



Richard M. LaBarge

Partner

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Having written and helped clients obtain hundreds of U.S. patents and register over a thousand U.S. trademarks, Richard M. LaBarge enjoys partnering with clients to coordinate the available forms of intellectual property protection into a strong, tight set of rights. Recognized for his efficient handling of unusual situations, he led the successful opposition to the effort to register the "thumpa-thumpa" sound of motorcycles as a federal trademark, and successfully defended one of the nation's oldest surviving trademark registrations. He is currently coordinating the international trademark portfolios of several pharmaceutical companies, and registering the US trademarks of Korea's leading consumer electronics company.

In addition to his Martindale-Hubbell® AV Peer Review Rating™, he has been selected by the *Chicago Law Bulletin's* Leading Lawyer Network as a "Leading Lawyer." In 2013, he was selected as a "Top Rated Lawyer in Intellectual Property" by *American Lawyer Media (ALM)* and Martindale-Hubbell. He was also recognized by the *World Trademark Review (WTR)* in the 2014 and 2015 *WTR 1000* rankings.



PRACTICE AREAS

- Design Patents
- Patent Prosecution
- Trademarks

INDUSTRIES

- Consumer Products
- Mechanical Engineering
- Pharmaceutical

REPRESENTATIVE EXPERIENCE

- Tailored an efficient suite of protection for a consumer goods company and its new style of paper packaging products. Under time pressure, he devised an effective strategy to consolidate the number of filings while also providing a broader scope of protection than commonly seen in the industry. This approach provided better control and market benefits for the company by making it tougher for competitors to copy without infringing, while also reducing client costs.
- In a litigious industry, combined utility patent and design patent filings for a world-leading manufacturer to provide broad protection for a new line of innovative sprayer products that help to prevent the spread of mosquito-borne diseases. This approach is helping to secure the client's line in the marketplace and may help to provide defenses or possible counterclaims if competitors assert unjustified claims against the client.

BACKGROUND AND CREDENTIALS

The patents and trademark registrations that he has helped to obtain cover a wide range of products, and Richard M. LaBarge has gained particular experience with consumer products companies and pharmaceutical companies. His litigation practice has brought him before U.S. district courts throughout the nation as well as before the Trademark Trial and Appeal Board for the U.S. Patent and Trademark Office and the U.S. International Trade Commission.

Internationally, he works closely with foreign agents in obtaining and enforcing foreign trademark rights, efficiently coordinating resolution of issues on a multi-national basis.

Mr. LaBarge brings an engineer's mindset to his work. He is not just analytical, but also passionate about identifying the essence of what makes products and marketing valuable. He helps guides clients to portfolio of rights that efficiently and forcefully protects the most critical aspects of their business. In trademark counseling, he recognized – before “trademark bullying” became a buzzword -- that overzealous trademark policing can damage something even more valuable than a company's mark: its reputation.

EDUCATION

- Wake Forest University School of Law J.D.
- University of Illinois, Urbana-Champaign B.S., Civil Engineering

ADMISSIONS

- Illinois
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Central District of Illinois
- U.S. District Court, District of Colorado
- U.S. District Court, Northern District of Illinois
- U.S. International Trade Commission
- U.S. Patent and Trademark Office

PUBLICATIONS AND PRESENTATIONS

May 2015

"The teachings of Hana and B&B, the U.S. Supreme Court's two new trademark decisions"

IPPro The Internet

March 24, 2015

"Attorneys React To Supreme Court's TTAB Preclusion Ruling" (featured quotes)

Law360

March 24, 2015

"Supreme Court Decision Will Impact Procurement and Enforcement of US Trademark Rights"

Client Alert

December 12, 2014

Marshall, Gerstein & Borun LLP Attorneys Author InsideCounsel Magazine Articles

InsideCounsel

December 1, 2014

"SCOTUS to decide if lynchpin of trademark infringement cases can be decided by USPTO"

InsideCounsel

October 17, 2014

"SCOTUS considering arguments that will change the way you think about registering trademarks"

InsideCounsel

June 26, 2014

"Internet Companies Streaming Copyrighted Television Broadcasts to Subscribers Must Pay Retransmission Fees"

Client Alert

January 10, 2014

"Federal Circuit Explains Significance of Deleting Drawings from Design Patent Applications"

Client Alert

November 15, 2013

"Distinctive Visual Elements of CRACKER BARREL Logo Insufficient to Defeat Kraft Trademark Challenge"

Client Alert

December 13, 2011

"Huffington Post.xxx. Could It Happen to You Too?"

Forbes

October 26, 2011

"'BBX' Spells Trouble for Research in Motion"

E-Commerce News



June 23, 2011

Partners Author Two-Part Series on the Patenting of Medical Devices

Medical Design Magazine