

CHRIS RENK

Engineering a Successful IP Litigation Practice

by Maria Kantzavelos

When Christopher J. Renk was an engineer at work for a defense contractor in the mid 1980s, enmeshed in the intricacies of how to make wing skins for military aircraft lighter, he reached a conclusion that would change the course of his career.

“I realized pretty quickly that, as an engineer, you sometimes get pigeonholed,” Renk says. “You work on one particular project for years, in one specialty. And, as a result, I think you lose a little bit of your motivation. You don’t have the ability to avail yourself to exploring other technologies.”

That realization prompted Renk to head to law school, in pursuit of a career in the area of

attorney remained here, rising through the law firm ranks over more than the past two decades. At the firm, he has assumed such leadership roles as a member of the recruiting committee and of the board of directors, and as firm president for a two-year term. He is currently serving his second year of another three-year term on the firm’s board of directors.

Worrying, So the Client Doesn’t Have To

As an IP litigator, Renk likes to call himself “a professional problem solver and a professional worrier.”

“I solve problems that involve products of the mind,” he says. “Either they [my clients] are

benefits of their invention,” Renk says. “There’s a lot of value in intangible assets because they create jobs—they really do.

“Look at Google, look at the information access we have today. Information is really important. The Internet created jobs. There’s a lot of competition out there in the world, and if people create something that’s worthy of protection, they usually avail themselves of it.”

Renk’s cases have centered on lots of different products and processes, ranging from athletic footwear, golf clubs, motorcycle fuel injection systems, and computer software for Internet content delivery, to such medical devices as artificial hips, artificial knees and contact lenses.

“It’s a lot different than just focusing on airplane wing skins, which has been really good,” Renk says.

Currently, Renk says, he is representing Nike, Harley-Davidson, and Allstate in various cases involving products such as the Air Jordan 21 and 22 shoes, electronic fuel injection systems, and online marketing technologies.

In one of his first trials in the late 1980s, Renk was part of a team that prevailed in representing New York’s Bausch & Lomb. In that case, an inventor had claimed the company infringed its patent on the structure of contact lenses made for reading.

Renk says about 60 percent of his workload is on the defense side.

“What I tell clients right away is: All roads lead to trial,” he says. “But when you’re accused of infringement, the key is to find off-ramps.”

Definition of Success

Renk has seen many victories in the form of jury verdicts on behalf of his clients in cases like those involving contact lenses, athletic shoes, artificial hips and computer software. But there have been many cases where he has helped a client avoid trial by way of summary judgment.

For this intellectual property litigator who has long represented plaintiffs and defendants as lead and co-counsel in jury trials, bench trials and appeals, the definition of success is: “A happy client.”

“If you spend millions of dollars to get a result that your client thinks you could have obtained for \$50,000, I don’t think that’s success,” Renk says.

Perhaps Nike is among those happy clients. The major sportswear and equipment supplier has been one of Renk’s clients since 1996. In 1999 he spent six months there on a secondment from the Banner firm. Since then, Renk has been one of Nike’s primary outside IP litigation counsel.



intellectual property law—an area that would make good use of his engineering background, while satiating his appetite for a variety of different technologies.

Renk, 49, a principal shareholder at **Banner & Witcoff Ltd.**, found the right fit for him in a litigation practice that has long focused on cases involving patents, trademarks, copyrights, trade secrets, false advertising and unfair competition. Renk has been with the intellectual property firm in Chicago since he landed his first job there as an associate after graduating from University of Minnesota Law School in 1988.

Renk, who grew up in the small, Mississippi River town of Winona, Minnesota, first came to Chicago in 1987 for an internship at the firm.

“I thought I’d come for a summer and return home to Minnesota and practice in Minneapolis,” Renk recalls. “I had such a good experience working at the firm that I decided to come back.”

And the engineer-turned-intellectual property

accused of taking someone else’s idea, or others have taken their ideas. We try to solve problems consistent with peoples’ business objectives, primarily.

“On the worrier side, people hire you so that you can help them,” Renk says. “For the most part, I think the clients want to know that you’re worrying for them, that you’re paying attention to the things that bother them. A lot of times, worrying for them is telling them they don’t have to worry.”

The products of the mind that Renk deals with range from a catch phrase used in advertising, to something that is a secret product ingredient, to the way a product is developed or built.

“It’s really something that comes as a result of thought processes,” he says.

As an IP litigator, Renk says he enjoys having a hand in protecting rights that create jobs.

“If people invent something, then they should have the right to exclude others and reap the

"That's one where the partnering relationship is so important," Renk says. "They know I understand their business."

Indeed, says Karen Y. Spencer, senior counsel for Nike Golf, who has been working with Renk since her first day on her in-house law job there in 2000. "He's got a unique perspective on Nike, just from having sat in that chair for a while," Spencer says.

"The tensions between the business needs and what the outside counsel need for litigation and prosecution, and to be able to mediate between the two—it can be a delicate balancing act," Spencer says. "He's very cognizant of the different rhythms."

Rare Breed among Trial Lawyers

Spencer describes Renk as a litigator with a complete grasp of both the big picture and the details of a case, who is "very calm under pressure, manages his team really well, and manages the team to the strategy."

"In patent litigation, you may have things go on for a lot longer than you want them to go on," Spencer says. "We're always marching to the strategy of the case, and we're not going to deviate from that."

"The cross between understanding the business, understanding the need to commit on the strategy, and following the strategy is somewhat of a rare breed in the profession," Spencer says. "Trial lawyers will talk about being a partner with you in the business, and [Renk] really does it. He doesn't just speak it, he does it."

