

Buchanan Intellectual Property

International Trade Commission (ITC) Litigation: Section 337

As the primary forum for investigating unfair trade practices in the importation of articles into the United States, the International Trade Commission (ITC) adjudicates such practices with respect to their impact on intellectual property rights and the domestic industries utilizing those rights. Our litigators have extensive experience in working with clients to efficiently and effectively manage these complex, challenging and accelerated investigations conducted by the ITC .

In today's challenging global marketplace, we devise strategies that align with our clients' commercial objectives, ensuring effective intellectual property right protection across different jurisdictions.

Our team of ITC attorneys provides enforcement and client counseling services, including representation before the ITC, due diligence, and various legal opinions, including:

- Patent, copyright and trademark infringement
- Lanham Act violations
- Trade secret misappropriation
- False designation of origin
- Anticompetition violations
- Other forms of unfair competition

How We Can Help You


Local Presence

Our experience in the ITC's intricate rules and procedures ensures that clients navigate the fast-paced landscape of Section 337 litigations without falling prey to critical procedural missteps. Buchanan boasts a robust team of attorneys in Washington, D.C. that are well-positioned to support clients at every stage of a Section 337 dispute, from the initial complaint preparation to the eventual expiration of the exclusion order years later. With our strong bench strength, we are committed to providing effective representation and strategic guidance throughout the entire process.

Multi-Forum Litigation Strategies

Section 337 investigations enable companies to challenge the importation of goods based on alleged infringement of U.S. intellectual property rights or unfair practices. This process adheres to due process, allows for global discovery, and provides access to judges with expertise in intellectual property law, alongside remedies enforced by U.S. Customs and Border Protection.

Our attorneys offer comprehensive support that goes beyond traditional legal services, including regular monitoring of political and legislative developments impacting clients, preparation of correspondence for legislative officials, advisement on voting trends, strategic guidance through the review of past Commission opinions, and leveraging an extensive network of contacts in Congress and government agencies to advocate effectively on behalf of our clients.



Knowledge in ITC Proceedings & Investigations

- Represented a dental imagery company in two ITC litigations, resulting in a favorable outcome.
- Resolved complex litigation involving patent infringement in International Trade Commission (ITC) through the collaboration of specialized legal teams focused on technology-related issues.
- Successfully represented a client in a matter concerning imported gray market goods that infringed upon well-known trademarks, resulting in a favorable outcome before the ITC and a successful appeal to the Federal Circuit.
- Provided strategic counseling to a European company on ITC Section 337 matters related to trade secret theft, leading to a resolution without the necessity of litigation.
- Demonstrated extensive experience in ITC litigation concerning complex trademark matters and unfair competition issues.
- Served as lead counsel in ITC litigation involving patent infringement claims related to the synthesis of specific chemical compounds, culminating in a global settlement.
- Successfully represented client in trade secret case involving EV batteries which resulted in largest settlement in a trade secret case.
- Successfully represented client in AI server components case which resulted in exclusion and cease and desist orders and license agreements with major OEMs using infringing products.

