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■ CLOSE UP

TONY LUPO

Partner
Arent Fox

■ **Age:** 40

■ **Family:** Wife, Jean; son, Giovanni; daughter, Sophia

■ **Residence:** Old Town Alexandria

■ **Education:** George Mason University, bachelor's degree, 1987; Howard University, law degree, 1990; Georgetown University, masters in law, 1993

■ **Hobbies:** Photography

■ **Languages:** Some Chinese, which led him to forget most of the Spanish and Italian he once knew

■ **Speaking engagements:** About 25 per year.

■ **How he spends long flights:** "I bring NyQuil, earplugs and an eye mask. Every moment on the ground has to be used effectively. That's what the clients pay you for. I do all my sleeping both ways on the plane. If you're coming with me as an associate, you have to be prepared."

■ **What makes a great lawyer:** "A great lawyer is a business confidant: a person who keeps their client out of trouble and evaluates risk, especially for clients that are in cutting edge industries."



JOANNE S. LAWTON/STAFF

Patented personality

IP lawyer Tony Lupo followed the family into patent law before creating himself an individual niche with Arent Fox

BY TIM MAZZUCCA, STAFF REPORTER

Tony Lupo has done this a lot, so it's not a surprise that he starts talking in sound bites right away.

After an hour or so of conversation, you realize that's just the way he talks. The stories don't stop. The enthusiasm for the job and the work wanes not a bit.

"I have the best job in the world," the partner at D.C. law firm Arent Fox says. "It's bragging-rights stuff."

Lupo, head of the firm's intellectual property group that handles entertainment and media clients, has testified before Congress about e-commerce issues. He advised the Egyptian government on revising its intellectual property laws. And now he's helping Indonesia gain admission to the World Trade Organization.

He's spoken all over the world at conferences about distance learning, Internet sweepstakes,

IPOs and data privacy. He's also no stranger to Court TV, CNN, The New York Times and the Los Angeles Times.

His intellectual property expertise is even more evident in his lineup of clients: Discovery Communications, Pixar Animation Studios, America Online, a national software industry association, Apple Computer and Red Hat.

Aside from the tech-heavy stuff, Lupo also does work for Italian clothiers and

brand names such as jeans seller Diesel and colorful clothing company Benetton.

"I'm a business development guy who understands the law," he says.

Doug Coblens, executive vice president at Discovery Communications, backs him up on the claim.

Coblens, whose office is in touch with Lupu's team at least once a day, met him about a year and a half ago after Discovery put out an request for proposals for its trademark work.

Arent Fox (www.arentfox.com) had been doing the media company's online work; then the firm went after everything else.

Now, Lupu and Arent Fox handle Discovery's trademark, copyright, litigation and consumer-product licensing work, among other things.

"He's an incredibly ambitious guy but in a good way," Coblens says. "He doesn't step on anybody. He has a phenomenal sense of humor

... that pulls down the whole facade of what you think about lawyers."

With client service — and new client development — comes the responsibility of serving all those people, which during the course of a year can take Lupu to Asia, Latin America and Europe.

The traveling is tough on his family, but Lupu has been doing it for nearly his entire career in private practice.

"They only know me one way, and it's been this way for 15 years," he says. "You got to ride the wave when it's there."

Lupu's wave — the throng of interesting and diverse work — has momentum in this age when corporations are especially sensitive to the value of their intellectual property and are very concerned with protecting those assets.

Although the traveling takes him away from his family, it allows Lupu to eat good food, meet interesting people and explore his love of photography, which he has displayed in his office.

Above everything, Lupu is having fun.

"It's exciting," he says. "You're reading [in newspapers] about what you're doing."

PTO PATTERNS, TRANSFORMATIONS

Like many intellectual property lawyers in the Washington area, Lupu started his career at the U.S. Patent and Trademark Office.

Unlike many others, however, Lupu was a legacy.

His grandfather worked as a patent agent his entire career there. His father, Ray, started as a patent examiner in 1964 while going to law school at George Washington University. After he got his law degree, he moved to the solicitor's office. He went into private practice in 1980 and now is a partner at McDermott, Will & Emery's Washington office.

At the patent office in the 1970s and '80s, "the IP bar was a very small bar at the time," Lupu says.

