



MÜLLER SCHUPFNER & PARTNER

90 Years in the Service of Inventors



MSP

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— **1931 was a year of great technical achievements:** the world's largest aircraft at the time, the Dornier flying boat DO-X, crossed the Atlantic, the airship Graf Zeppelin flew to Antarctica and Manfred von Ardenne presented the world's first television receiver. But it was also the time of the Great Economic Crisis in Germany.

In this year, the chemist **Dr.-Ing. Robert Poschenrieder** and the mechanical engineer **Dipl.-Ing. Richard Müller** passed the state patent attorney examination on July 13 in Berlin, at the seat of the Reich Patent Office. While Richard Müller joined a patent attorney's office, Robert Poschenrieder founded his own. He was very successful in the trademark sector for Max Riese's Penaten factory, which led the brands „PENATEN“ and „bebe“ to great economic success. We still represent these brands today, which now belong to the world's largest healthcare company Johnson & Johnson.



End of the war in Berlin

— **During World War II, the patent attorneys** – like the examiners of the Patent Office – were not conscripted into the Wehrmacht so that they could not reveal any technical secrets in case of capture. Shortly before the end of the war, Robert Poschenrieder and Richard Müller looked down together in horror from a tower at Berlin, which had been destroyed by bombs; both law firms had also been destroyed. Richard Müller was fatally shot shortly before the end of the war on 27 April 1945 during the occupation of Berlin by the Red Army.



— Dr. Robert Poschenrieder

— When the Patent Office ceased its work in 1945, **Robert Poschenrieder** moved back to his parents in Munich, but kept in touch with his clients from there. After the foundation of the Federal Republic of Germany, the Patent Office moved to Munich on 1 October 1949, which was very convenient for Mr Poschenrieder. He continued his patent and trademark law work from his father's desk and soon rented an office close to the Prinzregenten Theatre.

Erhard's reforms led to the German economic miracle in the 1950s, from which the law firm also benefited. Robert Poschenrieder expanded his staff with qualified and English-speaking employees, including Dr.-Ing. Elisabeth Boettner, who became a partner in the firm in 1963.



— Dr. Elisabeth Boettner

The firm had spectacular success in Germany and the USA in lawsuits concerning the so-called „cold wave“, a new type of perm and the „cold wave“ soon conquered German hairdressing salons. Robert Poschenrieder was also involved as an editor in the editorial board of the chamber organ „Mitteilungen der deutschen Patentanwälte“. He was feared as a strict supervisor among patent attorney trainees, however, the later partner **Dr. Dipl.-Chem. Gerhard Schupfner** successfully completed his training with him.

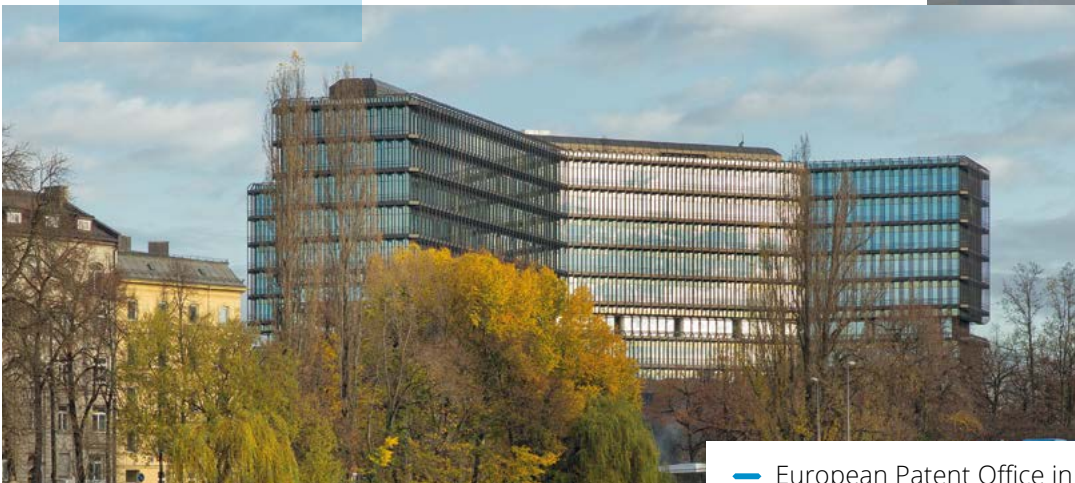
— In 1966, **Dipl.-Ing. Hans-Jürgen Müller**, a patent attorney at Siemens AG, was approached by Dr. Preu, one of his supervisors: „Dr. Poschenrieder is looking for someone like you, Mr. Müller. Why don't you introduce yourself to him?“ When he appeared in Poschenrieder's office, the latter asked him, „Which Müller are you?“ In the conversation that followed, it turned out that Richard Müller, who had died so early at the end of the war, was Hans-Jürgen Müller's uncle. Müller left Siemens and became a partner in the three-partner law firm **Poschenrieder-Boettner-Müller** in 1968. He was responsible for the technical department and the trademark department, which became increasingly important with the development of the advertising industry. In the case of the trademark „DOLAN“, which was transferred from Süddeutsche Chemiefaser to Hoechst AG, Müller contributed to a practice-oriented change in trademark jurisprudence with the „accompanying trademark“ before the Federal Supreme Court.



