

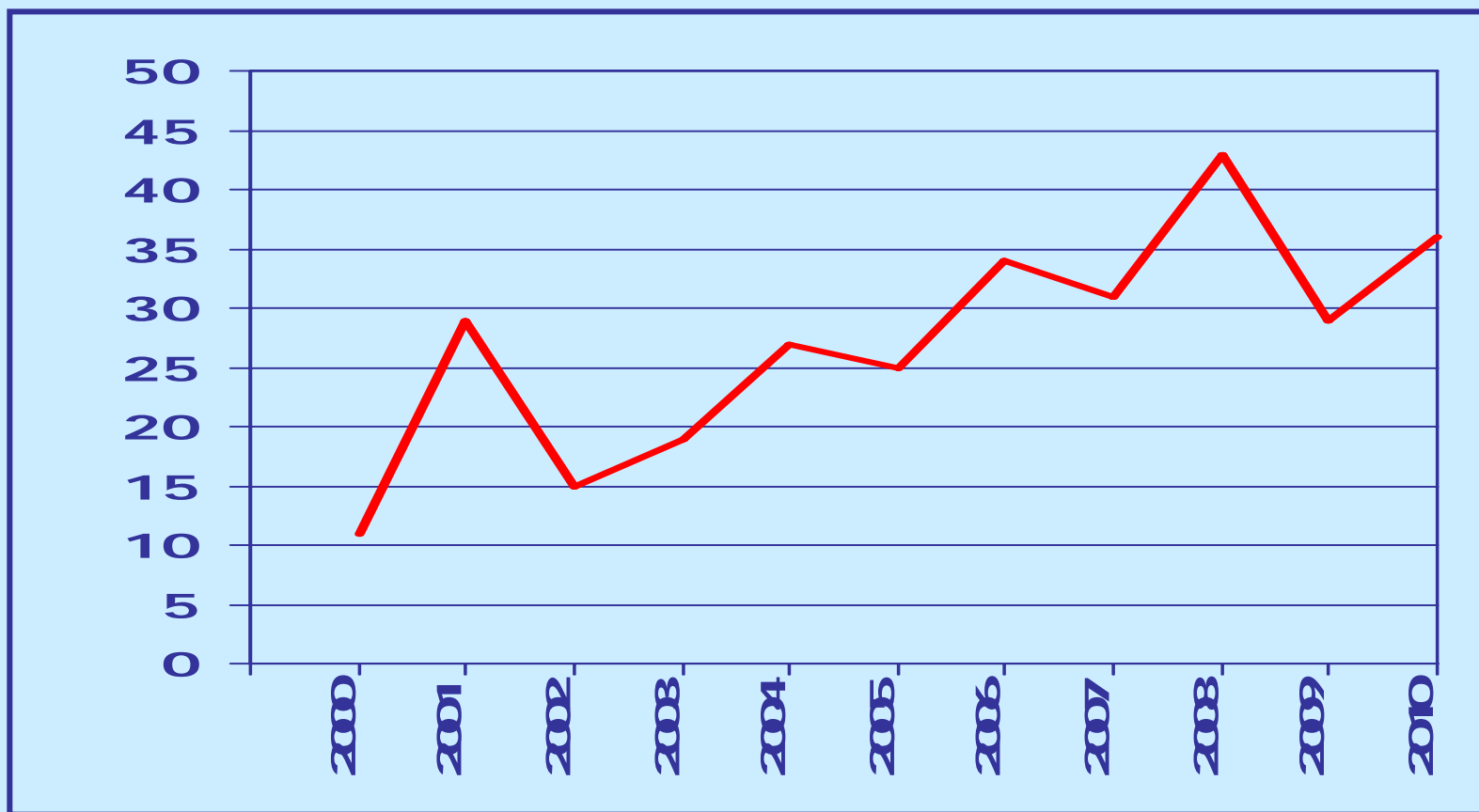
# *The ITC Comes to Silicon Valley: The ITC's Growing Role in Patent Adjudication*

*Presented By:  
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Director,  
Office of Unfair Import  
Investigations  
U.S. International Trade  
Commission*

