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## A 'Lone Wolf' Starts New Intellectual Property Firm

Well-known intellectual property litigator said the time was right to go solo

By JAY STAPLETON

**E**ric Osterberg got his high profile start representing Orion pictures in a copyright infringement case involving a character called Lone Wolf McQuade.

Now, after nearly three decades of work in the intellectual property practice area for firms of varying sizes, including the now defunct Dreier law firm and more recently Fox Rothschild, Osterberg has set out as a lone wolf of his own.

He recently launched his own solo practice in Stamford, called Osterberg LLC, where he is continuing to pick up business clients seeking to protect their patents and trademarks from infringement at a time when companies are increasingly focused on competition.

"While today's technology tools enable innovation like never before, they also set a stage for more potential hazards and abuse," Osterberg said. "Copying inventions, images, music and other intellectual property is harmful not only to the property owner, but also to the system as a whole. Because ultimately, it erodes the incentive to innovate."

His name is well-known in the region's intellectual property circles. Osterberg, who got his start working with his father, Robert Osterberg, in 1993, speaks and writes frequently about copyright issues. He served on a committee that wrote the model jury instructions for copyright infringement cases and has written several books on the topic.

All the while, he's been litigating intellectual property cases for clients in music, media and technology business.

"I think I got tired of working for other (law firms)," said Osterberg, who lives in Wilton. "It was time to go out on my own."

Osterberg's first big case was in 1996, when he handled some behind the scenes transactional work in an intellectual property case that made headlines in the entertainment field. Chuck Norris had starred in a film called Lone Wolf McQuade. CBS launched a show, starring Norris, that was really "a copy of the character."

Orion sued CBS for copyright infringement and the case was battled over in the courts. Eventually, CBS was issued a retroactive license by Orion.

"That was one of the more fun cases I worked on at the time," Osterberg said, referring to the work he did for the IP boutique Abeles Clark Osterberg & Prager. "I was the most junior lawyer. I wrote the first draft of the summary judgment brief that led to the settlement, and worked with the author putting together a video of all the similarities. We watched every Lone Wolf McQuade episode and made a killer compilation. I learned that there is no substitute for diligence."

At about that time, he started working on "cyber-stalking cases," in which individuals were buying up domain names in hopes of selling them to famous companies, like Coca-Cola. "We did a lot of that sort of stuff," he said, "technology-related litigation."

He worked for several law firms in New York. For about five years, he took the train from Norwalk or Wilton to work each day. That long commute started to take its toll. "I knew there was absolutely no way I was ever going to make it home at 6 p.m. for any little league games," he said.

Osterberg went to work for Dreier several years ago. He left to start his own firm, Pastore Osterberg, with Joe Pastore when Dreier was folding.

He joined Fox Rothschild in 2009, which was expanding its presence in the southwestern Connecticut market, because of the area's proximity to corporate clients in Westchester County N.Y. and southern Connecticut.

Osterberg has always worked in the areas of telecommunications, technology, securities and intellectual property.

"I like the speed of the high tech world," he said. "Things are very urgent in the tech world, and that can be stressful. But it's also invigorating."

He said from an economic standpoint, if you can cover the overhead, going out on your



Eric Osterberg, founder of Osterberg LLC, litigates a wide range of cases in the areas of telecommunications, technology, securities and intellectual property.

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own makes financial sense.

"If you can do the work, you can really keep a lot more of what you earn," he said. "It's a staggering amount, the difference. In the big firms, with a lot of overhead, your pay is 30 percent of what you generate. If you run your own firm, you can get 70 percent of what you generate. So if you can maintain a client base, you're in good shape."

That's where the southwestern Connecticut market comes into play.

Stamford has established itself as a hub of financial and securities-related industries, Osterberg said. That combination allows a firm that focuses on business related litigation to grow.

The way Osterberg sees it, new clients will come from New York City, but from Connecticut as well. "There's certainly plenty of business going on in the Stamford-Norwalk area." ■

**Eric Osterberg**  
Osterberg LLC  
eosterberg@osterberglc.com



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[www.osterberglc.com](http://www.osterberglc.com)