

Charles S. Baker

Partner

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Charles is a trial attorney with more than 40 years of extensive experience in both IP and commercial litigation matters.

OVERVIEW

Charles concentrates his practice on handling complex intellectual property matters, such as patent, trademark, trade dress, and copyright infringement, as well as trade secret and unfair competition cases. He brings in-depth experience with clients in the oilfield services sector, including equipment manufacturers and service providers focused on hydrocarbon exploration and development. Charles has tried numerous jury and non-jury cases in state and federal courts across the U.S., including 30 jury trials dealing with tort claims related to pesticide use at a large apartment complex.

Charles' procedural experience is expansive, involving nearly half a dozen intellectual property cases before the International Trade Commission (ITC). He is recognized for representing the lead defendant in the landmark *MGM v. Grokster* copyright infringement case. Additionally, Charles provides strategic counsel on IP and antitrust matters and negotiates comprehensive licensing arrangements. His multifaceted client base includes technology, media, telecommunications, energy, and oilfield services industries.

Whether defending against high-stakes intellectual property claims or navigating complex commercial litigation, Charles focuses on clients' interests and the advancement of their business objectives. While he enjoys trying cases, he is mindful that the best outcome for many of his clients is to obtain a settlement, knowing that most settlements are driven by smart business decisions that at times can be difficult to negotiate.

Charles tried one of the first patent infringement cases before Judge Alan Albright of the Western District of Texas, who praised his handling of that case. He has also litigated bet-the-company claims in Houston federal and state courts resulting in his clients avoiding more than \$100 million in possible damages.

Charles regularly appears in patent infringement cases in the Eastern District of Texas, where he sits on the planning committee for the annual EDTX Bench Bar Conference.

REPRESENTATIVE MATTERS

Patent

- Lead counsel for a leading manufacturer of downhole tools (perforating guns) that was accused of infringing two patents held by a competitor. After obtaining a summary judgment of noninfringement on one of the patents, the case was tried to a jury in January 2023 in federal court in Houston, Texas. Following a week-long trial, the jury came back with a verdict on noninfringement. The plaintiff was seeking damages in excess of \$30 million. The competitor then agreed to a global settlement that ended all pending lawsuits between the two companies.
- Lead trial counsel for one of the world's largest sellers of point-of-sale systems. The client was sued for patent infringement in the WDTX-Waco Division. The case was tried to a jury in May 2021. The case is on appeal.
- Lead counsel for one of the world's largest oilfield services companies in a patent infringement lawsuit against one of its competitors in the PDC drill bit industry. The client asserted eight patents against the defendant competitor. The case settled after the claim construction briefing was completed.
- Lead counsel for two of the world's largest deepwater offshore drilling companies in separate four-patent lawsuits involving dual activity drilling technology; these same patents had been the subject of several earlier trials where the patent owner had one and obtained substantial multimillion-dollar verdicts. After IPRs were instituted, both cases were resolved.
- Lead counsel for a large domestic offshore drilling contractor in a multipatent infringement lawsuit over dual activity drilling technology. After IPR petitions were filed and instituted, the case settled.
- Lead counsel for one of the world's largest suppliers of oilfield goods and services in a patent infringement case involving closed-loop mud drilling systems. Working with a long-time industry expert, the team convinced opposing counsel to dismiss the lawsuit with prejudice after acts of inequitable conduct before the USPTO were exposed, and as unrefuted evidence of long-existing prior art was presented.
- Lead counsel for a large medical device manufacturer in a patent infringement case involving remote medical treatment. The plaintiff had filed more than 30 lawsuits in the EDTX over the same patent, all of which settled after the court denied section 101 challenges. In the instant case, the team filed a section 101 challenge, which the EDTX judge granted for the first time. Sanctions were sought and awarded, as well.

International Trade Commission

- Represented a large manufacturer of durable medical products accused of patent infringement with respect to height-adjustable medical beds manufactured in China. The case settled on the eve of trial.

