

Tom M. Schaumberg

Partner

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Bio

Tom M. Schaumberg has litigated Section 337 unfair competition cases for over 35 years before the U.S. International Trade Commission (ITC) and the Court of Appeals for the Federal Circuit. He uses his experience as well as his international, antitrust, business, and administrative law background to counsel domestic and foreign clients on litigation strategy, licensing, trade policy, intellectual property, and international arbitration.

Tom has long been involved in shaping policies that have an impact on Section 337. Currently, he is focusing on issues that have arisen under Section 337 with respect to non-practicing entities and standard-setting organizations. Previously, he developed ideas with an ad hoc committee of interested corporations and organizations to address the 1988 General Agreement on Tariffs and Trade Panel Report finding certain aspects of Section 337 discriminatory. These efforts contributed to the 1995 amendments to Section 337 by establishing target dates, providing for district court stays, removing counterclaims to district court, and codifying ITC practice with respect to general exclusion orders.

Tom is a pioneer in creating opportunities at various trade bar groups and associations for attorneys interested in promoting Section 337 as an effective border enforcement mechanism against unfair import competition. Tom helped found the ITC Trial Lawyers Association, was its first President, and remains on its Executive Committee. He was appointed to serve as the first chair of the ITC Committee of the American Intellectual Property Law Association. He also served as the first vice-chair of the International Trade Commission Committee of the Intellectual Property Owners Association.

He was selected by the U.S. Trade Representative to serve on the bi-national panels convened under the United States-Canada Free Trade Agreement to provide review of antidumping and countervailing duty decisions. Earlier in his career, Tom served as an attorney in the Merger Division, Bureau of Restraint of Trade, at the Federal Trade Commission.

Tom is the editor of the first, second, and third editions of the book published by the American Bar Association entitled "*A Lawyer's Guide to Section 337 Investigations Before the U.S. International Trade Commission.*"

Education

- Harvard Law School, LL.B.
- Yale University, B.A.
- University of Paris, France
- University of Frankfurt, Germany, Post Graduate Study

Admissions

- District of Columbia

- Maryland
- Ohio (Inactive)
- U.S. Court of Appeals for the Federal Circuit
- U.S. Supreme Court

Languages

- German
- French
- Dutch

Memberships

- American Bar Association (Intellectual Property Law Section)
- American Intellectual Property Law Association (Chair, Committee on the International Trade Commission, 2007 - 2010)
- District of Columbia Bar Association (Intellectual Property Law Section)
- Federal Circuit Bar Association
- Intellectual Property Owners Association (Vice Chair, International Trade Commission, Committee, 2004 - 2006)
- ITC Trial Lawyers Association (President, 1984-1985; Member, Executive Committee, 1987 - present)

News & Insights

Tom Schaumberg to Present at USPTO China IP Road Show in NYC

AMS attorney Tom M. Schaumberg will present on "Enforcing Intellectual Property Rights in the U.S.: Section 337 Remedy" as part of the USPTO's China IP Road Show in New York City on September 27, 2018.

2018 Rankings Released

AMS is honored to be ranked in the top tier in Section 337 practice by Chambers USA.

Defending Intellectual Property: Is Section 337 the Right Answer?

On March 28, AMS attorneys Tom Schaumberg and Deanna Tanner Okun will participate in a panel discussion at the Center for Strategic and International Studies on the role of Section 337 in defending intellectual property rights.

A Centennial History of the United States International Trade Commission

To mark its first 100 years, the Commission has published A Centennial History of the United States International Trade Commission.

Tom Schaumberg and Deanna Tanner Okun to Present at LES 2017 Spring Meeting

AMS attorneys Tom M. Schaumberg and Deanna Tanner Okun will be speaking at the Licensing Executives Society 2017 Spring Meeting.

2017 Legal Rankings Released

AMS ranked in the top tier in Section 337 practice by Chambers USA , The Legal 500 , and Managing Intellectual Property's IP Stars.

Tom Schaumberg to Speak at ITCTLA Event in Chicago

AMS attorney Tom M. Schaumberg will be presenting at the International Trade Commission Trial Lawyers Association's April 27 program entitled "Update on Intellectual Property Litigation at the US International Trade Commission."

Tom Schaumberg to Speak at Boston Bar Association Program on IP Protection in China

AMS attorney Tom Schaumberg will be presenting at the Boston Bar Association's April 18 program on Intellectual Property Protection in China: Successes and Challenges.

Legal Rankings Released

AMS ranked in the top tier in Section 337 practice by Chambers USA , The Legal 500 , and Managing Intellectual Property's IP Stars.

Major Developments in Section 337 from 1922 to Today

On March 30, Tom Schaumberg will participate in a panel discussion entitled "Major Developments in Section 337 from 1922 to Today."

Corporate Counsel's IP Insider - Quantity vs. Quality - The ITC may be hearing fewer but more sweeping cases (July, 2015)

Corporate Counsel interviewed Tom M. Schaumberg on the importance of the U.S. International Trade Commission authority to ban the importation of patent infringing articles.

Legal 500 Tier I Rankings

Adduci, Mastriani & Schaumberg, LLP has "...one of the most robust ITC practices in the nation."

Chambers USA 2015 Legal Rankings Released (May, 2015)

Adduci, Mastriani & Schaumberg LLP are ranked in International Trade: Intellectual Property (Section 337) Band 1 by Chambers USA 2015

ITC Trial Lawyers Association Annual Meeting "Celebrating Thirty Years"

Tom M. Schaumberg will moderate a panel discussion at the ITCTLA annual meeting on November 13, 2014.

Trade Secrets: The New Best Choice for IP Protection

Tom M. Schaumberg will participate in an AIPLA webinar on trade secret protection on October 1, 2014.

Section 337 Sector Leader

For the seventh consecutive year, Adduci, Mastriani & Schaumberg, LLP is recognized as the leader in the field of Section 337 litigation before the ITC by Chambers. Additionally, all three named partners are listed as leading attorneys in Band 1.

ITC Gets Creative to Limit NPE Access Under Section 337

Tom M. Schaumberg and Evan H. Langdon recently published an article for IP Law 360 entitled "ITC Gets Creative to Limit NPE Access Under Section 337."

Procedural Agreements for 337 Investigations: A Practical Guide for Effectively Negotiating Key Litigation Issues In Advance of Trial

The American Conference Institute ("ACI") hosts its 5th Expert Forum on ITC Litigation & Enforcement at the Washington Hilton, Washington, D.C. on February 25-27, 2013.

Why Can't They Be FRANDs?

Tom Schaumberg and Emi Ortiz recently posted an article for the National Law Review entitled, Why Can't They Be FRANDs?

Advantages of a Section 337 Investigation at the US International Trade Commission