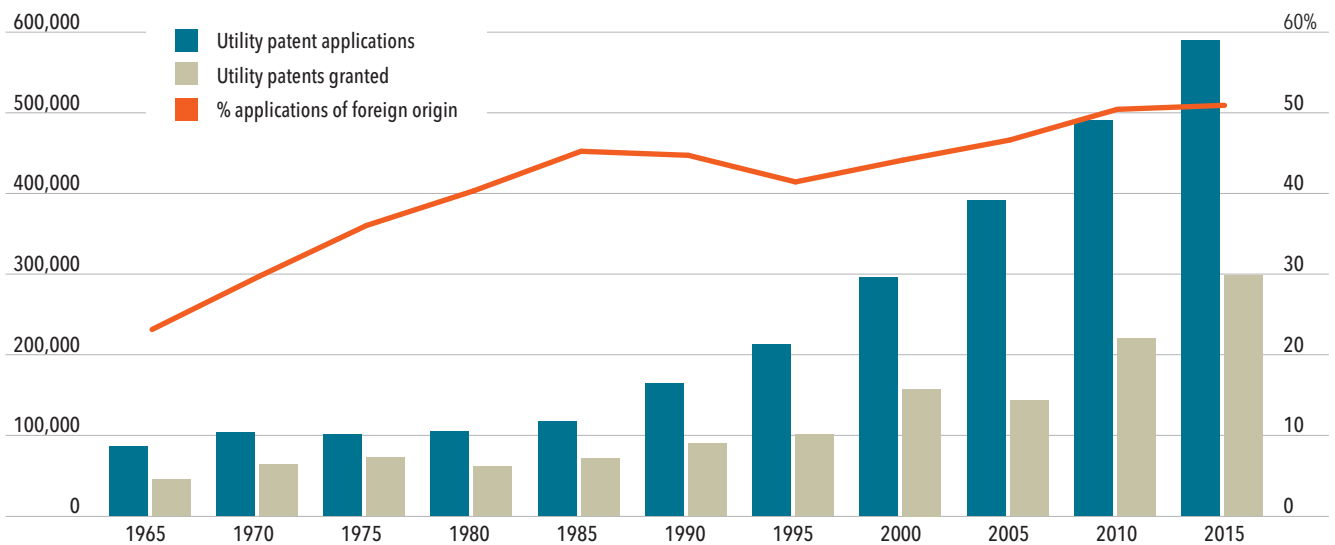
“We knew how we liked to work”

In a 1999 interview with *Managing IP*, Louis Knobbe described his motivation for starting a law firm in 1962 as way of situating himself in a part of the country where he knew he wanted to live. “My motives were simply that I desired at age 30 to have more responsibility and stay in Orange County because it was both then and now a very nice place to live and raise a family.”

Before forming Fowler & Knobbe with Allan Fowler, a law school classmate, Knobbe had worked at Beckman Industries, a high tech company in Fullerton that began commercialising semiconductor transistors in 1956 with the establishment of its Shockley Semiconductor Laboratory division.

Orange County-based aircraft companies such as Northrop, Douglas and Hughes were thriving under Cold War government contracts, while biotechnology companies such as Edwards Laboratories and early Knobbe Martens client and

US patent trends 1965-2015



Source: USPTO

heart-valve manufacturer Shiley Laboratories were starting to establish themselves as future options for graduates of the University of California Irvine, which had opened in 1965.

The culture of today's incarnation of Knobbe Martens Olson & Bear, however, began in earnest after Fowler, who according to Martens acted as lead decision-maker for years, left the firm. From that point on, Louis Knobbe, along with Don Martens, Jim Bear and Gordon Olson, started discussing the kind of management structure they wanted to see in place of what they viewed as an outmoded system of strict top-down governance. "We were four young lawyers who didn't know much about running law firms," Martens says. "But we knew how we liked to work and what would fit our lifestyle patterns."

The four set out to develop a more democratic firm culture that focused less on internal competition, and more on framing employee satisfaction and collaboration.

