

Navigating your IP rights at the ITC, CBP, and Beyond

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- Notable cases and rulings of 2020

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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
 - Commission
 - Administrative Law Judges (ALJs)
 - Office of Unfair Import Investigations (OUII)



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Introduction – ITC Basics

Commissioners

- Jason Kearns (Chair)
- David Johanson
- Rhonda Schmidlein
- Randolph Stayin
- Amy Karpel

Administrative Law Judges

- Charles Bullock (Chief)
- David Shaw
- Sandra Lord
- MaryJoan McNamara
- Clark Cheney
- Cameron Elliot



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Introduction – ITC Basics

- Investigation of unfair trade practices
 - 90% patent infringement
- Remedies
 - Exclusion orders
 - Limited
 - General
 - Cease and desist orders
 - 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 of whether or not the source was included in the investigation
 - Cease and desist order
 - A cease and desist order (CDO) is issued only against those respondents who maintain a “commercially significant” inventory in the United States

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