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The Role of a Technology Lawyer

A technology lawyer is an attorney who works in the areas of law relating to protecting a person or company's ideas, marketing schema, compositions, and right to use all three. Ordinarily these ideas, marketing schema and compositions are being used or will be used in a business for profit.

Note that, as in many areas of law, there are two sides to the protections referred to above. The basis of technology law is that someone may create something, and that act of creation may give that person the right, under the law and after suitable procedural steps, to stop others from later using that creation for their own purposes without the creator's permission. Merely because a creator has the right to prohibit others from using a creation, though, does not in and of itself give the creator the right to use that creation. There may have been other, earlier creators who have prior rights to prohibit its use.

Sorting out who has the prior rights, and whether those prior rights actually do work to prohibit a later person from making use of his or her creation, is the job of the technology lawyer. There is no requirement or legal obligation to seek protection for one's creations. What can be required, though, is that a later user refrain from using a creation which too strongly resembles that to which an earlier creator has rights. This right to exclude others is most valuable, as it clears competitors from the field and makes the creator's product, to a certain extent, unique.

Of course there are many gray areas about whether a first creator has rights, the extent of those rights, and whether those rights actually extend to give that first creator the right to block the use of a later creation. These are the issues on which we focus when we are trying to bring about a successful outcome for a client.

These gray areas then lead to the major technology areas with which we help our clients. A business client should be most concerned about whether it can sell its product, whether it can differentiate its product from competitors, and even more important, whether it can reduce the competition within the market for that product.

Areas of the Law

What I have done above is set forth the basic law of intellectual property in the most general terms. The great majority of people, even technology lawyers, do not think in terms that abstract. The major areas or components of technology law are patent law,

trademark law, copyright law, general unfair competition, and rights of publicity and privacy.

Patent Law

Under patent law, when one invents something that is new, useful, and not an obvious variation of something that already exists, the government will grant that person a right to exclude others, for a limited period of time, from making, using, or selling that invention.

Such an invention can be almost anything in almost any area of human endeavor. The current law specifically lists some types of things that an invention can be, and, in its most basic form, is quite simple: "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent [on it]."

From the beginning, it was clear that new machines and tools, physical things that a person could hold in his hand and see the structure of, which were constructed differently from anything before them, were patentable. Eventually, it was determined that things that could not be as easily seen with the human eye, such as electrical devices and chemicals, as long as they were indeed novel, should also be patentable. Also included were processes for making these chemicals, as well as other industrial processes, such as vulcanizing rubber. It followed that automatic controls for those industrial processes, including electronic controls, and even electronic controls and electronics generally, should be protectable by patent. As electronics evolved from vacuum tubes through transistors to integrated circuits, the "brains" of modern computers, it was unquestioned that these types of devices should be patentable. In the past few decades, true control of these types of processes evolved to be more software than computer hardware, and this was the genesis of patents on computer software.

While software patents are still somewhat controversial, with many other patent systems still not accepting them, the United States Patent Office has a well documented system for classifying them, and they add value to many companies based around the world. Even software patents have continued to evolve, and it has now became apparent that patents should not be limited to methods of controlling industrial machines, or even to methods of handling and manipulating data, and that they should even be extended to methods of investing funds for best return, and other methods of conducting business; hence the term "business method patents". This is the basis for the statement above, that almost any advancement or improvement in almost any area of human endeavor can now be patented.

It well behooves any business to do so. Just as a business will not ordinarily or lightly give away any other asset of value, it should not lightly or without reason give away its

ideas. It is nowadays common for a business to sell its manufacturing waste to a recycling company, rather than simply discard the waste into a landfill. A business should not discard its business ideas for less value than its manufacturing waste.

Trademark Law

Whenever a company offers to sell a product or service, it may find advantage in differentiating itself from its competitors. Further, once a company has a customer who has purchased some of its goods or services, it will want the customer to be able to find the company again and buy others. Trademark law helps achieve these goals.

A trademark can take on a wide variety of forms. Most trademarks are comprised of a word or phrase, such as "Ivory" or "Hummer." Many trademarks may also include, or even be solely constituted by, a graphical element or logo, such as the Nike "swoosh" or the Chevrolet "bow tie" or the NBC peacock. In addition, the shape of a container may constitute a trademark, such as the shape of a bottle of Coca Cola. Sometimes a sound acts as a trademark, as the three tones used by NBC[1]. Sometimes it's a color, such as the pink color of Corning fiberglass insulation. It can even be a particular scent, as the fragrance of plumeria blossoms emitted when thread is pulled from a spool of a certain line of Clarke's thread[2].

