

Bradley Rademaker

Partner | Intellectual Property

OVERVIEW

Brad protects the intellectual property rights of companies with strategic portfolio development and litigation. He is a registered patent attorney with the U.S. Patent and Trademark Office and has litigated numerous cases through trial verdict—cases involving complex patented technology, design patents, trademark rights to protect market position, as well as false advertisement and unfair competition claims. Throughout his career, he has guided companies to minimize the risk of infringement liability, counseled on building assets for competitive strength, and advised on assessment of intellectual property assets for joint ventures, corporate acquisitions, and new product launches.

He serves as lead trial counsel in diverse intellectual property disputes before courts and administrative agencies throughout the country. These cases have involved technology such as digital signal processing, laser sintering, metal forming technology, finite element modeling, paperboard forming, high-voltage x-ray transformers, medical/surgical devices, beverage formulations and bank processing methods. Before practicing law, he worked in research at Rush St. Luke Medical Center's Department of Immunology/Microbiology on research relating to the interaction of glycolipid compounds on growth hormone and cell proliferation. Brad also counsels clients to implement strategies for avoiding infringement, and negotiating agreements to avoid litigation, and on policies for preserving trade secrets.

Brad also has served as trial counsel in trademark cases, obtaining a favorable jury verdict concerning commercial circuit breakers, and enforcing trademark rights in numerous cases related to trademarks for consumer products and



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EDUCATION

Chicago-Kent College of Law (J.D., 1991)

Millikin University (B.S., 1985)

ADMISSIONS

Illinois

U.S. Patent and Trademark Office

trade dress rights. He has also served as lead counsel in cases concerning design patents and trade secret rights, such as cases involving employee departures and trade secrets associated with franchise agreements.

In addition to his extensive litigation practice, Brad assist clients to develop a well-rounded and balanced portfolio of intellectual property rights, including managing complex patent prosecution and negotiating intellectual property acquisitions.

Brad excels at discovering creative ways to resolve disputes before they give rise to litigation. When litigation is unavoidable, and a dispute proceeds to trial, he has an aptitude for connecting with juries and presenting complex issues with clarity and persuasiveness, explaining sophisticated concepts in an understandable and captivating manner.

EXPERIENCE

Utility Patent Cases:

Sociedad Espanola De Electromedicina Y Calidad, S.A. ("Sedecal") v. Blue Ridge X-Ray Co., Inc. and DRGEM(Korea), (Western District of North Carolina)

* *Technology: High-Voltage Transformer for X-Ray Generator*

- Lead Trial Counsel (jury trial), representing the plaintiff against multiple defendants. Prevailed at trial, obtaining a jury verdict of patent infringement, willfulness, and a substantial damage award.
- Served as Lead Appellate Counsel in an appeal before the U.S. Court of Appeals for the Federal Circuit, successfully reversing a summary judgment order of invalidity and non-infringement, resulting in remand for trial.

EOSGmbH – Electro Optical Systems v. Phenix Systems, and Additive Manufacturing Technologies, Inc., (Northern District of Illinois)

* *Technology: Laser Sintering – metal/laser sintering devices*

- Served as First Chair counsel representing the defendants, a French company, in defense of alleged patent infringement relating to laser sintering equipment. resulted in continued business development in the United States by Phenix Systems and favorable settlement of the case.

Fort James Corp v. Solo Cup Company, (Eastern District of Wisconsin)

* *Technology: Paper Physics and Tensile Stress*

- Served as Trial Counsel (jury trial), representing the patent infringement defendant. Prevailed at trial, obtaining a jury verdict of non-infringement in the client's favor, thus avoiding alleged liability in the excess of \$100 million.
- Served as Lead Appellate Counsel and presented oral argument before the Court of Appeals for the Federal Circuit, to successfully argue for the client's right to pursue a claim of inequitable conduct and seek attorney fees against the plaintiff.
- Federal Circuit Opinion is reported at: 412 F. 3d 1340 (2005).