**May 18, 2010**



# New Section 337 Complaint Filings FY 2000 – 2010 to date



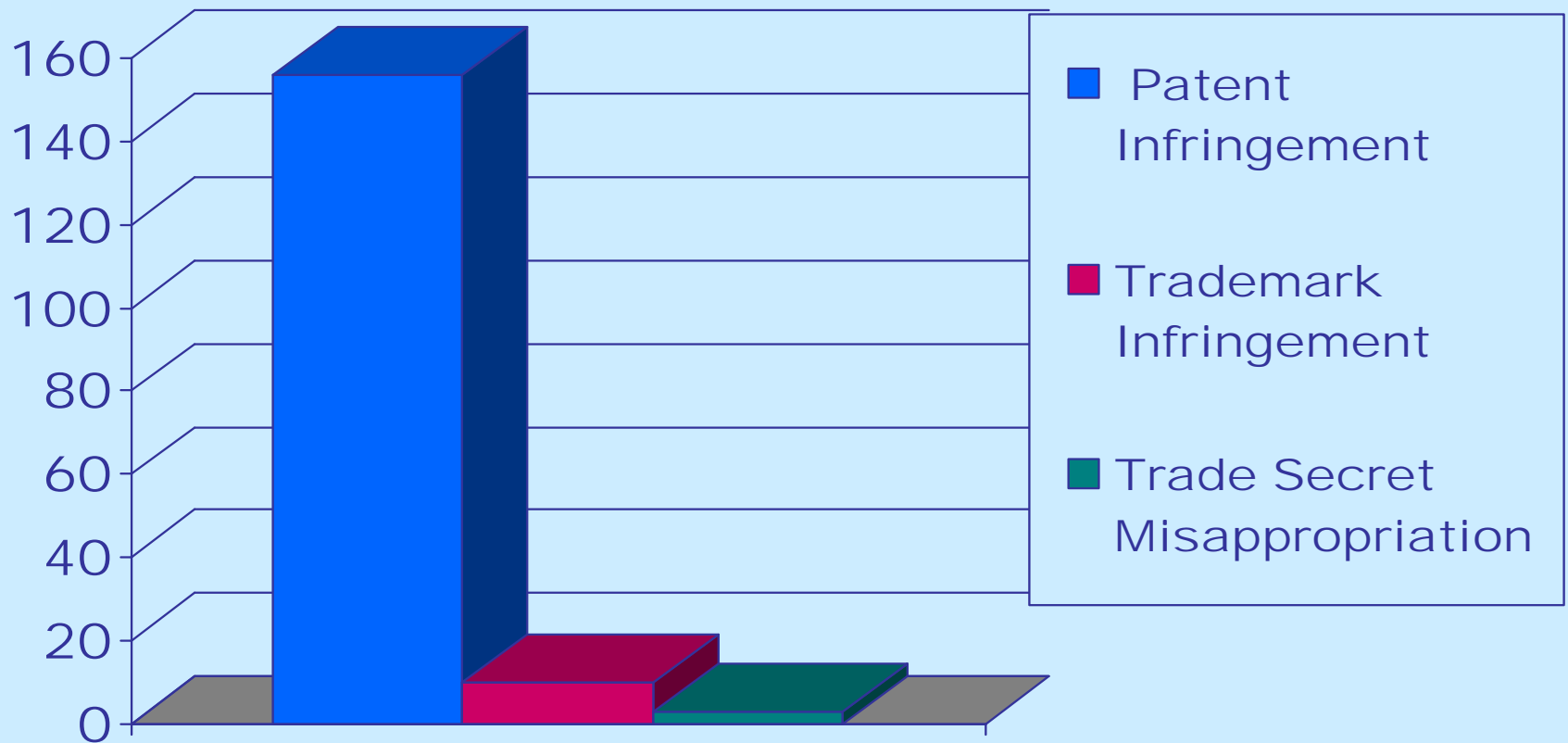
# Section 337 Caseload FY 2000 - 2010 (to date)

<b>FY</b>	<b>No. of New 337 Complaints</b>	<b>Total No. of New &amp; Ancillary 337 Matters Instituted</b>	<b>No. of 337 Matters Active During the FY</b>
<b>2000</b>	<b>11</b>	<b>12</b>	<b>25</b>
<b>2001</b>	<b>29</b>	<b>32</b>	<b>40</b>
<b>2002</b>	<b>15</b>	<b>16</b>	<b>46</b>
<b>2003</b>	<b>19</b>	<b>21</b>	<b>41</b>
<b>2004</b>	<b>27</b>	<b>27</b>	<b>44</b>
<b>2005</b>	<b>25</b>	<b>29</b>	<b>57</b>
<b>2006</b>	<b>34</b>	<b>40</b>	<b>70</b>
<b>2007</b>	<b>31</b>	<b>33</b>	<b>73</b>
<b>2008</b>	<b>43</b>	<b>50</b>	<b>88</b>
<b>2009</b>	<b>29</b>	<b>36</b>	<b>85</b>
<b>2010 to date (10/1/09 – 5/14/ 10)</b>	<b>29</b>	<b>33</b>	<b>76</b>