The sky is not the limit

Between 1959 and 1970, Orange County employment in the high-tech sector had increased at an annual rate of 19.2%, as a new class of white-collar technical elite, particularly those employed by defence companies, flooded into the formerly agriculture-dominated region. A year after the Soviet Union beat the United States to space with the launch of Sputnik, the US government signed into law the 1958 National Defense Education Act. In addition to providing nationwide education funding for science and technology programmes, the NDEA is best known for establishing NASA as the executive branch's primary resource for aeronautics and aerospace research.

As an independent agency, NASA was given permission to decide whether or not it would contract out research and

development duties to private industry, rather than perform them in-house. Choosing the former arrangement for its overall procurement policy, NASA began awarding contracts to companies such as Boeing, for wind turbines and short-range missiles, and the Hughes Corporation, for geosynchronous satellites. However prestigious it may have been to be given the opportunity to beat the Soviets with science, certain contractors refused the work, objecting to a patent policy that gave NASA the right to retain "any invention or discovery made or conceived under any contract, subcontract, arrangement, or other relationship with the [NASA] Administrator".

The Kennedy Administration would adjust the language to the patent policy in 1963, giving firms a better chance to claim proprietary rights to inventions they had developed under government contracts. Just one year earlier, the government passed the Trade Expansion Act, an ambitious foreign trade initiative which aimed to negotiate tariff reductions up to 50% with participating nations. Fearing that lowering trade barriers would lead to heightened competition, certain pockets of domestic industry started to worry about their survival. "Countries started negotiation agreements, doing away with tariffs," says Norman Oblon, "And if you do away with tariffs, how does your industry survive?"

Although the initial rounds of GATT did not directly address the treatment of intellectual property as it relates to international trade, the Patent Cooperation Treaty (PCT), signed by 35 countries on December 31 1970, provided a firmer framework for the international harmonisation of patent filing and protection procedures. One of the critiques that the US faced in participating in PCT proceedings centred on the sense that the US courts were seemingly incapable of deciding what constituted patentability. Stephen Ladas, an influential figure in the history of international IP, in commenting on the difficulty of achieving a "complete agreement as regards standards" noted: "Indeed, so far it has been impossible to write a satisfactory definition into the law of a single country. In the

A difficult environment

In many ways, the environment for patents in the early 1960s was not friendly, thanks to a combination of legal uncertainty, anti-monopolistic policies and ignorance on the part of many businesses.

In the US, probably the most important change introduced by the Patent Act of 1952 was the addition of the non-obviousness requirement into Section 103 of the law. Prior to this, federal courts had applied the attractively named but legally ambiguous “flash of genius” doctrine set out in the 1941 Supreme Court judgment in *Cuno Engineering Corp v Automatic Devices Corp*.

But it was 14 years before non-obviousness was clarified in the Supreme Court’s ruling in *Graham v John Deere Co* in 1966. In this dispute, inventor William T Graham had spent 14 years litigating before district and federal circuit courts, with circuits split over the validity of his plough-related patents (the pan-US Court of Appeals for the Federal Circuit was not created until 1982). The 5th Circuit had upheld his patent; while the 8th Circuit had invalidated it.

Graham’s experience was typical, says Jonathan Marshall, as the 8th Circuit had earned a reputation for being one of the most unfriendly venues for patent owners in the country. “The patent law basically ceased to exist for about 15 years [in the 8th Circuit],” Marshall says. “They just knocked down everything that came up.” The Supreme Court found that Graham’s patent (and two other patents belonging to Cook Chemical that were considered in the same judgment) did not meet the non-obviousness requirement. Non-obviousness was

also considered in another decision published on the same day (*United States v Adams*), in which the patent was upheld.

In *Graham v Deere*, its first judgment in a patent validity matter for 15 years, the Supreme Court said that Section 103 “permits a more practical test of patentability” explaining: “The determination of ‘nonobviousness’ is made after establishing the scope and content of prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the pertinent art.” This guidance finally killed off the flash of genius doctrine and gave patent practitioners a framework for establishing non-obviousness that lasted for 40 years, until the *KSR v Teleflex* judgment in 2006.

Legal uncertainty was only one of the challenges patent practitioners faced in the early 1960s. Another was scepticism from clients. “Patents were sort of something that inventors and companies were worried about, and general counsel was a little worried about, but the boards of directors didn’t even know they existed,” says Don Martens, who remembers the confused reaction from an antitrust professor in law school upon learning of his career choice.