— Hans-Jürgen Müller

— **Hans-Jürgen Müller** was also involved in the Board of the Chamber of Patent Attorneys, in the Examination Commission for Patent Attorneys, at the Chinese Patent Office as a representative of the Chamber, and in the European Patent Committee, which campaigned intensively and ultimately successfully for the establishment of the European Patent Office in Munich.

The election of Hans-Jürgen Müller to the Council of ECTA (European Communities Trademark Association) was a good success for the patent attorneys' profession; until then, no patent attorneys had been represented in this European trademark association. Finally, his work as an honorary judge for patent attorney cases at the Munich District Court is also worth mentioning.



— European Patent Office in Munich and entrance German Patent and Trademark Office



— After the sudden death of **Robert Poschenrieder** in 1972, **Dr. rer. nat. Thomas Berendt** became a further partner of the firm, from which Mrs. Boettner retired in 1975. With the opening of the European Patent Office – right next to the German Patent and Trademark Office on the banks of the Isar in 1977 – the work of the patent attorneys based here received a new impetus. During this time, **Dr.-Ing. Hans Leyh** temporarily joined the firm.

— In 1979, a delegation from the People's Republic of China visited us, as the firm represented some German trademarks for Chinese companies. Hans-Jürgen Müller was invited to travel to China to discuss proposals for the introduction of a patent law in China with the relevant authorities there. In March 1980 Müller travelled to Beijing, where one encountered almost only people dressed in blue or grey and countless cyclists. Numerous meetings took place with the responsible authorities. In the process, Müller recommended rejecting WIPO's offer, which was aimed at so-called „developing countries“.

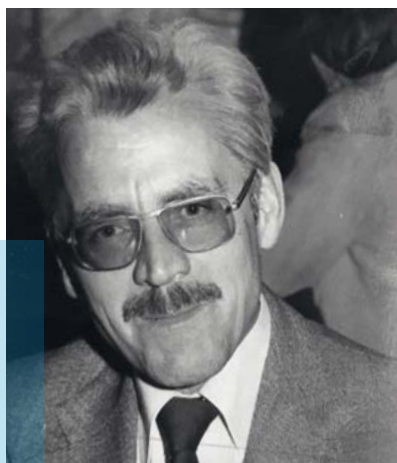
„Do as the Japanese did before the First World War and create your own patent law that suits your interests! In doing so, it might be advantageous to follow the German law,“ Müller said. Shortly after returning to Munich, Müller was called to the President of the DPMA, Dr. Haertel, to report on his impressions in China. Haertel was then also called to China and Müller's proposals were listened to, despite some resistance. Müller was called to China again in 1985 shortly before the opening of the Chinese Patent Office to give lectures in Beijing, Shanghai and Shenzhen.



— Hans-Jürgen Müller in Beijing



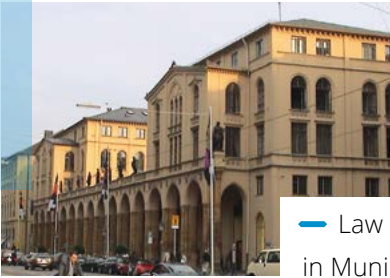
— Honorary Certificate of the Chinese Patent Office President



— Dr. Gerhard D. Schupfner

— January 1, 1981 marked a turning point in the development of the firm: the partnership with Berendt and Leyh was dissolved and Hans-Jürgen Müller joined forces with **Dr. Dipl.-Chem. Gerhard Schupfner** and **Dipl.-Ing. Hans-Peter Gauger**. Gerhard Schupfner had been head of the patent department of Deutsche Texaco AG and, as its „in-house lawyer“, had initially opened his own firm in the south of Hamburg, but then seized the opportunity to join forces with his former training firm in Munich. Gauger worked primarily for Ford AG and EMS. The law firm was thus continued on a supra-regional basis under the new name **Müller Schupfner & Gauger**.

