

Steve Oberholtzer

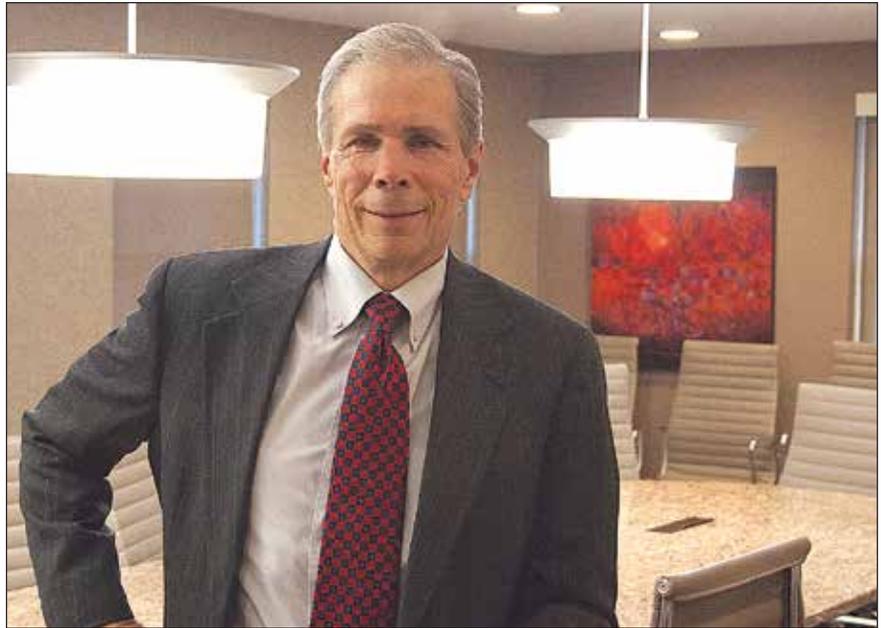
IP Counselor Who Intimately Knows the Automotive Industry

by Lauraann Wood

ANN ARBOR — Whether he always realized it or not, one of Michigan's leading intellectual property lawyers has dedicated his life to his profession since he was a young child.

For as long as he can remember, Steven L. Oberholtzer has been the type of person to tinker with toys and other objects so he could understand the ins and outs of how they operate. He would spend consecutive hours of several days simply taking things apart and putting them back together again — all in the name of satisfying his curious nature.

And while Oberholtzer's interests have stretched over all kinds of new products and technologies through the years, his fixation has particular applicability to the world of cars. Today he practices at **Brinks Gilson & Leone**, one of the country's most respected intellectual property law boutiques.



As someone whose interests have largely centered on “all things automotive from birth,” Oberholtzer spent his youth learning about the automotive industry and all of its moving parts. He learned how they combined over the years to make the vehicles that serve as the most technologically advanced of their time.

Those types of technological advancements need government protection, not in just the auto industry but in every industry, so competitors can't swoop in and steal an invention for their own products. That's where Oberholtzer's lifelong experience in the field comes into play as he works with corporate clients all over the world who seek his help in securing patent rights to products meant to change the invention game.

Oberholtzer has dedicated his career to helping inventors secure their rights to their products and to challenging others in court who try to infringe those rights. But this isn't the kind of life he always envisioned for himself.

After obtaining a bachelor's degree in mechanical engineering from then-General

Motors Institute (GMI), Oberholtzer began working as a safety engineer for General Motors in the 1970s, a time when car makers were on the brink of rolling out revolutionary new vehicle components.

For example, air bags were a brand-new concept for vehicles, Oberholtzer says, and back then they were considered “very exotic and maybe even very dangerous” by industry experts. But that didn't stop GM from making them.

“The airbags released a lot of energy, so if they weren't properly designed they could cause injury,” he says. “On one hand, we were designing these products for the public, but we were telling the government that they shouldn't be required.”

Oberholtzer says those sentiments came partly from an industry that feared the unknown and partly from an idea of cost-saving at the time since air bags weren't the cheapest car component to make when they were first introduced to the market.

“But it's gone from that to now, where you expect nine or 10 air bags in your car — frontal impact, side impact and side curtains,” Oberholtzer says. “And

they are just accepted as normal, required components of a car, and the price has come way down which happens when you produce things in huge volumes. The industry went from being against air bags to promoting them as safety devices for their purchasers.”

Never Stops Learning

Even after he received the bachelor’s degree that helped him get through GM’s door, Oberholtzer he didn’t feel like he was done learning. When he would think about continuing his education, Oberholtzer initially wanted to study medicine or obtain an MBA.

Instead, he found himself catering to those automotive and technological interests he’d had since childhood. He attended law school at the Detroit College of Law through a GM program that would reimburse costs if the material he learned applied to his current work.