Patents were seen as sufficiently important by many companies to warrant the hiring of in-house patent practitioners. But because of the widely held perception that the US court system garnered an unfavourable view of patents as enablers of monopoly, there was a wariness on the part of patent owners to invest substantially in enforcement. Companies were loath to raise awareness of their patents in front of a

judiciary comprising Franklin Delano Roosevelt-appointed judges, some of whom had maintained as anti-monopolistic a stance in the 1960s as they had earlier in the century.

The Sherman Antitrust Act, updated in 1914 to curtail patent licence pools and other tactics of price discrimination, was amended in the Anti-Price Discrimination Act of 1936 to protect small retailers against chain store competition by fixing minimum prices for retail products. The Supreme Court case *International Salt Co v United States* in 1947 held that, for example, should a company’s patented invention require the purchase of another product – for which that company has no patent (or legal monopoly) – then that company would be in violation of the Sherman Act’s rules concerning tying arrangements. In 1965 the Supreme Court ruled in *Walker Process Equipment v Food Machinery & Chemical Corp* that the bad faith enforcement of a patent could provide a basis for a claim of treble damages, providing litigants with a new incentive to scrutinise the patent prosecution practices of the opposing party.

Antitrust concerns aside, the US government’s patent policy during the Second World War had also been influenced by national security concerns, especially during the years leading up to the development of the atomic bomb. In anticipation of the Manhattan Project, in July 1940 Congress granted the Commissioner of Patents the power to keep certain inventions secret from the public.

There were already signs, though, that the tide

United States, for instance, the Patent Office, the Court of Customs and Patent Appeals and the regular Federal Courts all have different ideas as to patentability. How, then, is it possible to write into the Treaty the meaning of the tests of patentability?”

“I want to pay them up front”

Ladas, a highly active writer and patent law activist internationally, was also a name partner and, according to Fross Zelnick Lehrman & Zissu co-founder Ron Lehrman, a force of nature at his then-indomitable law firm Langner Card Ladas & Parry. “He was a brilliant and fun person, but not easy to learn from because he dropped like a falcon on the centre of a project,” Lehrman says. Steven Bigger, who joined Weiss Dawid Fross & Lehrman two years after its 1969 founding, also recalls the scope

of Ladas’ power: “He was so influential, that he could actually contact the head of a trade mark office in a foreign country and say, ‘This is how the law should be.’ And they’d listen to him.”

But Lehrman and Bigger say that Ladas’ preoccupation with high-end clients and international patent matters coupled with Lawrence Langner’s death in 1962 had led to the firm suffering from a lack of direction. “In our third year [at the firm] we went onto some creepy profit-sharing arrangement,” Lehrman says. “We were never told any of the final figures. No auditing, no nothing – you took what they gave you.”

By the late 1960s, Lehrman, along with Peter Weiss, Heinz Dawid, and Alvin Fross, decided that though it was risky to presume that any of their clients would agree to part ways with a law firm that was servicing the IP needs of nearly 400 of the top

1960s patent cases at the Supreme Court

The 2010s may seem like an unprecedented period for US Supreme Court IP cases. However, the 1960s saw many decisions involving patent law. Stanford Law School professor Lisa Larrimore Ouellette on the Written Description blog lists the following cases at the Supreme Court that focused on patents:

Glidden v Zdanok (1962): CCPA is an Article III court.

White Motor v United States (1963): Tying a patented product to an unpatented one is a per se antitrust violation.

Sperry v Florida (1963): Florida cannot enjoin a non-lawyer from preparing and prosecuting patent applications.

United States v Singer (1963): Patent holders cannot escape the prohibitions of the Sherman Act.

Compco v Day-Brite (1964), **Sears Roebuck v Stiffel** (1964): State unfair competition law cannot prevent copying of an unpatented article because of preemption by federal patent law.

Aro v Convertible Top (Aro II) (1964); **Aro v Convertible Top (Aro I)** (1961): Analysed the extent to which repair and reconstruction of patented convertible top is contributory infringement.

