

PROFILE

It's always 'total war'

By DONNA KENNY

Staff Reporter

For Ted Lee, the senior partner at San Antonio's only law firm specializing in patent and trademark law, it's the fight that's important.

While many patent lawyers are content to complete the legal documents for an invention, Lee is not happy unless he's battling it out in the courtroom.

"The fun part is the litigation. Really. There is no greater high than when a jury comes back with the verdict and it's in your favor," Lee said, leaning back in his chair.

Lee's office is filled with a wide range of products invented by his clients, from Texas-shaped ice cube trays to snakebite kits and cow branding labels. But behind every trinket is a story of courtroom battles.

Gunn, Lee & Jackson has grown to a 10-lawyer firm with six lawyers in San Antonio and four in Houston. The San Antonio office has carved its own niche as the only firm specializing in patents and intellectual property. Much of Gunn, Lee & Jackson's work is referrals from other law firms that do not have a patent section.

"If there is a lawsuit in San Antonio involving trademarks or patents, there is a 75 percent chance our firm will be on one side or the other," Lee said.

Local lawyers who have been up against Lee in trial say he is aggressive in the courtroom and will do anything to win — even turn on the tears, said local lawyer Larry Macon.

In some trials, Lee tells a story to the jury about the famous Hugo Black, a lawyer from Alabama who represented the little guy in litigation. Black was often taunted and threatened by the public for his stands but remained loyal to his views, Macon said.

At the end of the story, Lee likens himself to Hugo Black, Macon said.

"Ted goes on about how he, too, represents the little guy. And then he cries to the jury," Macon said laughing.

But all crying aside, Macon said, Lee is a good, fiery litigator.

"He is ferociously protective of his clients. He wants them to win. There is no better advocate than Ted Lee," Macon said.

The fight, though, is most important when the human factor is involved, as in one lawsuit between Lee's client, locally owned Friedrich Air Conditioning & Refrigeration Co., and corporate giant General Electric Co.

Friedrich alleged that GE was selling an attachment for air conditioning systems that the local company had the patent rights to. Lee led Friedrich to a \$4 million jury award in that case.

"It was pure human drama. The inventor appeared and testified — one man telling how a large corporation was infringing on the smaller one. It was no longer just an electrical device, but something that involved real human emotion," Lee said.

Lee's secretary, Becky Tanner, says Lee is in the office every weekend working on cases. When he completes an argument or nails down a piece of evidence he "gets a twinkle in his eye," Tanner said.

Lee's passion for winning is equaled by



PHOTO BY TRICIA BUCHHORN

Local lawyers who have been up against Ted Lee in trial say he is aggressive and will do anything to win — even turn on the tears.

his vehement rejection of losing. Lee represented Builder's Choice in a lawsuit alleging Builder's Square was infringing on its name rights. During the 10-day trial, Lee knew he was losing the case and "there wasn't a dang thing I could do about it."

"It was nerve-racking. I couldn't sleep," Lee said.

Like competitive litigation, it is the challenge of overcoming the bigger guy or the larger obstacle that drives this 44-year-old. Whether in work, play or real life, Lee takes on events as though there were someone on the other side daring him.

To fulfill this inner need, Lee took on mountain climbing. The hobby started in 1985 as an innocent backpacking trip with his son's Boy Scout troop to the Philmount Scout Ranch in New Mexico. Lee climbed the 12,500 feet high Baldy Peak.

But he couldn't stop there.

He went on to climb Windham Peak in Colorado and Wheeler Peak in New Mexico and most recently, the 20,320-foot Mount McKinley in Alaska. This summer, Lee and his wife Jerry are planning to climb Mount Kilimanjaro in Africa.

For Lee, mountains are just another set of challenges to add to his list.

"He is an ex-Marine officer and he takes on things to achieve his objective. Whether it's mountain climbing, killing the enemy or winning a lawsuit — it's all the same kind of total war for him," said Mark Miller, partner with Gunn, Lee & Jackson.

Conquering mountains, though, is a small feat compared to the emotional hurdle Lee and his wife had to overcome

when they lost their infant daughter to leukemia in 1976. Ever the fighter, Lee turned his grief into productive energy. He spent a great deal of time and effort between 1980 and 1985 helping to build San Antonio's Ronald McDonald House, a house on Cypress Street for families with children undergoing cancer treatment.

Overcoming is a theme that has permeated Lee's entire life. Raised on a 72-acre farm in northern Alabama, Lee was left to run the farm after his four older siblings had grown up and left home. He saved enough money for his first year's tuition at Auburn University, a land grant college in Alabama, where he studied electrical engineering.

In order to finish paying for school, he worked as a co-op student with the National Aeronautics and Space Administration in Huntsville, Ala., as an engineering assistant doing "anything and everything they wanted me to" on the Saturn and Apollo projects, Lee said.

After graduating from Auburn in 1967, Lee received a tuition scholarship for law school at Notre Dame. While there, he worked part time as a patent agent for the Bendix Corp. preparing, filing and prosecuting patent applications. He continued to work for Bendix while on active duty in the United States Marine Corps in North Carolina and the island of Okinawa southwest of Japan.

In the Marines, Lee served as a staff judge advocate trying about 300 special and general court martials and handling legal administrative boards.

In 1973, Lee returned to San Antonio and joined the patent section of the law firm Cox & Smith where he first com-

bined his litigation experience in the service with his patent prosecution experience to try intellectual property cases.

Four years later, Gunn left Cox & Smith to start his own firm, Gunn & Lee, with David Gunn. Gunn and another lawyer operated out of Houston, while Lee remained in San Antonio.

Striking out on his own was a major hurdle that separated the young Alabama farm boy from the Texas professional.

"At first it was kind of scary — when you start your own firm you know you're going to go hungry for a while. But after a period of time I had more work than I could do," Lee said.

All lawyers at Lee's firm have a degree in both engineering and law. Most of their time is spent helping clients protect their inventions through trademarks, copyrights, patents, trade secrets and contracts. Lee encourages hard work in his firm by allowing each lawyer to keep the profit he brings in — unlike many other firms that depend on their associates to rake in the partner profit.

Lee's spirit for trial drama has placed a major emphasis on litigation, putting the firm in the courtroom setting more often than most patent lawyers. He has been involved in many highly publicized lawsuits including *Taco Cabana vs. Two Pesos*, *Fuddrucker's Inc. vs. its former officers* and *Pace Foods Inc. vs. Pet Inc.*

A long way from the farms in Alabama, Lee is proud of his accomplishments and would like more time to relax in the future. But it's not likely he'll turn down any big challenge. Like the famous mountain climber George Mallory said, you climb a mountain "because it's there."