

Kathy Rheintgen

Protecting Some of America's Biggest Brands

by Elizabeth Davies



In the height of the Beanie Babies craze, Kathleen A. Rheintgen was one of the lawyers going after the array of copycat animals besieging the market. Working on behalf of parent company Ty, Rheintgen used her longstanding experience in trademark and copyright law to protect the Beanie Babies name.

As a lawyer at **Husch Blackwell LLP**, Rheintgen's niche knowledge of trademark law has long served her clients and her firm well.

"Kathy is knowledgeable about intellectual property and what these rights can do to help a company in their business, and is very seasoned in counseling clients regarding the same," says longtime peer Kara Cenar of Greensfelder, Hemker & Gale PC. "She has practical business counseling, particularly in building, maintaining and protecting a brand. Her knowledge and experience from the enforcement and litigation side really enables her to be effective in developing brand strategies and brand management and enforcement programs for her clients."

It was the solid reputation Rheintgen built that kept her career afloat during the greatest personal tragedy of her life. Her 14-year-old son, Matthew, died in 2008 from a rare but aggressive form of leukemia. "In less than 10 days, he went

from being at the top of his game to having a cold that wouldn't go away and starting cancer treatment," she says.

Matthew spent much of his eighth grade year in the hospital or in bed, completing his school work through tutors. Beside him at Hope Children's Hospital in Oak Lawn was his mother, who pulled back dramatically from her work to be with her son.

Rather than being her usual go-to girl, Rheintgen took on as little work as possible. In fact, she was barely working at all.

It was just before her son's 10-month cancer battle that Rheintgen's firm, Welsh & Katz, merged with Husch Blackwell. Those who didn't know Rheintgen at the time of the merger questioned the commitment level of this lawyer who rarely came to work. Those who knew her vouched for the benefits she would one day bring back to the firm.

"Enough people recognized the knowledge I had and the asset I was, so they were willing to wait for me to come back," she recalls.

Establishing a Niche Career

Rheintgen is a registered patent attorney. Throughout her career, she has worked on a wide variety of cases, from litigation to

transactional work in all areas of intellectual property law. "Over the course of my career, I've done work in probably every area there is," she says.

But much of her experience lies in the trademark arena. She likes this field, where issues can be particularly complex.

"Trademarks really are their own niche with a very specialized knowledge to go along with them," she says.

She particularly enjoyed a period when many companies were renaming themselves as part of a branding trend, focusing on fanciful names not found in a dictionary.

"They all wanted unique and different names so we got a lot of very unusual names," she says. "It was fun to see ads and know that I had been part of naming that."

In the patent field, she helped win a large case, defending Xerox against a man who claimed to invent multi-use fax machines but never manufactured the product.

She has worked for generic drug companies who are fighting for the chance to produce lower-cost versions of brand-name prescription medications. She has worked on copyright counterfeit matters regarding video games. She currently is working to conclude a patent case involving motorcycle stands.

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At present, her work is focused primarily in the trademark field, managing both domestic and international portfolios for a number of companies, and assisting them in the choice of names for new products and business areas. She advises companies on the proper use of their marks and drafting license agreements.

At any given time, she is responsible for thousands of trademark files.

“Kathy has an amazing sense of resilience,” says Deborah Feder, a former co-worker who recently left the legal profession to work as a life coach. “She always has new ideas and can relate to clients in a realistic, down-to-earth way.”

Rheintgen began trademark work as young associate, when a firm partner walked in looking for someone to help him with his trademark practice.

“He came in my office and said, ‘You! You can help me,’” Rheintgen recalls. “That was a big turning point. It focused me hard on trademark work.”

Joseph Marcus, partner at Husch Blackwell, was that man.

“Kathy and I worked together as a team on dozens and dozens of major corporate identity and branding projects in the banking, public utility and manufacturing areas for many NYSE- and NASDAQ-listed entities, in addition to the projects we handled for smaller, private companies and individuals,” he says. “Kathy is very professional in all respects. (She) has a positive attitude, works well with people and stays involved. She has excellent skills and abilities, communicates well and works hard to understand the client’s business.”

Rheintgen says much of what she learned came from her early days of shadowing Marcus.

“I would sit in his office and just listen to him interact with clients. Proper client interaction is very hard to learn on your own, but it really helped me to listen in and learn how to manage clients in the direction they need to go.”

Even today, client education can be the toughest part of her job. She tries to direct them in ways that will prevent future liability – but it’s not always what clients want to hear.

