History-Making Firm Looks To The Future

By Carol Marshall, Troy Eccentric, March 20, 2005

Looking back over the course of his long career, patent attorney William Waugaman can sum up what it all means in four words: "The nerds have triumphed."

For 140 years, the Troy-based law firm of Reising, Ethington, Barnes, Kisselle P.C. has represented leaders in technology and the eccentric-creative sorts seeking patents.

Though the U.S. Constitution has always provided for the granting of patents, it has only been in the last two decades that this special brand of attorney has received any respect from peers in law practice.

Part engineer, part attorney (patent attorneys must have formal education in some form of science or engineering), they had been seen as outsiders in the legal world. But that changed in the early 1980s with the development of a federal circuit court of appeals dedicated to patent law. The new court made patent law more uniform and strengthened its validity, and it didn't come a moment too soon.

The company's early ledgers recorded patent numbers in the 140,000s, just after the civil war. New patent numbers push near 7 million today.

"Patent law is booming," said partner William Griffith. The real explosion has been in the past three decades, he added.

In 140 years, the company has had a hand in the type of technological advancement that has not only shaped the Detroit metro region, but changed the world.

Founded as an intellectual property firm in Detroit in 1865 by a Civil War colonel, the firm was established at the dawn of the age of the automobile. In the beginning, clients included such young inventors as Henry Ford and David Buick. The company was there at the cutting edge of pharmaceuticals, representing the company that first made it possible to mass-produce the influenza vaccine.

The firm also represented everyone from carriage manufacturers to early refrigeration companies, and just about every other type of manufacturer in between. That includes, in more recent years, pizza franchisers Little Caesars and Dominoes, and Playtex bras and girdles.

But even the sharpest attorneys can't always pick a winner. Like when the firm represented Henry Ford and a young engineer named Charlie King. Who is Charlie King? The fact that no one knows is a painful illustration of the firm's early mistake.

Because King and Ford were both manufacturing automobiles, there was a conflict of interest which forced the company to dump one of the clients. King was the more educated engineer, and showed more promise, so the firm had to ask Ford to find another attorney.

Unfortunately, King left for Europe soon after, and only one of the clients became a household name.

"That partner is no longer with us," Griffith said with a chuckle.

For every inventor that makes his or her fortune from a new idea or invention, there are 99 whose creations never make a dime, said partner Andrew Grove.

And often those that do cash in have no idea what to do about success. Around the table in the fourth-floor conference at the Columbia Center, the group of the firm's most told tales of rags to riches to rags again.

An inventor comes up with a stellar idea, takes investments and seed money from others (including Grove, who's invested more times than he cares to admit) then squanders the money and is unable to produce the invention.

It's an all-too-common story, Grove said.

The company's attorneys have represented some of the most creative minds of the past century and a half, and have watched the development of the industrial age, said Griffith.

"We've been here, growing with the economy and the development of the city itself," said Griffith. "That in itself is remarkable."