HUSCH BLACKWELL



Paul L. Smelcer

PARTNER

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OVERVIEW

Paul brings a business-first mindset to complex intellectual property litigation, designing creative and efficient workflows that keep clients informed, enhance productivity, and focus litigation teams on client goals and winning case strategies.

With case experience spanning consumer products, technology, and industrial contexts, Paul handles enforcement and defense in cases involving patent infringement, trademark and trade dress infringement, false advertising, trade secret misappropriation, and copyright infringement.

Paul's IP litigation practice focuses on two key areas: (1) cases in federal district courts and the United States International Trade Commission, as well as administrative proceedings before the United States Patent Trial and Appeal Board, and (2) IP enforcement and takedowns in the dispute resolution programs available through most major e-commerce platforms. Notably, in the arena of e-commerce takedowns, he partners with clients to develop efficient and innovative enforcement programs designed to curb widespread infringement and knockoff products, outside of traditional litigation.

Paul is passionate about workflow management, organizational psychology, and deep work principles. He regularly studies and implements best practices from these disciplines to improve efficiency, optimize productivity, enhance case strategy preparation, and develop a persuasive evidentiary record in complex IP litigation matters.

Industries

Manufacturing
Technology
Transportation

Services

Intellectual Property
Intellectual Property Litigation
Section 337
Trade Secrets & Business Information Protection

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Experience

- Achieved a major victory at the U.S. International Trade Commission, with the Commission panel affirming the decision of the presiding administrative law judge, which found that client ADC Solutions Auto, LLC (d/b/a Type S) did not violate Section 337 of the Tariff Act in relation to portable battery jump starters accused of patent infringement.
- Obtained a jury verdict of willful infringement in a trademark case involving bar and restaurant services.
- Obtained a favorable final written decision on behalf of an automotive accessories company in two *inter partes* review proceedings before the United States Patent Trial and Appeal Board, finding all challenged patent claims unpatentable.
- Represented multiple suppliers and a retailer of lithium-ion battery-powered products defending patent infringement claims in a case before the United States International Trade Commission. Obtained early dismissal for clients after presenting positions regarding invalidity, unclean hands, and non-infringement.
- Secured an early dismissal of patent infringement case asserting infringement claims against supplier of jump starter products after presenting client's invalidity positions.
- Obtained a temporary restraining order and, subsequently, a preliminary injunction order, against a former employee on behalf of an employer in a breach of contract and trade secret case involving automotive protection plans.
- Developed and implemented numerous successful IP enforcement programs, for various clients, submitting patent infringement and trademark infringement takedowns to e-commerce platforms.
- Obtained favorable resolution of several district court actions asserting patent infringement, trademark infringement, and counterfeiting claims against sellers of adjustable dumbbell products.

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Experience

- Obtained favorable resolution of patent infringement litigation involving distributed control system technology for applications in the oil and gas industry.
- Secured dismissal of patent infringement claims in a case involving coke oven repair technology after presenting client's non-infringement positions.
- Obtained favorable resolution of false advertising litigation relating to dental office equipment for amalgam waste collection.
- Achieved favorable resolution of patent infringement and false advertising claims on behalf of a supplier of over-the-air TV antenna products.
- Represented a fitness equipment supplier in patent infringement litigation relating to strength equipment. The case resolved in the client's favor based on non-infringement of all asserted patents.
- Represented a supplier of pool vacuum products in patent infringement litigation against competitor.
- Represented a supplier of railcar monitoring and predictive maintenance technology in patent infringement and trade secret litigation.
- Served as counsel to an online retailer defending against trademark infringement and false advertising claims related to refrigerator water filter products.
- Represented a performance nutrition company defending against patent infringement claims in an International Trade Commission investigation.
- Represented a healthcare software company pursuing federal antitrust claims against a competitor relating to physician efficiency rating software.
- Served as a team member representing a supplier of modular data center technology in trade secret misappropriation litigation.

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Experience

- Served as a team member representing an internet service provider defending against copyright infringement claims.
- Served as a team member representing a healthcare software company pursuing patent infringement claims against a competitor relating to physician efficiency rating software.

Recognition

- *The Best Lawyers in America®*
  - Litigation - Patent, 2026 and 2027
  - Patent Law, 2026 and 2027
- *The Legal 500 United States*
  - Intellectual property - Patents: litigation (International Trade Commission), Recommended lawyer, 2026
- *Best Lawyers: Ones to Watch® in America*
  - Intellectual Property Law, 2022-2025
  - Litigation - Intellectual Property, 2022-2025
- *Missouri & Kansas Super Lawyers*
  - Rising Star, Intellectual Property, 2020-2025
- Missouri Bar Pro Bono Wall of Fame, 2020

Education

- J.D., Washington University in St. Louis School of Law
  - *cum laude*
- B.S., Saint Louis University
  - *magna cum laude*

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Admissions

- Missouri
- U.S. Patent and Trademark Office
- U.S. District Court, Eastern District of Missouri

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*Contact Paul to set up an in-person consultation by appointment in the St. Louis office.



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