

# Thomas Reichert

ASSISTANT PROFESSOR OF LAW

J.D., MBA, M.Eng.

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## RESEARCH AND TEACHING INTERESTS

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Intellectual property • Trademark law • Patent law • Empirical legal studies • Computational legal analysis • Multifactor legal tests • Law and technology • Contracts • Business organizations • Commercial law • Property • IP strategy and commercialization • Law and economics

## ACADEMIC APPOINTMENTS

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**Southern Illinois University, Simmons School of Law**

Aug 2025 - Present

Carbondale, IL

Assistant Professor of Law

### **LAW 511: Contracts I (Fall 2025)**

- Foundational first-year course covering contract formation, consideration, defenses, and breach
- Employed Lead Counsel/Co-Counsel Socratic method for intensive case analysis
- Created practical exercises integrating UCC and common law principles
- Curriculum aligned with Multistate Bar Examination requirements

### **LAW 512: Contracts II (Spring 2026)**

- Continuation covering performance, breach, remedies, third-party rights, and advanced interpretation

### **LAW 554: Business Organizations (Fall 2025, Fall 2026)**

- Comprehensive course covering agency law, partnerships, corporations, and LLCs
- Innovative Lead Counsel/Co-Counsel Socratic method for landmark case analysis
- Practical exercises emphasizing fiduciary duties, corporate governance, and M&A
- Materials aligned with Uniform Bar Examination requirements

### **Intellectual Property (Spring 2027)**

- Survey course covering trademark, patent, copyright, and trade secret law

**Faculty Advisor**, Intellectual Property Law Society (Aug 2025 - Present)

**Member**, Personnel Committee (Aug 2025 - Present)

**Southern Illinois University, College of Business and Analytics**

Aug 2024 - Aug 2025

*School of Analytics, Finance and Economics*

Carbondale, IL

**Assistant Professor of Practice**

**FIN 270: Legal and Social Environment of Business**

- Developed and delivered course content on the intersection of law and business
- Designed assessment strategies including quizzes, exams, and participation activities

**Southern Illinois University, College of Business and Analytics**

Jan 2025 - Aug 2025

*Online Master's of Business Administration Program*

Carbondale, IL

**Assistant Professor of Practice**

**BA 531: Advanced Corporate Finance**

- Designed online course content including instructional videos, assignments, and assessments

## RESEARCH STATEMENT

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My research applies computational and empirical methods to longstanding doctrinal questions in intellectual property law, with a focus on generating actionable insights for practitioners, courts, and policymakers. My current project examines whether the multifactor tests that dominate trademark confusion analysis actually function as courts and practitioners assume. Using large language models to analyze thousands of decisions, I have found that the traditional thirteen-factor *DuPont* test effectively collapses to just two factors, with mark similarity and goods relatedness predicting outcomes with over 99% accuracy. This finding has immediate practical implications: it suggests that practitioners may be overinvesting in factors that rarely move outcomes, that examining attorneys could streamline their analysis, and that the doctrine itself may benefit from simplification. More broadly, I am developing a "multifactor collapse hypothesis" with implications for other areas of law that rely on similar analytical frameworks.

## PUBLICATIONS

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Thomas Reichert, *Doctrine, Data, and the Death of DuPont* (2025), available at <https://papers.ssrn.com/abstract=5843642>

SSRN Top Downloads, Intellectual Property: Empirical Studies eJournal

## WORKS IN PROGRESS

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Thomas Reichert, *Confirming the Collapse: An Empirical Analysis of Circuit Court Confusion Doctrine*

Thomas Reichert, *On Confusion*

## MEDIA COVERAGE

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Nick Robertson, "Only 2 of 13 DuPont factors decide nearly all US TTAB cases, research suggests", MLex (Jan. 9, 2026)

Rebecca Tushnet, "Reading list and comments: Doctrine, Data, and the Death of DuPont", Rebecca Tushnet's 43(B)log (Dec. 15, 2025)

Tim Lince, "Study finds DuPont test 'collapses' to two core factors, raising questions for USPTO practice", World Trademark Review (Dec. 11, 2025)

