

Richard W. Young

Retired Partner

Richard (Rick) Young helped clients compete by leveraging their brands and intellectual property to advance their larger business objectives. With more than three decades of experience, Rick litigated patent, trademark, and copyright actions in federal trial and appellate courts around the country, across a broad range of issues.

Much of Rick's experience was in working with middle-market businesses, for which he not only litigated IP cases but counseled on the broader implications and opportunities of IP for their business and for strengthening the competitiveness of their brands and their products. Rick represented companies in diverse industries, including advertising, publishing, hardware, manufacturing, home furnishings and apparel.

Rick's overarching goal was to help clients achieve their objectives. He was creative — a lateral thinker who saw the whole of his clients' business and how he could help get them where they wanted to be in the marketplace.



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Education and Honors

- Indiana University–Maurer School of Law (J.D., 1981)
 - Indiana Law Journal (Executive Editor: 1980–1981)
- Yale University (B.S., 1978)

Court Admissions

- U.S. District Court, Trial Bar, Northern District of Illinois
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, 3rd Circuit
- U.S. Court of Appeals, 7th Circuit
- U.S. Court of Appeals, 9th Circuit
- U.S. Court of Appeals, 10th Circuit
- U.S. Court of Appeals, 11th Circuit
- U.S. Supreme Court
- U.S. Patent and Trademark Office

Professional and Civic Activities

- International Trademark Association (Chair of Legal Practice Resource Committee)
- Pharmaceutical Trade Marks Group (Member)
- American Intellectual Property Law Association (Member)
- Intellectual Property Law Association of Chicago (Member)
- American Bar Association (Member of Litigation and Intellectual Property Sections)

Chicago Office

Tel: (312) 715-5260

Fax: (312) 632-1756

- Lawyers for the Creative Arts (Member)

Professional Recognition

- Selected as an Illinois Leading Lawyer - Leading Lawyers Network, 2017 (Copyright & Trademark, Intellectual Property)
- Martindale-Hubbell AV® Peer Review Rated
- Listed in *The Best Lawyers in America*® (2007–2017: Trademark Law)
- Selected for inclusion in *Illinois Super Lawyers*® (2005–2017: Intellectual Property Litigation)
- Leading Lawyers Network member (Computer and Technology Law; Intellectual Property)

Success Stories

Trademark Victory on Appeal – Kos Pharmaceuticals v. Andrx Corp., 369 F.3d 700 (3d Cir. 2004)

Representing Kos Pharmaceuticals, a publicly traded drug company, Rick successfully enforced Kos's well-known trademark ADVICOR against infringement by Andrx's ALTOCOR mark. Rick won a landmark victory on appeal, with the U.S. Court of Appeals directing the trial court to issue a preliminary injunction on an expedited basis. Andrx was forced to settle, to change the name of its drug, and to pay Kos \$6 million.

Injunction Against Trademark Infringement – Centiv Inc. v. Incentiv Systems, Inc., 02 C 7316 (N.D. Ill.)

Representing marketing services company Centiv Inc., Rick brought a preliminary injunction action against Boston-based Incentiv Systems for trademark infringement. The case settled prior to the hearing on preliminary injunction with the defendant agreeing to change its name.

Getting a Good Grip – Estwing Manufacturing Co. v. V. Vaughan & Bushnell Manufacturing Co., 02 C 4406 (N.D. Ill.)


Rick brought an action for infringement of our client's registered blue grip trademark by Vaughan & Bushnell, a competing manufacturer of hammers. The case settled with Vaughan & Bushnell agreeing to modify its product to obliterate the offending trademark.

A Lawsuit for Sears – GNB v. Sears, 97 C 2428 (N.D. Ill.)

Representing GNB, one of the nation's largest manufacturers of automotive batteries, Rick sued Sears for infringement of GNB's well known NATIONAL trademark. The case settled very favorably to GNB.

A Win Against Trademark and Copyright Infringement – Hanley-Wood v. American Registry, 1:03 CV 00646/RMC (D.D.C.)

Rick won a temporary restraining order, permanent injunction and



monetary relief for trademark and copyright infringement and unfair competition on behalf of Hanley-Wood, a publisher of trade and construction publications against vanity plaque manufacturer American Registry.

