

McKool Smith Brings ITC Atty On Board



Law360, New York (March 22, 2011) -- [McKool Smith PC](#) has added a former senior investigative attorney with the U.S. International Trade Commission to its international trade litigation practice in Washington and New York, the firm announced Thursday.

[Benjamin Levi](#), who worked for the [ITC](#)'s Office of Unfair Import Investigations for more than four years, started work at McKool Smith on March 14, he said Tuesday. His tenure with the ITC ended on March 11.

Levi worked for Schulte Roth & Zabel LLP from 2001 through 2006, and for Patterson Belknap Webb & Tyler LLP from 1998 through 2001. He also served as a patent examiner with the U.S. patent and Trademark Office from 1989 through 1993.

Levi said he was drawn to McKool Smith by the firm's commitment to client service, the reputation of its outstanding trial attorneys and the fact that it's a leader in offering clients innovative alternative fee arrangements.

"When you put all that together, McKool Smith was an obvious choice for me," Levi said.

Now that he's back in private practice, Levi said, he anticipated devoting a significant amount of his efforts to ITC matters, though he expected to do some district court work as well.

Levi's work for the ITC included the whole gamut of responsibilities for Section 337 cases, from discovery to depositions to participating at trial, he said. As a senior investigative attorney,

Levi was the government's lead lawyer on 15 Section 337 cases covering subject matter that included foam footwear, integrated circuits and chipsets.

While at Patterson Belknap, Levi was part of a team that represented a leading medical device manufacturer in multiple patent lawsuits that centered on cardiovascular stent technology, and helped to secure jury verdicts for hundreds of millions of dollars.

Levi knew before he graduated from law school in 1996 that he wanted to be a patent attorney, but wasn't really drawn to the ITC in particular until after he started practicing and began to notice the agency's more prominent place in the intellectual property arena, he said.

"I saw how the ITC was becoming more and more important to the litigation landscape," he said.

The increase in litigation before the ITC stems, at least in part, from the U.S. Supreme Court's 2006 decision in [eBay Inc. v. MercExchange LLC](#), which made it tougher for prevailing parties in a patent infringement case to win an injunction.

A 2010 decision by the ITC in a case over coaxial cable connectors that dealt with when and how litigation activities could be used to demonstrate that a domestic industry exists will likely push the ITC's doors open further for Section 337 complainants, Levi said.

"It will add more momentum to the increasing importance of the ITC as a venue for the resolution of intellectual property disputes," he said. "As the ITC continues to be an increasingly important venue, I'm especially excited to join the trial attorneys here. I'm looking forward to contributing to the growth of their ITC practice."

McKool Smith employs about 130 attorneys in six offices — four in Texas, one in New York and another in Washington.

--Editing by John Williams.

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