

Influential Women In IP Law: Teresa Stanek Rea

By Jess Davis

Law360, Dallas (October 27, 2014, 9:28 PM ET) --

A Crowell & Moring LLP partner who led the U.S. Patent and Trademark Office during the implementation of the America Invents Act, Teresa Stanek Rea helped shepherd in a new era of patent regulations, making her one of Law360's Influential Women In IP Law.

Rea, better known as Terry, left Crowell & Moring in 2011 to join the PTO as its deputy director just 10 days before the House passed its version of the America Invents Act, and she spent her tenure at the PTO negotiating, drafting and implementing the landmark patent law before leaving the agency in 2013 as its acting director.

She returned to private practice at Crowell in November 2013 as a partner and a director with its affiliate consulting firm C&M International Ltd., and she continues to play an active role in international patent policy.

David Kappos, now a partner at Cravath Swaine & Moore LLP, was director of the USPTO during Rea's tenure as deputy. He calls her his partner in devising the PTO policies and practices that put the AIA into place and says Rea was the leader in designing and implementing the "hugely successful" Patent Trial and Appeal Board.

Rea always displayed a masterful understanding of patent issues and how they affected stakeholders across the spectrum, Kappos says, and she knew how to connect with the diverse groups that had a role in developing the AIA.

"What makes Terry special is it's not about training on any specific issue — something you can read about in a book, or what you can do to win a case in an adversarial context where you have practically an infinite amount of time to get ready on a very specific set of facts and laws," Kappos says. "Being the face of the American innovation system to wide-ranging groups is something that you do because you've developed a very different unique set of skills, and that you do well if you've developed those skills to the highest level."

At the PTO, Rea was an international advocate for U.S. intellectual property protections, including working with China on revisions to its Patent Law and creating two international treaties in conjunction with the World Intellectual Property Organization.



Terry Rea

While the AIA was being debated on the floor of the U.S. House, Kappos called Rea last-minute to take his place at a meeting of the IP5 heads of office in Tokyo. When he was added to the meeting through a conference call, he says it became clear to him within seconds that Rea — a deputy director and the lone woman in the group — was leading the meeting.

“While you can find any number of great litigators who can talk about their trial advocacy skills, I challenge you to find anyone anywhere with Terry’s international diplomacy skills,” Kappos says, calling her a tremendous advocate for U.S. interests.

With an undergraduate degree in pharmacy from the University of Michigan, Rea always liked science, but she had a lingering love of English that made her consider law school.

As a hospital pharmacist, Rea spent her nights studying law at Detroit’s Wayne State University and thought she would practice in the health care field. It was a patent, trademark, copyright and trade secrets class — the term “intellectual property” hadn’t yet been coined — from professor Martin J. Adelman that showed her she could still use her background in hard sciences, kickstarting her patent career.

After graduating in 1980, Rea worked in-house for Ethyl Corp. in Ferndale, Michigan, and Baton Rouge, Louisiana, before moving to Washington, D.C., with her husband and entering private practice at Burns Doane Swecker & Mathis LLP. Just as she started at the firm, Congress passed the Hatch-Waxman Act, which created a statutory generic-drug approval process and established new protection for brand-name drugs. With her background in pharmacy, the new law opened doors for great opportunities right off the bat, she says.

Rea says she was surprised to find out how much she liked the independence of law firms after working in the corporate sector. She quickly joined the firm’s hiring committee and became an equity partner in 1990, and she chaired its IP committee and chemical practice committee. After the firm was acquired by Buchanan Ingersoll —now Buchanan Ingersoll & Rooney PC — in 2005, she served as one of three leaders of the entire IP group.

“Early on in my career, I actually was oblivious to any kind of a glass ceiling,” Rea says.

Don Keach, director of intellectual property development at the University of Kentucky, has worked with Rea for 30 years in patent prosecutions. She handles the patent prosecutions for the university’s pharmacy school, and her ability to speak the pharmaceutical language impressed university administrators from the start, he says.

Keach also says Rea is one of the most personable attorneys he’s worked with. The two have met in person only one time, but they talk often on the phone, and he says even when she was working at the PTO he got a call from Rea checking in on how the university was doing.

Rea’s pharmacy background was also an asset at the PTO during meetings about the AIA and patent litigation, as she was consistently the person to put her hand up and point out how a given issue would affect the pharmaceutical industry, Kappos says. He says she was the person in the room who always ensured others without a pharmaceutical background could understand how the issues they were dealing with affected the pharmaceutical industry.

“An important role Terry played was as the guardian of the understanding of that sector and showing a

deep appreciation of the way even apparently tangential decisions or apparently unrelated decisions actually related to the pharmaceutical sector,” he says.

Rea says she joined the PTO out of a desire to give back.

Her appointment came after about six years of actively working to try to reform the patent system through her roles as the former president of the American Intellectual Property Law Association and leading several other IP law associations, and she says she was jaded about when the changes might actually take place. But she found herself in the right place at the right time as patent reform legislation advanced, and her background in policy enabled her to hit the ground running and work with Kappos to tailor the legislation and follow up the bill with what she says was a “herculean effort” to write new regulations in just a year.

“I was fortunate,” Rea says. “I didn’t plan on being at the PTO at that exact moment in time, it just ended up being an amazing time. I think most of the user community thinks what happened was very good. They are looking at further rule-making changes to make it even better, but we gave it good backbones, and a good skeleton that can be tweaked as needs arise.”

When Rea returned to the private sector, she looked at a number of firms and corporations, but says she ultimately returned to Crowell both because it was both a comfortable place to restart her practice and because it enabled her to continue working in international policy as a director with C&M, an international trade and investment consulting firm affiliated with the law firm and located in the same building.

Rea has also been an advocate for women’s interests in the IP field and is a role model and mentor to many young lawyers. When she was the membership chair of the AIPLA, she started a Women in IP Law committee that became a vibrant group where women could gather and get more confidence.

She says that as her legal career began in the 1980s, women were starting to play a leading role in corporate intellectual property departments, and she found women in corporations who felt very comfortable working in biotechnology with other women. She says she hopes her efforts have helped pave the way for younger female IP professionals and is encouraged by the “sky’s the limit” mentality she sees in today’s generation of women.

And she says she’s most proud of the success of her daughters, all of whom share her love of technology — two are chemical engineers and one is a biomedical engineer.

Rea says she never felt hampered by her gender, noting everybody has had impediments to moving forward in their career at one time or another. Her focus has been trying to do a good job and do what makes her happy, she says.

“The way I look at it is you’re competing more with yourself than with others irrespective if you’re at a corporation or law firm,” Rea says. “It’s a pretty cool field and the more you immerse yourself in it, it gets better and better all the time. It’s easy to wake up in the morning and go to work because it’s something that’s interesting. Some of the problems clients have can be overwhelming, but the ability to work through them gives you a high degree of satisfaction. If you go in with a positive expectation that you’ll work hard, the opportunities are there.”

--Editing by Jeremy Barker and Chris Yates. All Content © 2003-2014, Portfolio Media, Inc.