

ITC 337 Investigations

Our team of award-winning intellectual property litigators is deep, skilled, and successful in district court cases, trials before the Patent Trial and Appeal Board (PTAB), as well as investigations before the United States International Trade Commission (ITC). ITC investigations are fast-paced administrative proceedings involving the enforcement of patent, trademark, and trade secret rights. We successfully represent both complainants and respondents, as well as third parties, in investigations involving a wide range of technologies, including biologics, medical devices, consumer products and high tech electronics. Our ITC professionals have a deep understanding of not just the technology and the substantive laws governing intellectual property; we have expertise in navigating the ITC, including its nuanced rules and procedures.

Our expertise and success does not end after the investigation. We assist our clients in enforcing the ITC remedies we have won on their behalf, through United States Customs and Border Protection registrations, training at U.S. ports of entry, partnerships with the Centers of Excellence and Expertise, and proceedings before the Intellectual Property Rights Branch.

- Nearly 90 percent of Section 337 cases involve patent infringement disputes; most involve complex technology.
- 18 months is the average time to reach a resolution, including complaint, discovery, pretrial hearings, trial, post-trial briefs, judge's decision, and the ITC decision.
- The ITC provides unique types of injunctive relief: "exclusion orders" that direct U.S. Customs and Border Protection to stop infringing products from entering the United States and "cease and desist" orders against named importers.
- Approximately 45% of ITC cases go to trial.

Source: United States International Trade Commission

ITC 337 Investigations is part of Marshall Gerstein's work in IP Litigation.