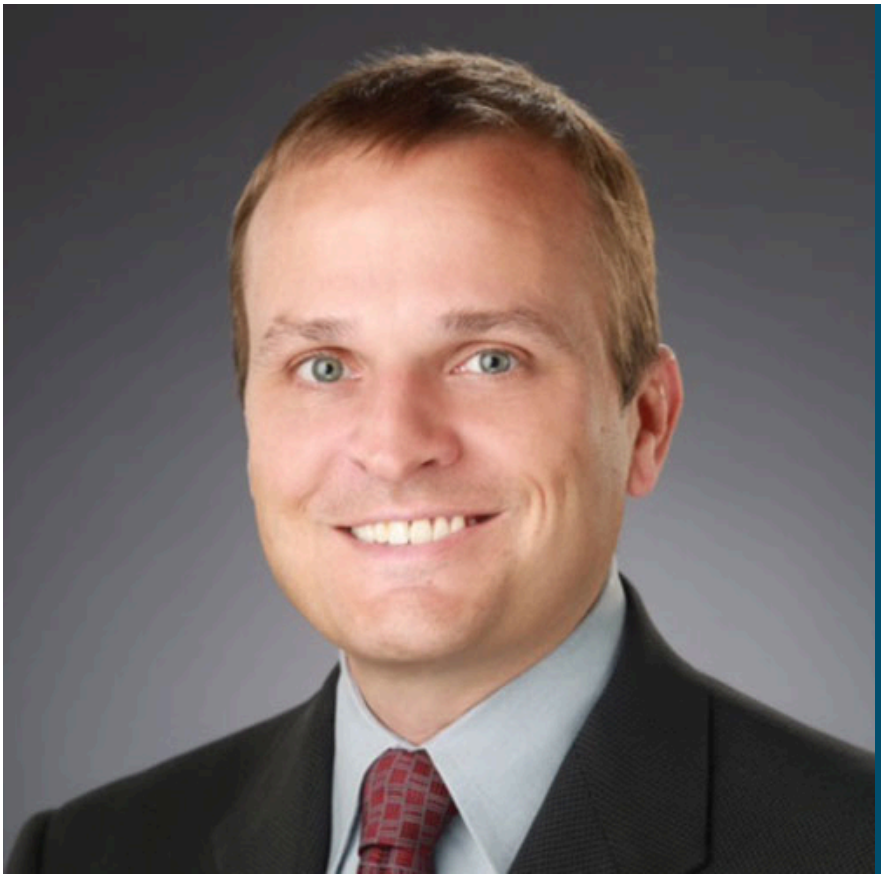
BANNER WITCOFF



Richard S. Stockton

Attorney
Chicago, IL
rstockton@bannerwitcoff.com
Main: 312.463.5000
Fax: 312.463.5001

Richard renders holistic intellectual property counseling, prosecution and litigation advice. Exemplary achievements include:

- Prosecuting hundreds of US utility patent applications and thousands of US design patent applications before >100 US Patent and Trademark Office (USPTO) examiners, and managing thousands of foreign counterparts in >100 jurisdictions and >140 countries
- Prosecuting and/or managing thousands of US trademark and copyright applications and their foreign counterparts
- Litigating dozens of patent, trademark and copyright actions and inter partes review proceedings as counsel of record, litigating numerous other IP actions, successful preliminary injunction and Markman hearings
- Drafting US Supreme Court amicus briefs regarding trade dress functionality and extraterritoriality of damages, serving as design patent expert witness

- Managing multiple IP portfolios with >1,000 properties, orchestrating the transfer of a >10,000 property portfolio and conducting large scale buyer/seller IP due diligence
- Drafting cease and desist letters and responses, rendering infringement/invalidity/unenforceability opinions, supervising infringement, invalidity, and counterfeiting investigations worldwide, prevailing in numerous domain name arbitrations, preparing licensing agreements and IP holding company transfers
- General labelling and compliance counseling (e.g., “Made in USA” standards, country of origin determinations)
- Advising on domestic and international IP policy issues and treaties, including eligible subject matter, sufficiency of disclosure, harmonization, the World Trade Organization’s Agreement on Trade-related Aspects of IP Rights, the Design Law Treaty and the Hague Conference on Private International Law’s Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