Obtaining protection for these trademarks is part of the job of the technology lawyer. With the general public easily able now to file a trademark application electronically in the United States Patent and Trademark Office, many have begun to believe that they can prepare applications and register trademarks on their own, without the help of counsel with special knowledge and expertise. That knowledge and expertise is critical, however, to ensure that the ability to enforce rights in the trademark is available when the need arises. These days in connection with trademark applications, the trademark attorney brings the most value to the client, in the way the mark is described in the application, and in ensuring that the description of the goods or services is at the appropriate level of breadth. If the mark is incorrectly represented or described, the applicant may not be able to prove that the mark is actually being used by the applicant, which essential in obtaining and enforcing a registration. Even if a registration is obtained, an overly narrow representation or description of the mark could lead to an inability to use the registration to stop a competitor from using a mark that is close. Similarly, a description of the goods or services that is too narrow or too broad can destroy the value of the registration.

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[1] "The mark comprises a sequence of chime-like musical notes which are in the key of C and sound the notes G, E, C, the 'G' being the one just below middle C, the 'E' the one just above middle C, and the 'C' being middle C, thereby to identify applicant's broadcasting service."

[2] "The mark is a high impact, fresh, floral fragrance reminiscent of plumeria blossoms."

On a related subject, many are unaware that common law trademark rights exist in trademarks simply used in commerce, without even obtaining a federal registration. There are many advantages to obtaining a registration, but if a competitor is discovered using a mark that is causing confusion in the marketplace and lost sales to the mark's owner, it may still be possible for the owner to obtain court-based relief against the competitor even if the owner has not yet registered the mark. The main advantage in obtaining a federal registration is that there are presumptions in favor of the owner that make the rights easier and less expensive to enforce. If no registration has yet been obtained, evidence must be gathered and presented just to reach the same place from which the owner of a registration begins the process of enforcing his rights against in infringer.

Another important part of the technology lawyer's job is to assist a company in determining when it has rights against a competitor using a similar mark and to assist the company in enforcing the rights it has. Similarly, if a company is considering competing against a competitor with a well established brand, the technology lawyer can assist the company in building its own brand equity while still fully describing its products or services, and at the same time avoiding or defending claims of confusion and trademark infringement from competitors.

Copyright Law

When an author or artist creates an original work, copyrights (sometimes improperly expressed as "copyright rights") are obtained in that work at the moment the work is fixed into some fixed storage medium: for instance, as soon as the work is saved to a computer disk, or, historically, as soon as pen is set to paper. The "work" to which this applies can be as valuable as an Aaron Copland symphony or the movie "Gone with the Wind" or as pedestrian as a parts manual for a lawn mower or a child's snapshot of the ceiling.

The owner of a copyright is, in reality, the owner of a bundle of rights, which may be separately controlled or permitted to be licensed. Those rights are the rights to control 1) reproduction of the work, 2) preparation of derivative works, 3) distribution of copies of the work, 4) public performances of the work and 5) public display of the work.
In connection with copyrights, the technology lawyer's job is to make sure the work is as protected as can be by generally registering copyrights in those works most likely to be subject to infringement and then assisting a client in enforcing copyrights or defending copyright infringement claims.

Unfair Competition

It is a policy on which the American economy is based that it is beneficial to have more than one company offer any particular good or service, and that those companies should compete for the business of customers. Fair competition results in lower prices and improved goods or services for consumers. There are times, however, when a company harms a competitor in a way that the law has determined to be unduly harmful or unfairly harmful. That is unfair competition.

It is more than simply fairly competing and convincing customers to change suppliers. Trademark infringement is one specific and common type of unfair competition. Other types include misappropriation, false advertising, "bait and switch" selling tactics, unauthorized substitution of one brand of goods for another, use of confidential information by former employees to solicit customers, theft of trade secrets, breach of a restrictive covenant, trade libel, and false representation of products or services.

