

John C. Scheller

Partner

Overview

Clients count on John's extensive experience in commercial and intellectual property litigation before federal, state, and administrative courts across the United States.

His strong background in life sciences as well as the chemical, pharmaceutical, and mechanical arts has contributed to an excellent track record in trying patent cases. He is particularly successful at obtaining and defeating injunction requests in intellectual property disputes.

In the commercial sector, John is a trusted advisor in regard to litigation involving:

- Construction
- Customs
- Covenants not to compete
- Environmental issues, including the frac sand industry
- Insurance
- Breach of contract

Within the firm, John is the former chair of the Litigation Practice Group and co-chair of the Venture Best® industry group. Prior to joining Michael Best, he practiced appellate litigation at a top Chicago-based law firm.

Experience

Major trademark case across multiple jurisdictions

John coordinated state and federal actions in a heated dispute involving a trademark in the health care insurance industry, leading to an injunction and favorable settlement. The cases were particularly challenging as the matters were expedited and involved concurrent proceedings before the commissioner of insurance. Though the parties were not in a position to change their marks, John was able to construct a mutually agreeable settlement following substantive motion practice and discovery.

Injunction defeat leading to invalidated patents



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Industries

Life Sciences

Practices

Commercial Litigation
Enforcement, Clearance & Defense
Litigation

In response to an injunction request filed near Christmas Eve regarding a series of patents relating to exercise equipment, John swiftly responded, forcing the plaintiff to voluntarily abandon its injunction motion in Utah federal court. Following successful motion practice, including prevailing on counterclaims, John later invalidated two of the patents through separate *inter partes* review (IPR) before the United States Patent & Trademark Office.

Tortious interference contract with patent related counterclaims

John defended his client against claims of intentional interference relating to client's pursuit and retention of competitor's sales force in highly competitive cookware industry. John prevailed for the client, knocking out all of plaintiff's claims on summary judgment, followed by a successful jury trial on counterclaims.

Defective parts lawsuit on behalf of manufacturer

In a complex legal action relating to defective food products, John successfully coordinated his client's claims, resulting in a complete, favorable settlement in which the client was not only fully compensated, but also addressed specifics with respect to replacement products. John also advised his client in developing strategies to protect its reputation in the industry.

Defeat of massive injunction that threatened client's survival

John successfully defeated a critical injunction motion brought in the archery industry by an archrival; if granted, the injunction would have ended the client's business. In this action, he replaced the lead counsel from a large, national law firm that had handled the prior case, ensuring a seamless transition and, ultimately, a favorable settlement that preserved the client's business.

Antitrust bench trial for publicly traded company

John represented the plaintiff, SanDisk Corp., regarding its patents directed at flash memory technology. Serving as local counsel in U.S. District Court for the Western District of Wisconsin, John assisted in successfully defending an antitrust counterclaim, which challenged SanDisk's licensing. Following a bench trial, the court wholly rejected the counterclaim.

Honors & Recognitions

- "Wisconsin Super Lawyers" list, Intellectual Property Litigation, *Super Lawyers magazine*, 2015-present
- Litigation Star (Intellectual Property), *Benchmark Litigation*, 2013-present
- *The Best Lawyers in America*®, Litigation – Intellectual Property and Litigation - Patent, 2013-present
- *The Midwest's Best Lawyers*®, Litigation – Intellectual Property and Litigation - Patent, 2021

Professional Activities

- Member, State Bar of Illinois
- Member, State Bar of Wisconsin
- Member, Dane County Bar Association
- Member, Western District of the United States District Court Bar Association
- Member, American Bar Association, Intellectual Property Litigation Section

- Wisconsin Chair, Intellectual Property Committee, 7th Circuit Bar Association

Education

- The John Marshall Law School, Juris Doctor (J.D.), *magna cum laude*, 1995; Editor-In-Chief, *The John Marshall Law Review*
- St. Norbert College, Bachelor of Arts (B.A.), *cum laude*, 1991

Admissions

- Illinois
- Wisconsin
- United States Supreme Court
- United States Court of Appeals, Federal Circuit
- United States Court of Appeals, Seventh Circuit
- United States District Court, Eastern District of Wisconsin
- United States District Court, Northern District of Illinois
- United States District Court, Western District of Wisconsin

Related News

NEWS

October 5, 2020

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August 20, 2020

Ninety-Two Michael Best Attorneys Earn Top Honors in The Best Lawyers in America 2021 List

PUBLICATION

January 30, 2020

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October 7, 2019

Six Michael Best Partners Again Recognized by Benchmark Litigation

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August 15, 2019

Michael Best Attorneys Named The Best Lawyers in America© 2020



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