

# isotag

Integrity, Leadership, Results



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OCU LAW Alumnus Mark Weintrub, '86, is at the forefront of emerging technologies used in the fight against terrorism and brand compromise.

# Pushing the Envelope

## New Technology Provides Authenticated Chain of Custody

**TODAY** the fight against terrorism makes a stop in a newly built, 23,000 square foot office building in Addison, Texas. Behind the doors of Isotag Technology, Inc., state-of-the-art laboratories and production facilities produce molecular markers that can indisputably identify and track virtually any product.

At the forefront of this breaking technology is OCU LAW Alumnus Mark Weintrub, '86. Weintrub serves as general counsel, vice president of administration and secretary of this emerging company.

Isotag produces invisible, tamper-proof markers by identifying and utilizing stable isotopes (two or more atoms having the same atomic number). Utilizing these stable isotopes, a unique marker is created. This Isotag® marker is a mass-enhanced molecule that exploits a unique component of the product's natural chemical signa-

ture for custody determination.

Isotag's markers are applied to products, becoming an integral component that cannot be removed or altered without damaging the product. "In essence, we are applying a 'fingerprint' to products," explained Weintrub. Employing proprietary laboratory techniques, a product can be checked for these "fingerprints" to confirm authenticity and track ownership.

"Because the Isotag® marker is irrefutable, it is admissible in a court of law as a result of our analytical chain of custody," said Weintrub.

After the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Isotag became heavily involved in the tagging of fertilizers. Isotag's molecular markers provide traceability for fertilizers and all explosives. Weintrub explained, "Tracking products to which our markers have been applied is so sophisticated that we

have the ability to trace the origins of a bomb that has exploded by analyzing the ash."

The applications of this technology in the fight against terrorism have put a spotlight on this Texas company. However, it is brand integrity and counterfeit protection that have accounted for the tremendous growth of Isotag.

"Originally our product was used in the oil and gas industry. Seven of the largest oil and gas companies in the world tag their gasoline sold at retail pumps. Our markers not only authenticate the gasoline, they can also be used to monitor purity," said Weintrub.

This traceability is used to monitor and prevent franchise owners from selling non-brand gasoline or mixing cheaper gasoline in with the brand gasoline. When tampering has been suspected and then proven by identifying the levels of brand concentration,

the oil company has been successful in taking away the franchise without resorting to litigation.

In the fight against counterfeiting, Isotag employs technology that adds an invisible, fluorescent marker to its product mix. Unlike the molecular markers, which have to be checked in a lab, these fluorescent markers can be checked in the field. “Although fluorescent markers do not provide the same irrefutable chain of custody as molecular markers, they are an immediate way to determine if a product is a counterfeit,” said Weintrub. “According to the International Anti-Counterfeiting Association, counterfeiting costs approximately \$1 trillion annually worldwide and nearly \$200 billion in the United States.”

Due to global applications of Isotag’s various technologies, Weintrub is involved in a worldwide patent strategy, which includes maintaining the company’s 26 core patents and nearly 80 counterparts. Weintrub also oversees work of outside counsel responsible for obtaining the original U.S. patents and subsequent patents in foreign countries.

Weintrub joined Isotag in October 2001 after consulting for the privately held company for several months. At the time he joined the company, Weintrub was charged with establishing the legal and human resources departments.

His diverse responsibilities for the company’s legal, investor relations, administrative and human resource functions include direct working relationships and negotiations with customers in business development.

The path that brought Weintrub to this point in his career began in Missouri. Born and raised in St. Louis, Weintrub had from a young age told his mother that he was going to be a lawyer. When he left home to attend college, he stayed close by matriculating at the University of Missouri in Columbia. He pursued and earned a

bachelor of science in business administration degree.

After taking the LSAT, he applied to the University of Missouri’s law school, but then began to have second thoughts. It occurred to him that if he stayed in Columbia, he would probably never leave Missouri. He knew about OCU School of Law through a St. Louis acquaintance and decided to apply.