In the meantime, innovations reached the office: Copying dictations onto matrices and reproducing them took up too much time. The office was one of the first in Munich to turn to typing with a mainframe computer and individual terminals. After Müller had been convinced of the advantages of telex in Japan, the firm switched to it as well. The road to the digital future began.



— Law firm Müller Schupfner & Gauger
in Munich's Maximilianstraße

— In the year of the „fall of the Berlin Wall“ in 1989, the Munich branch was given notice to vacate its office space and had to find new premises. Fortunately, new offices were found in a prominent location in Maximilianstraße, directly opposite the Bavarian State Opera.

— In the 1980s and 1990s, the firm was involved in numerous groundbreaking technical innovations. For example, the KINEGRAM security feature we patented for Landis & Gyr can be found on Euro banknotes and on Swiss banknotes; when the banknote is tilted, various images appear on a silvery strip or dot. For Merrill Lynch, patent protection was obtained for one of the first computer-implemented inventions for stock trading. For Tetra Pak, the well-known tetrahedron 3D package enjoys trademark protection throughout the EU under number 2 174 282. In almost every doctor's and hospital practice, you will also find B. Braun's green injection cannula, which at times enjoyed triple protection (patent, trademark, design).

Patent protection for security feature on euro banknotes, tetrahedron packaging and injection needles.



— In the meantime, the sons of the partners, **Dipl.-Ing. (Univ.) Peter Müller** and **Dr. Dipl.-Chem. Georg Schupfner** had been trained by their fathers and were admitted as German and European Patent Attorneys. In 1998/1999 Georg Schupfner and Peter Müller became partners of the firm. After one year of mediation studies at the University of Hagen, Peter Müller also became a mediator and was admitted by WIPO to the circle of international mediators.



— Franz-Josef Fuchs

— Also in 1998, we succeeded in winning **Dr.-Ing. Franz-Josef Fuchs**, the long-standing department director and head of the patent department for the central departments of Siemens AG, as Of Counsel for the firm.



Munich office



Hamburg office

— In 2004, the **Munich office expanded** and rented new office space in a historic villa on the Oktoberfestwiese. Built at the beginning of the 20th century by Emanuel v. Seidl, the building offers a beautiful view of the Theresienwiese and the Bavaria statue and is now occupied by the firm on all three floors.

— In 2011, **Georg Schupfner** also decided to make a spatial change and relocated the Hamburg office to two historic buildings at the Harburg inland port. Due to its proximity to the Technical University of Hamburg-Harburg, as well as its attractive waterfront location, the area has a high volume of technology-oriented companies and is known as an up-and-coming industrial location.

Partnership since 2008 —

— In 2004, **Dr. Reta Schinkel**, M. A. (Cantab), a physics graduate of the University of Cambridge (UK) and alumna of the German National Academic Foundation, joined the firm as a junior partner. However, Peter Müller and Reta Schinkel soon realized that the growing number of clients could no longer be handled alone, and so in 2007 they were able to lure Clemens Bauer from a well-known Munich patent law firm to Bavariaring.

— **Dipl.-Ing. (Univ.) Clemens Bauer**, who had studied inter alia at the famous Massachusetts Institute of Technology (MIT) in Cambridge (USA) and was admitted to the Stifterverband der deutschen Wissenschaft, was an excellent addition to the team due to his training in mechanical engineering and his negotiating experience gained before the German Federal Supreme Court (BGH) in the well-known nullity cases „Sektionaltor I-III“. In 2008, the current partnership **Müller Schupfner & Partner** (MSP) was founded by the four partners Georg Schupfner, Peter Müller, Clemens Bauer and Reta Schinkel. The young partners realised that the further growth of the firm also depended to a large extent on the admission of attorneys-at-law and, as of 2008, began to admit attorneys-at-law who, in addition to trademark and design law, also comprehensively handle infringement cases. Thus, a very close cooperation between patent attorney and attorney at law can now be achieved at MSP already in the run-up to court proceedings.