Brulotte v Thys (1964): A licence is unenforceable to the extent that it demands royalty payments after patent expiration.

Walker Process v Food Mach & Chem (1965): Enforcement of a patent procured by fraud on the USPTO may violate Section 2 of the Sherman Act.

Hazeltine v Brenner (1965): An unpublished pending patent application is prior art.

Graham v John Deere (1966): This highly cited case was the first patent validity

opinion since Patent Act of 1952, and discussed obviousness.

United States v Adams (1966): Battery patent is not invalid for lack of novelty or obviousness.

Brenner v Manson (1966): A patent application on compound with possible tumour-inhibiting effects lacks utility.

Zenith Radio v Hazeltine (1969): Injunction was warranted against patentee (part of patent pool) for excluding prospective licensee from the Canadian market.

Lear v Adkins (1969): A licensee is not estopped from challenging patent validity.

Anderson's-Black Rock v Pavement Salvage (1969): Paving machine patent is obvious.

was turning, when the Supreme Court introduced the doctrine of equivalents in *Graver Tank & Manufacturing Co v Linde Air Products Co* in 1950. This decision, followed by *Graham v Deere*, laid the foundation for a period of stability and growth in demand for patent prosecution and litigation during the later 1960s and 1970s, which many boutique firms benefitted from.

That stability began to be disrupted in the early 1980s. The Supreme Court decisions in *Chakrabarty* (on genetically modified microorganisms) in 1980 and *Diamond v Diehr* (on computer programs) in 1981 opened up new opportunities for patenting. The Bayh-Dole Act of 1980 kick-started the technology transfer business, while the 1984 Hatch-Waxman Act created a mini-industry of pharmaceutical

litigation. Above all, the creation of the Federal Circuit in 1982 marked the end of splits between circuits, and paved the way for big damages awards. All these developments posed new challenges to boutique firms. General practices started to venture into patent law, motivated in part by the fees that could be earned by big cases on complex technologies, which required small armies of lawyers on each side.

Fortune 500 companies, they would try it anyway. On June 9 1969, Weiss Dawid Fross & Lehrman was announced to the world. "It was an explosive reaction from Ladas," Lehrman says. "They didn't believe anybody could possibly compete with them." Later, Lehrman and his partners decided to hire a few members from their former employer to help bolster their support staff. What ensued was a visit from what Lehrman refers to as a "delegation" of Langner attorneys, dispatched to "soothe relations" between the firms.

Despite the backlash, Lehrman and his partners still managed to convince a handful of major clients to join them. One of Alvin Fross's more colourful clients, a prominent merchandiser for Columbia Pictures, affectionately referred to as "Honest" Ed Justin, had generously sent instructions for work that would net the firm \$750,000 just two days after its announcement. "We hadn't

even put in the second half of our capital contributions and Al [Fross] comes into my office with tears running down his face," Lehrman says. "Eddie [Justin] had gone to his management and said: 'These are friends of mine, I want to pay them up front.' It was beyond supportive." Those tears were likely filled with as much joy as relief. Alvin Fross had decided upon an office space in New York that, Lehrman admits, caused some initial concern among the rest of the team. "We had insanely taken a full floor on an office building, and had no clients," Lehrman says. "[Al Fross] wanted to show that we were permanent."

"We learned together"

Dan Bereskin, a lifelong friend of Lehrman's, opened his firm in Canada four years earlier with a more modest clientele, but



STANDING LEFT TO RIGHT:
Irvin McClelland, Arthur Neustadt, Robert Miller, Gregory Maier

SEATED, LEFT TO RIGHT:
Marvin Spivak, Stanley Fisher, Norman Oblon

equally expansive aspirations. “We didn’t have that much work coming in, but we felt it was important to have a nice space,” says Bereskin, “so we took on more space than we really needed.”

Bereskin and co-founder David Rogers signed a lease in a Toronto office tower in 1965, at a time when law societies placed such strict limitations on firm advertising that posting a discrete listing in a newspaper of your name, address and phone number was pushing it. “You were not permitted to solicit clients,” says Bereskin. “As a consequence when we started we really had no client base. We felt that because we had good technical backgrounds, were relatively young and were willing to work very hard, that eventually clients would come. How wrong we were. In fact, probably the majority of the small amount of business we had in the first year came from the firm that we left.”

