

# Joshua A. Hartman

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Josh Hartman is a first-chair IP litigator with Merchant & Gould's Washington, D.C. area office and the head of the firm's ITC Section 337 Group. He navigates the substantive, procedural and strategic challenges that exist when litigating before the United States International Trade Commission. He also litigates IP and unfair competition disputes in district courts and helps companies develop and protect their IP.

## Experienced Litigator Serving a Broad Range of Industries

Josh focuses his practice on advocating for companies before the U.S. International Trade Commission in Section 337 investigations, which address unfair practices associated with imports into the United States. The disputes he handles in this arena are diverse, including patent litigation, trade secret misappropriation, antitrust, business torts and unfair competition issues.

In addition to his work before the ITC, Josh also supports clients in district court litigation, in Federal Circuit appeals, and through IP counseling. The companies he serves come from a broad range of industries, including high technology, automotive, life sciences, and semiconductors.

Over the past 17 years, Josh has litigated many successful cases that have resulted in positive outcomes for his clients. Some recent examples include several defense-side wins and walkaway settlements in ITC investigations concerning alleged patent infringement by his clients.

## From Growth Stage to the Fortune 500

Josh proudly serves businesses of all sizes, regardless of their place in the market. This includes companies ranging from the growth stage to the Fortune 500. He understands the unique legal challenges that come with each stage of business and has the experience necessary to guide companies through their IP- and competition-related challenges.

## Providing Business-Oriented Solutions to Eliminate IP Issues

No two businesses are the same. Legal solutions should be tailored to fit your unique business and IP needs. This is what Josh does well. He prides himself on using a multidisciplinary approach to develop practical legal solutions that protect the best interests of his clients' businesses now and in years to come.

Josh received his Master of Laws in Intellectual Property Law from The London School of Economics and Political Science and his J.D. from Columbia Law School in New York. He is an accomplished legal writer and speaker, sharing his knowledge with other attorneys and organizations across the country.

## Dedicated to Supporting His Community

Josh supports his community by offering up his time and legal knowledge. He is currently active in pro bono work and has served as the board chair for his children's school and as a member of the ITC Trial Lawyers Association's Executive Committee.

Outside of his work, Josh is an avid jazz pianist, a practicing yogi, and a father of two highly energetic boys.

## Practices

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[Litigation](#)

[Chemical & Life Sciences](#)

[Trade Secret](#)

[Emerging Technologies](#)

[ITC Section 337 Investigations](#)

## Industries

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[Alternative Energy](#)

[Automotive & Powersports](#)

[Building Systems & Construction](#)

[Consumer Products](#)

[Manufacturing](#)

[Medical Devices](#)

[Semiconductors](#)

[Software & Information Technology](#)

## Representative Cases

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Successfully defended MOTORTECH (a Generac subsidiary) in ITC investigation concerning alleged patent infringement related to ignition systems for industrial engines, achieving findings noninfringement as to all accused products.

Successfully defended TYC Brother and TYC Americas in ITC investigations concerning alleged infringement of 40+ asserted design patents related to automotive headlights and taillights based on findings that the complainants failed to satisfy the ITC's domestic industry requirement.

Defending TYC Brother and TYC Americas in litigation in the U.S. District Court for the Central District of California based on allegations of design patent infringement, copyright infringement, and false advertising related to automotive headlights and taillights.

Lead counsel for in vitro diagnostic test company in patent-infringement investigations before the ITC, achieving consent orders and favorable settlements.

Represented manufacturer of lithium-ion batteries for the electric vehicle industry in trade secrets investigation before the U.S. International Trade Commission, achieving a default finding against the opposing party due to discovery misconduct and a \$1.8 billion settlement (prior firm representation).

Represented flooring companies in defending against a patent-based investigation before the U.S. International Trade Commission, achieving settlement on favorable terms (prior firm representation).

Represented patent owner in investigation before the U.S. International Trade Commission concerning solid-state drives, achieving settlement on favorable terms (prior firm representation).

Represented cybersecurity company in patent litigation against its key competitor in U.S. District Court for the District of Delaware, achieving settlement on favorable terms (prior firm representation).

Represented semiconductor company in patent litigation against key competitor in U.S. District Court for the Northern District of California, achieving settlement on favorable terms (prior firm representation).

