

Thomas Reichert

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RESEARCH

Intellectual Property · Empirical Legal Studies
Computational Law · Trademark Law
Multifactor Tests

TEACHING

Intellectual Property · Contracts · Property
Business Organizations · Commercial Law
Law and Technology

Research Agenda

My research asks which findings explain judicial decisions under multifactor legal tests. I study trademark confusion at the Trademark Trial and Appeal Board and in federal courts using computational and empirical methods. I examine what the findings mean for legal rules, litigation, and the division of decisions between judges and juries. My current research also addresses copyright fair use and patent remedies.

Published and Forthcoming Scholarship

Doctrine, Data, and the Death of DuPont: An Empirical Analysis of Trademark Confusion at the TTAB

Thomas Reichert · 36 Fordham Intellectual Property, Media & Entertainment Law Journal 678 (2026) · [SSRN](#)

What the DuPont Factors Actually Do: A Large-Scale Empirical Study of Trademark Confusion at the TTAB

Thomas Reichert · Journal of Empirical Legal Studies (forthcoming 2027) · [SSRN](#)
Accepted for publication; awaiting production at Wiley.

The Missing Jury: Fact, Law, and Who Actually Decides Trademark Confusion

Thomas A. Reichert · 2026 U. Ill. L. Rev. Online 64 (2026) · [SSRN](#) · [Published version](#)
Responding to the Supreme Court's June 29, 2026 grant of certiorari in *RiseandShine Corp. v. PepsiCo, Inc.*, No. 24-1016.

On Confusion: A Restatement of Trademark's Likelihood-of-Confusion Test

Thomas Reichert · 67 IDEA (forthcoming 2027) · [SSRN](#)

Working Papers

Factors and Fictions: The Empirical Collapse of the Likelihood-of-Confusion Test Across the Federal Courts

Thomas Reichert · Working paper (2026) · [SSRN](#)

The Anatomy of Confusion: A Statistical Dissection of the Multifactor Test

Thomas Reichert · Working paper (2026) · [SSRN](#)

Works in Progress

Multifactor Mythology: The Fiction of Holistic Adjudication

Examines multifactor collapse across nine doctrinal domains and asks whether the legal fiction of holistic balancing can justify its costs.

Amicus Briefs

Brief of Amicus Curiae Thomas A. Reichert in Support of Neither Party

RiseandShine Corp. v. PepsiCo, Inc., No. 24-1016 (U.S. filed July 20, 2026). Sole author; Sheila J. Simon, counsel of record.

Digital Scholarship

The Fair Use Database

Thomas A. Reichert, *The Fair Use Database* (2026), <https://thefairusedatabase.com>

A free public research database of U.S. judicial opinions addressing copyright fair use, with sub-factor coding, pin-cited quotations, and published reliability statistics.

Coverage: A verified superset of the Beebe (2008) and UCI Fair Use Jurisprudence Project corpora.

Tools: Includes Folsom, a grounded research assistant that answers only from citable corpus evidence.
Sole creator and maintainer.

Selected Commentary

The Board Changes Its Mind Without Changing the Record: Factor Six After Apex Bank

Thomas A. Reichert · *The TTABlog* (Aug. 14, 2026).

Invited guest post.

Examines the Board's reversal on DuPont factor six following the Federal Circuit's remand in *Apex Bank v. CC Serve Corp.*, where the outcome changed without any addition to the evidentiary record.

Patent and Innovation

Federal Circuit Evaluation Tool

U.S. Provisional Patent Application No. 63/878,098 (filed Sept. 8, 2025).

Selected Scholarly Recognition and Media

SCHOLARLY RECOGNITION

Scholarly Impact

Citation: Fordham article cited in the Dec. 17, 2025 petition for certiorari in *World Champ Tech, LLC v. Peloton Interactive, Inc.*, No. 25-736 (cert. denied Feb. 23, 2026).

SSRN: Named to Top Downloads lists, including Intellectual Property: Empirical Studies.

SELECTED MEDIA COVERAGE

The Fashion Law

Julie Zerbo, *Is Trademark Law Keeping Pace With Modern Brands?*
May 13, 2026.

MLex

Nick Robertson, *Only 2 of 13 DuPont Factors Decide Nearly All US TTAB Cases, Research Suggests.*
Jan. 9, 2026.

Rebecca Tushnet's 43(B)log

Doctrine, Data, and the Death of DuPont.
Dec. 15, 2025.

World Trademark Review

Tim Lince, *Study Finds DuPont Test 'Collapses' to Two Core Factors.*
Dec. 11, 2025.

SIU News

SIU Simmons Law School Increases First-Time Bar Exam Passage Rates.
Oct. 14, 2025 (featured photo).

SIU News

SIU Simmons Law School Sees 25% Increase in First-Year Students This Fall.
Sept. 18, 2025 (featured photo).

Presentations and Invited Programs

FORTHCOMING

DuPont's Abrupt AI Obituary: Are There Only Two Likelihood of Confusion Factors Left to Balance?