Richard’s areas of interest include:

- Multilateral IP rights protection and enforcement
- International IP issues, including extraterritoriality of US IP rights and remedies
- Design patents, trade dress and copyrights, including ornamentality, functionality and useful article defenses
- Historical antecedents of modern US IP law, including law and equity jurisprudence

Richard earned a Bachelor of Science degree in Electrical Engineering from the University of Illinois at Urbana-Champaign (UI). He then graduated from the UI College of Law cum laude, where he was the Editor-in-Chief of The University of Illinois Journal of Law, Technology & Policy, the Legislation Editor of the Illinois Law Update section of The Illinois Bar Journal and a founder of Modern Trends in Intellectual Property.

Bar Activities

- American Bar Association, Section of Intellectual Property Law (ABA)
  - Vice Chair, 2026-present; Council Member, 2023-present
  - Financial Officer, 2024-26; Financial Officer-Elect, 2023-24
  - Judicial Division Liaison from IPL Section, 2026-present; SDF Representative to ABA’s Subcommittee on Investments, 2026-present
  - Patents Division, Vice Chair, 2021-23
  - Standing International IP Task Force, Chair, 2021-23, Vice Chair, 2019-21

    - Patent Systems Policy Committee, Vice Chair, 2019-21
    - IP Section Leadership Award, 2019
    - Patent Litigation Committee, Chair, 2017-19, Vice-Chair 2013-17
    - Technology for the Litigator Committee (ABA Section of Litigation), Co-Chair, 2010-13, Newsletter Editor-in-Chief, 2006-10
- American Intellectual Property Law Association (AIPLA)
    - Board of Directors, 2025-present
    - Amicus Committee, 2020-25
    - Nominations Committee, 2022
    - International and Foreign Laws Committee, Co-Chair, 2018-20
    - Industrial Designs Committee, Chair, 2016-18, Vice-Chair, 2014-16
- International Trademark Association (INTA)
    - Designs Committee
        - Vice Chair, 2025-present
        - Chair, Designs Education and Resources Subcommittee, 2023-25
        - Member, Design Resources Review Subcommittee, 2022-23
        - Member, Trade Dress Task Force, 2022-23
    - Member, 2025 Annual Meeting Project Team
    - Representative, Riyadh Diplomatic Conference to Conclude and Adopt a Design Law Treaty, 2024
    - High Performing Committee Member, 2023
    - Saul Lefkowitz Moot Court Committee
        - National Chair, 2016-17, National Vice-Chair and Bench Memo Committee Chair, 2015-16, Project Team Member, 2013-present
        - Chicago Regional Competition Chair, 2013-15, Vice-Chair, 2011-13, Committee Member, 2006-present, Bailiff, 2000-06
        - Oral Argument Judge, Asia-Pacific Moot Court Competition (Singapore), 2019
- Intellectual Property Owners Association (IPO)
    - Industrial Designs Committee, Member, 2013-present
- ICANN IP Constituency, Banner Witcoff Primary Representative, 2016-19
- Member: ABA, AIPLA, INTA, IPO, Illinois State Bar Association, Intellectual Property Law Association of Chicago

Teaching Activities

- Adjunct Professor, IP Litigation Pretrial Skills (20 semesters)
  - Northwestern University (NU) School of Law, LITARB 614A, 2012-18, 2020-21, 2023-present
  - Georgetown University Law Center, LAWJ-293-07, 2004-11
- Guest Lecturer, Fundamentals of Legal Practice, UI College of Law, 2015-16, 2018-19
- Entrepreneurship Advisory Council, Lake Forest College, 2025-present
- Class Panelist: NU School of Law, UI College of Law, IIT Chicago-Kent College of Law, Loyola University Chicago School of Law, University of Michigan