While there is some federal law in this area, this type of law is governed mainly by state law, and it varies widely in the types of activities prohibited from one state to another. The technology lawyer brings value by assisting a client in enforcing its rights against unscrupulous competitors, by defending clients from claims of unfair competition, and by advising clients in each situation about the bounds of fair competition.

Rights of Privacy and Publicity

An area that is governed mostly by state law, and therefore also varies somewhat from state to state, relates to the rights of privacy and publicity. While there is a constitutional right to privacy from governmental intrusion, there are also federal statutes and state laws giving most people a right “to be left alone” by non-governmental entities; that is, not to be bothered by sales calls to the home and not to have one’s private information be put to an unintended use. As a part of that right of privacy in some states, but stated to be a separate right in others, is the right of publicity: the right to control the commercial use of an individual's name, likeness, or other recognizable aspects of one's persona. Generally the right of publicity ends upon a person’s death, but, again, some states are exceptions. One state where the right of publicity extends beyond a person’s death is Tennessee, Elvis Presley’s home state, where heirs have the power to control the use of one’s name, likeness and persona long after one’s passing.

Here, the technology lawyer again brings value by assisting a client in enforcing its rights against anyone who misappropriates its private information or public persona and by defending clients from claims that they have done so.

Financial Implications

As indicated above, technology law relates to the protection and control of the use of ideas, generally in a commercial setting. It takes time, and therefore costs money, to develop new ideas, test them in real world situations, and make them available in product form to the public. The technology lawyer adds direct value by advising his client how best to protect that investment or how best to invest money and time into the development of new products or services that it will be able to sell.

For example, let's say a company has a data compression program that archives and compresses computer files, making the files smaller by a certain percentage and operating at a certain speed. Let's also say that a competitor comes along with a data compression program that makes files smaller by a much larger percentage and operates at a much higher speed, and names its program with some letters or parts in common with the first company. The first company sues the later company for copyright infringement and trademark infringement, arguing that the second program must be a copy of the first and that the names are similar enough that customers will think the two programs are related in terms of source, sponsorship or approval. Aware that the computer market at the time is having a negative reaction to the lawsuit and the use of courts to enforce rights in computer programs, a technology attorney may advise the second company to change the name of the product to something with nothing in common with the first company's product and bring out a totally new compression format that will even more clearly not be copied from the first company. The result would be, as happened in System Enhancement Associates v. PKWare, that the consuming public, angered by the tactics of litigation employed by System Enhancement Associates, substantially abandons that company's products in favor of PKWare's new products, PKZIP and PKUNZIP. PKWare quickly became the dominant company at that time for personal computer data compression software.

As another example, let's say a company makes a coupon inserter, an item of industrial equipment in the food industry, for inserting "cents-off" coupons or other promotions into food packaging. A service provider who services the coupon inserters forms the opinion that the machines are unnecessarily expensive and perform unreliably, and designs a coupon inserter based on a different principle. The construction of the new coupon inserter is much simpler, resulting in a coupon inserter that it can be sold for two-thirds less money and still perform more reliably and just as quickly. The technology lawyer can advise the second company about the limits of the patent rights of the first and whether or not the construction of the new coupon inserter falls within the rights of the first company. Once it is clear that the operating principle of the new machine is different than that of the inserter from the first company, the second company, armed with a more reliable and less expensive machine, increases its sales ten-fold and continues to this day with steady growth and new developments in its machines.

The most expensive technology related legal issues for my clients relate to the enforcement of their technology rights against others. Infringement litigation, be it copyright, trademark, or especially patent, is extremely expensive, and is normally undertaken only in the case of the most extreme situations, where the client has no alternative based on the losses it is sustaining.

These are just a few examples of how a technology lawyer can add value by helping his clients expand their businesses and develop their own ideas for new products and services without being unduly limited by the rights of others in earlier products and services.

Most Common Mistakes

The most common mistake many clients make is that they believe they can start with another company's product or trademark, make only a minor revision, and compete with the originator of the product. Particularly in connection with copyrights, there seems to be a persistent belief that, if one changes a work by some well-known percentage--some believe ten percent, some believe thirty percent--one will then be free of a claim of copyright infringement. As indicated above, the bundle of rights that make up copyright law includes the right to prepare derivative works. The act of beginning with the work of another is the act that sets the trap for copyright infringement. Once a person begins with another's work and modifies it, the resulting work can only be a work that is derivative of the original, and when he uses that derivative work for his own purposes or offers that work to others, the trap of copyright infringement closes on him. Almost no matter how large the amount of change, unless the work is completely unrecognizable, that is, unless the new work is actually an original work, it will be a copyright infringement.

