

The Metropolitan Corporate Counsel

Volume 11, No. 5

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May 2003

Gibbons: Great Intellectual Property Expertise In A General Practice Firm

The Editor interviews David E. De Lorenzi, Chairman of Gibbons, Del Deo, Dolan, Griffinger & Vecchione's Intellectual Property Department — New Jersey's largest and still fastest growing intellectual property practice for any general practice firm in New Jersey — and its latest addition to Gibbons' expanding New York Office.

Editor: Could you give us a little of your background?

De Lorenzi: I grew up in Newark, New Jersey, attending Saint Benedict's Prep. in the heart of the city. I then attended Bowdoin College where I earned my Bachelor's Degree and graduated from Case Western University, School of Law in 1990. After a one year judicial clerkship, I joined Gibbons, Del Deo — then "Crummy, Del Deo." In my early years, I handled mostly commercial litigation, particularly complex commercial cases. For the last seven years, however, I have practiced in the intellectual property arena exclusively.

I am the Chairman of the Intellectual Property Department, having previously served as Co-Chair over the past several years that the Firm has been building its IP practice. The fact that I have held these positions as a relatively young attorney speaks a great deal about the Firm's forward looking vision and dynamism, and demonstrates vividly the Firm's commitment to investing early on in its human capital. Historically, the Firm has always given responsibility to those who have demonstrated their abilities without regard to professional background, race, gender — or, in my case, age. It's quite a place. And, the successes the Firm has enjoyed over the years is a real testament to its leadership and willingness to take chances where others may hesitate. I'm very proud to have been part of those successes to date, and the growth continues.

Editor: Why the interest in intellectual property?

De Lorenzi: Intellectual property is a practice area that continues to witness explosive expansion and importance in business, particularly in a technology rich environment such as the New Jersey and New York business markets. The "tangible" assets that once accounted for the lion's share of corporate value now take second place to the "intangible" assets — technology in the form of intellectual property. Often the stakes are very high for clients in IP matters, whether they be transactional or litigation related — making the need for experienced, talented and energetic IP attorneys the key to success. It's a very excit-



David E. De Lorenzi

ing practice area.

Gibbons' unique capability of having 35 attorneys specializing in intellectual property — ranging from attorneys with 30 to 40 years of experience as both in-house and outside counsel in multiple technology industries, to talented younger attorneys in all technical areas of patent law, as well as the trademark and copyright areas — makes Gibbons unmatched among its competitors in the New Jersey/New York region.

Editor: Do intellectual property lawyers tend to be younger these days because their clients also are younger?

De Lorenzi: There are always going to be generational transitions. And, never discount the value of more senior attorneys, particularly in a sophisticated practice area such as intellectual property. These

attorneys are invaluable resources. In fact, many of our IP attorneys at the Firm have anywhere between 25-35 years of experience. That said, I do believe that there is a new generation of "40-year-olds" in the ranks of general counsel, chief intellectual property counsel and chief patent counsel in corporate America. And, naturally, I think that these in-house counsel will be turning to their peers in the world of outside counsel.

Editor: Could you tell us about the evolution of the Gibbons IP Department?

De Lorenzi: It has a "field of dreams" quality to it. Several years ago, the Firm's leadership, principally David Sheehan, our Managing Director, recognized the growing importance that intellectual property would present to our clients. And, giving our clients the opportunity to have all of their legal needs serviced within one firm that already understood their business and industry's needs was an ideal business model. Historically, intellectual property work was handled almost exclusively by small and large IP boutiques, many of which were in the New York area. General practice firms with IP practices were pretty much unheard of. And, even the few general practice firms that had attempted to develop IP practices had failed, usually because they either did not understand the nuances of the practice or, frankly, because they realized that they could not simply "reinvent themselves" overnight into specialized patent, trademark and copyright attorneys.

Our approach was different. And, although it was also more costly in the short term, the investment has earned dividends multiple times over. IP is a very sophisticated practice and, if you do not have the talent, you can get exposed pretty quickly. In short, you have to be the "real deal" to be a player in this practice arena. Secondly, you need to understand the nuances of the practice. Substantively, it's very different from most practice areas. Also, the culture of the attorneys and sometimes clients who operate in this field require appreciation. That said, from the outset, the Firm made significant investments in human capital that were the "real deal" and then built upon that solid foundation with additional talent at senior, mid-level and junior levels. In many respects, we hired and were schooled by the experts.

We first turned to senior in-house IP attorneys, such as George Gould, the former Chief Patent Counsel at Hoffmann-La Roche, someone with many years of both legal experience and pharmaceutical industry experience who could complement our other practice areas and form the foundation for our other attorney recruiting efforts.

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Others of that ilk included Hank Walsh, then Senior Patent Counsel at Bell Labs; David Padnes, Senior Patent Licensing Counsel at Lucent; Bill Epstein, Associate Counsel at Roche; Hain Swope from the BOC Group and RCA; and Charlie Gaglia, former Chief Patent Counsel of International Paper and Patent Counsel at Warner-Lambert. More recent hires from corporate in-house include Robert Rudnick, Corporate Intellectual Property Counsel at Avaya. And, the list goes on.