Trademark/Trade-Dress Cases:

In re: Circuit Breaker, (Central District of California)

* *Products: Industrial Circuit Breakers*

- Served as Trial Counsel for the plaintiff, Square D Corporation.
- Served as Trial Counsel (jury trial) for the plaintiff against multiple defendants. Prevailed at trial, obtaining a jury verdict of willful counterfeiting by defendants, and denying defendants' claims of defamation and wrongful seizure.

Solo Cup Company (Dart Container Corp.), (Northern District of Illinois; Southern District of New York)

* *Products: Disposable Hot Cup Lids*

- Lead litigation counsel for Solo Cup Company to enforce its trademark rights associated with the product configuration of its popular "Traveler" coffee cup lid product, including numerous cases against hot-cup lid importers and foreign manufacturers.
- Obtained numerous consent judgment orders and stipulated permanent injunctions, including forced destruction of infringing products and manufacturing dies.

Weber Stephen Products, (Northern District of Illinois)

* *Products: Barbecue Grill Products*

- Represented Weber as a trade dress owner relating to the famous Weber kettle grill shape. Achieved a favorable settlement against numerous infringers.
- Obtained ex parte seizure orders, executed with U.S. Marshall Service on the exhibit floor of a national trade show, the National Hardware Show, seizing all product literature, product samples and the business contact book from the defendant's exhibition booth. Resulted in permanent injunction of product importation or sale.
- Obtained seizure of products through enforcement by U.S. Customs Service through interaction with Import Specialists of U.S. Customs, resulting in destruction of barbecue grill products imported from China that included Weber's popular kettle grill shape.

Design Patent Cases:

Lakewood Engineering & Manufacturing Co v. Lasko Metal Products Inc., (Northern District of Illinois)

* *Products: Portable Heaters/Fans*

- Served as First Chair Trial Counsel (bench trial), asserting infringement of a design patent covering aspects of a portable fan product. Resulted in favorable alterations of the competitor's product design, and the Trial Court awarded sanctions against the Defendant due to trial tactics.

Trade Secret (State Court):

Option Care, Inc. v. Oxycare I.V. Supplies, (Illinois State Court, Cook County)

* *Pharmacy Operators*

- Defended against allegations of trade secret misappropriation and violation of franchise agreement

concerning operation of pharmacy services. Strategic repositioning of the case after being hired resulted in a favorable settlement with minimal cost, and dissolving the injunction on defendant's business.

RECOGNITIONS

- *The Best Lawyers in America*, recommended in "Litigation – Intellectual Property" since 2024
- *Intellectual Asset Management's (IAM) Patent 1000* in Litigation, since 2023: Bronze – Illinois

NEWS & INSIGHTS

August 15, 2024 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2025 *Best Lawyers In America*

June 7, 2024 Firm News

Four Intellectual Property Attorneys Recognized in *IAM Patent 1000*

January 29, 2024 Firm News

Thirty-One Neal Gerber Eisenberg Attorneys Recognized on 2024 Illinois Super Lawyers List

August 17, 2023 Firm News

55 Neal Gerber Eisenberg Attorneys Included in 2024 *Best Lawyers In America*

June 29, 2023 Firm News

Neal Gerber Eisenberg Intellectual Property Practice Places Four Attorneys in *IAM Patent 1000*

June 9, 2023 Event

Firm Hosts Intellectual Property 102 Webinar Series

February 3, 2020 Firm News

Illinois Super Lawyers 2020 Recognizes 39 Neal Gerber Eisenberg Attorneys

July 30, 2018 Publication

Client Alert: President Obama Signs the Federal Trade Secrets Act Into Law

July 9, 2018 Firm News

Firm Secures a Significant Victory for Client Sedecal (Sociedad Española de Electromedicina y Calidad, S.A.) in the U.S. District Court in North Carolina

July 9, 2018 Firm News

41 Neal Gerber Eisenberg Attorneys Listed in 2016 Illinois Super Lawyers