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Areas of Practice

- China
- Copyright
- Intellectual Property
- International IP Policy
- International Trade & Investment
- International Trade Policy & Negotiations
- IP Licensing
- IP Litigation
- Patent
- Patent Litigation
- Patent: Chemistry
- Patent: Pharmaceuticals & Biotechnology
- Section 337/ITC Litigation
- Trademark
- Trademark Litigation

Education

Capital University Law School, J.D., 1973, Order of the Curia
 Le Moyne College, B.S. in Chemistry, 1968

Bar & Court Admissions

District of Columbia

Charles F. Schill

Charles F. Schill is a partner in the Washington office of Steptoe & Johnson LLP, where he is a member of the firm's International Department and Intellectual Property group.

Mr. Schill is an experienced international trade and patent litigator with more than 35 years of law firm, corporate, and government experience, including service as a Senior Staff Attorney in the Office of Legal Services and the Office of General Counsel at the US International Trade Commission (USITC). During his career, Mr. Schill has successfully argued a patent case before the US Supreme Court, and has been counsel on 100 unfair trade practice cases under Section 337 of the Tariff Act of 1930 at the USITC. Of those 100 cases, Mr. Schill has handled 67 while in private practice and won or favorably settled all but two.

Mr. Schill has extensive experience in intellectual property litigation at the USITC and in Federal Courts. He has a career devoted to the intersection of international trade and IP law. His experience includes evaluation, licensing, and transfer of patent, copyright, database, trademark, and trade secret rights. He has represented clients before US Customs and Border Protection in Section 337 cases as well as in other IP and trade law matters.

Over the course of his career, several of Mr. Schill's Section 337 cases have had an impact beyond the case itself and the parties involved. Several examples include:

- *Certain Variable Speed Wind Turbines and Components Thereof (2009)*, USITC Inv. No. 337 – TA – 641 – An appeal and major win on behalf of Mitsubishi Heavy Industries (MHI) and Mitsubishi Power Systems, Mr. Schill's representation resulted in a reversing the ruling of an ITC administrative law judge (ALJ) that would have excluded MHI's variable speed wind turbines from the US market. The public interest in renewable energy is likely to continue to be at issue in cases like this in the energy field.
- *Certain Ink Markers and Packaging Thereof (2004)*, USITC Inv. No. 337 – TA – 522 – On behalf of Newell Rubbermaid, Mr. Schill successfully argued to protect the Sharpie trademark and trade dress on Sharpie markers. He obtained a general exclusion order as well as a cease and desist order directed to both US and foreign entities that will continue for the life of the intellectual property rights.

Charles F. Schill

Ohio

US Supreme Court

US Court of International Trade

US Court of Appeals for the Federal Circuit

US Court of Appeals for the District of Columbia

US Patent and Trademark Office

- *Certain Apparatus for the Continuous Production of Copper Rod, USITC Inv. No. 337 – TA – 89* – This case was undertaken during Mr. Schill’s time as a Staff Attorney at the USITC. It involved nearly every issue that can arise in a Section 337 case, including numerous patents and trade secrets, as well as a temporary exclusion order hearing and a final hearing. The case, which was the longest continuous trial ever held at the USITC (14 weeks) resulted in orders against the importation of copper rod making equipment from a German company. Today, this case remains one of the most frequently cited Commission cases for many propositions in both patent and trade secret cases.

Mr. Schill is a frequent author and speaker to bar and industry groups in the United States and abroad on complex patent litigation.

Noteworthy

- Handled 100 Section 337 investigations, 67 while in private practice. Won or favorably settled all but 2 of those 67 cases.
- Involved in nearly 15% of the more than 700 cases filed under the modern statutory provisions of Section 337 enacted in 1975
- Lead attorney in 22 trials or TEO hearings before the USITC in Section 337 cases leading to 20 victories; ITC staff attorney in 19 trials
- Listed in *Best Lawyers in America 2011-2012* for Patent Litigation
- Named in *Chambers Global 2010 - 2012: The World's Leading Lawyers for Business* as a leading attorney in International Trade: International Firms (Asia-wide)
- Named in *Chambers Global 2009 - 2012: The World's Leading Lawyers for Business* as a leading attorney in International Trade: Intellectual Property: Section 337 (US)
- Named in *Chambers USA 2009 - 2011: America's Leading Business Lawyers* as a leading attorney in International Trade: Intellectual Property: Section 337 (Nationwide)
- Recommended by *Legal 500 US 2011* for Patent Litigation: International Trade Commission
- Named as a Leading Individual in *Chambers Asia 2009: Asia's Leading Lawyers for Business* — International Trade (Asia-wide)

Charles F. Schill

Select Seminars & Events

"Apples, Oranges, and the ITC: Insights into Section 337 Patent Litigation Practice," Colorado Bar Association, November 4, 2011

Ensuring Successful Claim Construction and Summary Determination: How to Obtain the Results You Want, ACI's upcoming 3rd Expert Forum on ITC Litigation & Enforcement, February 23, 2011

Section 337 Investigations Workshop (September 16 or 17, 2010), *A Steptoe-Sponsored Event*

Moderator, The Challenges Ahead - Government and Industry Perspectives, Federal Circuit Bench & Bar Conference, June 23 - 26, 2010

Positioning Complainants, Respondents and Intervenor in Section 337 Cases/ Complainant's Perspective, ACI -ITC Litigation & Enforcement Conference, New York, NY, February 24-26, 2010

Effective Litigation Strategies Using ITC, District Courts, and Reexamination, 27th Annual National CLE Conference, Vail, CO, January 2010

Selected Publications

Incorporating Next Generation Products in ITC
May 17, 2012

The Federal Circuit Has Affirmed The ITC's Ability To Address International Trade Secret Theft
March 9, 2012

Rogue Websites and the ITC: New Proposed Anti-Piracy Legislation
December 16, 2011

Effects of the America Invents Act on International Trade Commission Section 337 Proceedings
December 13, 2011

Motions to Compel Plant Inspections Are Not Automatically Granted in ITC Section 337 Proceedings
October 24, 2011

Balancing Funding by Role Reduction for OUII in ITC 337 Cases
August 4, 2011