ITC Quick Reference Guide for Experts

GENERAL LITIGATION AND SECTION 337 TERMINOLOGY

A Section 337 matter before the U.S. International Trade Commission (ITC) has many features of general litigation, but the terminology, decision makers, pace, and available remedies differ.

General Litigation	ITC/Section 337	Practical Meaning
Plaintiff	**Complainant**	Party that files the Section 337 Complaint.
Defendant	**Respondent**	Party accused of an unlawful import-related practice.
Lawsuit/Case	**Investigation**	The ITC formally “institutes” an investigation.
Federal Judge	**Administrative Law Judge (ALJ)**	Presides over discovery, motions and the evidentiary hearing.
Trial	**Evidentiary Hearing**	Bench proceeding before the ALJ; there is no jury.
Court Rules/ Judge’s Practices	**Commission Rules + ALJ Ground Rules**	Detailed procedures and case-specific requirements.
Summary Judgement	**Summary Determination**	Potential early resolution of an issue or claim.
Trial Decision	**Initial Determination (ID)**	ALJ’s determination, subject to possible Commission review.
Final Judgement	**Final Determination**	Commission’s final decision on violation and remedy.
Case Deadline	**Target Date**	Date set for completing the investigation.
Injuction	**Exclusion Order/Cease and Desist Order**	Primary remedies; monetary damages are not awarded by the ITC
Appeal	**Federal Circuit Appeal**	A final Commission determination may be appealed.

Key ITC-Specific Concepts

Domestic Industry (DI)
The complainant generally must establish qualifying U.S. activity connected to the asserted intellectual property.

Commission Investigative Staff (Staff)
In some investigations, an ITC attorney participates as an independent party representing the public interest.

Importation
The accused products must involve importation into the United States, sale for importation, or sale after importation.

Institution
The Commission's decision to formally begin the investigation.

Limited Exclusion Order (LEO)
Bars infringing products of specified respondents from entry into the United States.

General Exclusion Order (GEO)
May bar infringing products regardless of source when statutory requirements are met.

Cease and Desist Order (CDO)
Restricts certain domestic commercial activities involving covered imported products.

Public Interest
The Commission considers specified public-interest factors before issuing relief.

