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# Cravath Hires 2nd Official From Obama Administration

By **Peter Lattman** February 6, 2013 10:16 am



Cravath, Swaine & Moore has hired David J. Kappos, the departing director of the United States Patent and Trademark Office, the second time the law firm has added a former senior Obama administration official to its partnership.

Mr. Kappos, a former senior lawyer at I.B.M., served for three and a half years as head of the patent office. He has received widespread praise for making the country's outdated intellectual property system more efficient and improving patent quality. He left his post at the end of last week and joined Cravath on Wednesday.

The move is a coup for the law firm, which plans to use Mr. Kappos's expertise to advise clients on intellectual property issues related to big corporate mergers as well as to assist in high-stakes patent and trademark disputes.

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"We were convinced Dave would not only significantly enhance our ability to serve our clients' needs, but also fit into — and even enhance — the culture of our firm," said C. Allen Parker, Cravath's presiding partner.

The culture issue is an important one for Cravath, which rarely hires partners from outside the firm. Mr. Kappos is only the fourth outside partner in a half-century. Yet he is the second high-ranking government lawyer recently hired by Cravath. Christine A. Varney, the White House's former top antitrust lawyer, joined the firm in August 2011.

Cravath's strategy in recruiting Mr. Kappos and Ms. Varney goes beyond hiring top-flight legal talent, and speaks to the increasing importance of government policy

to corporate America.

The firm is somewhat unusual in that, other than a small London office, it houses all its 439 lawyers in New York. Such proximity, Cravath's management believes, reinforces esprit de corps.

Today, having a physical presence in Washington is considered a must for nearly every large law firm. Cravath, however, has a strategy of adding lawyers like Ms. Varney and Mr. Kappos, moving them to New York but benefiting from their vast Washington contacts.

Founded in 1819, Cravath has deep roots in patent law. In the 19th century, the firm handled the electric light bulb patent litigation for **Thomas Edison** and the telegraph patent litigation for **Samuel Morse**.

Today, it serves as the primary outside counsel for the telecommunications company **Qualcomm** and has litigated numerous drug patent cases for pharmaceutical giants like **Bristol-Myers Squibb** and **Novartis**.

Though Mr. Kappos, 51, has never worked at Cravath, he is no stranger to the firm: he worked for 26 years at I.B.M., one of Cravath's most important and longstanding clients. Mr. Kappos served in a variety of roles at I.B.M., working first as an engineer and then as a lawyer. From 2003 to 2009, he was the company's assistant general counsel for intellectual property.

In Washington, Mr. Kappos, who earned his law degree from the **University of California, Berkeley**, took over a patent office that had failed to keep up with technology and the advent of the digital age.

"There is no company I know of that would have permitted its information technology to get into the state we're in," Mr. Kappos said in a 2011 interview with **The New York Times**. "If it had, the C.E.O. would have been fired, the board would have been thrown out, and you would have had shareholder lawsuits."

He put in place substantial changes and was instrumental in the passage of the **America Invents Act**, patent legislation that, among other things, created a new process for challenging issued patents. The measure, legal experts say, is helping to

curb the number of frivolous patents. Large technology companies have long complained about overly broad patents and “patent trolls,” whose business is buying patents and filing infringement lawsuits seeking royalties.

“I think Dave joining Cravath is a marriage made in heaven,” said Donald J. Rosenberg, the general counsel of Qualcomm, who spent three decades at I.B.M. where he worked closely with Mr. Kappos. “It’s a loss for the country but a real gain for Qualcomm and the firm’s other clients.”

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