Dr. Georg U. Schupfner



F. Peter Müller



Dr. Reta C. Schinkel



Clemens Bauer



— In the following years, further patent attorneys were also taken on at the Munich office, so that the team of 6 from Maximilianstrasse quickly developed into a team of 45 in 2021, including 14 professionals. In addition, there are another 3 professionals in Hamburg and a further 12 employees, so that the total firm grew to over 60 people by 2021. In the 13 years since 2008, the firm has been able to further develop its national and international reputation, on the one hand through increased activities in forensics, i.e. the judicial enforcement of intellectual property rights, and on the other hand through membership and activity in international organisations.

Various successful lawsuits won, also against larger, renowned law firms, brought the desired echo in the press, so that the law firm increasingly climbed up national and international ranking lists. The partnership was recently mentioned in the Handelsblatt, the Financial Times and the news magazine FOCUS as one of the selected „top law firms“ in Germany.



— The four Managing Partners in 2014

— Peter Müller was confronted with international trademark law issues in 2009 – 2012 as a member of the Board of Directors of the world's largest trademark association INTA (International Trade Mark Association, New York). Also, his long-standing membership in the Council of ECTA (like his father) brought him to the Board of Directors of the European Trademark Association in 2010, which he finally chaired as President in 2014 – 2016. During this time, the revision of the EU trademark law took place, so that Peter Müller travelled to Brussels several times a year for several years to wrestle with the EU Commission, but also with the EU Parliament and the European Council, for the best formulations in the new Trademark Regulation and in the new Trademark Directive. Following this activity, the EU Commission engaged Peter Müller as a so-called „Special Advisor“ to assist the European Union Intellectual Property Office (EUIPO) and its President, António Campinos, as a Special Advisor in the years 2016 – 2020.



— Peter Müller as
President of ECTA (2014 – 2016)

Furthermore, Peter Müller was also active as a mediator and founded the Association of German Patent Attorneys for the Promotion of Mediation in 2009, of which he was and is now again the chairman. In the course of this activity, Peter Müller was able to add attorney-at-law **Dr Michael Groß** as Of Counsel in 2019. Due to his decades of activity as head of the Licensing Team of the Fraunhofer-Gesellschaft Munich and as author of the standard works „Der Lizenzvertrag“ and „IP/IT-Mediation“, Michael Groß is a proven expert in these fields and acts for the firm as advisor, mediator and arbitrator.



Dr Michael Groß



Dr. Carsten Schulte



Dr. Christoph Heinemann

— In addition to the establishment of a forensics department in 2019, which is now led by partner and attorney-at-law Dr. Carsten Schulte, the expansion of the chemistry practice at the Munich office was important for the further development of the firm, with the addition of partner and patent attorney Dr. Christoph Heinemann with his own client base.



Mascha Heidelberg

From our own ranks, **Mascha Heidelberg** was appointed partner in 2021. Ms. Heidelberg is a Certified IP Lawyer. Her main area of expertise is trademark and design law. In this capacity, she manages a large worldwide trademark portfolio for the Hamburg office, including customs seizure and infringement proceedings.

— Principles of partnership

Because of the international orientation of the partnership and its broad positioning in both technical and legal terms, the firm's development is not too dependent on the economic ups and downs in Germany. This does, however, require the attorneys to keep pace with the technical, economic and legal developments in the most important foreign countries. Clients benefit from this when they also call in the patent attorney as a „business consultant“ in certain situations. Lectures to interested employees at clients are also part of this service.

Whereas in the last century, the older partners still refrained from involving attorneys-at-law in the partnership and brought in prominent colleagues to represent them in court disputes, the cooperation between patent attorneys and attorneys-at-law in a partnership has now proved very successful.

The cooperation of young, well-trained lawyers and older, experienced partners in the firm offers a good basis for a promising service to our clients. At Müller Schupfner & Partner, the long-standing successful motto continues to apply:

Fast, reliable and competent at reasonable costs!



— Imprint

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MÜLLER SCHUPFNER & PARTNER

MÜLLER SCHUPFNER & PARTNER

Patent and law partnership mbB

MUNICH OFFICE

Bavariaring 11
80336 Munich
Germany

T +49 - 89 - 21 99 12 0
muc@mspartner.de

HAMBURG OFFICE

Schellerdamm 19
21079 Hamburg
Germany

T +49 - 40 - 3 20 27 09 0
hamburg@mspartner.de

WWW.MSPARTNER.DE