Represented smartphone manufacturer in high-profile patent litigation that resulted in limited exclusion order from the ITC against competitor and jury verdict totaling more than \$1 billion and ITC (prior firm representation).

## Education

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Columbia Law School, J.D.

The London School of Economics and Political Science, L.M.M.

- *with distinction*

The University of Miami, M.M.

The University of Miami, B.M.

- *cum laude*

## Admissions

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- Second Circuit Court of Appeals
- U.S. District Court - Eastern District of Virginia
- U.S. District Court for the District of Columbia
- District of Columbia
- Virginia

## Publications & Speaking

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### Presentations

*A New Era for Litigation Before the International Trade Commission*, Moderator, The Ad Idem Network, March 26, 2025

*Winning at the ITC: Strategies for Success in Section 337 Investigations*, Panelist, IPWatchdog, IPWatchdog LIVE 2025, March 4, 2025

*Navigating 337 Investigations: Pathways to Success at the ITC*, Panelist, IPWatchdog, IPWatchdog LIVE 2024, October 1, 2024

*Satisfying the Domestic Industry Requirement at the ITC*, Panelist, IPWatchdog, Patent Litigation Masters™ 2024, May 14, 2024

*Standard Essential Patents & Section 337: Litigating SEPs at the ITC*, Panelist, IPWatchdog, Standards, Patents, & Competition Masters™ 2023, November 14, 2023

*Protecting Brands in Online Marketplaces*, Moderator, The Ad Idem Network, November 7, 2023

*Creating Enforcement Leverage: The ITC Advantage*, Panelist, IPWatchdog, IPWatchdog LIVE 2023, September 18, 2023

*Using the ITC as Part of a Larger Patent Litigation Strategy*, Panelist, IPWatchdog, Patent Litigation Masters™ 2023, May 16, 2023

*The ITC: A venue for more than just patents*, Panelist, Boston Intellectual Property Law Association (“BIPLA”), BIPLA’s 3<sup>rd</sup> Annual Symposium, May 3, 2023

*Trade Secrets and Other Non-Patent Investigations*, Panelist, International Trade Commission Trial Lawyers Association (“ITCTLA”) Spring Meeting, May 12, 2021.

### Publications

Joshua Hartman, “*Planning for Success in Section 337 Investigations*,” IPWatchdog.com (Sept. 16, 2023)

Joshua Hartman, “*Opening Moves in the ITC: Strategic Considerations for Pre-Institution Filings in Section 337 Investigations*,” IPWatchdog.com (Sept. 13, 2023)

Joshua Hartman and Kate Mayer, "Perimeter Defence: Regulatory Tools to Halt Counterfeits at U.S. Borders," *World Trademark Review* (Feb. 28, 2022)

Joshua Hartman & Hayley Ostrin, "How ITC Arrived At Proportional Discovery in IP Investigations," *Law360.com* (Aug. 2020)

*Intellectual Property Misuse: Licensing & Litigation*, ABA Book Publishing (2d Ed., Apr. 2020) (contributor)

*A Lawyer's Guide to Section 337 Investigations Before the U.S. International Trade Commission*, ABA Book Publishing (4th ed., June 2019) (contributor)

## Podcasts

"The Strategic Important of the ITC for Patent Owners," *IPWatchdog Unleashed* (Aug. 19, 2024)

"Special Guest: Attorney Joshua Hartman," *Talkin' Reggae* (July 12, 2023)

## Quoted

[Not Seeking Sanctions Before DivX ITC Complaint Withdrawn Dooms Realtek](#) by Steve Brachmann, IPWatchdog.com, March 19, 2025

[Fed. Circ. Ruling Shows Even Small Cos. Can Win At ITC](#) by Ryan Davis, Law360.com, February 14, 2025

[Drugmakers Exposed to Antitrust Probes if Patent Cache Added](#) by Annelise Gilbert, Bloomberg Law, May 1, 2024

## Professional Affiliations

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ITC Trial Lawyers Association (Executive Committee, 2017-2020, 2021-2024)

