



## Richard M. Klein | Partner

Cleveland

216.363.9000 x1121 | rklein@lippes.com



Richard (“Rick”) Klein is highly experienced in assisting clients with patent protection and other intellectual property assistance in the chemical, mechanical, nuclear, and biotechnology-related fields. Specifically, his practice is focused on a number of scientific areas including material science; chemistry; semiconductor engineering; polymer science; chemical engineering; nuclear science; biochemistry; life sciences; biomedical engineering; and pharmacology.

Rick’s practice includes particular emphasis in the preparation, prosecution, litigation, and licensing of patent, trademark, copyright, trade secret, and other intellectual property matters. He is also actively involved in business development, client management, and counseling of clients relating to issues in the field of intellectual property law.

In this regard, Rick has prepared and/or prosecuted well over 500 patent applications (U.S. and foreign) concerning chemical/biotech/mechanical technology as well as hundreds of trademark applications. He has also prepared a copious number of patentability, infringement, clearance, freedom-to-operate, and/or invalidity opinions. He is frequently involved in drafting technology transfer agreements, research and development agreements, etc., and in managing related business and technology developments for his clients.

Additionally, Rick has served as expert witness in the field of patent law for the Internal Revenue Service and the U.S. Department of Treasury since 2004. He has served as a legal patent, trademark and copyright expert in several matters in 2003, 2006-2008, 2010, 2012-2014 and 2020.

Rick frequently speaks and lectures on the subjects of patent, trademark, copyright, and trade secret law. He has also authored a number of articles concerning the protection of intellectual property, as noted in more detail below.

## CAPABILITIES

### Intellectual Property

- Copyrights
- Domain Names, Social Media, Internet Search Advertising
- Intellectual Property Litigation & Dispute Resolution
- Licensing & Tech Transfer
- Patents
- Trade Dress
- Trademarks
- Trade Secrets
- United States Patent and Trademark Office Proceedings

## **EDUCATION**

- Case Western Reserve University, J.D., 1985
- The Ohio State University, M.B.A., Finance, 1982
- The Ohio State University, B.S., Biochemistry-Microbiology, 1980

## **PROFESSIONAL ASSOCIATION**

- Cleveland Intellectual Property Law Association, Director, 2005; Vice President, 2006-2007; CLE Committee 1990-2023
- American Inns of Court, The Thomas Lambros AIC, Associate, 1996-1997 and the Charles F. Scanlon AIC, Bencher, 2006-2023
- Cleveland Bar Association
- American Intellectual Property Law Association
- International Trademark Association (INTA)
- Federal Circuit Bar Association
- Ohio State Bar Association
- American Institute of Chemists
- American Chemical Society

## **HONORS & AWARDS**

- Ohio Super Lawyers, Intellectual Property, 2006-2010
- Super Lawyers Business Edition, Intellectual Property, 2011
- Ranked, Chambers USA, Intellectual Property, 2007-2010
- Recommended IP Attorney in Ohio, 2018

## **COMMUNITY INVOLVEMENT**

- Cleveland Intellectual Property Law Association, Director, 2005; Vice President, 2006-2007
- American Inns of Court, The Thomas Lambros AIC, Associate, 1996-1997 and the Charles F. Scanlon AIC, Bencher, 2006-2014
- Cleveland Bar Association
- American Intellectual Property Law Association
- International Trademark Association
- Federal Circuit Bar Association
- Ohio State Bar Association
- American Institute of Chemists
- American Chemical Society

## **SAMPLING OF PAST REPORTED COURT DECISIONS**

- MPT, Inc. v. Marathon Labels, Inc., 505 F.Supp. 2d 401 (N.D. Ohio 2007)
- Antonious v. Spalding & Evenflo Cos., Inc., 281 F.3d 1258, 62 USPQ2d 1060 (Fed. Cir. 2002)
- Antonious v. Spalding & Evenflo Cos., Inc., 275 F.3d 1066, 61 USPQ2d

1245 (Fed. Cir. 2002)

- Microsoft Corp. v. Action Software, 136 F.Supp. 2d 735; 58 USPQ2d 1305 (N.D. Ohio 2001)
- Antonious v. Spalding & Evenflo Companies, Inc., 44 F.Supp. 2d 732 (D.Md. 1998), 217 F.3d 849, 1999 U.S. App. LEXIS 22984 (Fed. Cir. 1999)
- Dolly, Inc. v. Spalding & Evenflo Cos., 16 F.3d 394, 29 USPQ2d 1767 (Fed. Cir. 1994)
- Darling v. Spalding & Evenflo Cos., Inc., 30 USPQ2d 1047 (N.D. Ind. 1993), aff'd, 26 F.3d 140 (Fed. Cir. 1994)
- R.E.F. Golf Co. v. Roberts Metals, Inc., 24 USPQ2d 1070 (M.D. Fla. 1992)
- Dolly, Inc. v. Spalding & Evenflo Cos., 954 F.2d 734, 23 USPQ2d 1555 (Fed. Cir. 1992)
- Spalding & Evenflo Companies v. Graco Metal Products Inc., 19 USPQ2d 1479 (N.D. Ohio 1991)
- Spalding & Evenflo Cos., Inc. v. Graco, 18 USPQ2d 2029 (N.D. Ohio 1991)

## **ADMITTED TO PRACTICE**

- Ohio
- The Supreme Court of the State of Ohio
- U.S. Patent and Trademark Office
- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court, Northern District of Ohio