

Insights: Publications

SEPs At The ITC: Guidance From Recent Decision

Law 360

October 6, 2016

Written by **Aarti Shah**

In a newly issued statement, the U.S. International Trade Commission once again made it clear that standard-essential patents may be asserted at the ITC, and will be treated no differently than other patents asserted in a Section 337 investigation. Issues of stand essentiality will be addressed – under the commission's statutory obligation to assess an exclusion order's impact on the public interest – only after it has been determined that a violation of the statute has occurred. Such issues, therefore, are not appropriate for resolution through the ITC's Early Disposition Pilot Program.

Related People



Aarti Shah

t 202.481.9937

ashah@ktslaw.com