



One glance around Ed O'Connor's office and you know you're in the presence of someone extraordinary. Carefully and charmingly appointed with treasures from his many international travels, stocked with a barrister's essential reading and lit by walls of windows that welcome Southern California sunshine, Ed O'Connor's office reflects the urbane tastes of a veteran counsel.

The Spirit of the Law

By Angela Fernandez

High Profile Patent Attorney Edward O'Connor raises the bar in his pursuit of truth and justice.

The unassuming O'Connor calmly sits behind his neat wooden desk and answers my first question. "What gets you up every morning?" I begin. "Well, there's the alarm clock..." he smiles behind happy eyes.

Playful as he may be, O'Connor is a practiced player in the legal world. As the chair of The Eclipse Group's litigation department, he oversees national and international property law cases and is the go-to guy in the courtroom. If you've got patent problems, summon O'Connor.

His 40-year career has seen him working for Air Force J.A.G., where he wrote patent applications in computer technology, space exploration and advanced weapon systems. He also worked for Intel as a senior intellectual property and litigation attorney, where he was responsible for managing Intel's litigation throughout the world. He is

a nationally renowned intellectual property litigation attorney, listed in Martindale Hubbell's Bar Register of Preeminent Lawyers, and while that may not top your summer reading list, it is the definitive guide to the most distinguished law firms in America.

He has defended clients such as Kawasaki, Nike and Thermos. He has represented clients before the United States Supreme Court and the International Trade Commission and has won patent infringement, antitrust and other intellectual property cases, both jury and non-jury throughout the United States.

As a patent attorney, O'Connor becomes an expert on every product or invention that's involved with his cases. Many of those cases revolve around technology – the kinds of things that are intricate and detailed and require a scien-

tific mind to truly appreciate. His degree in Physics from the University of Michigan has served him well in that vein.

One of his cases involved a plug that snaps on and opens large drinking water bottles. When the bottle is empty, you lift the water bottle and the plug reseals it. One of the terms of the patent case he was arguing involved breaking the seal of the plug. The other side contended that they didn't break the seal before the plug was removed – that the plug had been prematurely broken.

"For opening statement, I set up a water bottle poised above a probe and an apparatus that slowly lowered it down. Then I had a camera with a zoom lens focused on that. It came down and started opening this plug, so you could see exactly what was going on – and it wasn't what they said it was," he explains. "It was on a TV monitor

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so the jury could actually see that during opening statement. After the opening statement, I put that videotape into evidence and it was accepted. Then when the jury went back at the end of the trial, they took the tape back with them and watched it.” He essentially created an exhibit during his opening statement, a portion of trials that most lawyers tediously read off a piece of paper.

The level of focus and attention O’Connor pays to each of his cases is rivaled only by his passion for justice and the law. Throughout his career, he has seen many other lawyers engage in sophistry – a practice he finds contemptible. “Lawyers deserve a lot of the criticisms they get. I’ve seen a lot of lawyers, particularly patent lawyers, trying to pull fast ones on juries,” he says. “They think they’re naïve because it’s a complicated area. It’s not like personal injury where there’s not a lot of sophisticated law.”

O’Connor lives up to a higher standard – one that has made for many courtroom successes. “There are a lot of decent lawyers out there and lawyers do a lot of good. If we didn’t have lawyers, you would have a lot of people who wouldn’t have a voice,” he says.

O’Connor represented a man once who was the victim of a large corporation’s attempt to run him out of business. The man, a distributor for a company that worked in the automotive industry, came up with an invention that had Formula One racecar drivers revved up. The company discovered he had taken his invention to these drivers and terminated him as a distributor.

“He was a really super nice guy and they were trying to destroy him. So they started the lawsuit to declare his patent invalid,” O’Connor remembers. “We counterclaimed infringement and then found some documents that said they tried to destroy his business, so we brought up the antitrust case as well. At the end of the day, we got a \$24 million judgment against this company. The people who were bad actors all got fired. It was a moment when I felt really good for the client.”

O’Connor acknowledges the tremendous influence and authority that comes with being an attorney – and he respects it. “That company was trying to destroy my client out of corporate greed. They would’ve ruined his business and taken away his job, taken away his income, taken away everything he had done. If a lawyer hadn’t been there to stand up for him, he’d have been wiped out,” he contends. “Lawyers have more power than anybody in society – except judges. We have subpoena power. Nobody else has subpoena power. I

can force somebody to go someplace they don’t want to go and give testimony they don’t want to give. That’s an amazing amount of power. We have a lot of power, but we also have a lot of responsibilities. Most lawyers live up to their responsibilities.”

One added responsibility O’Connor has taken on is to author three books for the American Bar Association on intellectual property law and litigation. “They really are continuations. The law changes over time, so each edition represents an upgrade,” he explains.

Two years after joining the Intellectual Property Committee of the American Bar Association, O’Connor was asked to be the Chairman of that committee. Shortly after that, he accepted the committee’s request to write the books. Titled “Intellectual Property Law and Litigation, First and Second Editions” and “Intellectual Property Law and Litigation: Practical and Irreverent Insights,” these volumes serve anyone interested in wrapping their minds around most intellectual property issues.

In each of the books, O’Connor’s witty and spirited personality shines through what might generally be considered a lackluster topic. In the introduction, he writes, “Now that you have read this Important Introduction, you can put the book away, because you know all there is to know about this subject matter. If you are, nonetheless, a glutton for punishment, please read on.”

The ensuing pages are lively recounts of past cases O’Connor has tried. “They’re autobiographical. If someday I want to know what I did with my career, I can pull out one of my books and read it,” he quips. “I gotta write another one because I left some things out.” O’Connor’s personal trips down memory lane give the rest of us a tour of intellectual property litigation.

O’Connor has clients all throughout the world. His cases have taken him to Africa, China, all over Europe and South America. On his to-do list is a trip to Russia and Egypt. “I haven’t been to the Middle East, so I haven’t seen the Pyramids,” he laments.

Professionally, he wants to try more cases at the Supreme Court level – a wish that most likely will be granted with the cases he’s currently working on. Those fortunate clients have the benefit of knowing an accomplished attorney is on their side.

To witness O’Connor’s execution in the courtroom is to watch a lawyer marshalling thoughts and arguments into compelling oral presentations. “You have to live your case,” he explains. “If you’ve lived your case and you know it, you don’t need to write anything down.”

His father, who was also an attorney, gave him valuable advice that he lives by today. “The single most important thing you must do is believe in your case and in your client,” he explains in “Intellectual Property Law and Litigation: Practical and Irreverent Insights.” “My dad always said that jurors can spot insincerity instantly and if they believe that the lawyers are insincere, that lawyer will never win.”

O’Connor finally answers my first question as we wind up the interview. “What is it that gets you out of bed – What is the most fulfilling part of your job?” I press. “To be perfectly honest, it’s winning,” he confides. “Winning a case for a client is always the most satisfying thing.”

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