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2008 was banner year for patent firm

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Banner & Witcoff Ltd., a Chicago-based intellectual property firm, procured more design patents for clients than any other firm in the U.S. last year, for the third year in a row.

The firm says its 958 design patents is a new record for any firm in one year.

Chicago's Brinks, Hofer, Gilson & Liono was among the top five firms nationally for procuring design patents, also for the third year in a row. Brinks, Hofer had 300.

The numbers of design patents procured for clients by various law firms in 2008 are posted on the Web site of the U.S. Patent and Trademark Office at www.uspto.gov/.

Robert S. Katz, head of the design patent team at Banner & Witcoff, said he starts with last year's list of "Top Patent Firms" published annually in March by Intellectual Property Today magazine, and then finds the numbers for the most active firms in the most recent year. Each law firm has to be checked individually.

The Law Bulletin repeated this procedure for 2007 and 2008. Katz said 2008 was a landmark year for design patent law.

"The recent Court of Appeals for the Federal Circuit ruling in the *Egyptian Goddess v. Swisa* case [No. 2006-1562] has strengthened the design patent system in the U.S.," Katz said. "There has been an

increase in the number of designs being copied and imported into the U.S.

"Due to the combination of these two factors, we would expect that many design-driven companies will increase their design filings," he said.

Microsoft, Nike, Nokia, Electrolux and Toshiba collectively accounted for the majority of design patents procured by Banner & Witcoff this year as the firm obtained more than 50 such patents for each of them. Design patents are the second most common of the three types of U.S. patents. Design patents protect "what something looks like," according to Katz, such as an athletic shoe, a golf club, a computer keyboard or a cellphone.

Attorney Trevor C. Copeland at Brinks, Hofer said design patents give clients "a real inexpensive way to get protection of innovative design quickly, very often in 6 to 18 months."

They preserve a client's "market advantage from a new, cool look ... that catches the eye of the consumer," Copeland said.

The other law firms in the top five for 2008 are Staas & Halsey LLP, based in Washington, D.C., with 516; Birch, Stewart, Kolasch & Birch LLP in Falls Church, Va., with 373; and Sughrue, Mion PLLC, also in Washington, D.C., with 314.

Foley & Lardner LLP, which has a large Chicago office, ranked eighth with 178 design patents.