Panelist, Midwest IP Institute, Minnesota Continuing Legal Education, Minneapolis, MN.
Sept. 25, 2026 (forthcoming).

The Missing Jury: Who Decides Trademark Confusion?

Scholars in Conversation, Southern Illinois University Simmons Law School, Carbondale, IL.
Sept. 30, 2026 (forthcoming).

Sports Law Debate

Participant, Federalist Society, Southern Illinois University Simmons Law School, Carbondale, IL.
Nov. 4, 2026 (forthcoming).

COMPLETED

Factors and Fictions: The Empirical Collapse of the Likelihood-of-Confusion Test Across the Federal Courts

Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA.
Aug. 6–7, 2026.

Factors and Fictions: The Empirical Collapse of the Likelihood-of-Confusion Test Across the Federal Courts

New Scholars Program, Southeastern Association of Law Schools Annual Conference, Amelia Island, FL.
July 27, 2026.

Factors and Fictions: The Empirical Collapse of the Likelihood-of-Confusion Test Across the Federal Courts

Chicagoland Summer IP Workshop, Northwestern Pritzker School of Law, Chicago, IL.
June 24, 2026.

Multifactor Mythology: What If Most Factors in Balancing Tests Don't Matter?

Virtual CLE, Southern Illinois University Simmons Law School.
Apr. 27, 2026.

Rethinking Likelihood of Confusion: Data-Driven Insights for TTAB Practice

Kansas City IP Symposium, Lawyers Association of Kansas City, Kansas City, MO.
Apr. 23, 2026.

Multifactor Mythology: What If Most Factors in Balancing Tests Don't Matter?

CLE Presentation, Jackson County Bar Association, Carbondale, IL.
Apr. 16, 2026.

Cryptocurrency and the Law

Invited Speaker, Blockchain and Economics Club, Southern Illinois University, Carbondale, IL.
Apr. 2, 2026.

Doctrine, Data, and the Death of DuPont

Chicagoland Junior Scholars Conference, Loyola University Chicago 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.

Academic Appointments

Southern Illinois University Simmons Law School

Aug. 2025–Present

Assistant Professor of Law, Carbondale, Illinois

Courses: Business Organizations (Fall 2025; Fall 2026); Contracts I (Fall 2025); Contracts II (Spring 2026); Property I (Fall 2026); Property II (Spring 2027 scheduled); Intellectual Property (Spring 2027 scheduled).

Service: Faculty Advisor, Intellectual Property Law Society; Appointments Committee (Fall 2025; reappointed 2026–27); Faculty Development Committee (2026–27); Chair, Ad Hoc AI Committee (Sept. 2026–Present).

Southern Illinois University College of Business and Analytics

Aug. 2024–Aug. 2025

Assistant Professor of Practice, Carbondale, Illinois

Appointments: Online MBA Program (Aug. 2024–Aug. 2025) and Department of Management, Marketing, and Analytics (concurrent appointment, Aug. 2024–Aug. 2025); appointment overlapped with private practice through Nov. 2024.

Courses: Business Law (Fall 2024; Spring 2025); Legal and Social Environment of Business (Fall 2024; Spring and Summer 2025); Advanced Corporate Finance (Spring 2025).

Teaching Effectiveness and Contributions

Student Evaluations

Course scores: Contracts I, 4.83/5 (Fall 2025); Business Organizations, 4.93/5 (Fall 2025); Contracts II, 4.77/5 (Spring 2026).

Comparative result: Each score was above the law-school comparison; all 12 Spring 2026 instructor measures were classified Much Higher.

Course Design and Mentoring

Designed full course materials, assessments, and formative writing exercises across Contracts I, Contracts II, and Business Organizations; created an AI-assisted contract-drafting exercise integrating large language models into doctrinal instruction; provided individualized student mentoring and supervised teaching and research assistants.

Education

Southern Illinois University School of Law

May 2018

Juris Doctor, cum laude; GPA 3.61/4.0, Carbondale, Illinois

Southern Illinois University College of Business and Analytics

May 2018

Master of Business Administration, cum laude; GPA 3.89/4.0, Carbondale, Illinois

Southern Illinois University College of Engineering

Dec. 2013

Master of Engineering, Civil and Environmental Engineering; GPA 3.3/4.0, Carbondale, Illinois

Southern Illinois University College of Engineering

May 2012

Bachelor of Science, Civil and Environmental Engineering, Carbondale, Illinois

Legal Experience

Bookoff McAndrews PLLC

Jan. 2023–Nov. 2024

Patent Attorney, Washington, D.C. (remote)

Patent prosecution: Prosecuted U.S. and international patent portfolios involving machine learning, artificial intelligence, medical systems, software, and mechanical technologies.

Counseling: Advised engineers, inventors, and client counsel on patentability, risk, portfolio strategy, and innovation harvesting.

Portfolio management: Managed office-action responses, examiner interviews, appeals, information-disclosure statements, and coordination with foreign counsel.

