



Michael D. Esch

SENIOR COUNSEL

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Michael Esch's practice focuses on representing clients in import relief proceedings, including Section 337 unfair import investigations before the US International Trade Commission. He also provides advice to importers and exporters regarding international trade matters.

Mr. Esch has actively participated in more than 30 Section 337 investigations before the US International Trade Commission, as well as dozens of other administrative trade proceedings, including antidumping and countervailing duty investigations and Section 301 export barrier proceedings before the Office of the US Trade Representative. In these proceedings, Mr. Esch has represented producers in a broad range of industry sectors, with a particular emphasis on information technology products, including semiconductor manufacturing equipment, microprocessors, desktop and laptop computers, tablets, mobile phones, digital cameras, GPS chips, flash memory, and baseband processor chips.

In addition, Mr. Esch has provided advice and representation on customs law matters, including classification, valuation, country of origin marking, export controls, special import duty programs, and foreign trade zone operations. Mr. Esch has also represented clients in judicial appeals from US agency proceedings, and in connection with disputes before the World Trade Organization. In 1996, Mr. Esch was appointed by the Office of the US Trade Representative to serve on the roster of panelists that adjudicate disputes under the North American Free Trade Agreement (NAFTA).

Prior to joining the firm, Mr. Esch was a partner with the Washington, DC firm of Patton Boggs LLP, practicing international trade law and litigation. Following law school, he clerked for former Chief Judge Theodore R. Newman, Jr., of the District of Columbia Court of Appeals.

Professional Activities

Mr. Esch serves on the Board of Governors and as Treasurer of the Washington Foreign Law Society, and served on the Board of the Federal Circuit Bar Association from 2013 to 2017. He

is a member of the International Trade Commission Trial Lawyers Association (ITCTLA), the Intellectual Property Owners Association (ITC Committee), and the American Bar Association (International Law Section).

Solutions

International Trade, Investment
and Market Access

Intersection of Antitrust and IP

Life Sciences

Experience

- Represented respondent, a leading computer, mobile device and media player company, in a Section 337 investigation involving four patents before the International Trade Commission; resulted in Initial Determination of no violation, Commission Determination of no violation as to three patents, and Presidential disapproval of Commission's determination of violation as to the remaining patent (ITC Inv. No. 337-TA-794).
- Represented respondent, a leading semiconductor company, in a Section 337 investigation before the International Trade Commission; resulted in Initial Determination of no violation on three alternative grounds, and finding of no violation upheld by the Commission on review (ITC Inv. No. 337-TA-786).
- Represented respondents, leading US processor and computer companies, in a Section 337 investigation involving six patents before the International Trade Commission; resulted in favorable Initial and Commission Determinations of no violation, which were affirmed by the Federal Circuit (ITC Inv. No. 337-TA-781).
- Represented respondent, a leading computer, mobile device and media player company, in Section 337 investigations involving 14 patents before the International Trade Commission; resulted in a determination of no violation and subsequent settlement (ITC Inv. Nos. 337-TA-701, 337-TA-771).
- Represented complainant in a Section 337 investigation concerning digital camera technology before the International Trade Commission; resulted in a determination of infringement and validity of the asserted patents and subsequent favorable settlement (ITC Inv. No. 337-TA-663).
- Represented three respondents, leading semiconductor companies, in a Section 337 investigation before the International Trade Commission; resulted in summary determination of no infringement for one company, and Initial Determination of no violation for the other two companies; finding of no violation upheld by the Commission on review (ITC Inv. No. 337-TA-648).
- Represented complainant, a leading global positioning system (GPS) and assisted GPS (A-GPS) semiconductor products and software company, in a Section 337 investigation before the International Trade Commission; resulted in a Final Determination of violation based on infringement and validity of all six asserted patents (ITC Inv. No. 337-TA-602).
- Represented flash memory manufacturer accused of infringing patents in two successive Section 337 investigations before the International Trade Commission, each resulting in a Final Determination of no violation (ITC Inv. Nos. 337-TA-526, 337-TA-560).

Recognition

- Selected by peers for inclusion in *Best Lawyers in America* for his international trade and finance law practice in 2021–2023

Credentials

EDUCATION

JD, Harvard Law School, 1979

cum laude

AB, Harvard College, 1976

magna cum laude

Phi Beta Kappa

ADMISSIONS

District of Columbia

CLERKSHIPS

The Hon. Theodore R.
Newman, District of Columbia
Court of Appeals, 1979 - 1980