“The client is naming a new product line, or it’s a new company and they have to name themselves,” she says. “It’s hard to explain to a client, when they’ve fallen in love with their name, why there’s a really good reason not to do that. It’s not good enough that the Secretary of State says the name is available.”

J. Aron Carnahan has worked with Rheintgen for 17 years, first as a new associate and today as a partner at Husch Blackwell.

“One trait I have always admired of Kathy is her nearly prescient sense of what a

trademark examiner is likely to do in a close call or with an issue of first impression,” he says. “I have learned, to my chagrin, never to bet against her intuition in such a matter.”

Carnahan says she also excels under pressure.

“We recently had a client engaged in rebranding its company on a national scale and relying upon us to steer it clear of potential trademark issues,” he recalls. “The client was choosing names with a marketing consultant and needed clearance imminently in order to make a regulatory reporting deadline.

“There was no one I would trust more than Kathy to render high stakes trademark clearance work on that kind of deadline. Of course, Kathy pulled off exemplary work in a very challenging timeframe.”

Sharing Her Knowledge

For the past three years, Rheintgen has offered trademark-specific advice to Victor Aghion, associate general counsel for Career Education Corporation.

“In a constant effort to be budget conscious, Kathy is very helpful in determining whether it is effective and cost-worthy to spend the money to register and maintain a trademark and protect its use and integrity, or whether it is more effective and efficient to use the mark as a service mark and avoid the registration costs,” he says.

Aghion appreciates the very specific advice that Rheintgen is able to offer.

“Ms. Rheintgen’s knowledge of the trademark field and practice is excellent,” he says. “She is aware of all aspects of this area of the law, from the typical textbook knowledge and reference, to the practical application in everyday practice.”

Just as she is quick to share her trademark knowledge with Aghion, as in-house counsel, she also will gladly pass it on to others. Feder says she admires the way Rheintgen is quick to offer advice and share helpful hints – but only if you want it.

“She has a willingness to share her ideas,” Feder says. “A lot of attorneys get so caught up in their work, they don’t realize how important it is to share your information. She’s really good about that.”

Cenar, who worked with Rheintgen for 19 years, credits her with helping create a plan that successfully resolved one of Cenar’s cases.

“I consulted Kathy on a potential trademark invalidation strategy I wanted to present for one of my cases,” she recalls. “We walked through the factual and legal issues, identifying strengths and weaknesses, and developed an approach that we both felt would be effective and winnable. I followed the structure she and I developed, and we won the issue in the case, which gave us the appropriate leverage to reach a settlement favorable to our client.”

As a way of sharing her information with

other lawyers, Rheintgen spent much of last year blogging on the firm’s web site about trademark issues. She also has hosted informational seminars for clients and CLE’s for other attorneys.

“I enjoy writing and giving CLE’s because it is important for knowledge to be passed along to others,” she says. “Knowledge should be shared and used to help others, not just hoarded for one person’s use. I enjoy learning things and then passing that knowledge on as it might be needed.”

Growing up in the Law

Despite being the daughter of a female attorney, Rheintgen grew up thinking she would go into science or be a veterinarian. She studied biochemistry at the University of Illinois, but at the end of undergraduate school, wasn’t set on a career in that field.

“My mother, who is a lawyer, said I should picture how I would like to be dressed in my future career,” she says. “So then the idea of having a regular business job became what I wanted. In the end, law seemed like a logical, obvious thing to do.”

And so, Rheintgen graduated from Loyola University Chicago School of Law. She had worked in her mother’s law office during high school, so she was familiar with the work. Her mother, after having six children, attended law school and was sworn in as an attorney at age 39. Now 75 years old, she is still in practice, along with Rheintgen’s brother, in suburban Downers Grove.

A second sibling is also a lawyer, but left the field to be an educator and now teaches second grade and is developing new teaching strategies to keep today’s technology – centric children engaged.

Rheintgen still lives in her hometown of Downers Grove. Her daughter, Christine, is a freshman this year at Indiana University. Rheintgen enjoys crafting and gardening, and in the past has donated crocheted dolls, animals and hats to the hospital where her son was treated.

While the loss of Matthew was difficult, Rheintgen speaks freely about her son. He was diagnosed in September 2008, seemingly out of the blue. He fought cancer for only 10 months, and he died the summer before his freshman year of high school.

Rheintgen returned to the law slowly, as grief and time allowed after Matthew died. Five years later, she now feels her career is returning to the place it was before he got sick. She’s grateful to those who found her valuable, and were willing to fight to keep her.

“I’ve spent a lot of the last five years really clawing back into the practice,” she says. “The knowledge I have and my expertise with trademarks really carried me through that time.” ■