The major exception to the above paragraph is the concept of fair use, but again, fair use is much narrower than most people may believe. Many people believe that fair use simply means a use that does not compete directly with the original copyright owner, that is, not a counterfeit. The copyright law sets out four factors to be considered in determining whether or not a particular use is fair: 1) the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes; 2) the nature of the copyrighted work; 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and 4) the effect of the use upon the potential market for or value of the copyrighted work. Criticism, comment, news reporting, teaching, scholarship, and research are often considered forms of fair use, but as indicated, the statute simply lists factors to consider in the analysis. Whether a particular use of another's work is a fair use is something that takes experience and knowledge of the kinds of things that have been held by the courts to be fair use in the past; this is another area where a technology lawyer can help.

In a similar manner in the area of trademark law, many people believe that, if one can tell that a difference exists between two trademarks in a side-by-side inspection, there will be no trademark infringement. The real test for trademark infringement is more whether a reasonable customer will consider that the two products could be from the same source, or that the two sources are related by affiliation or sponsorship. And the comparison is not side-by-side. It could be that the consumer sees the first trademark on a product in one store and later sees the second on another product in another store. It could be two radio commercials, one heard on one station and a second on another, with the two marks sounding similar even though they may appear different in print. Without the knowledge and experience of the technology lawyer, it may be difficult for someone to determine whether or not trademark infringement exists.

In the patent area, mistaken clients most often believe one of two extremes. Some believe that patents are substantially worthless because any small change in structure between that shown in the patent and that of the product or process under consideration, "changing a bolt to a screw", avoids patent infringement. The other extreme belief is that a patent cannot be obtained unless the invention is a major breakthrough in technology, comparable to the invention of the first transistor by William Shockley or the first light bulb by Thomas Edison. The truth is, of course, somewhere between those two extremes. A patent may be obtained for any new and useful product or process, usually an improvement over one which already exists, as long is it is not an obvious variation of an existing product or process. The real question normally boils down to what is meant by that word "obvious." Once a patent is obtained, the language used in the claims determines how much of a change someone else has to make in order to avoid infringement. Generally the claims are not narrow enough that "changing a bolt to a screw" is all that will be required to avoid infringement. The knowledge and expertise of an experienced technology lawyer can is needed to determine what is "obvious" in the particular context of the invention, or the extent or scope of a particular patent, or to assist a company in enforcing its rights, or in avoiding infringement.

Working With Clients

Most often, if our client company has a general counsel, that person will be our contact. Often, however, our clients are not of a size to have a general counsel, or the general counsel will have us contact other persons in the company directly in the interests of efficiency. There are many times, therefore, when we will work with the decision makers at the highest levels in the company, such as the president, the chief executive officer, the officer in charge of research and development, or the person at the highest level in sales or marketing in the company.

I believe it is important to be proactive, to go to my clients with ideas to help them expand their businesses and protect their ideas, products, and services. Some larger

companies have intellectual property committees who, at regularly scheduled meetings, determine which innovations are sufficiently important to the company to protect by obtaining protection for them. For many smaller companies, we have found it valuable to have periodic product reviews in order to give them a relatively organized way to look at their new products and decide what aspects may be protectable.

We can provide also value to our clients in other ways, including providing them with strategic vision, or assisting them in determining in what direction to take the company with regard to new products and markets.

Assuming competence in the technical areas of the law, the biggest factor that dictates success in working with my clients is mutual respect. I have a great deal of respect for a client who is innovative and brings about progress for the company, and I am gratified when a client respects and follows my advice, resulting in improvements in the company's performance.

In order to stay on top of all developments in technology law, I read voraciously, not only in law related areas, but in technical areas as well. Since I work quite a lot in connection with computers and software, I regularly read several computer and software publications.

Negotiation Tactics

The most important qualities that have made me a successful negotiator on behalf of my clients are my ability to assemble, assess, and analyze information about the case, including the other side, and my ability to avoid an emotional involvement. One does not have to be aloof or uncaring to be a successful negotiator, but emotional involvement interferes with a frank assessment of the case's value and leads one to waste time pursuing impractical outcomes. Zealous advocacy is important in terms of presenting one's case to the other side or to the court, but overt emotion is generally counter-productive to reaching a settlement that is valuable to the client.

