

Navigating Your IP Rights At The ITC And Beyond

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BAKER BOTTS

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Introduction – ITC Basics

- Independent, quasi-judicial federal agency
 - Enforces federal tariffs
 - Adjudicates disputes under trade law
- The different players at the ITC
 - Commissioners (3/5 new, 1 TBD)
 - Administrative Law Judges (2/6 new)
 - Office of Unfair Import Investigations, a/k/a OUII, the Staff, the IA (5/20 new)
 - General Counsel's office, docket services



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Introduction – ITC Basics

- Investigation of unfair trade practices
 - 90% patent infringement
- Remedies
 - Exclusion order
 - Limited
 - General
 - Cease and desist order
 - No damages



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Introduction – ITC Basics

- Remedies
 - Exclusion order
 - Limited
 - Covers only named respondents, affiliated companies, parents, subsidiaries, licensees, and other related business entities, or their successors and assigns
 - General
 - A general exclusion order may be issued against all infringing articles from any source, regardless whether or not the source was included in the investigation

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