

IP Hall of Fame interview: Dan McCurdy

A leading figure in the global patent market, and currently the CEO of RPX Corporation, Dan McCurdy has occupied senior positions at IBM, Allied Security Trust and Lucent Technologies.

What inspired you to pursue a career in intellectual property?

It was pure serendipity. I started my career at IBM, where I was initially hired as an intern in the government affairs function in Washington DC. I went from there to be trained as a mainframe computer salesman, before moving to several jobs as a marketing rep and then as a marketing manager.

I then got a phone call from IBM's government affairs office, telling me that it had an opening for a worldwide manager of technology and intellectual property. Being ambitious, I said I was interested, but I had to get out my dictionary to look up what intellectual property was. I did some reading, got the job, and a few months later I was in Geneva sitting in a room with a bunch of experts advising the US Trade Representative team negotiating the General Agreement on Tariffs and Trade (GATT) TRIPs Agreement. For the next five years, I shuttled between Washington, Geneva, and Brussels as an industry advisor to the TRIPs talks, as well as serving as an industry advisor to the North American Free Trade Agreement and various bilateral IP negotiations including China. It was the best graduate education I could have received.

During the course of that assignment, I realized that intellectual property was the only work I had ever done that did not bore me after six months. Fast forward 30 years and I am still fascinated.

What has been your proudest achievement in your three-decade career?

The first one is the successful outcome of the TRIPs negotiations, which was the foundation of the IP advancement that has subsequently taken place. There was a group formed called the Intellectual Property Committee, to which I was IBM's representative. It was unique in that it consisted of IP leaders from every major US industry sector, working together with counterparts in Europe and Japan.

That cooperative effort shaped the way that I look at the IP world. By bringing companies together you can achieve a lot more for each of them can achieve alone. Virtually everything that I have done since – with the exception of roles in operating companies – has been based on this insight. If I have made a contribution to the IP industry it is that I have been involved in many entrepreneurial efforts that brought companies together to achieve common objectives.

Do you have any views on the best way to lead an organization that brings several parties together?

The first is to encourage everyone to explain as openly and clearly as possible the problem they are trying to solve. Many people take positions and say "this is just the way it has to be" without elaborating. The problem with that is that when you are trying to build bridges, you have to understand precisely what business issue each company is trying to solve.

If you were a painter with only two or three colors, you are limited to what you can paint. If you have a full kaleidoscope of colors, that palette provides you unlimited with unlimited options to find a solution.

Transparency and candor are also essential. Openness helps to build trust, while integrity is imperative. Once trust is broken in any relationship, it is very hard to achieve a positive result. You must work to build trust and never degrade it.

You have served as the CEO in several organizations. What makes a good CEO?

The most important element is to have humility and to encourage people to question your decisions and actions and – in a polite and respectful way – to confront you on the ideas that are being considered.

My first job out of college was for the governor of North Carolina. He valued people telling him when and why he was wrong, more than he valued people telling him when he was right – I learned a lot from him.

If you have a talented and diverse group of colleagues, and they are encouraged to challenge each other in a respectful way and to be inclusive, the organization will be successful.

I have always been involved in diversity-related efforts, but over the past year and a half I have played a much broader role trying to encourage diversity, equity, and inclusion – not because it is trendy, but because it is necessary. Only through D&I can you get perspective as a CEO or senior manager to meet the needs and expectations of your clients in the marketplace. We will all be better for it.

How have business leaders' perception of intellectual property changed over the past 30 years?

Even in the late 1980s, when the GATT TRIPs negotiations were ongoing, there was an awareness of patent issues among senior business leadership. Contrary to what some people think, there has not been a sudden eye opening in the past decade where CEOs have become enlightened on IP matters in the past decade. They were very well versed even back then.

The hope has always been that business leaders would develop an even greater understanding of intellectual property, particularly as a business asset. But I think that patents have largely continued to be seen as a threat to companies, rather than as opportunities for businesses to make money. There is a common joke that every time a business executive sees the IP people coming, they expect bad news. This is the challenge.

It is true that some companies have been able to use patent assets successfully to entice others to take licenses to their patent portfolios – IBM, Lucent and Philips are good examples of this. But in the 30 years since the beginning of my career, the IP plane has launched but has not yet gained significant altitude.

There are opportunities available, but in the world of patents, for every winner there is at least one loser; someone is being excluded or paying not to be excluded. *Rembrandts in the Attic* was not an entirely accurate analogy, because many people would be happy to pay for a Rembrandt painting, but fewer people would be delighted to pay \$100 million to settle a patent suit.

What is your advice to young professionals in the IP business?

Whether you are in intellectual property or something else, my advice is if you think that you might be interested in a particular career, get involved in some activities around it. If you are excited every day to tackle the challenges in front of you, you know you are in the right place. You do not need to worry about it, because with that passion, you will learn, grow, and thrive.

If you do not feel that passion, stop. Find something that makes you feel excited every day and do that. It does not matter what it is. Become a golfer, a gardener, a physician, a social worker. Find what truly excites you. Pay attention to your passion and follow it.

Do you have any IP heroes?

I certainly have people who have helped me in the industry. Marshall Phelps was a remarkable manager while I was at IBM. He gave me enormous latitude to travel all over the world and deal with a myriad of IP and technology issues. He taught me how to manage and helped me to hone my skills.

The other person is Chuck McKittrick who was IBM's senior vice president, government affairs. He also influenced me in much the same way. He challenged me, pushed me to my limits, and was extraordinarily influential in my early development. Finally, Jim McGroddy, IBM's senior vice president, research, built my confidence when he hired me to create the business development function at IBM Research. I am honored that all three of them remain my friends. Finally, I have also had a close relationship with and learned a lot from many people in the IP Hall of Fame.

What are the most valuable lessons you have learned in your career?

I am still learning. I have learned many lessons, but I do not always practice them as well as I would like.

One important lesson is to try to listen more than you talk. You learn a lot more that way. A second is to get people to tell you the downside – as well as the upside – of what they are proposing. A third one is that, while everyone is happy to start something, at the time you start anything new you also need to know when it would be time to stop. Frequently, stopping a project is as important as starting a new activity, project, or business. Finally, you should behave ethically, so that people can trust what you say and know that you will do as you say. That is the keystone.