Injunction Against L.L. Bean – Horween Leather Company v. LL Bean, 92 C 1237 (N.D. Ill.)

Rick won a permanent injunction, contempt sanctions and monetary relief against L.L. Bean for trademark infringement on behalf of Chicago tanner Horween Leather Company.

To Infinity and Beyond – Nuveen Investments, Inc. v. CDC IXIS Asset Management North America, 03 C 3988 (N.D. Ill.)

In this preliminary injunction action for infringement of our client's registered infinity symbol trademark, Rick negotiated a settlement with the defendant agreeing to restrict its use of the infringing mark.

Protecting Client Against Unfair Competition – Peter Mangone, Inc. v. Jayco Ventures, 02-B-1105 (D. Colo.)

On behalf of industrial products manufacturer Peter Mangone, Inc., Rick brought a preliminary injunction action for trademark infringement, trade dress (product configuration) infringement and unfair competition. Following a hearing on the Motion for Preliminary Injunction, the case settled with the defendant agreeing to discontinue use of the distinctive features of Peter Mangone's industrial products.

Serta

Representing Serta, the leading mattress manufacturer in the United States, Rick brought an action for patent and trademark infringement against one of its biggest competitors. The action was settled when the defendant agreed to stop infringing and to pay Serta \$4.25 million.

A Big Win Over Infringing Use of Trademark – The Big Ten Conference v. Gold Star Chili, C-1-94-523 (S.D. OH)

Rick won a consent judgment and monetary recovery (including attorneys fees) against fast food restaurant chain Gold Star Chili's infringing use of the BIG TEN trademark.

Infringing Madness – Illinois High School Association v. GTE Vantage, 99 F.3D 244 (7th Cir.)

Rick argued a preliminary injunction motion and Seventh Circuit Appeal in the precedent-setting MARCH MADNESS infringement action against NCAA licensee GTE Vantage.



Lake Point Tower

Rick won a temporary restraining order and permanent injunction against infringement of Lake Point Tower's CASTLES IN THE SKY trademark.

Stir Crazy

Rick won preliminary injunctions against use of the STIR CRAZY trademark by two yet-to-open restaurants in Chicago.

Voluntary Hospitals of America

Rick successfully challenged Dr. Art Ulene's "Feeling Fine" program for infringement of VHA'S "COUNTDOWN USA" trademark.

Nippon Granulator

Rick won a permanent injunction on consent against infringement of Nippon Granulator's trademark and a contempt judgment for violating that injunction.

International Data Group

Rick won a Temporary Restraining Order on behalf of IDG against infringement of IDG's COMNET trademark by a competing trade show in Sweden. The action was settled based on discontinuance of use of the mark, monetary recovery, and future business relationships.

Making a Mark – Watermark Management Corporation v. Watermark Capital Management, Inc., 94-2486 (D.N.J.)

Representing a leading hedge fund, Rick brought a preliminary injunction action for infringement of the WATERMARK trademark. The action settled by entry of consent judgment and defendant's discontinuance of its use of WATERMARK.

Ty Inc.


Rick represented the manufacturer of BEANIE BABIES in numerous trademark infringement actions, including in oral argument before the Seventh Circuit Court of Appeals.

Heuft

Rick led the trial team that tried to a favorable jury verdict in the Central District of California an action for patent infringement between global competitors in inspection system technology.

Krone

Rick won an early summary judgment of non-infringement of an agricultural



implement patent in the Eastern District of Wisconsin.

Microseal

Representing a Chicago area manufacturer of data storage systems, Rick defended against charges of patent infringement brought by a multinational competitor, Bell & Howell. The action settled favorably after completion of discovery and on the eve of trial.

GC America

Rick first chaired the defense of an action for infringement of a dental method patent in the Southern District of Indiana. The case settled favorably.

Copyright Infringement Actions

Rick has successfully litigated numerous copyright infringement actions relating to healthcare data systems, computer software, video games, motion picture properties, music, photographs, architectural drawings and mapping software. Rick has also represented a presidential candidate and national political party in the protection and enforcement of their intellectual property rights and the defense of allegations of copyright infringement.

