

# *Navigating Your IP Rights At The ITC And Beyond*

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BAKER BOTTS

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## Introduction – ITC Basics

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- 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

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- 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

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- 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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24<sup>th</sup> Annual Advanced Patent Law Institute session

"Navigating Your Rights at the ITC, CBP, and Beyond"