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▼ EXECUTIVE PROFILE

BRUCE SUNSTEIN

Inventor defender

Bruce Sunstein, like the clients whose patents he defends, must now fend off larger rivals

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Bruce Sunstein grew up witnessing his inventor father's intellectual property battles with an employer, but it took a volunteer experience to lure the younger Sunstein to the law.

Sunstein, a patent attorney and co-founder of Boston-based intellectual property boutique law firm Bromberg & Sunstein LLP, said he grew up "seeing how ... the small-time inventor can get himself into a big dust-up with a company," but the law profession initially held no appeal.

But while pursuing graduate work in English literature at Indiana University in the late 1960s, Sunstein found himself running



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After more than two decades in the field, Bruce Sunstein, shown using his dictation device, is a seasoned intellectual property lawyer and a leader in his firm's fight against an onslaught of recent rivals.

FROM THE FILE

Position: Bromberg & Sunstein LLP co-founder, head of patent practice

Education: Bachelor's degree in applied mathematics and literature, Massachusetts Institute of Technology, 1965; master's degree in English literature, Indiana University, 1969; juris doctorate, University of California, Berkeley, 1973

Age: 59

Quote: "We can't usually say that we have the most people ... but we often say that we have people with the technical depth and years of experience working together as a team that can match or surpass anything that can be found elsewhere."

a draftee-counseling service and advising potential draftees on the vagaries of selective service. Sunstein became so immersed in the volunteer program that he eventually realized he was devoting more time to it than his graduate work.

"The lawyers (involved in the counseling program) asked me why I wasn't a lawyer," Sunstein said. "So I asked myself that question and I thought, 'Maybe I should be a lawyer.'"

After launching his firm with two others in the late 1970s, Sunstein became a local pioneer in the intellectual property field. His experiences shepherding thousands of

patents through the federal patent office, defending them in court and helping keep the law firm afloat through lean years in the late 1980s, primed him for the recent competitive onslaught from the large, downtown general practice law firms.

Patenting 'Ginger'

After Sunstein's revelation during the draftee-counseling project, he found his way to law school and landed his first job at a general practice law firm in San Francisco. Recalling his father's experiences, and his own undergraduate education in applied mathematics and literature,

Sunstein: Fending off IP rivals

Sunstein quickly convinced the firm that he should take the patent bar.

“What got me into it was an interest in the way ideas and expression get protected in law,” Sunstein said. “I had this literature side, too. Literature and copyrights worked rather well together and the technical side and patents worked pretty well together.”

Sunstein moved to Boston in 1977 and worked on his own for a couple of years before meeting Lee Bromberg and another partner who has since left the practice of law. Sunstein has steadily attracted and advised technology luminaries, including Dean Kamen, president of Manchester, N.H.-based Dekka Research and Development Corp. and creator of “Ginger,” the Segway Human Transporter, a self balancing transportation device powered by rechargeable batteries.

The association between Kamen and Sunstein reaches back more than two decades, when the two met through Sunstein’s brother. Kamen was instantly impressed by Sunstein’s grasp of technology, and Sunstein has worked on the lion’s share of Kamen’s patents for his marquee products, including the iBot Mobility System — perhaps better known as a stair-climbing wheelchair — and the Segway.

“My first recollection was, I think, that a lot of patent attorneys ‘oh, by the way, know technology,’” Kamen said. “I left there being confident this is one sharp engineer who also knows law.”

Sunstein’s technical prowess also helped him anticipate early on how Allston-based RLM Software Inc., which makes the Flight-View real-time flight-tracking software,

could protect its intellectual property in a new industry and apply it to a new medium, the Internet. Company president Lorraine Flynn said she began working with Sunstein almost from the day she founded the company in 1981, and the law firm has successfully anticipated RLM’s needs throughout its growth.

“When the Internet companies were new, and our product was new, it was a whole new territory. We kind of pioneered (it),” Flynn said. “He was able to look at the issues involved and help us come up with the contracts involved and protect our intellectual property.”

Tough times, broader competition

Confidence from such clients as Kamen and RLM fostered the law firm’s early growth, but it stumbled into the economic sinkhole of the late 1980s and early 1990s. Client retrenchment forced the firm to downsize from 15 to 10 lawyers in 1988 and cut an equivalent number of staff.

“It was a very, very painful experience, but I think we learned from it and ended up managing our enterprise more professionally,” Sunstein said.

As the firm recovered through the 1990s, Sunstein was at the forefront of several critical litigation milestones, including a \$25 million judgment for willful patent infringement for client Comair Rotron, a cooling fan manufacturer now of San Diego, against Matsushita Electric Corp. of America, which sells products under the brand name Panasonic.

Long before large commercial law firms

delved into intellectual property, Comair and several other key cases put Bromberg & Sunstein on the map.

“It gave us our first patent-infringement experience from soup to nuts, so it made it easier when we had our second, third, fourth and fifth,” Sunstein said. “And I think it helped develop a reputation for our office of being able to do highstakes patent-infringement litigation.”

Sizable jury awards began to lure general practice law firms into intellectual property litigation in the 1990s, and the floodgates opened with the new millennium, Sunstein said.

“Most general practice firms were only beginning to get involved around the year 2000, and there’s been a lot of consolidation and acquisition since,” Sunstein said. “What drove or has driven a lot of that acquisition is the desire of the big general firms to get to do patent litigation, which is big and expensive.”

But Sunstein relies on his own and the firm’s long-standing experience when vying with larger firms for clients and he believes that expertise will buoy the firm above the legal world’s choppy competitive waters.

“We can’t usually say that we have the most people ... but we often say that we have people with the technical depth and years of experience working together as a team that can match or surpass anything that can be found elsewhere,” Sunstein said. “Now that we’ve been doing this for some 25 years, we’re beginning to figure out how to do it.”