



### **A Tribute to Donald R. Dunner - From the Partners at Finnegan**

In 1978, when Don Dunner joined the law firm of Finnegan, Henderson, Farabow & Garrett, then popularly known as “Finnegan Henderson,” both he and the firm had established reputations in the intellectual property field. After obtaining an undergraduate degree in chemical engineering from Purdue University in West Lafayette, Indiana, Don decided on a career in patent law. He received his initial training as a patent examiner at the U.S. Patent Office while attending the law school at Georgetown University at night. Within a short time, however, he obtained a clerkship with Chief Judge Noble Johnson of the U.S. Court of Customs and Patent Appeals (CCPA) (predecessor of the Federal Circuit) while continuing his studies at law school to completion in 1958. He then began a career in private law practice that would span more than 60 years.

After stints at several other patent firms, Don joined Joseph Lane and Richard Aitken in 1962 to form Lane, Aitken & Dunner. He would remain there until joining Finnegan Henderson sixteen years later. During that period, he established himself as one of the top patent litigators and, particularly, as an appellate lawyer. More than that, Don became well known as a scholar in the intellectual property field. He wrote the seminal work on practice before the CCPA with the assistance of the Clerk of the Court, George Hutchinson. He also taught that subject at the George Washington University Law School, lectured at continuing patent law education programs, and coauthored a critical periodical review of court decisions in all phases of patent law, litigation, and practice entitled Patent Law Perspectives.

Don Dunner’s reputation was such that in the 1970s, he was asked to be part of a commission instituted by President Carter to evaluate innovation and the patent system, and he was actively engaged in studies in support of Congress’s consideration of the patent system. The work of those groups ultimately led to the 1982 formation of the U.S. Court of Appeals for the Federal Circuit—a new federal appellate court having exclusive jurisdiction over patent cases.

Recognized and respected by the patent bar as one of its leading members, Don was about to become President of the American Patent Law Association, the bar’s principal professional society, at the time he joined Finnegan Henderson. The law firm had been in existence for some 13 years, having been formed by Marcus B. Finnegan and Douglas B. Henderson, along with Ford F. Farabow, Jr., who joined within a few months. Like Don Dunner, by 1965, Marc, Doug, and Ford all had experience in the patent field and in practice with other firms. Don’s background, interests, and practice fit perfectly with the firm’s vision and approach, and as a friend of some of the senior partners and a colleague in bar association work with others, his joining the firm proved a natural fit.

Don’s arrival at the firm was a transformative event. He brought not only his brilliance as a legal scholar, skill as a litigator, and wide experience, but also his vigor and tireless work ethic. He shared the firm’s goals and immediately became a valued colleague in the partnership. It was, indeed, a superb match of talents, style, and goals. Finnegan partner Mike

Jakes remarks, “Don made me want to be a better lawyer. His passion for always doing the very best work possible—it was never anything less—awed and inspired me. I knew that I could never match his sharp intellect, critical eye for detail, or boundless energy, but he made me want to try.”

At the firm, which soon was renamed Finnegan, Henderson, Farabow, Garrett & Dunner, Don developed an unequalled appellate patent law practice. He ultimately argued more cases before the Federal Circuit than any other appellate attorney.

Don was known for his extraordinary attention to factual details, an ability to view cases from every angle, and a determination to ferret out and address every conceivable argument for or against the client’s position. His knowledge of the law was exhaustive. He wrote eloquently and convincingly. His oral presentations in court were legendary. And he demanded the same level of thoroughness and excellence from the many attorneys at Finnegan Henderson who had the opportunity to work with him and learn from him.

Don’s involvement with bar activities also brought honor to the firm. He believed in serving the profession and he did, including as head of the American Bar Association’s Section of Intellectual Property, member of the ABA House of Delegates, member of the American College of Trial Lawyers, organizer of the Federal Circuit Bar Association, and member of the Federal Circuit Historical Society. But most importantly, Don was a role model for attorneys within and outside Finnegan of how to practice law with intensity and commitment to excellence, yet always with integrity, professionalism, and good nature. Mike Jakes recalls that “Don was many things—a leading figure in patent law when I first met him, then a boss and a mentor. He was a partner and a colleague in our law practice together. But he was always a teacher and within a short time, a lasting and loyal friend. His influence was profound. And I am only one of many who would say the same thing.”

It is with sorrow that we at Finnegan bid our partner, friend, and colleague farewell. We are proud to have been a part of his remarkable life for the past 40 years and of the prodigious legacy Don Dunner leaves us and so many in the profession and the judiciary.

Charlie Lipsey, another Finnegan partner, summed it up best stating “While Don’s death leaves a hole in our practice and our hearts, the hole is filled with the memories of the pleasure of his company and the generations of Finnegan lawyers he selflessly trained. Many lawyers are skilled, many lawyers are respected, but Don was also loved.”