# Number of Trials Held in Section 337 Investigations Before ITC Administrative Law Judges (FY 2006 - FY 2010 to date)

<b>FY</b>	<b>No. of Trials Held</b>	<b>Total No. of Trial Days</b>	<b>Type of Investigation – Asserted Unfair Act(s)</b>
<b>2006</b>	14	101	13 patent invs.; 1 patent & trade secret misappropriation inv.
<b>2007</b>	10	63	8 patent invs.; 1 patent & trade dress inv; 1 patent & trademark inv.
<b>2008</b>	19	125	19 patent invs.
<b>2009</b>	19	113	17 patent invs.; 1 patent & trademark inv; 1 trade secret misappropriation inv.
<b>2010 (10/1/09 – 5/14/10)</b>	12	76	12 patent invs.

# Unfair Acts Asserted in Section 337 Complaints CY 2004 – 2008

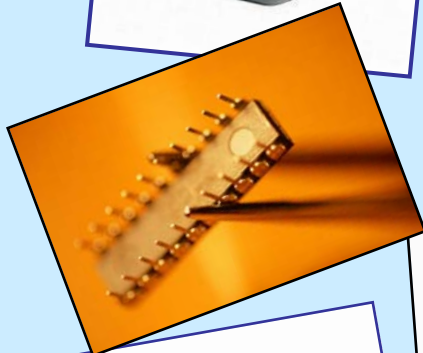


# Types of Products & Technologies At Issue



- ◆ Wide Variety of Products & Processes Have Been At Issue in Section 337 Investigations
  - Computer/Telecommunications Technologies
  - Mechanical/Industrial Devices
  - Medical Technologies
  - Chemical Compositions & Processes
  - Broad Range of Consumer Goods

# Products at Issue in Recent 337 Investigation Include:



# Sources Of Accused Imports In Recent Investigation Have Included Respondents/Imports From:

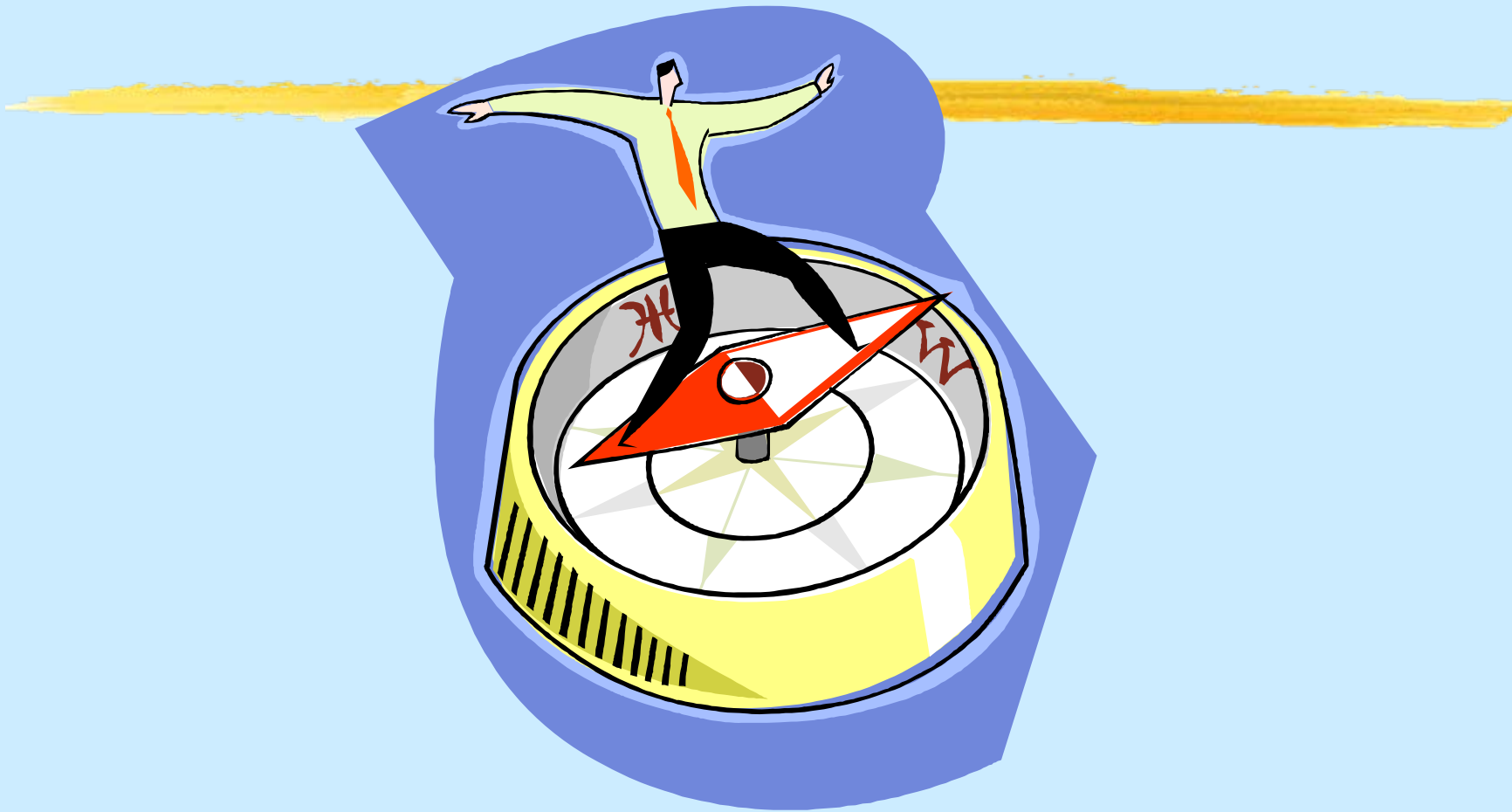
- Belgium
- British Virgin Islands
- Canada
- Cayman Islands
- China
- England
- Finland
- France
- Germany
- India
- Ireland
- Israel
- Italy
- Japan
- Korea
- Malaysia
- Mexico
- Netherlands
- Pakistan
- Singapore
- Sweden
- Switzerland
- Taiwan
- Thailand
- Turkey




