

Leading LAWYERS Fifteen of the D.C. Area's Top IP Attorneys

Arthur Neustadt

Oblon, Spivak, McClelland, Maier & Neustadt

When his client was sued in U.S. District Court in Massachusetts in 1988 by the Festo Corp., Arthur Neustadt had no idea that the case would evolve into the intellectual property case of a generation—and would give him an IP lawyer's rare opportunity to argue before the U.S. Supreme Court.

Yet more than a decade later, in January 2002, he



STACEY CRAMP

found himself before the high court, squaring off against Robert Bork, the former D.C. Circuit judge and Supreme Court nominee, in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*

"The Festo case was mine, all the way," says Neustadt.

The Supreme Court's unanimous May 2002 ruling did not clearly side either with Festo, which claimed patent infringement under the doctrine of equivalents, or with its Japanese rival, also known as the SMC Corp. But com-

mentators say that the rule on the scope of the doctrine of equivalents that the Court laid down was far more sympathetic to SMC, Neustadt's client.

"I thought the questioning was excellent," Neustadt offers. "The justices were well-prepared in a highly technical case."

Obviously, *Festo* marked a signal moment in the career of the 62-year-old IP litigator. But Neustadt has been handling IP trials and appeals for 35 years, the vast majority of them for Oblon, Spivak, McClelland, Maier & Neustadt. He joined the firm in 1974 and helped build it from a handful of recent law graduates to an IP powerhouse with 100 lawyers.

The Alexandria, Va.-based firm is widely known for having obtained more patents for its clients than any other law firm in each of the last several years. It's a point the firm has made in its own marketing. But Oblon, Spivak's litigation department, which Neustadt heads, comprises fully half the firm and has been as important to its growth as the patent prosecution practice.

Oblon, Spivak has relationships with companies and law firms around the world. Neustadt says that a great many of his cases spring from those long-held ties.

It was Neustadt's own reputation as an appellate star, however, that brought him his latest challenge. On Sept. 4, he argued before the U.S. Court of Appeals for the Federal Circuit in *Cardiac Pacemakers Inc. v. St. Jude Medical Inc.*, a case in which a \$140 million jury verdict for patent infringement on an implantable heart defibrillator had been overturned by the trial judge.

Sidney Silver of D.C.'s Silver, Freedman & Taff, a corporate lawyer who represents the patent-holders, looked around the nation for an IP litigator to handle the high-stakes appeal—and found Neustadt.

"I did not know him previously," says Silver. "But now, having dealt with him for six months, it is clear that Arthur has a brilliant legal mind. I am very pleased that I picked him."