It was a fortuitous decision. Weintrub remembers with fondness the classes he took at OCU School of Law. “I have memories of good professors, especially my first year professors. And because of my career path, the classes I took with professors

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Dillon and Harrell stand out in my memory.

“The turn of events shape your life. I met my wife Linda during my second year. She was a pharmacy student at the University of Oklahoma Health Sciences Center,” said Weintrub. The couple married just after Weintrub’s law school graduation. “My wife graduated before I did and had already secured a position in Oklahoma City. In the fall of my third year, I accepted a position with the Oklahoma City firm of Linn & Neville (formerly Linn & Helms).”

At Linn & Neville, Weintrub worked in the business section. “I thought I was going to be a business lawyer, but you go to where the work is.” By 1986, the firm was heavily involved in litigation. During his second year of practice, Weintrub independently handled a multi-million dollar land contamination case defending independent oil and gas companies over a 2-year period to successful settlement.

After four years with the firm, Weintrub and his wife decided to relocate to a larger metro area. With many of the couple’s good friends living in Dallas, it was the natural choice. In Dallas, Weintrub joined the firm of Riddle & Brown (now Middleberg, Riddle & Gianna).

As a litigation associate, Weintrub represented financial institutions and mortgage banking concerns in commercial litigation, secured transactions, deceptive trade practices, contractual disputes and bankruptcy litigation matters.

It was also while at Riddle & Brown that Weintrub became interested in professional mediation. He mediated more than 100 disputes to resolution in cases involving complex business litigation, tort and contractual disputes, environmental/regulatory disputes, and fraud and employment law. He participated in alternative dispute resolution demonstrations and presentations to numerous organizations.

During this time, Weintrub also worked as coordinating outside counsel for several national firms, monitoring and overseeing litigation. He enjoyed learning about the client’s business. “A friend suggested that I talk to the general counsel of Eljer Industries. They had no legal department and the general counsel was trying to help the company out of some liquidity problems.”

Weintrub was hired by Eljer to establish a corporate legal department. As corporate counsel, Weintrub was heavily involved in operations. “I traveled



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to every facility during the first year and became the in-house counsel for all 12 facilities in the United States, Canada and Mexico.”

Responsible for all employment-related disputes and litigation claims, Weintrub developed expertise in OSHA regulations, employment/labor practice, wrongful termination, sexual harassment, discriminatory practices, EEOC compliance and labor union collective bargaining.

Through the years he became the company's “go to guy” in all matters of human resource disputes. He created and implemented programs to use alternative dispute resolution procedures to reduce legal fees and settlement costs and to minimize corporate liability in employment law cases.

Following a series of buyouts, Weintrub had the opportunity to become the general counsel and secretary for Ultrak, Inc., manufacturer and seller of electronic and technology products. As he had at Eljer, Weintrub set-up Ultrak's first in-house legal department.

Ultrak presented new challenges for Weintrub. The public company had employees in various U.S. locations and in 14 international markets including England, France, Germany, Italy, Belgium, Singapore, Australia and South Africa. Weintrub was heavily involved in SEC and public company issues as well as issues of international trade, including mergers and acquisitions, contracts, labor, and managing intellectual property for a global business.

The management team for Ultrak left when the company was in the process of being sold. Weintrub stayed during

this transition period, but soon was asked by Isotag to serve as a legal consultant. Following several months of consulting for the company, Weintrub was brought on board as general counsel, vice president of administration and secretary.

Again Weintrub set-up an in-house legal department. With the expertise gained from his work with Ultrak, Weintrub also set-up Isotag's human resources department.

Today the primary focus of Weintrub's work is in managing the company's large patent portfolio, intellectual property issues, and administering human resources. He enjoys the challenges of serving as general counsel for this progressive company.

When not at the office, you'll find Weintrub spending time with his wife and two children, 11-year-old son Matthew, and 10-year-old daughter Leah. ■