"SIU Simmons Law School increases first-time bar exam passage rates", SIU News (Oct. 14, 2025) (featured photo and quote)

"SIU Simmons Law School sees 25% increase in first-year students this fall", SIU News (Sept. 18, 2025) (featured photo and quote)

## SELECTED CITATIONS

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Petition for Writ of Certiorari at 11, *World Champ Tech, LLC v. Peloton Interactive, Inc.*, No. 25-736 (U.S. Dec. 2025)

## PRESENTATIONS

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"Doctrine, Data, and the Death of DuPont," 2026 Kansas City IP Symposium, Lawyers Association of Kansas City, Kansas City, MO (April 23, 2026) (forthcoming)

"Doctrine, Data, and the Death of DuPont," Chicagoland Junior Scholars Conference, Loyola University School of Law, Chicago, IL (Sept. 26-27, 2025)

"Ethical Use of Artificial Intelligence Services as Medical Students: Responsibility in the Age of Automated Medicine," Invited Speaker, MEDPREP, Southern Illinois University, Carbondale, IL (July 10, 2025)

"Branding Blunders: Hard and Humorous Lessons from Campaigns Gone Wrong," Invited Speaker, American Marketing Association Kansas City Chapter, Virtual Seminar (July 28, 2020)

## EDUCATION

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### **Southern Illinois University School of Law**

May 2018

Carbondale, IL

**Juris Doctorate**, Cum Laude, GPA 3.6/4.0, Class Rank 7th

Editor, Southern Illinois University Law Journal

Law Journal Note: *Patently Deficient: How the VENUE Act Threatens Disaster and the Alternative that Avoids It*

\*Selected for publication, withdrawn as moot following *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 581 U.S. \_\_\_\_ (2017)

### **Southern Illinois University College of Business**

May 2018

Carbondale, IL

**Master of Business Administration**, Cum Laude, GPA 3.5/4.0

### **Southern Illinois University College of Engineering**

Dec 2013

Carbondale, IL

**Master of Engineering**, Civil and Environmental Engineering, GPA 3.3/4.0

Thesis: *The Effects of The Location of Plastic Hinges on Welded Flange Plate Connections for Steel Moment Frames Subject to Seismic Loads*

Major Professor: J. Kent Hsiao, Ph.D., P.E.(CA), S.E.(UT)

### **Southern Illinois University College of Engineering**

May 2012

Carbondale, IL

**Bachelor of Science**, Civil and Environmental Engineering

## LEGAL EXPERIENCE

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### **Bookoff McAndrews, PLLC**

Jan 2023 - Nov 2024

*Patent Attorney*

Washington, DC (Remote)

- Practice focused primarily on large language models, neural networks, and machine learning technologies
- Prosecuted applications as outside counsel for Caterpillar, resulting in allowances
- Managed and prosecuted international patent portfolios in diverse technology fields incorporating machine learning, AI, medical systems, and mechanical arts
- Actively engaged with engineers, inventors, and client counsel to assess patentable subject matter, providing counsel on patent viability, risk assessment, and innovation harvesting
- Spearheaded all aspects of patent prosecution, including IDS submission, responding to office actions, conducting interviews with examiners, filing appeals, and collaborating with foreign counsels

### **Kutak Rock, LLP**

Dec 2018 - Nov 2022

*Intellectual Property Attorney*

Kansas City, MO

- Drafted and prosecuted patent applications related to mechanical arts, industrial equipment, software, AI, machine learning, medical devices, design patents, and consumer electronics
- Provided strategic global trademark counsel to diverse clients on registration, enforcement, brand management, and dispute resolution
- Drafted and negotiated commercial contracts including IP licensing agreements, development agreements, and related matters
- Managed U.S. and foreign trademark prosecution and maintenance, including domain name registrations and conflict matters
- Implemented proactive online monitoring and enforcement strategies protecting client revenues and brand integrity

