

# The Patent Lawyer

The Magazine of Global Patent Law Issues

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# Patent Firm Profile

The Firms That Form The APLF

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## A Well-Oiled Boutique

*Ostrolenk Faber Proves Small is Better for Patent Prosecution*

Some might say that the patent-prosecution boutique is a disappearing entity. Increasingly, larger general-practice firms swallow up established patent firms in search of a share of the potentially lucrative patent litigation market. But the firm of Ostrolenk, Faber, Gerb & Soffen believes smaller is better and it is committed to remaining that way well into the future.

For this New York-based firm, the model clearly succeeds. Tell another patent lawyer that you are an attorney at Ostrolenk, and you get back a nod of recognition and respect. Since 1929, Ostrolenk has emphasized quality of patent preparation, coupled with efficient, hands-on service.

The firm's focus remains patent prosecution. It has a significant patent litigation practice and a growing trademark and copyright practice. But prosecution is its meat and potatoes and it is set up to handle the process effectively and efficiently. With a second office in Washington, D.C., it routinely ranks among the top patent-filing firms in the United States.

"Large law firms do not have the core structure for patent prosecution – it is not what they want to do," explains partner Max Moskowitz. "A prosecution firm needs lawyers who are committed to that work and a huge infrastructure to support the lawyers' work."

A firm of 28 attorneys, Ostrolenk has a support staff of more than 75 – a staff-to-attorney ratio unheard of in general-practice firms.

"We are a well-oiled machine with a huge paralegal structure," Moskowitz says. "We handle an enormous, never-ending flow of paper. We are highly organized and well monitored. We don't miss dates."

For clients, Ostrolenk's organization means greater ability to absorb their technology in

a more efficient manner and at lower cost.

"Because of our superb infrastructure, we don't waste a lawyer's time with the peripheral tasks that surround a patent application," Moskowitz says. "Our lawyers operate at the top of their intellectual ability – analyzing the invention and precisely writing it up."

In fact, Ostrolenk and its clients tend to stick together for the long haul. The firm has represented some of the same clients for three and four decades. The firm comes to know the client's technology inside out, resulting in a better patent. "We know not only what they disclosed to us within the four corners of the document, but the full story. We write a patent that will better withstand a validity challenge, because we know the prior art. We know how to prepare the patent claim."

While committed to the boutique model, Ostrolenk is by no means small in scope. It is an international firm with thousands of clients. In addition to its U.S. practice, it has an extensive foreign practice that includes a number of major Japanese companies as clients. Many of its clients are major technology and manufacturing corporations, but it has its share of smaller clients as well.

"We have a very international practice," says partner Peter S. Sloane. "We work directly for many foreign companies. We also have a global network of law firms that send their U.S. filings and litigation to us and that handle foreign work on behalf of our American clients."

For Sloane, who heads the firm's marketing and recruiting efforts, the firm's size makes it an attractive working environment for its lawyers and support staff.

"Our office is very collegial," Sloane says. "We get along with each other and we

[Each issue, we profile a member firm of the Association of Patent Law Firms.] *By Robert Ambrogi*

really like our work. This contributes to a strong sense of family among the attorneys, both patent and trademark alike."

Perhaps the clearest illustration of the firm's commitment to collegiality is its lawyers' longstanding tradition of sharing lunch together almost daily. They gather in a large conference room for their midday meal – partners and associates alike – and freely exchange information.

This regular exchange of ideas benefits not only the firm's lawyers, but also its clients, Sloane believes. "We cross-pollinate news and ideas. Prosecutors and litigators need to keep abreast of what each other is doing and of the latest trends. For example, courts often change the rules of the game and the prosecutors need to stay current."

Another distinguishing feature of the firm is its recruitment. It typically hires attorneys only with prior experience rather than straight out of law school. As a result, says Sloane, the firm wastes neither client nor attorney time in training newly admitted associates.

"We remain a specialized fish in a large pond," says Sloane. "We have no desire to become a mammoth firm. In fact, our size gives us a competitive advantage. Not every client wants to pay large-firm rates and not every attorney wants to practice in the depersonalized general practice firm environment."

What does the future hold for Ostrolenk? "More of our existing clients and new clients, as well as attorneys from other firms, recognizing that we have the infrastructure to support a growing prosecution practice," answers Moskowitz. "By sticking to our knitting, we are able to practice extremely efficiently. The firm clicks like a well-operating intricate machine."