Kutak Rock LLP

Dec. 2018–Nov. 2022

Intellectual Property Attorney, Kansas City, Missouri

Patent practice: Drafted and prosecuted patent applications covering mechanical systems, industrial equipment, software, artificial intelligence, medical devices, design patents, and consumer electronics.

Trademark practice: Provided global trademark prosecution, enforcement, clearance, brand-management, and dispute-resolution counsel to startups and multinational corporations.

Transactions and enforcement: Drafted and negotiated intellectual-property licenses, development agreements, and related commercial contracts; managed U.S. and foreign trademark dockets and online enforcement programs.

Academic, Professional, and Community Service

CONTINUING ACADEMIC SERVICE

Chair, Ad Hoc AI Committee

Southern Illinois University Simmons Law School.

Sept. 2026–Present.

Member, Faculty Development Committee

Southern Illinois University Simmons Law School.

2026–27.

Steering Committee Representative

Southeastern Association of Law Schools.

July 10, 2026.

Appointments Committee

Southern Illinois University Simmons Law School.

Fall 2025; reappointed 2026–27; participated in search resulting in three faculty hires.

Faculty Advisor

Intellectual Property Law Society, Southern Illinois University Simmons Law School.

Aug. 2025–present.

Faculty Advisor, Student Note

Nicholas Bollinger, Southern Illinois Law Journal.

2026–27.

INSTITUTIONAL REVIEWS

Reviewer, NTT/Adjunct Faculty Applicant Pool

Southern Illinois University Simmons Law School.

Advanced 16 candidates for interview consideration (June 2026).

Neutral Party, Honor Code Matter

Southern Illinois University Simmons Law School.

Jan.–Feb. 2026.

PEER REVIEW

Peer Referee

Jurimetrics; empirical trademark-strength manuscript.
Submitted Apr. 29, 2026.

ACADEMIC JUDGING

Judge

Lawyering Skills II oral arguments.
Approximately 20 arguments (Apr. 2026).

Guest Judge

Moot Court Mardi Gras Competition Team practice round.
Apr. 15, 2026.

PROFESSIONAL AND COMMUNITY PROGRAMS

Panelist

Big Law Information and Recruitment Program, Southern Illinois University Simmons Law School.
Mar. 18, 2026.

Judge

Illinois Junior Academy of Science Region 8 Fair; State Fair.
Region 8 Fair (Feb. 2023, 2024, 2025, 2026); State Fair (Apr. 2023).

Facilitator and Simulation Author

SIU JD/MD Interdisciplinary Professionalism Day.
Sept. 5, 2025.

Presenter

SIU Law Intellectual Property Society Panel.
Oct. 2024.

Selected Awards, Research Support, and Honors

RESEARCH SUPPORT

Summer Research Appointment (\$10,000)

Southern Illinois University Simmons Law School.
June 1–30, 2026.

ACADEMIC HONORS

CALI Excellence for the Future Awards

Courses: Trademarks and Unfair Competition (Fall 2017); Patent Law (Spring 2017).

Top of Class (4.0)

Courses: Trusts and Estates (Spring 2018); Civil Procedure I (Spring 2016); Contracts I (Fall 2015).

Full-Tuition Scholarship

Southern Illinois University School of Law.
Aug. 2015–May 2018.

Consumer Protection Scholarship

April 2018.

Ronald E. Osman Endowed Scholarship

Spring 2016.

Dean's List

Law: Fall 2015, Spring and Fall 2016, Spring 2017, Spring 2018.

Business: Fall 2016, Spring 2017, Spring 2018; **Engineering:** Fall 2008, Spring 2009, Spring 2012.

Prior Teaching Experience

Southern Illinois University School of Law

Aug. 2016–May 2018

Teaching Assistant, Legal Research and Writing, Carbondale, Illinois

Mentored 1L students in legal research, writing, and analysis; facilitated supplemental instruction and individualized feedback.

Southern Illinois University College of Business and Analytics

Aug. 2016–May 2018

Graduate Assistant, Management Department, Carbondale, Illinois

Supported undergraduate business-law instruction and course materials.

Southern Illinois University College of Engineering

Aug. 2012–Dec. 2013

Graduate Teaching Assistant, Civil and Environmental Engineering, Carbondale, Illinois

Taught laboratory sections and graded undergraduate engineering coursework.

Bar Admissions and Affiliations

ADMISSIONS

United States Patent and Trademark Office

Patent Practitioner, Registration No. 77,326 (2018–present).

Illinois State Bar

Attorney Registration No. 6343575 (2023–present).

The Missouri Bar

Attorney Registration No. 71135 (2018–present).

FORMER PROFESSIONAL AFFILIATIONS

Kansas City Metropolitan Bar Association

Member (Jan. 2018–Dec. 2022).

American Intellectual Property Law Association

Member (2015–2019).

Accellerent KC

Member (2019–Dec. 2022).

Intellectual Property Society (SIU Law)

Member (Aug. 2015–May 2018); Treasurer (2015).