Orbital Sciences Corporation

On behalf of the industry leader in small - and medium - class space and rocket systems, Rick negotiated the agreement for the development and transfer of rights of the company's Transfer Orbit Stage rocket.

John G. Shedd Aquarium

Rick negotiated the commercial sponsorship agreements for the opening of the John G. Shedd oceanarium in Chicago.


Literary and Artistic Works

Rick has negotiated licenses for such works as the Littlest Angel, the Home Alone motion pictures, New York Times best sellers, the works of L. Frank Baum and The Black Stallion. Rick has represented both authors and publishers in negotiating publishing agreements.

Bankruptcy Matters

We represented the bankruptcy trustee in the bankruptcy of a leading developer of nano-technology, managing the sizable portfolio of intellectual property assets through the bankruptcy and positioning the portfolio for sale.

Off-Shore Strategies



Rick structured and implemented a strategy for significant U.S. tax savings through off-shore ownership of a multinational consumer product company's intellectual property.

Celebrity Brand Licenses

Rick negotiated celebrity brand licenses for a major U.S. home-furnishings manufacturer.

Big Box Retailing Strategy

Just as the economy collapsed in 2008, Rick negotiated an exclusive big box retailer agreement for a consumer product manufacturer that significantly expanded its shelf space and grew its business while its competitors' businesses struggled.

Successful Stick Licensing of Patented Affinity Program

On behalf of one of the nation's leading dining rewards programs, we successfully enforced our client's patented rewards program against infringement by numerous competitors, in each case winning recognition of the patent.

Negotiating Licensing Strategies

Representing Serta, the Quarles & Brady trademark team helped create and develop the Vera Wang and Trump mattress brands by negotiating licenses for the fashion designer's and real estate tycoon's names and trademarks. The brands helped launch Serta's return to key high-end retailers, one of their targeted markets. We continue to work with Serta and Trump to help grow and enhance the brands, to position them in the marketplace, and to police advertising of the brands by Serta retailers. Serta's licensing strategy has helped propel the company to number-one mattress manufacturer in America.

Leveraging Brand Strength

On behalf of a leading hardware manufacturer, the Quarles & Brady trademark team negotiated an exclusive sales agreement with a major big box retailer. The deal leveraged our client's significant brand strength in its product category into numerous brand extensions that multiplied its business at a time when the rest of its industry struggled.

Community Service



The **Chicago Scholars** provides Chicago's young leaders with the support they need to achieve their dreams. The organization provides mentorship, college admissions support, and access to summer internships and career programming. Chicago Scholars reaches out to students in under-resourced communities and nurtures their talent through an innovative five-year program lasting from the senior year of high school through the senior year of college. The academically ambitious Scholars are not only investing in their own career growth and success but ensuring that Chicago remains competitive in the global economy for years to come. Rick is a member and supporter.



Lawyers for the Creative Arts provides free legal service to financially eligible clients in all areas of the arts—the visual, performing, entertainment, literary, arts education, and more. The organization helps individuals, as well as for-profit and not-for-profit organizations, with business issues, contracts, copyrights, trademarks, and many other legal areas. Rick is a member.

Publications and Presentations

10/02/15

"Quarles and Brady: Panel on Challenges and Opportunities from a Legal Perspective"

2015 NFAIS Humanities Roundtable

12/18/14

"Trademark Investigations"

International Trademark Association Practitioners' Checklists

10/09/14

363 Sales: What You Get - And What You Are Stuck With

National Conference of Bankruptcy Judges

03/12/14

"You Can Give Michael Jordan Kudos, But Skip the Logo"

Corporate Counsel

03/06/14

A First Amendment Defense to a Right of Publicity Claim? No Longer "A Shoe In"

Intellectual Property Law Update

04/01/11

"Emerging Trends in Business: Protecting Your IP"

Chicagoland Chamber of Commerce

06/11/09

Personalized Facebook URLs and Potential Trademark Issues

Intellectual Property Update

Beyond the Office



As a member of the Yale Precision Marching Band, Rick's "performance" at the 1974 Yale–Harvard game was featured in *Sports Illustrated*.

(Photo used courtesy of Jerry Cooke/*Sports Illustrated*)