We then turned to hiring outside talent, using recruiting firms, contacts in the industry and basic advertising. In the beginning, the process was not perfect, but we learned along the way and improved our depth at every turn. Attorneys in the Department like Vincent McGeary – a hybrid of electrical engineer, patent attorney and seasoned litigator – and now a partner in the Firm, are true testaments to the vision and hard work over the course of the past several years. Today, the IP Department represents a cross-section of talented IP resources available to clients in any given technology field.

The “field of dreams” quality comes from the fact that when we hired many of these folks, we did not necessarily have the work to keep them occupied. But, based upon what we knew of the growing IP market and relying on good instincts and faith, we hired and continued to hire. And, sure enough, it did not take long before existing clients and new clients of the Firm were directing their IP work to us. And, as that work grew, so did our hiring needs, culminating in what stands today as a 35+ attorney, full service intellectual property practice, offering services in IP transactional matters, opinion work, due diligence, patent, trademark and copyright filings, and a full range of IP litigation on a nationwide and international basis. It’s been quite a success.

Editor: What prompted Gibbons to merge with a firm like Cobrin & Gittes?

De Lorenzi: We merged with Cobrin & Gittes last April, and it has worked out splendidly. Cobrin & Gittes was an 8-attorney IP boutique in New York. Basically, we wanted to duplicate the success of our IP practice in the New Jersey office in our New York office. While our New Jersey IP attorneys were servicing clients in New York, we thought it would be

more attractive and more efficient to have New York practitioners handling those matters directly. Cobrin & Gittes offered a similar business model to ours. Peter Cobrin and Marv Gittes, the senior partners, presented mature talent with lots of experience, and were surrounded by younger partners in their mid to late 30s. Most IP boutiques of their size in New York are patent prosecution-oriented, but Cobrin & Gittes’ work was close to 70% percent in litigation. It was indeed a good match with our strengths at Gibbons.

Editor: How do you manage the issue of the tremendous specialization of patent counsel?

De Lorenzi: We strive to have someone in every specialty area available to clients at any given time. Within the IP Department, we have electrical engineers, mechanical engineers, biochemists, computer engineers, chemists, physicists, biotech specialists, and even pharmacists. Our aim is to find people with top-shelf scientific talents who are also skilled attorneys – often a unique combination. Because of their expertise, these folks are in high demand and come at a premium. But, with careful hiring and good management, they’re worth every penny. And, as I mentioned earlier, you cannot be in this arena without having that kind of talent. Collegiality also remains a key factor in our hiring objectives. Working hard is hard enough. Working with people you enjoy makes it that much more rewarding. And, of course, clients hire attorneys – not firms. Therefore, at the end of the day, you always need good people, and I am very proud of ours.

Editor: Does Gibbons have partnering relationships with its corporate clients?

De Lorenzi: Yes. Many of our relationships with in-house counsel involve rolling up of the sleeves on both sides. It’s certainly more efficient and, frankly, it’s refreshing. I think many more in-house counsel are performing at that level these days. Furthermore, having former in-house counsel within the Gibbons IP Department gives us another unique advantage: we know what in-house counsel wants and needs because many of our attorneys have been in that very position. And, when I say “wants and needs,” I am not just referring to responsiveness, staffing and billing type issues, although those are also important. I am refer-

ring more to the practical, business issues that in-house counsel deal with on a daily basis. Often, understanding in-house counsel’s business goals is paramount. A pure “legal” answer to a client’s question can be provided by any good attorney. However, understanding a client’s business objectives and offering practical, legal solutions that accomplish the client’s business goals require different talents and different experience levels. Answering the question and then suggesting that the client step back and look at larger issues is true lawyering.

Editor: Could you tell us a bit about your Firm’s new location in New York?

De Lorenzi: The Firm has been in New York for several years now. However, we just moved our offices to One Penn Plaza, which is connected to Penn Station. It’s a beautiful space with views of the harbor and midtown. And, the convenience of transportation access for attorneys and our clients is exceptional. In addition, we want our clients to know that our New York and New Jersey offices are seamlessly intertwined with each other and that the quality of lawyers in both offices is equal and complementary. The proximity of the two offices allows us to draw on the skills of both offices without ever missing a beat. Because the New Jersey office is connected to Penn Station in Newark, you can literally travel from one office to the other in twenty minutes and never go outside.

Editor: How do the Gibbons’ IP practice and other practices in the Firm interrelate?

De Lorenzi: Interrelation is key to our IP business model. Once people get to know us, they realize the value of working with a firm that offers expert services in all the key practice areas, allowing us to be more responsive and cost-efficient. A strong IP Department has allowed us to establish new relationships with existing clients and to introduce ourselves to new clients. Having a strong intellectual property practice is a natural edge into any client’s business today. With it, the bridge between the IP practice group and other practice groups is essential to servicing all of our clients’ legal needs. And, it’s among those attributes that make Gibbons stand out among competitive general practice firms in the region.

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