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PRACTICE SPOTLIGHT

THE PRACTICE OF STANDARDS

AN ATER WYNNE PARTNER HAS JOINED FORCES WITH A LONG-TIME INTEL COUNSEL TO SERVICE PORTLAND'S GROWING CLUSTER OF TECH STANDARDS CONSORIUMS

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When the same USB cable works in both your laptop and TV, you don't question it. You're just glad it works. The same goes for your Bluetooth devices, cloud-computing services, WiFi networks, etc. The credit for that interoperability lies with the nonprofit standards consortiums – organizations whose missions it is to ensure tech innovations are truly universal.

Portland is home to a cluster of these organizations, including the cloud computing-focused Open Data Center Alliance Inc. and the USB Implementers Forum, both of which are in Beaverton. To service these organizations, Frank X. Curci of the Portland law firm Ater Wynne LLP in the past month formed an alliance with the private practice of C. Bradford Biddle, a former leader of Intel Corp.'s standards practice group.

We caught up with Curci and Biddle this week to learn more about their practice, why they're teaming up, why there's such a standards cluster in Portland, and what sort of work they hope to do with them.

Why standards matter to the world

Biddle admits that the field of standards creation sounds both obscure and "potentially boring." But to him, it's both fascinating and critically important.

These interoperability standards are "the glue that makes technology ecosystems work," he said.

"It's an invisible world, but a world in which no technology product exists in isolation," Biddle said. "They all talk to each other and standards are the mechanism that makes this happen."

The practice of creating standards is complex, typically involving rival brands coming together for a common cause.

"If you just want to see how this impacts everybody's life, the WiFi wouldn't exist without standards organizations coming together," Curci said. "We couldn't take a photograph on the iPhone and upload it to Facebook without standards-setting organizations where many companies – often competitors – had to collaborate."

Why there's a cluster in Portland

The answer to this leads Biddle back to his former

employer, Intel Corp.

Much like Tektronix spawned the Portland area's tech cluster, Intel's massive presence in Washington County is likely a major reason why so many standards consortiums call the region home.

"There was a period of time where Intel had a unique business model that relied on a horizontal approach to the industry," he said. "Intel really needed a large network of complementary products (to work with their technology)."

The result is a collection of standards experts large enough to rival any part of the world. "We have a standards ecosystem that very few other metro areas in the country or the world have," Curci said.

To put it into a greater context, Biddle a few years ago wrote a paper concluding that a laptop uses around 500 different standards. VTM Group, a Beaverton company that provides various support services to standards groups, built off that research to determine as many as 40 percent of those standards have some tie to Portland, Biddle said.

"That puts a pretty firm stake in the ground that we're not just on par with the Bay Area, but we are the global leaders," Biddle said.

Why form a strategic alliance?

Individually, Curci and Biddle are seasoned veterans in the worlds of standards law.

Curci's standards practice goes back 15 years. Biddle spent 14 years at Intel, mostly as the company's standards counsel. He left just over a year ago to start his own practice.

"Frank and I go back years working on standards policy," Biddle said. "He was our lawyer at Intel on several projects."

Together, they hope to aid with the "great complex business and legal needs" of consortiums, Curci said.

They come with experience in how to manage cross-patent licenses and other mechanisms necessary to enable sharing of confidential technology often required in creating new standards. Their experience places them among the few in the U.S. with their level of expertise.

"So why are we affiliating?," Curci asked. "Because of the complexity of these legal issues, we think we'll be servicing our collective clients better by teaming up."

They believe that together they can also play a bigger role in shaping the direction of the industry.

► CLOSER LOOK

The practice: A strategic alliance between Ater Wynne's Frank X. Curci and the private practice of Bradford C. Biddle

Focus: Providing legal services to the consortiums developing technology standards

Background: Curci has spent 15 years practicing standards law. Biddle spent 14 years at Intel Corp., mostly as the chipmaker's standards counsel.

Examples of standards organizations: There are several standards organizations either headquartered locally or with major local offices, including: Open Data Center Alliance (cloud computing), MIPI Alliance (creates standard interfaces for hardware components of mobile devices), USB Implementers Forum (defines the cables, connectors and communications protocols used to connect electronic devices), Distributed Management Task Force (develops and promotes IT infrastructure management standards for large companies)

"We can contribute to the future policy direction of where standards are going," Curci said.

What kind of services they provide

Biddle said there's "an amazing diversity of projects" that come with servicing standards organizations. The work touches on corporate law, including structuring and incorporating the organizations, as well as anti-trust and intellectual property issues.

Curci, for example, helped incorporate the Beaverton-based Open Data Center Alliance, a consortium focused on creating requirements for the cloud computing industry. After incorporating it a 501(c)(6) nonprofit, he helped craft an intellectual property policy governing how members of the consortium share sensitive technology.

Those IP policies help ensure that members of the consortium – even if they're rivals – will agree to cross-license their patents in order to create standards. That helps to avoid an eventual firestorm of patent litigation.

Without them, "this would never work," Curci said. "Everybody would be asserting their patent rights and would be afraid to touch the specifications document to allow interoperability. That's a major purpose, in the organization stage, that Brad and I would be focused on."



C. Bradford Biddle