The Lupu family had the patriarch's colleagues over to the house for dinner often. So growing up, the PTO became a familiar place — in both faces and the names — for Lupu.

He remembers the exact time he decided to become an intellectual property lawyer: He saw one of his father's friends, a trademark lawyer, walking around his office in his socks playing video games.

Lupu knew right away he wanted that sort of lifestyle and the opportunity to have fun while working — not necessarily to work in his socks, but the freedom to do so if he wanted.

And it helped that Lupu respected what his father and grandfather had done with their careers and the way they'd provided for their families. With that, he decided to take the route two generations of Lupos had already taken and go for a position at the PTO in Alexandria.

Although Lupu's training was in trademark

work, that field only makes up about a third of what he does.

Nowadays, his work is more focused on protecting the trade secrets of entertainment and technology companies.

After joining Arent Fox as one of its only intellectual property attorneys, the firm filled his docket.

Then Arent Fox encouraged him to develop other areas of expertise. That's when his work started to divert from trademark protection.

"Being a part of the firm," Lupu says, "transformed me into a business lawyer."

GOING WITH YOUR GUT

One of Lupu's favorite stories — both to tell and to read — is "The Alchemist," a book by Brazilian author Paulo Coelho.

Lupu read "The Alchemist," which philosophizes that anything people want badly enough the universe will help them get if they only pay attention to omens that signal when to take risks in life to achieve those dreams.

After reading it, he had a couple of questions to ask Coelho about the philosophies spelled out in the book. Lupu found Coelho's e-mail address from his Web site and sent him a note.

He immediately received a form e-mail reply, saying something to the tune of "Mr. Coelho receives a billion and one e-mails a day and may not get around to answering yours" — a response Lupu half expected.

What he didn't expect was an e-mail from Coelho days later.

The author had done some research and found out Lupu was a lawyer in D.C., which was something Lupu hadn't mentioned because it wasn't relevant to his e-mail.

Coelho invited Lupu to meet him for lunch, and, flattered by the offer, Lupu accepted.

During the lunch, the author and lawyer conversed pleasantly. While they talked, a nearby table happily toasted about something out of earshot.

Coelho, whose books have been translated into 42 languages and sold more than 52 million copies around the world, took that as a good omen and asked Lupu to represent him in his North American distribution.

"The whole e-mail to him is Coelhoesque," Lupu says, "being at the restaurant, hearing the glasses clang, everything."

He's still on cloud nine about the whole thing, even though he's close enough to the author to have been to his house in Italy's Pyrenees mountains.

And he still abides by the book's main philosophy in his life and career.

"You have to listen to the universe and make decisions based on gut," Lupu says. "It's sort of my philosophy of life and the way life should be."

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■ WE WERE WONDERING ...

■ WHAT DO YOU THINK ABOUT THE PRECEDENT NAPSTER SET?

I think they handled it all wrong. They could've converted it to a license model and profited off of it. Instead, it all moved overseas. The artists and labels are being screwed, and it opened a Pandora's box. The Motion Picture Association hasn't had the same problem since movie files take much longer to download. But Steve Jobs (of Apple Computer) has really been the savior of the music industry.

■ HAVE YOU EVER GOTTEN YOUR PHOTOGRAPHY SHOWN?

They did a show one time in D.C. at Borders. They put up the photos for a month. I shoot every trip I get. I shoot a lot of infrared and black and white. I have a darkroom at my home because I get a ton of pictures while I'm away.

■ HOW INTEGRAL IS YOUR TEAM IN CLIENT RELATIONSHIPS?

I have a team of 10 to 15 people, but a core group of about five who specialize in their own areas. We watch for new business models, follow cases in intellectual property and watch business trends. I have a team that lives IP law.

People on my team at work are family, and they feel like family. There's a very close bond. You feel the energy. We're a thinking team. We like to banter the issues, research the issues, and it's really a building type of thing. We have a repository of risk analysis. And I make sure I allow them to get out.

■ AS A LAWYER DEALING WITH THE INTERNET, IN WHAT SHAPE DID YOU COME OUT OF THE TECH BUBBLE?

We didn't do the IPO stuff. We didn't take equity in our clients' businesses. Other firms were not taking the bread-and-butter e-commerce work. We went in and got a lot of clients in Silicon Valley and did their advertising deals, things like that. Then the entertainment work started to come.