

A David Firm in a Goliath World

Kaplan Breyer Schwarz & Ottesen LLP

The biggest victories don't always belong to the biggest firms. No team knows that better than Kaplan Breyer Schwarz & Ottesen LLP (KBSO), a full-service intellectual property firm focused on licensing, counseling, procurement, and litigation of patents, trademarks, trade secrets, copyrights, and related matters.

Representing intellectual property owners/plaintiffs, KBSO lawyers have notched an impressive string of victories, including a seven-figure patent infringement verdict, an eight-figure royalty stream for one patent owner, and a settlement of multiple nine figures against a large international corporation. The firm's victories are just as impressive representing accused infringers. In one recent case, KBSO lawyers helped invalidate critical claims of a patent asserted against a KBSO client, and in another, they achieved early dismissal of an infringement suit after successfully arguing that the asserted patent, if valid, should be narrowly construed. In these and other cases, KBSO attorneys have often found themselves litigating against some of the country's largest and most well-known law firms.

"Law office and document searching technology has largely eliminated the need for clients to pay for large teams of lawyers to litigate cases. Many of the largest cases can now be efficiently and successfully litigated with a small, focused team and the right use of technology," says partner Jeffrey Kaplan, who chairs the firm's litigation practice and has been named a New Jersey Super Lawyer® several times.



The partners (l to r):
Wayne Breyer, Jeffrey Kaplan,
Paul Schwarz, Ken Ottesen

The firm has also built an Inter Partes Review ("IPR") practice. Partner Ken Ottesen explains, "The use of IPRs in defending against patent infringement litigation can often save significant resources and can sometimes even eliminate the entire lawsuit. We will often attempt to utilize the newly enacted IPR procedures when representing those accused of patent infringement."

Concerning patent procurement, KBSO attorneys have been responsible for the development of patent portfolios that have formed a critical part of multimillion-dollar acquisitions. Partner Wayne Breyer comments, "Our firm's practitioners have very strong technical backgrounds, and many hold MS or PhD degrees. Additionally,

most of us had prior careers in technology, research, and development. Collectively, we are inventors on over 100 patents. Our technical backgrounds make it easier for inventors to work with us—we speak their language."

"Because we both procure and litigate intellectual property, we manage the procurement process with an eye toward successfully asserting the resulting intellectual property. And because we realize companies like to set a budget

for developing their intellectual property, we offer flat-fee, hybrid, and alternative billing options for many of our services," says Partner Paul Schwarz.

KBSO clients include large, publicly held international corporations, emerging growth companies, startups, and universities, and are engaged in a broad range of technologies such as medical devices, material science, optics, telecommunications, wireless, automation and control, and software.

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Intellectual Property Attorneys