Exemplary Presentations and Panels

- “Market Reality vs. Register Formality: The Protection of Unregistered Marks Across Jurisdictions,” AIPPI World Congress 2026 (Panelist) (Forthcoming)
- “Lessons from the Bench: Judicial Perspectives on Litigating and Trying Intellectual Property Cases,” Nat’l Conference of Federal Trial Judges and ABA IPL Section Joint Program, 2026 (Emcee)
- “Using the Hague System for Industrial Design Protection,” AIPLA Spring Meeting Workshop, 2026
- “Patent Fundamentals for Global IP Portfolio Management,” INTA Annual Meeting, 2026 (Panelist)
- “Destruction of Infringing Goods … How Did We Get Here and Now What?,” IPO Annual Meeting, 2025 (Moderator)
- “The IP Trifecta: How to Best Utilize Design Patents, Copyrights & Trade Dress to Protect Unique Products,” INTA Annual Meeting, 2025 (Moderator)
- US User Group Comments: GUI Design Patent Figures, ID5 Midterm Meeting, 2025 (Commenter)
- “Design Patent Titles,” Banner Witcoff-Sterne Kessler Design Symposium, 2024 (Panelist)
- “Trade Dress Rehearsal: Strategies to Perfect Your Trade Dress Practice,” Alt Legal Webinar, 2024 (Presenter)
- “The Design Law Treaty: Continued Steps Toward Harmonized Industrial Design Protection Worldwide,” USPTO Design Day, 2024 (Presenter and Moderator)
- “AI and Patents,” International Housewares Association CORE Group, 2024 (Presenter)
- “ACT CLR: A Hetronic Mnemonic for Extraterritoriality and Trademark Remedies,” Chicago Bar Association, 2023 (Presenter)

- “Novelty Test Assessment for Industrial Designs – Case Study,” Uganda IPO (URSB), 2023 (Presenter)
- “The Shot Heard ‘Round the Design World—and It’s Still Ricocheting: Curver, SurgiSil and now Columbia,” Banner Witcoff-Sterne Kessler Design Symposium, 2022 (Presenter)
- "Design Patent Claims Amendment, Reissue, Validity Challenges: Recent Court Treatment and USPTO Guidance," Strafford Webinar, 2021 (Panelist)
- “Emerging IP Abroad: Approaches to Protecting Computer Functionality and Designs Outside the United States,” AIPLA Virtual Spring Meeting, 2020 (Moderator)
- “Industrial Design Rights: Global Themes Distilled from Experiences in the United States,” IP Office of Singapore, 2019 (Presenter)
- “Enforcing Designs Under US Patent, Copyright, and Trademark Law” and “Apple v. Samsung: A Case Study,” IP Protection for Industrial Designs: An International Perspective, USPTO Global IP Academy, 2018 (Presenter)
- “Perspectives on IP Brinkmanship Between the United States and China in the Current Global Trade Environment,” ABA Annual Meeting, 2018 (Moderator)
- “Introduction to Design Litigation,” AIPLA Design Rights Boot Camp, 2018 (Presenter)
- “Defending Design Patent Litigations: If Something’s Amiss, Move to Dismiss,” Design Day, 2017 (Presenter)
- “The Wide World of Designs: Best Practices for the Procurement of Design Patents Across Borders and in the United States,” AIPLA Mid-Winter Institute, 2016 (Moderator)
- “Roundtable Event on the Written Description Requirement for Design Applications,” USPTO, 2014 (Public Speaker)
- “Design and Utility Patents, Trade Dress, and Copyright: How to Prosecute and Enforce Multiple Layers of IP Protection,” IPO Chat Channel, 2013 (Presenter)
- “Design Patent Functionality After Egyptian Goddess and Richardson: The Assumption of Claim Construction Dysfunction and Gumption,” AIPLA Spring Meeting, 2013 (Panelist)
- “Owens Poems and High Point Haikus,” Industrial Design Committee Meeting at AIPLA Annual Meeting, 2013 (Presenter)
- “Computer Fraud and Abuse Act,” Northwestern School of Law, 2013 (Panelist)
- “Shall I Complain or Abstain about a Domain,” Banner & Witcoff Corporate IP Seminar, 2012 (Presenter)
- New gTLD Overview, gTLD Opposition Overview, American Marketing Association Podcasts, 2011, 2012 (Host)