"He's willing to tell me when I'm wrong, even when I don't want to hear it. That's really important. That's what a real partner does."

Daniel Hanrahan, senior products counsel for Harley-Davidson Motor Company, is another of Renk's longtime clients.

"In litigation, you can decide to turn over every rock and go down a lot of paths that are not very fruitful," Hanrahan says. "Chris, in particular, and the people who report to him know how to run the litigation efficiently."

"You begin to build a trust with an attorney like Chris, because you know you don't have to babysit him—you could trust him to handle the litigation."

Hanrahan says Renk and his team use an efficient, but technical, style of managing litigation.

"When you're more technically adept, whether it's at the law or in the technology, you can be efficient because you know what you're looking for," Hanrahan says. "So you're more like an archeologist than a demolition crew. You can be pointed and direct in your search for information."

To boot, Hanrahan says, Renk's easygoing personality, coupled with a "no sugar coating" delivery of his take on a case makes it a pleasure to work with the lawyer.

"He has enough confidence to just tell you the truth about whatever case you're talking about," Hanrahan says. "Some attorneys are so afraid of

losing business that they just beat around the bush on a lot of stuff. [Confidence] permeates to the team [Renk] has created. They're just comfortable with themselves, and that makes a big difference."

So does Renk's "absence of an overinflated ego," Hanrahan says.

"He doesn't tell war stories like a lot of trial attorneys I know," Hanrahan says. "That gets just tiresome. A lot of attorneys want to tell you what great attorneys they are. Chris would rather just show you what a great attorney he is."

How the Real World Works

Actively involved in bar association activities, Renk is also co-author of the second edition of *Patent Trial Advocacy Casebook*, published by the American Bar Association and the National Institute for Trial Advocacy. The 2010 edition follows up his first such case book, which was published in 2005.

"It's basically a learning-by-doing book that's used in a handful of law schools," Renk says.

Renk, together with a fellow Banner & Witcoff shareholder, developed the book when the two taught patent trial practice courses in the early 1990s at Georgetown University Law Center. Renk taught at Georgetown for 10 years, he says, rising on Friday mornings during spring semesters to catch a flight to Washington for the course, and returning to Chicago the same night.

Renk started teaching the same patent trial practice course, Patent Litigation II: Trial Simulation, this year at Northwestern University Law School. Teaching, he says, is a way for him to give back and to help people at the outset.

"I like the opportunity to help people understand how the real world works," Renk says.

There's also something in it for the teacher.

"Students make you think about issues critically, in a different way than how you think about it in practice," he says. "It opens your horizons to think about issues in ways that, maybe, you closed your mind off to. You get to look at issues in more multidimensional ways than you may have been looking at them in recent years. It opens your mind a little bit."

In addition to the casebook, Renk is a contributing author of several editions of *Patent Litigation Strategies Handbook*, published by the Bureau of National Affairs and American Bar Association, and of *Patent Litigation*, published by the Practising Law Institute Press. He is also a frequent speaker at bar association events on various intellectual property issues.

Christopher V. Carani, a partner in the competing, intellectual property law firm of McAndrews, Held & Malloy Ltd. in Chicago, has sat on discussion panels with Renk. He says Renk is a patent attorney with a unique combination of knowledge and skills.

"He has a deep knowledge of the issues because he not only knows what he's talking about on the prosecution side—the procurement of a patent—but also with respect to litigation,"

Carani says. "Most attorneys just focus on one or the other area. He has a firm and solid understanding of both of those areas."

Giving Lawyers a Good Rap

Fellow Banner & Witcoff shareholder, Erik S. Maurer, has worked with Renk on cases for about a decade.

"One of the biggest things about Chris is that he has an amazing ability to synthesize complex issues and articulate the key points," Maurer says. "That's a great skill to have as a litigator. But, from what I've seen, it also really has client benefits."

"Chris has a real ability to grasp the business issues and to understand that businesses have all sorts of pushes or pulls that may influence litigation," Maurer says. "Chris' ability to really identify and synthesize issues quickly and succinctly is exceptional."

What's it like to work on the same side with Renk?

"It's challenging," Maurer says. "He anticipates issues and tends to be a couple steps ahead of most other people."

Working on a team with Renk, Maurer says, "has pushed me to be a better attorney."

"He has incredibly high expectations of himself," Maurer says. "It's a very high bar. He works at a level that I think is above where most other people are working. He has high standards."

Maurer teaches the patent trial practice course along with Renk at Northwestern.

"I think the students are lucky to have somebody like Chris, who's willing to donate his time," Maurer said. "He brings amazing depth of experience. But he does have a good sense of humor, and he also brings in ethical issues."

Maurer says his law firm partner and teaching partner also gives lawyers, at large, a good rap.

"There are a lot of litigators out there who kind of give the rest of us a bad reputation," Maurer says. "Chris is one of those out there giving litigators a better reputation, in the way he carries himself and conducts himself in the course of a litigation."

"He deals with people honestly and fairly, whether that's a brand new lawyer, a student, opposing counsel, judges—you name it," Maurer says. "There's not a lot of gamesmanship and bickering. Instead, it's focusing on the particularly salient issues and the key points that are going to advance an issue."

When he's not working, Renk enjoys traveling with his wife, Frances. The couple is also into fitness, and Renk says he makes it a point to put in 20 to 40 miles of running each week.

After more than two decades in a practice area he has found fulfilling, in large part because of its versatility, Renk offers some lessons learned along the way.

"You just have to work hard and play by the rules," Renk says. "If you play by the rules, treat people well, and you're civil, I think that's the way to get to objective truth and justice." ■