

# Connecticut Law Tribune

June 24, 2013

An ALM Publication



## Building Business From Connecticut To Korea

### Cantor Colburn IP practice experiences global growth

For more than 40 years, Michael A. Cantor and Philmore H. Colburn II have been building one of Connecticut's far-ranging law firms, in every sense of that term. The 100-lawyer firm specializes in intellectual property, and is headquartered in Hartford. Competing against peer firms based in larger cities, it serves a national clientele, with offices in Atlanta, Detroit, Washington, D.C., and Houston.

At No. 7 in the Trib 20, and as the seventh most active patent firm in the U.S., measured by its annual patent filings, the firm has actually been expanding its market share during the economic downturn. Partner Michael Cantor explained some of the firm's latest developments with Senior Writer Thomas B. Scheffey.

**LAW TRIBUNE:** Do you think intellectual property practice is a leading or lagging indicator of economic activity?

**MICHAEL CANTOR:** I think intellectual property practice is a leading indicator. We saw an upturn in the economy before others. Corporations have been sitting on cash for the last couple of years. Although they haven't been hiring a lot, they've been spending that cash on new product development. And on new technology development. Things were flat after [the 2008 economic meltdown], but several years ago we started seeing an increase, and that was certainly before anyone else was talking about an improved economy.

I think it's because companies started taking their heads out of the sand and saying, "Hey, we need to start developing new products, new technologies." And as soon as they start doing that, they need us. They need us to know that the new products and technologies they're developing aren't infringing the patent rights of third parties, and to help negotiate licensing and technology transfer agreements.

**LAW TRIBUNE:** That sort of scenario would help all IP firms. Why specifically is Cantor Colburn growing?

**CANTOR:** Our business model really shines in that companies have had to do more with lower IP budgets, because of the recession. And the pressures from this global competitive economy are greater than ever. They've needed to do a tremendous amount of new IP work with fewer dollars, and so our business model helps.

We're based in Hartford and our back-end operations are here, along with two-thirds of our attorneys. When you compare our cost structure to firms of our size, most of which are based in Boston, Washington, New York City, Chicago and Los Angeles, we are more



Thomas B. Scheffey

**Michael Cantor is counting on the relocation of Jackson Labs to Connecticut to provide business for the firm — and jobs for the state.**

reasonable. We're gaining market share. We know this because we've had very solid companies that may have been using five outside patent firms consolidate down to three. And we've survived the consolidations.

Today the word "value" is used all the time. In our field, you can never diminish your quality. If you do that, you're destined for failure. You have to maintain high quality, be incredibly responsive, and do so at a reasonable cost. You also have to be very flexible and creative in the way you structure your pricing. We are that. We're open to many, many billing schemes.

**LAW TRIBUNE:** Any 2012 stories that illustrate your litigation practice?

**CANTOR:** We have a multi-district litigation going on in about five states in the Midwest. Our client has a whole series of patents [based on] extracting corn ethanol. Normally, corn ethanol [manufacturing] plants are only financially profitable because of subsidies, but our client found a way to take the waste product and extract corn oil from the waste product. It's pure enough to sell it to the biodiesel market; all of a sudden a corn ethanol plant becomes profitable. So anybody in the corn ethanol business is putting in this equipment, and we have sued a lot of the industry. It's one of the largest pieces of litigation our firm has ever done.

**LAW TRIBUNE:** And litigation's growing?

**CANTOR:** Really growing. We've added litigation attorneys in the last few days. One of our big focuses is pharmaceutical litigation, particularly representing the generic drug companies. We have a whole group of patent attorneys here who identify the patents associated with a [brand name] drug, and help the generic drug company find arguments to invalidate the patent, and find ways to design around those patents. We put together a strategy of how to bring that drug to market.

In other areas, we also launched our health care practice group. The 2012 [relocation of Jackson Labs from Maine to the University of Connecticut's Farmington campus] was a huge deal for the state. The state needs to get its [\$291 million] investment back, and that will come from new jobs coming to the state. The state will get a royalty stream from pharmaceutical and medical devices that result from work done at Jackson Labs. We helped negotiate all that.

**LAW TRIBUNE:** These are inventions that have yet to be invented.

**CANTOR:** Right, but we know they will. There are going to be hundreds of scientists doing personalized medicine work, and there will be drugs and therapies and devices that are going to come out of Jackson Labs. The situation with state schools is different from private industry. For example, an employee at United Technologies can invent the most amazing thing at Pratt & Whitney, but will have to assign 100 percent of that over to UTC. Things work differently in the university system. You would lose your critical research professors if you didn't give them a piece of the action. Most universities have technology transfer offices. We do a lot of university work, and we get involved with that.

It's very clear that UConn and Yale need to be an engine of job growth for our future. General Motors is not going to build a big new car plant to employ 10,000 people [in Connecticut]. The future employment for our state is going to come from higher technology, higher value types of jobs which will be spun out, in part, by our research universities.

**LAW TRIBUNE:** I understand you go to Korea several times a year.

**CANTOR:** I was a speaker last year at the Seoul International Trademark Forum. We have both Korean companies and Korean law firms as clients. We have a half a dozen Korean-speaking employees in our Alexandria, Va., office. We have an ability to communicate with our clients, in Korean, by email and telephone, and it really helps keep things moving.

**LAW TRIBUNE:** Did you open any new offices in 2012?

**CANTOR:** No, but we expanded Houston, we expanded our Alexandria office, and we expanded this [Hartford] office. We noticed in our lease that if we're the largest tenant, we can get a sign on the outside of the building. We said, "Hey, we want the sign!" [It was unveiled on May 31.] ■