- “Designs in Recent Court Decisions,” Design Day, USPTO, 2010 (Panelist)

Exemplary Publications

- “Leveraging Amended Patent Law to Protect Design in China,” Law360 Expert Analysis, 2020
- “Hague Weighed: Should I Change My Design Filing Strategy?,” Inside Counsel, 2015
- “The Written Description Requirement in U.S. Design Patent Prosecution: Background and Recent Developments,” AIPLA Roundtable, 2014
- “Turkey Shoot: How Sam Keller’s Spat May Flower into a Multi-Billion Dollar War Against the NCAA and College Amateurism,” Intellectual Property Today, 2013
- “A Hague Accolade: U.S. Poised to Join an International Design Protection System,” IP Frontline and IP Law360, 2012-13
- “Grappling with Keywords in the Fourth Circuit,” IP Law360, 2011
- “USC’s Trojans Hit a Home Run in a Trademark Battle over ‘SC,’” B&W IP Update, 2010
- “The Patent and the Pendulum: The Oscillating Interface of Antitrust and Patent Law,” Prepared for the ABA Antitrust Section’s “Competition and Innovation in High-Tech Industries” Conference, 2002 (co-authored with Mark T. Banner)

University of Illinois Alumni Activities

- Chicago Illini Leadership Council, Chair, 2015-16, Member, 2014-20
- Athletic Board, Member, 2012-16; Athletic Director Search Committee, Member, 2015-16
- College of Law Board of Visitors, Member, 2005-11
- Campus Alumni Advisory Board, Member, 2006-12
- Mentor, law and engineering students
- Member: President’s Council, John E. Cribbet Society, UI Alumni Association Life Member

Richard also has governmental relations and policy experience. He has prepared draft legislation, and served as a legislative extern to the Illinois House of Representatives. Richard also interned in Congress, where he worked on legislation such as the Edible Oil Regulatory Reform Act, H.R. 436, later enacted as Pub. L. No. 104-55 and codified at 33 U.S.C. § 2720.

In Chicago, Richard served on the Roscoe Village Neighbors Board of Directors, and appeared with his daughter in Ballet Chicago’s The Nutcracker in 2017-19 and 2021. His other volunteer activities have included serving on the Chicago Public Schools Local School Council for Audubon Elementary School and the Champaign Liquor Advisory Commission, and volunteering as an instructor for Presidential Classroom for Young Americans in Washington, D.C.

Richard’s pro bono work has included representing Lincoln Park Zoo, Timeline Theatre, and Kilimanjaro Technology Foundation. He also assisted the Chicago-Kent Patent Hub, part of the USPTO Patent Pro Bono Program, from 2017-20. Richard enjoys hiking, skiing, travel, baseball and spending time with his three children. He has visited more than 90 countries.

Education

University of Illinois at Urbana-Champaign
1997, B.S., Electrical Engineering

University of Illinois College of Law
2000, J.D., *Cum Laude*

Admissions

Bar Admissions
2000, Illinois

Court Admissions
U.S. Court of Appeals for the Federal Circuit
U.S. District Court for the Central District of Illinois
U.S. District Court for the Northern District of Illinois
U.S. Supreme Court