“In general, everything came in on a referral basis,” says Bereskin. “Quite a lot of work was referred to us by general law firms whose clients needed IP representation. I think the fact that we were a boutique was interesting because we did not compete with the general practice firms.” However, soon the firm started to develop its own clients. The first, a small research and development company that focused on geophysical prospecting, provided a slow, but steady, stream of work. Bereskin became so involved in its business that he was not only assigned all of the patent prosecution work, but also invited to become a director. “I was very young and I didn’t really have anybody to tell me what to do so I made plenty of mistakes,” Bereskin says. “But because they were relatively young themselves, we learned together.”

This would not be possible now. “Those days were different than these days,” he says. “We were not really motivated by getting wealthy fast. You would adjust your lifestyle in accordance with your income.”

Bereskin adds: “There were lots of good firms who were perfectly happy remaining relatively small. But we had bigger ambitions, not in terms of making money but in terms of having world class clients come to us.”

Oblon says his firm had to tough it out initially as well: “That first summer I already was thinking about back-up plans. I didn’t think we’d be able to make it. But any business – doesn’t make a difference what it is – if you can survive that initial phase then

you can succeed. Ten firms started [around that time], and we were the only ones who survived.”

The spirit of the 1960s

It’s notable that the three great eras for IP practice in the United States have coincided with periods of great technological innovation. The turn of the nineteenth/twentieth centuries saw the founding of firms such as Fish & Neave and Pennie & Edmonds in New York, Lyon & Lyon in Los Angeles and Cushman Darby & Cushman in Washington DC. Their attorneys worked on then cutting-edge technologies such as aeroplanes, steam turbines, light bulbs and telephones.

The 1960s was similar. It saw major developments in space technology, computer chips, LEDs and pharmaceuticals. As we have seen, visionary lawyers across the United States and Canada saw the opportunities presented by such technologies and set up dedicated IP firms, many of which still exist some 50 years later.

But the rapid expansion of patent work in the 1980s and 1990s opened up the IP world as never before. As soon as general practice firms started seeing evidence of patents being not only sustained in court, but playing starring roles in multi-million-dollar jury verdicts such as Polaroids in 1990, the stability enjoyed for decades by patent firms both large and small started to disappear. Patent litigation had suddenly become an attractive option, particularly for trial lawyers whose antitrust work shrank after the 1982 breakup of the Bell System and throughout the M&A boom of the 1980s.

“The general lawyers looked around and they saw patent cases,” says Marshall. “They said, ‘We can do that, because the guys doing it now are just these pointy-headed techies, and we can beat ‘em up pretty good.’” These firms benefitted from the boom in IP work in the 1990s and 2000s from biotechnology, computer software, mobile phones and e-commerce. General practice firms such as Ropes & Gray, Baker Botts, Pillsbury and Jones Day acquired entire IP boutiques in this period.

This expansion not only meant there was more competition for the boutiques but also led to referral work drying up. Previously, says Norman Oblon, if a general practice ran into complex technology they would turn it over to an IP firm, which functioned to a degree like a patent consulting service. Now they could do it themselves. Knobbe Martens, a firm which had for two decades benefitted from consistent referral work, hustled to reorganise its client network to compensate. “Once we got into the 1980s,” says Don Martens, “the general firms weren’t sending any work to us anymore.”

While that has led to the demise of some boutiques, others have flourished thanks to a combination of highly focused technical expertise, the cultivation of clients from expanding overseas markets and a focus on new sources of work such as the PTAB. Above all, though, they continue to tap into that spirit of adventure and ambition that characterised the 1960s. As Dan Bereskin says: “I always think of what Bob Dylan said: ‘When you ain’t got nothing, you ain’t got nothing to lose.’ I thought at the time that the only thing really I had to lose was time. I was pretty confident I’d be able to get a job if it didn’t work out.”