## Related Media

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### BLOG

1.1.70

CAFC Holds That Prosecution History Disclaimer Applies to Design Patents

### PRESS RELEASES

4.8.25

Merchant & Gould Secures ITC Victory

### BLOG

1.1.70

CAFC Affirms ITC's Finding of No Violation Due to Complainant's Failure to Satisfy Domestic Industry Requirement

### PRESS RELEASES

3.12.24

ITC Rules in Favor of TYC Brother Co., Ltd., and Genera Corp., Represented by Merchant & Gould

BLOG

8.29.23

CAFC Rejects PTAB Decision of Unpatentability Due to Flawed Secondary Considerations Analysis

BLOG

10.4.22

CAFC Reverses Rule 12(b)(6) Dismissal Based on Patent Ineligibility

BLOG

3.8.22

CAFC Confirms Judgment of Patent Invalidity Does Not Excuse Violations of ITC Consent Order

ARTICLES

2.28.22

Perimeter Defence: Regulatory Tools to Halt Counterfeits at US Borders

ARTICLES

12.20.21

IP Firm Merchant & Gould Launches ITC Practice

ARTICLES

12.7.21

Merchant & Gould adds new ITC-specialized litigation group

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**Biography of Charles R. Macedo**

Mr. Macedo advises and litigates in all areas of intellectual property law, including patent, trademark, and copyright law, with a special emphasis on complex litigation and portfolio development strategies. Mr. Macedo develops intellectual property strategies including portfolio development, licensing, and litigation. He also has extensive experience with computer-implemented innovations including machine learning, artificial intelligence, blockchain and metaverse. J.D. 1989, Columbia Law School; B.S./M.S., Physics, 1986; former Law Clerk to Hon. Daniel M. Friedman at U.S. Court of Appeals for the Federal Circuit.

Full biography at <http://www.arelaw.com/professional/cmacedo/>



### **Robert Frederickson III:**

Robert Frederickson, a partner in Goodwin's [Intellectual Property Litigation](#) practice and co-chair of the firm's Life Sciences Disputes sector, represents life sciences, technology and financial services companies in intellectual property litigation and complex commercial disputes. Robert is an experienced IP trial lawyer, having tried numerous cases to juries and judges across the country. He has won hundreds of millions of dollars in jury verdicts in patent and trade secret cases and argued the first appellate case involving the patentability of inventions in the fields of machine learning and artificial intelligence. In addition, Robert represents both technology and life sciences companies who are pursuing other innovative applications of machine learning, including detecting zero-day cyberattacks, identifying drugable sites on disease-causing proteins, assessing electronic medical records to predict health outcomes, and enhancing traditional hit-to-lead and lead optimization approaches in drug development, among others.



### **Clint Mehall:**

Clint Mehall is a registered patent attorney practicing in multiple technology areas. Mr. Mehall has prosecuted hundreds of U.S. patent applications from filing to issuance, taking into consideration patent analytics for efficient prosecution without unnecessarily narrowing the claims. During prosecution, Mr. Mehall has an aptitude for identifying when an patent examiner will not issue claims of a reasonable scope, and has filed over a hundred appeals with the USPTO Patent Trial and Appeals Board, where he has an exceptional win rate. Representative technologies of his practice include electric vehicle batteries, metallurgy, nuclear energy, aeronautics, image processing, electric vehicle batteries, automated controls systems, automotive drive trains, rail transport, semiconductors, wireless data transmission systems, fuel cells, various software, nonwoven fabrics, convertible vehicle tops, and printing presses.

Mr. Mehall also has experience collaborating with foreign attorneys on patent applications in Europe, Japan and China, litigating patents, post-grant proceedings and client counseling, which includes performing patentability searches, and preparing infringement, validity and freedom to operate opinions. Currently, he serves as the co-chair of NYIPLA's Patent Law & Practice Committee. Mr. Mehall graduated Cum Laude from DePaul University College of Law in May, 2007. At DePaul, he was an associate editor for DePaul's Intellectual Property Digest, counseled clients through DePaul's Intellectual Property/Technology Clinic and was a semifinalist in DePaul's New Venture Business Challenge. He was admitted to the practice law in New York in February, 2008 and was admitted to practice before the U.S. Patent and Trademark Office in May, 2008. Mr. Mehall received a Bachelors of Science in biological engineering, with a biomedical emphasis, from the University of Missouri-Columbia in 2003.