“The intersection between technology and law kind of piqued my interest. As a GM safety engineer, I saw that there was a big opportunity in the tort field,” he says. “The lawyers that defend personal injury claims involving car accidents, I thought, ‘They need engineers who understand cars to defend those cases.’”

He didn’t take that exact route, but he still found an area of law whose practice intersects perfectly with the technological advancements he enjoys keeping current on.

“I worked with the GM legal staff that dealt with the tort cases, but I also had the opportunity to meet with some of the GM intellectual property attorneys, and I found it more interesting,” he says. “Both fields are very good, but IP fits me very well.”

As a patent lawyer for Brinks, Gilson & Lione, Oberholtzer serves clients who need to secure their rights and protect their new inventions or developments against competitors around the world. He also goes into the front lines for clients who accuse others of infringing their rights, and he defends his clients if they’ve been accused of the same.

Oberholtzer says he really enjoys his work because it doesn’t pigeon-hole him into any specific type of product development. Rather, he says, it allows him to keep his thumb on the pulse of many kinds of leading developments in several industries.

“As it turns out, and I learned this as an engineer, if you stay in a technical area, unless

you become the top person in an organization, you will be very specialized in a particularly small facet of your company’s products. You do not get the broad scope unless you become a senior manager,” he says.

“As an intellectual property attorney in private practice, I have clients in all kinds of industries, I’ve gotten exposed to all kinds of technologies and products, and I really like that. It goes from medical products to scientific instruments to power plants for making electricity. Engines, transmissions, controllers — it really is very broad in that regard, so I get to learn the leading-edge technologies in a lot of different areas.”

Knowing the Technologies

Oberholtzer also helps serve clients who are working through joint development relationships like license agreements or mergers and acquisitions. If those clients’ deals involve products created by two companies, he often helps them sort out contract issues that could potentially cause trouble down the road.

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handled? If two companies come together to make a product, and it doesn’t succeed, how do you sort of unwind all that? How do you make it fair to both parties afterward?” he says. “Are there infringement problems out there where you may be buying yourself a lawsuit?”

A lawyer who serves clients by securing and enforcing patents for their new technologies has to really know that technology and be able to speak the language to truly be as effective as necessary. That’s a tall order for any attorney, but the years Oberholtzer has dedicated to doing exactly that — even back when it was just for fun — make him an exemplary counselor and lawyer for any client’s intellectual property needs.

“Because my clients are corporate entities and I deal with people in companies — engineers, engineering managers, executives — having been on their side of the table, I better understand their position and how I can help address their problems,” he says. “One of my clients is in the air bag business, and I was in air bags at GM, so

I bring a lot of technical information and knowledge in the field.”

His extensive knowledge and experience in the field make it easy for Oberholtzer to understand and identify potential issues in both patents and licensing agreements that could arise later down the line, says Themis Anagnos, deputy general counsel and director of intellectual property for the Americas at the auto-part supplier Continental Worldwide.

Continental employs 227,000 people in 56 countries with 2016 sales of about \$44 billion. It provides products in the areas of chassis, powertrain, brakes, interior and tires, among many others. The company also has major products and developments in the autonomous vehicle and advanced driver assist system fields.

“He knows what’s common and what’s the industry practice. That’s pretty important,” Anagnos says. “He’s really the expert. He’s trained me, and he continues to be the person we rely upon, especially when we have a complex litigation or issue.”

His knowledge and ability have reached a level that is unmatched by others in the field, Anagnos says.

“He’s seen all the mistakes. He knows all the pitfalls. He can just like telepathically figure things out — it’s uncanny,” he says. “He immediately knows where the issues are, and he starts asking the questions.”

And when it comes to litigating licensing disputes, Anagnos says Oberholtzer shines in his ability to keep both sides cordially talking to find a place to meet in the middle.

“That’s where he really stands apart,” Anagnos says. “He understands the litigation risks. He says he’s not an expert, but he is. He understands it so well that he can look at the total exposure and say, ‘Let’s try to work this out.’”

That’s a product of Oberholtzer’s ability to think about things on a larger scale.

A Counselor Needs to Counsel

“He’ll step back from the granular details of whatever we’re working on and focus on how it fits into the big picture of whatever we’re trying to accomplish,” said Raj Choudhary, the director of legal affairs for TI Automotive.

The company is a leading automotive supplier primarily in the areas of motor vehicle fuel and fluid delivery systems and powertrain thermal products. TI Automotive boasts some 23,000 employees

at more than 120 locations in 29 countries.

TI Automotive began working with Oberholtzer two years ago because the company was looking for someone who has truly honed the counsel part of being an outside counselor.

