

All in the Family

Three generations of Owens have run the intellectual property boutique Owen, Wickersham & Erickson.

By Hamed Aleaziz
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SAN FRANCISCO — Owen, Wickersham & Erickson PC has the distinction of being one of the oldest intellectual property boutiques in the city.

Three generations of Owens have run the firm, which has grown over the past 80 years to two principals, a senior counsel, three counsels and three associates serving a diverse set of industries from technology startups to traditional consumer companies.

“Now they use the fancy word ‘branding,’ but it is a matter of reputation,” said senior counsel Mel Owen, who’s been with the firm for more than 50 years. His father, A. Donham, helped form the firm in the early 1930s. In 1985, Mel’s son Greg, the third generation Owen, joined the firm.

The firm handles trademark and copyright litigation as well as trademark licensing, application filings, clearance and enforcement. Its clients include Sanrio Co. Ltd., The Clorox Co., Yakima, Salesforce.com Inc., the University of California, Harlan Estate and Blue Shield of California.

Its roots, however, are in the patent arena.

On June 6, 1933, A. Donham Owen launched the firm after working at Townsend and Townsend. Back then, according to Mel Owen, the firm served as the de facto patent department for corporations like National Motor Bearing and large law firms like Pillsbury, Madison and Sutro, now known as Pillsbury Winthrop Shaw Pittman LLP. In 1963, Mel Owen along with two attorneys at the firm, Robert Wickersham and Roger Erickson, took over for Mel’s father, who continued to practice as of counsel to the firm. They renamed the firm Owen, Wickersham & Erickson PC. By the mid-’90s,



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From left, Noel Cook, principal of Owen, Wickersham and Erickson, Mel Owen, principal of the firm, and Greg Owen, principal of the firm.

both Wickersham and Erickson had retired.

The firm obtained major victories in patent law during those earlier decades. In 1980, for example, Wickersham successfully argued to the U.S. Supreme Court that a machine controlled by a computer program is patentable.

“We didn’t really realize how big a deal it was,” Owen said. The case, *Diamond v. Diehr*, is still cited today. *Diamond v. Diehr*, 450 U.S. 175 (1981).

But by then, the firm had largely shifted its focus. When Mel joined in the late 1950s, he said, he found the patent work “pretty boring,” and helped the firm expand its work in trademark and copyright law.

Owen also became active in the State Bar, which helped bring in clients. The firm began to receive referrals for work from firms that didn’t provide copyright or trademark services to their clients.

With the new emphasis on trademark and copyright law came clients such as Rolling Stone magazine founder Jann Wenner. At that point, the firm only had three attorneys. Wenner visited Mel’s office in the late ’60s and said, “I’m thinking

about starting a publication and I’m going to call it Rolling Stone,” the lawyer recalled.

There was only one problem. “‘Jann, you know there is a group,’” Owen said at the time, referencing the British band The Rolling Stones, which was at the height of its popularity.

“He said, ‘Not to worry, Mel. Mick and I have a deal.’” The firm registered Rolling Stone magazine, putting the publication on its list of trademark clients alongside others, including Williams-Sonoma Inc.

By the mid-1990s, most of the firm’s work was in trademark and copyright law, with large clients including Clorox and Sanrio. The office grew as well, to six attorneys.

Working with larger, more established companies gives the firm perspective for its smaller clients, lawyers there said.

That comes in handy, said Greg Owen, Mel’s son and a principal of the firm, when they advise startups looking to grow internationally. They’ve seen where larger, older companies have “had success, where they’ve had problems, where the [trademark] pirates have showed up for them,” he said.

“That,” he explained, “all influences the advice that you give to a new company that’s looking to hopefully grow.”

Despite decades of change, Mel Owen has worked to ensure that the firm’s laid-back culture lives on.

“They talk about firm culture. It is true ours is low-keyed and it’s been successful for 80 years, and I suspect it will stay that way,” he said.

To that end, they make a point to explain legal issues to clients in plain English, Owen said. “Tell it the way you would want to hear it,” he said of the firm’s client-attorney approach, “and advise the client as though it was your money you’re spending on the legal fees and your business that you’re protecting.”

Noel M. Cook, who joined in 1989 and is a principal of the firm said, “There’s no yelling here, at all. That’s not the case at some other places that I’ve seen.”

What’s more, the firm has institutionalized flexibility for its attorneys by keeping lower than average billing requirements. “If you’re putting in 2,000 hours a year, those hours are coming from somewhere else,” Greg Owen said. “It’s not just about generating hours and revenue and so forth. It’s having perspective and enjoying your life more broadly,” he said.

“We believe in balance. We work hard and do whatever it takes to get the job done for our clients. But we also think it’s crucial to have time for life outside of work,” Cook said.

The flexibility benefits the firm’s bottom line, leaders said. It makes employees “better, more loyal, more dedicated, more effective,” Cook said. Many employees, including secretaries, paralegals, and attorneys, have been at the firm for decades.

“If the rest of your life is in good shape,” Cook said, “then you can do better at work, as well.”