My personal negotiation strategy is that, in order to get the best deal, you must assemble all the information you can about the subject of the deal, and then you must be ready to walk away. Whether you are buying or selling a car, an industrial plant, a division of a company, or a whole company including its technology, you must do as much as you can to assemble as much information as possible to arrive at a value, and then you must be willing to walk away from the deal, to get as close to that value as possible.

Many lawyers see themselves as advocates to get their clients the best possible deal at all costs and will be zealous, often, to the detriment of the deal. That is, they fight "to the death" on each point. In the process, they make an enemy of the other side of the deal. I

see my role as trying to get the best deal possible for my client, but always making progress toward achieving a deal, that is, working toward closure. If no deal is achieved, I see that as somewhat of a failure on my part as an advisor and counselor for my client.

The three most important things in most technology deals are the amount of money to be paid, what technology is actually to be given in return, and under what conditions will the resulting agreement be terminated.

In principle, the goal in determining the amount to be paid is quite simple: the object is to obtain as much money as possible from the party paying if representing the party receiving the money. On the other hand, if representing the party paying, the object is to pay as little as possible. In practice, of course, money negotiations are often the centerpiece of a transaction.

The most interesting part of the deal is usually what is to be obtained in exchange for the money. Parties can be quite creative here, imposing limits on any one or more of the following factors: the breadth of technology granted, the territory, the length of time, the quality control requirements, and many others.

The other most important item negotiated is often the event or conduct that brings about a termination of the agreement. There have been some agreements where payment of a royalty amount five days late could result in termination. At the other extreme, some agreements have no provision for termination other than one or the other of the parties going out of business, or at least going out of the business relating to this agreement.

The thing that most often kills a technology deal is one party taking an unreasonable position, usually in valuing what that party is offering in exchange to the other party, or in valuing what the other party is offering. Also, if a party has an emotional involvement in the transaction, that can make it extremely difficult to close a deal.

Often the hardest deals to close are those relating to trademark usage. It is common in transactions relating to the use of a trademark for there to be no middle ground--a party can either use a mark or not, on certain goods or services--and the mark may have great value to both sides. There are times when a middle ground can be reached, either geographically, or in terms of products or services. There are times, however, when any middle ground, in terms of both parties using the exact mark they want, may be impractical. I have been involved with some transactions where the most efficient solution, the solution that results in the lowest cost for both parties, involves one party assisting the other, that is, one party pays the other to change its mark. This type of resolution works when it can be resolved in a manner less expensive than litigation.

A success from a negotiating standpoint is a deal where both parties receive something of value that they would not otherwise have. For instance, a company with a product selling well into one area of trade grants a license to a company in a different area to sell the product. The first company expands its sales in terms of areas of trade, while the second expands its product line, and both companies are more profitable than they would have been without the transaction. The circumstances that give rise to the incentives of the parties are different in each case, but always the important thing is to obtain the best deal possible.

A Hypothetical Case

An example of one common situation would be where the client has brought out a new product and another company claims to have patent rights. In this case, the company owning the patent seeks to prevent the first company from selling the product at all.

The first step for the defense is to examine the rights of the claimant and verify that any rights exist at all. There are times when the patent has expired, either due to passage of time or to a failure to pay maintenance fees, and there are no rights remaining to be asserted.

Assuming that the patent is not lapsed or expired, the defense must examine the process by which the patent was obtained in order to truly determine its actual scope. Often it is possible to find statements by the applicant which make it clear that the applicant did not intend to cover the particular accused product at the time the application was made, or statements to the effect that the applicant admits that a particular structure is in the prior art, that is, not covered by the claims. On the other hand, if it appears that the patent claims may indeed cover the product, there are often statements which provide a road map for modifications that permit the client to sell a competing product with most of the features valuable to customers intact.

Once the scope of the patent is determined, assuming avoidance of the claims is not a practical alternative, the prior art should be closely examined to see if the claims, with the scope now determined, bear upon on the prior art. That is, if what is covered by the claims exists in the prior art, usually in a way that was not known to the examiner during prosecution of the application, the patent may be held invalid, and liability may be avoided by that means.