“Steve is someone who has been in the industry for a really long time and knows not just what an agreement should say but how it will work in real life,” he says. “It’s good because we needed someone not just to be our arms and legs in terms of drafting patent applications, but we needed someone who could provide counsel and advice.”

Part of Oberholtzer’s effectiveness comes from what Choudhary calls “a very calming bedside manner.”

“(His manner) just helps everybody step back and look at the big picture of whatever we’re trying to accomplish,” he says.

And that approach is beneficial to the company, even when it seeks his advice on internal policies and practices.

“Internal policies and processes are huge to make sure that we are getting all the right ideas in front of the right people to pursue a patent or not pursue a patent,” Choudhary says.

“It’s looking at what are the kinds of things we should be protecting as patents, where is our portfolio today, where should it be, based on what’s happening in the industry today. Some of that we develop internally, but one of the benefits of working with Steve is getting his counsel on that as well.”

And for Choudhary, that’s the key to what makes Oberholtzer such an effective counselor.

“I worked at a firm before I started working at a company, and a lot of law firm lawyers are so focused on the way things should work in theory that they don’t know how it works in real life,” he says. “That’s where Steve has experience in both.”

Oberholtzer’s experience in the field has given him a unique perspective on ways industries have changed, as well as how those changes stack up in a changing legal field.

“When I first got into intellectual property law, it was this kind of really niche field, and it was almost entirely small boutique firms mostly with engineers turned lawyers, and the general firms didn’t understand the practice,” he says.

“They didn’t see it as ‘real attorney work,’ and the number of patents back then was way lower and the marketplace was more regional. It was less global than it became.”

But then electronics, computers, e-commerce and biotechnology boomed, and that provided all kinds of different avenues through which intellectual property attorneys can help clients become leading industry developers with every invention.

It’s an evolution that Oberholtzer could never have imagined, but he says he is very fortunate to have begun his career in intellectual property practice at just the right time to be able to ride that wave.

“Every one of those developments is accompanied by a need for an ever-increasing number of specialty attorneys who understand the law and the technology,” he says. “Sometimes you’re just plain lucky, and I feel that way about myself. I didn’t predict all this. I was just there at the right place at the right time, and it happened to be what interested me.”

Understanding Clients’ Businesses

But providing clients with the highest quality of service goes beyond speaking

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their language.

“You need to understand your client’s business,” Oberholtzer says. “It doesn’t come as a sheet of paper, where all you need is what’s in the four corners. Anything that a lawyer has to deal with is affected by all kinds of other factors like their business relationships, their marketplace, their customers’ needs and competitive demands. It’s never in a vacuum.”

Being familiar with the ins and outs of a client’s business and its products is important. It helps in distilling what can sometimes be complicated matters into chewable bites of information for others. It’s a trait Oberholtzer says is required of every effective leader in the business.

“Every good manager takes the complex and makes it simple. There’s no way you can manage a big organization without the ability to screen out unnecessary detail, and you need to provide clear and concise counseling to clients that fits in with those objectives,” he says. “You’ve got to invest the time and effort into learning for that purpose.”

If an intellectual property lawyer is

practicing effectively, learning never stops. Lawyers encounter endless learning opportunities that never presented themselves while they were students, Oberholtzer says.

“You don’t go to college and learn about all of the complexities we deal with,” he says. “You’re actually continuously learning the technology with your clients, and the knowledge comes over a period of time, along with your familiarity with the company and its technology.”

Continuous learning in the field encompasses reading and staying current on developments on both the technological and legal fronts. But it also comes from ongoing involvement and engagement with clients.

And even though Oberholtzer has reached the point in his career where lawyers typically begin to take on a more managerial role in firms as a senior attorney, he balances that responsibility by “getting into the nitty gritty stuff” and helping to work on clients’ patent applications.

He says he does that because it keeps him involved, and he values that engagement because it fosters and reinforces the strong relationships he’s built with his clients over the years.

“Some people would say, ‘That’s associate work,’” he says. “Well, maybe so, but I like doing this, and I’m staying focused on my client’s work.”

And that precise attitude is the reason other friends and colleagues in the field refer clients to him.

At least, that’s what longtime field colleague Thomas McAskin says motivated him to send clients Oberholtzer’s way once the two no longer worked in the same office at automotive supplier Kelsey-Hayes.

Oberholtzer never reported to McAskin while the two worked together, but they had offices close to one another and their proximity sprouted their relationship.

McAskin says he gave Oberholtzer several referrals for trademark and patent work over the years, and he could always count on him to be thorough with whatever he tackled.

“He’s very good with follow up and very good with his focus on the work that I gave him,” McAskin says. “He’s recognized in the marketplace as a go-to person in the patent area, and he has a very good reputation, and that’s what one wants to maintain. He’s done a good job.” ■