Copyright

- Lead counsel in the *Grokster* case, which was a high-profile copyright infringement lawsuit that has been billed as the most important copyright battle in the 21st century. Claims of contributory and vicarious copyright infringement were dismissed on summary judgment, which was affirmed by the Ninth Circuit. On appeal, the U.S. Supreme Court remanded the case for further proceedings to determine liability for a new theory of secondary copyright infringement known as inducement.

Trademark

- Represented the world's most popular soft drink producer in a case of first impression involving the unauthorized sale of its products. A permanent injunction was issued, and substantial portions of the defendants' antitrust counterclaims were dismissed on the eve of trial. A first-chair bench trial resulted in a verdict for the client. It was affirmed on appeal (argued appeal).

Trade Secrets

- Lead counsel for a large international seismic company in the defense of a \$50 million trade secret misappropriation trial that lasted over six weeks in Texas state court (Harris County). The jury returned a verdict in less than two hours exonerating the client.

- Lead counsel for the world's largest oilfield supply company as a plaintiff in a trade secret misappropriation case filed against certain of its former officers and employees. Obtained a temporary restraining order, writ of garnishment, and eventually an agreed temporary injunction. The case settled on the eve of trial.
- Lead counsel for a medical device manufacturer in a complex commercial and intellectual property litigation, including theft of trade secrets, fraud, and breach of contract issues. The plaintiffs claimed damages in excess of \$50 million. The case settled after extensive trial preparations and after defeating the plaintiffs' temporary injunction motion and motion for summary judgment.

AWARDS

- *IAM Patent 1000* (2022-2023, 2025)
- *Chambers USA*, Texas: Intellectual Property (2007-2025)
- *Super Lawyers®* Texas, Intellectual Property Litigation (2005-2021, 2024)
- *Best Lawyers in America®*: Commercial Litigation, Litigation – Intellectual Property (2007-2026)
- *Managing Intellectual Property*, Patent Star, IP Stars (2024)
- *Expert Guides*, "The Best of the Best," Commercial Arbitration (2011)
- *Expert Guides*, Expert, Commercial Arbitration (2011)
- *IP Law & Business*, Top Six IP Cases for the Year (2004)
- Fellow, Litigation Counsel of America

TOP AREAS OF FOCUS

- Patent Litigation
- Trademark + Copyright

ALL AREAS OF FOCUS

- Antitrust
- Business Litigation
- Intellectual Property
- Patent Litigation
- Patent Prosecution, Counseling + Portfolio Management
- Trademark + Copyright

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, American Bar Association Litigation Law Section and Intellectual Property Law Section
- Member, American Intellectual Property Law Association (AIPLA) Trade Secret Law Committee
- Member, International Trademark Association
- Member, International Trade Commission Trial Lawyers Association (ITCTLA)
- Member, Bar Association of the Fifth Federal Circuit
- Member, Federal Bar Association
- Member, Houston Bar Association
- Member, Houston Intellectual Property Law Association
- Member, Travis County Bar Association

- Member, Defense Counsel of America
- Member, State Bar of Texas Intellectual Property Law Section and Litigation Section
- Vestry member, St. Martin's Episcopal Church (2006)

EDUCATION AND CERTIFICATIONS

EDUCATION

- South Texas College of Law Houston, J.D., *with honors*, 1985
- The University of Texas at Austin, B.B.A., *with honors*, 1982

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. Court of Federal Claims
- Supreme Court of the United States
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Tax Court

SPEAKING ENGAGEMENTS

- Speaker, "Litigation Breakfast Briefing," Locke Lord, September 21, 2023.

PUBLICATIONS

- Author, "Federal Circuit Clarifies Liability of Foreign Revenue for U.S. Domestic Patent Infringement," Locke Lord QuickStudy, May 10, 2024.
- Author, "The Federal Circuit Issues Multiple Orders Directing Transfer of Venue out of the Western District of Texas," Locke Lord QuickStudy, November 19, 2021.

MEDIA COMMENTARY

- Quoted, "VLSI's Fortress Ties to Take Center Stage in Intel Patent Trial," *Bloomberg Law*, May 27, 2025.