# Common Theme of Complainants Who Use Section 337



- ◆ Desire for Speedy Discovery & Speedy Adjudication
- ◆ By a Forum with Expertise in the Resolution of Complex Intellectual Property Disputes

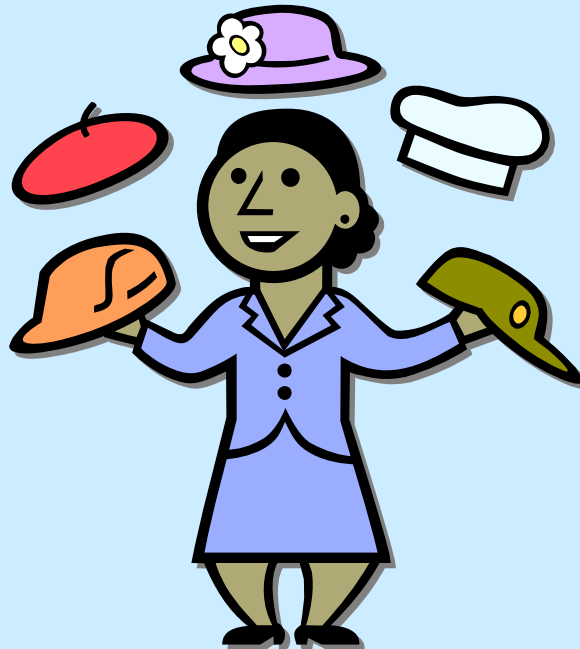


# Office of Unfair Import Investigations ("OUII")



- Office of Attorneys Devoted to Section 337 Work
- Sometimes Referred to as the "Staff"

# Changing Roles of OUII During the Course of Section 337 Proceedings



# Changing Roles of OUII During the Course of Section 337 Proceedings

## → ***Prior to Filing of a Complaint:***

OUII is Available to Discuss Prospective Complaints


## → ***Upon Filing of a Complaint:***

OUII Advises Commission on the Sufficiency of the Complaint

## → ***Upon Institution of the Investigation:***

OUII Participates as an Independent Party Appearing on Behalf of the Public Interest – working to investigate the facts and develop the record & formulating its own positions on the issues

# During Course of an Investigation, OUII:



- ◆ Participates in discovery, motions practice & trial, as well as the review & remedy phases before the Commission
- ◆ Takes positions on the issues (on an issue-by-issue basis)
- ◆ Comments on settlements & proposed consent orders (and is available to assist with settlement negotiations)

# For More Section 337 Information



## ◆ USITC website – [www.usitc.gov](http://www.usitc.gov)

### ➤ IP Trade Remedy Investigations Page

- 337 FAQs Booklet; 210 Rules
- 337 Investigational History
- Links to EDIS (ITC's Electronic Document Information System)