Even while exploring these alternatives, however, defense counsel should at the same time be proposing to obtain a license or make another arrangement with the patent owner. As indicated earlier, there may be advantages to a license for both parties. If those advantages can be made clear enough, it may resolve the case without going through the full expense of litigation.

All of these alternatives may and should be pursued while the litigation is proceeding to ensure that, with the help of the technology lawyer, the client has the widest possible field of options. The client, in such a situation, has the best opportunity to reach some kind of resolution that makes business sense.

Handling Settlements

Generally, settlement negotiations are quite similar to those which occur in the course of any other transaction. In each case, the end result is an agreement between two parties. The incentives for making that agreement, and the circumstances from which they arise, are different, but the goal is still to obtain the best deal possible. Furthermore, the basis for the settlement agreement is often some type of technology deal, such as a license agreement.

It may not be possible to walk away from a technology law dispute, but the equivalent is being prepared to try the case. Each case must be prepared as if it will be tried. This preparation gives the client the best likelihood of reaching a settlement, and the best terms of settlement when it is reached. The strategy that results in the best possible settlement is to conduct discovery--gather as much factual information as possible--and be prepared to try the case.

Nowadays, almost all types of cases in technology law result in settlements. Over 95 percent of all cases are settled: in almost every case relating to technology law, settlement is a better course of action than permitting a court to decide the case. Especially when the fate of the company's ability to compete in the market is at stake, such decisions cannot be left to a court, a disinterested third party who knows basically nothing about the business. It is far better for companies to negotiate with each other in order to obtain their goals.

There is, of course, the exceptional case where the parties simply cannot communicate with each other, whether because of personal animosity between the individual decision makers in the companies or because one side is taking a position that is practically impossible for the other side to accept or comply with. These cases are unusual, but do occur on occasion. In such instances, there may be no alternative but to let the court decide the issue. The vast majority of the time, however, settlement is the best option, the option with the least risk and the lowest cost.

In judging whether and to what extent the client will be liable, it is necessary to look at our side of the case as if from the other side. In effect, we must prepare the other side's case as well as our own. This preparation enables us to assess the client's financial liability and the strength of the opponent's case.

Generally, what makes a settlement a success is that both parties have realized that they must give up something of real value to them, but that what they have given up is not out of proportion to what they have gained. My favorite piece of advice to clients regarding settlement negotiations is that, before two serious parties reach a settlement, each must "hurt" a little, or a little more than it expected. Most parties come into litigation unprepared for the magnitude of the stakes involved. Once both parties realize how high the stakes are, they often reach a settlement.

The team leader of the Intellectual Property Practice Group, Nicholas A. Kees has represented clients in the preparation and handling of patent applications, trademark applications and copyright applications, the litigation of related matters, and the establishment of licensing agreements, for more than twenty-five years. Also a member of the Emerging Technologies Practice Group and the International Practice Group, Nick frequently works with inventions relating to computer and electronic hardware and software, business methods and other types of emerging technologies, and the management worldwide of large, mixed portfolios of such properties.

In the course of his practice, Nick regularly conducts patentability searches for new inventions in the areas of computers and software as well as in the areas of mechanical and electrical devices, and prepares and prosecutes U.S. and foreign patent applications in those areas of technology. Further, Nick conducts clearance searches for trademarks, preparing U.S. and foreign trademark applications as needed.

Nick provides advice and opinions relating to the potential infringement of patent rights, trademark rights and copyrights, advises clients on whether patents are being infringed and on avoiding such infringement, and handles litigation relating to the enforcement of these rights, variously representing the position of plaintiff or defendant. On more than one occasion, Nick has worked with a client to employ a combination of litigation and licensing strategies to assist the client in licensing nearly an entire industry. Further, Nick represents clients in the negotiation and preparation of agreements relating to such matters as consulting, non-disclosure, licensing, and technology, as well as the intellectual property aspects of merger and acquisition or asset transfer agreements. He also handles trade secret agreements and provides general advice on how these agreements affect employee relationships.

A graduate of Marquette University Law School, Nick received his bachelor's degree in electrical engineering from Marquette University. He is listed in Who's Who in American Law. He is a registered patent attorney, as well as a member of the American Bar Association, the State Bar of Wisconsin, the Milwaukee Bar Association, and the American and Wisconsin Intellectual Property Law Associations.