New names in the 1960s

NAME THEN:

McCloskey Wilson Mosher & Martin

YEAR ESTABLISHED: 1961

LOCATION: Palo Alto, California

NAME NOW:

Wilson Sonsini Goodrich & Rosati

The firm was launched before the phrase “Silicon Valley” had been coined to concentrate on the representation of emerging technology companies and venture capitalists.

NAME THEN:

Fowler and Knobbe

YEAR ESTABLISHED: 1962

LOCATION: Orange County, California

NAME NOW:

Knobbe Martens Olson & Bear

Founded by Louis Knobbe and law school classmate Allan Fowler, who later departed, the firm added name partners for the rest of the 1960s. Don Martens joined in 1963, Jim Bear joined in 1968 and became partner in 1971, and Gordon Olson became a partner in 1969.

NAME THEN:

Munger Tolles & Olson

YEAR ESTABLISHED: 1962

LOCATION: Los Angeles, California

NAME NOW:

Munger Tolles & Olson

Munger Tolles & Olson was founded in Los Angeles by three former Musick Peller & Garrett lawyers: Charles Munger, Leroy Tolles and Roderick Hills.

NAME THEN:

Rogers & Bereskin

YEAR ESTABLISHED: 1965

LOCATION: Toronto, Ontario

NAME NOW:

Bereskin & Parr

Founded by David Rogers and Daniel Bereskin. A year later, Richard Parr joined the firm, which became Rogers Bereskin & Parr. The firm initially consisted of two founding partners, one assistant and no clients. It now has more than 70 lawyers and patent and trade mark agents, and about 250 staff in four offices, Toronto, Montréal, Mississauga and the Waterloo region.

NAME THEN:

Finnegan & Henderson

YEAR ESTABLISHED: 1965

LOCATION: Washington, DC

NAME NOW:

Finnegan Henderson Farabow Garrett & Dunner

Finnegan & Henderson was founded on the 12th floor of the Chanin Building at 815 Connecticut Avenue in Washington, DC, by Marcus Finnegan and Douglas Henderson. The mission: to do high-quality legal work focused exclusively on IP law. The firm changed its name to Finnegan Henderson & Farabow in 1968, Art Garrett was added to the firm's name in 1973 and Don Dunner in 1978.

NAME THEN:

Williams & Connolly

YEAR ESTABLISHED: 1967

LOCATION: Washington, DC

NAME NOW:

Williams & Connolly

Trial lawyer Edward Bennett Williams joined with his former student at Georgetown, Paul Connolly, to form Williams & Connolly. The firm set out to practise law the way its partners lived life – passionately.

NAME THEN:

Greenberg Traurig and Hoffman

YEAR ESTABLISHED: 1967

LOCATION: Miami, Florida

NAME NOW:

Greenberg Traurig

Greenberg Traurig and Hoffman was founded in Miami, Florida, in 1967 by attorneys Larry Hoffman, Mel Greenberg and Robert Traurig.

NAME THEN:

Oblon

YEAR ESTABLISHED: 1968

LOCATION: Arlington, Virginia

NAME NOW:

Oblon McClelland Maier & Neustadt

Norman Oblon launched what was to become Oblon Spivak McClelland Maier & Neustadt when he was just 26. Oblon met his future partners Marvin Spivak, Irvin McClelland and Gregory Maier at the US Naval Laboratory, where they were all working as civilian patent advisors for the US Navy. Last year, the firm dropped the Spivak from its name after the departure of Marvin Spivak.

NAME THEN:

Weiss Dawid Fross & Lehrman

YEAR ESTABLISHED: 1969

LOCATION: New York

NAME NOW:

Fross Zelnick Lehrman & Zissu

Founded in 1969 in New York by Peter Weiss, Heinz Dawid, Alvin Fross and Ron Lehrman, who had been colleagues for more than a decade at what was then the leading international trade mark firm. The firm quickly acquired a clientele of prominent US and foreign trade mark owners and established itself as a leading firm in the field.

Notable firms established in the 1950s and 1970s

1951: Paul Hastings

1953: Dickstein Shapiro

1955: Marshall Gerstein & Borun

1957: Sughrue Mion

1957: Cowan Liebowitz & Latman

1971: Fitzpatrick Cella Harper & Scinto

1972: Fenwick & West

1978: Kecker & Van Nest