Practices

Counseling, Opinions + Licensing
Design Patents

Litigation

Patent Prosecution

Trade Dress

Trademarks

Industries

Artificial Intelligence

Accolades

- "Patent Star" (2013-26) and "Trademark Star" (2019-26), Managing IP magazine
- The Best Lawyers in America®, 2025-26
- Leading trademark practitioner, World Trademark Review 1000, 2018-26
- "Illinois Super Lawyer," Super Lawyers, Thomson Reuters, 2026
- "Leading Lawyer," Leading Lawyers, a division of Law Bulletin Media, 2026
- Key trademark practice member, The Legal 500, 2018-20
- “40 Illinois Attorneys Under 40 to Watch,” Law Bulletin Publishing Co., 2015
- "Illinois Rising Star," Super Lawyers, Thomson Reuters, 2008-15
- "Emerging Lawyer," Leading Lawyers, a division of Law Bulletin Media, 2015

Recent News + Events + Related Publications

EVENT - 09.21.26

Banner Witcoff Attends The 2026 AIPLA Annual Meeting

EVENT - 09.08.26

Banner Witcoff Attends the 2026 IPO Annual Meeting

NEWS - 08.20.26

2027 Best Lawyers in America Recognizes Nine Banner Witcoff Attorneys

PRESS - 07.14.26

Banner Witcoff Included in MLex Roundup of Organizations Urging Ratification of the World Intellectual Property Organization's Riyadh Design Law Treaty

NEWS - 06.15.26

Banner Witcoff Submits Comments on the World Intellectual Property Organization Riyadh Design Law Treaty

EVENT - 06.01.26

Richard Stockton Presents at AIPLA Design Patent Law in Review

NEWS - 05.27.26

2026 Super Lawyers and Rising Stars Features 20 Banner Witcoff Attorneys

EVENT - 04.21.26

Banner Witcoff Attends 2026 INTA Annual Meeting

EVENT - 04.14.26

Determining Design Patent Validity Infringement

NEWS - 02.17.26

IP Alert | Range of Motion v. Armaid: Is the "Plainly Dissimilar" Assessment Plainly Distending?

PRESS - 01.28.26

WTR 1000 Names Banner Witcoff and Four Attorneys Among World's Leading Trademark Professionals

EVENT - 08.26.25

Destruction of Infringing Goods… How Did We Get Here and Now What?: Richard Stockton Moderates Panel at IPO Annual Meeting

NEWS - 08.21.25

Nine Banner Witcoff Attorneys Recognized by Best Lawyers® in 2026 in America

NEWS - 07.07.25

Banner Witcoff and 16 Shareholders Earn Top Marks in Managing IP's 2025 IP Stars

NEWS - 06.04.25

16 Banner Witcoff Attorneys Recognized in IP Stars 2025

NEWS - 06.02.25

AIPLA Nominates Richard Stockton for Board of Directors

EVENT - 05.06.25

Robert Katz and Richard Stockton Present at USPTO International Design Forum

NEWS - 01.30.25

2025 WTR 1000: The World's Leading Trademark Professionals Ranks Banner Witcoff and Four Attorneys

PRESS - 01.28.25

World Intellectual Property Review Quotes Richard Stockton on the International Riyadh Design Law Treaty Agreement

NEWS - 01.13.25

20 Banner Witcoff Attorneys Listed as 2025 Illinois Leading, Emerging Lawyers

PRESS - 12.02.24

World Trademark Review Quotes Richard Stockton on the International Riyadh Design Law Treaty Agreement

EVENT - 10.24.24

Design Law 2024: The Article of Manufacture

NEWS - 08.15.24

Banner Witcoff Attorneys Named to Best Lawyers in America Guide

NEWS - 06.04.24

IP Stars 2024 Recognizes 17 Banner Witcoff Attorneys

Featured, Non-news/events/press, general content etc. - 05.06.24

Richard Stockton Presents The Design Law Treaty: Continued Steps Toward Harmonized Industrial Design Protection Worldwide at Design Day 2024

NEWS - 02.09.24

World Trademark Review Ranks Banner Witcoff and Four Attorneys in 2024 WTR 1000: The World's Leading Trademark Professionals

NEWS - 01.19.24

2024 Illinois Super Lawyers and Rising Stars Features 15 Banner Witcoff Attorneys