### **The Law Office of Amanda B. Gott**

Sep 2018 - Dec 2018

*Attorney Assistant, Family Law & Trusts and Estates*

Marion, IL

### **Lerner David Littenberg Krumholz & Mentlik, LLP**

May 2017 - Aug 2017

*Summer Associate, Intellectual Property Law*

Westfield, NJ

### **The McArthur Law Firm**

Jan 2017 - May 2017

*Legal Intern, Trademark and Copyright Law*

Los Angeles, CA

### **The Law Office of Amanda B. Gott**

June 2016 - Aug 2016

*Legal Intern, Family Law & Trusts and Estates*

Marion, IL

# PROFESSIONAL CONSULTING

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## Reichert Legal Services

2025 - Present

### *Principal*

- Provide consulting services to law firms and attorneys on complex and international intellectual property matters, serving as an "attorney's attorney" for sophisticated IP questions
- Handle complex patent and trademark cases requiring specialized technical or procedural expertise
- Advise law firms on practice structure, IP portfolio management, and workflow optimization
- Provide review, mentorship, and training for junior associates on IP prosecution and counseling matters

# TEACHING ASSISTANT EXPERIENCE

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## Southern Illinois University College of Business

Aug 2014 - May 2016

### *Teaching Assistant, Online Master of Business Program (oMBA)*

Carbondale, IL

Guided multiple cohorts through the cohort-based oMBA program, designing online course content, offering personalized support during office hours, leading weekly discussions, and grading assignments.

#### **Courses:**

- BA 505: Brand Management
- BA 509: Advanced Seminar in Leadership Development
- BA 511: Entrepreneurship Theory and Practice
- BA 514: Business Ethics
- BA 522: Operations Management and Supply Chain Management
- BA 531: Advanced Financial Management
- BA 560: Management of Information Systems
- BA 580: International Dimensions of Business
- BA 598: Business Policies

## Southern Illinois University School of Information Systems and Applied Technologies

May 2012 - Dec 2012

### *Teaching Assistant*

Carbondale, IL

#### **ISAT 229: Computing for Business Administration**

- Designed and built course from scratch with minimal supervision
- Created modules covering essential computer skills for business

#### **ISAT 411: Information Storage and Management**

- Assisted in teaching advanced concepts in data storage and management
- Covered secure storage, disaster recovery, and basic forensic techniques

## SELECTED AWARDS AND HONORS

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### **CALI Excellence for the Future Award**

*Southern Illinois University School of Law*

Trademarks and Unfair Competition (Fall 2017) • Patent Law (Spring 2017)

### **Top of Class (4.0)**

*Southern Illinois University School of Law*

Trusts and Estates (Spring 2018) • Civil Procedure I (Spring 2016) • Contracts I (Fall 2015)

### **SIU Law Full Tuition Scholarship**

*Southern Illinois University School of Law*

Aug 2015 - May 2018

### **Consumer Protection Scholarship**

*Southern Illinois University School of Law*

April 2018

### **Ronald E. Osman Endowed Scholarship**

*Southern Illinois University School of Law*

Spring 2016

### **Dean's List**

Law: Spring 2018, Spring 2017, Fall 2016, Spring 2016, Fall 2015 • Business: Spring 2018, Fall 2016, Spring 2017 • Engineering: Spring 2012, Spring 2009, Fall 2008

## SERVICE AND OUTREACH

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### **Illinois Junior Academy of Science Region 8 Fair**

Feb. 2023, 2024, 2025

*Judge*

### **Illinois Junior Academy of Science State Fair**

April 2023

*Judge*

### **SIU Law Intellectual Property Society Panel**

Oct. 4, 2023

*Presenter*

### **TNC Community**

Dec. 2019 - Dec. 2022

*Member, Board of Directors (Property Committee, Administrative Committee)*

Nonprofit providing habilitation services to individuals with intellectual and developmental disabilities

### **SIU Civil Practice Clinic**

Jan. 2018 - May 2018

*Student Attorney*

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## BAR ADMISSIONS AND AFFILIATIONS

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**United States Patent and Trademark Office**, *Patent Practitioner, Reg. No. 77,326* (2018)

**Illinois State Bar**, *Attorney, Reg. No. 6343575* (2023)

**Missouri State Bar**, *Attorney, Reg. No. 71135* (2018)

**Kansas City Metropolitan Bar Association**, *Member* (2018 - 2022)