

Tech patents spur Heslin Rothenberg energy unit

BY RICHARD A. D'ERRICO
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Law firm **Heslin Rothenberg Farley & Mesiti P.C.** has created an Energy & Environmental Group to meet a need created by the rise of local high-tech companies and universities working on alternative energy products.

"The formation of the group is a reflection of our faith and confidence that this area will grow and the need for more sophisticated intellectual property services will also grow," said Jeff Rothenberg, Heslin Rothenberg managing partner.

There are seven lawyers in the new group. No additional hires have been made, but Rothenberg said the move was designed to create more communication between the lawyers working on energy-related intellectual property and even to introduce their clients to one another.

The group will meet at least quarterly.

Heslin Rothenberg's clients already include some of the region's biggest names in alternative energy development: **Plug Power Inc.** (Nasdaq: PLUG) of Latham, **MTI MicroFuel Cells Inc.** of Albany, **Rensselaer Polytechnic Institute** and the **Research Foundation of SUNY**.

Heslin Rothenberg has procured or filed for patents relating to fuel cells, hydrogen purification, and power generation turbines and controls.

The region has a diversified high-tech portfolio, which now includes a mix of companies working on software development, nanotechnology and biotech. As the price of fuel and electricity continues to rise, the Capital Region also has a stake in alternative energy companies and programs, including fuel cells at Plug Power and MTI Micro, and solar cells at **DayStar Technologies Inc.** (Nasdaq: DSTI) of Halfmoon.

Last year, New York became home to two programs designed to get the state onto the hydrogen highway. General Electric Co. has a \$2 million contract with the U.S. Department of Energy to test hydrogen as an alternative energy source along the New York State Thruway.

In another program, the **New York State Energy Research and Development Au-**

thority, Long Island Power Authority and New York Power Authority announced plans to invest \$206,000 to develop the New York State Hydrogen Roadmap to outline key issues and challenges in developing hydrogen energy, study other states' successes and failures, and take an inventory of New York companies that are developing hydrogen-related technology.

A number of firms, including **Whiteman Osterman & Hanna LLP**, **Couch White LLP** and **Nixon Peabody LLP** work on energy-related matters. Most cut out a niche for themselves. Nixon Peabody has represented the energy companies petitioning the state to build power plants in Bethlehem and Athens, Greene County.

"Nixon Peabody focuses more on regulatory issues for companies that have developed large projects, whether they're generation, transmission, waste-to-energy or renewable sources," said Andrew Gansberg, managing partner of Nixon Peabody's Albany office.

Several local firms also represent energy companies wanting to do business in the state.

Gansberg said the move by Heslin Rothenberg to highlight its energy expertise in the area of intellectual property was a good move because it fits the firm's profile.

Plug Power's chief patent counsel, Daniel Beaty, said Heslin Rothenberg has drafted several patents for Plug relating to its fuel-cell systems. Beaty supports the creation of the new group.

"Since energy supply and consumption is a growing problem, I feel this group could offer a lot of value," he said.

Pradeep Halder, executive director of the state university's **Albany NanoTech's** Energy and Environmental Technology Application Center, said Heslin Rothenberg's initiative mirrors what is going on in the region.

"I think this is perfect," Halder said. "This again endorses the concept that energy technology is alive and kicking not just in the Capital but now across New York state."

Recent local energy initiatives include the creation of the Energy Systems Center for Advanced Technology at RPI, and statewide initiatives such as New Energy New York, a consortium of energy-related companies,



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(from right) **Victor Cardona**, **Alana Fuierer**, **Stephen Hladik**, and **David Pascarella** of **Heslin Rothenberg** at client **Plug Power**.

and the New York Fuel Cell Network, both spearheaded by the state University at Albany's Energy and Environmental Technology Application Center.

Halder said the push to make New York an alternative energy hub will require specialized support services, such as firms focused on intellectual property, also are needed.

"Otherwise," he said, "you can't compete."

Local firms have created specialty practice areas to highlight their expertise in one of the region's tech areas. Heslin Rothenberg created a practice focused on nanotechnology. Last year, Whiteman Osterman created its Convergent Technology Patent Law Group to focus on biotechnology and biomedical patents.

Rothenberg hinted his firm may create more specialty groups.

"We'll have to see how the region is developing."

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