ITC Section 337

Swift Leverage

As an expedited alternative to federal litigation, the U.S. International Trade Commission has become an increasingly popular forum for blocking imports that infringe patents, trademarks, and trade secrets, or that otherwise constitute unfair trade. Kilpatrick's ITC Team comes uniquely qualified to handle both ITC offenses and defenses, having successfully won or settled more than 30 ITC investigations.

Our deep technical knowledge and patent litigation experience allow us to quickly understand complex technology and legal issues to provide effective advice and representation to clients lodging or facing ITC investigations. We serve as counsel for leading domestic and international companies, offering intimate familiarity with international business practices — particularly in Asia — impacted by the ITC's far-reaching, business-critical investigations. To give our clients an extra advantage, our attorneys stay abreast of rapidly-evolving trends in the ITC, including non-practicing entities, standard-essential patents, domestic industry, and the ITC's independent stance on patent validity challenges to the USPTO's Patent Trial & Appeal Board.

Our dedicated ITC practitioners engage daily in a number of cutting-edge representations before the commission, and thoroughly understand the unique environment of the ITC — its critical distinctions from U.S. district courts, its practices and procedures, and how to successfully leverage its fast-paced environment.

Reach

Distinguished Record

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Approach

Inside Track

Our 17 dedicated ITC practitioners engage daily in a number of cutting-edge representations before the commission, and thoroughly understand the unique environment of the ITC — its critical distinctions from U.S. district courts, its practices and procedures, and how to successfully leverage its fast-paced environment.

Experience

Represented Lowe's and Husqvarna in a patent infringement and importation ITC investigation brought by American carburetor maker Walbro, in its bid against Chinese competitor Ruixing, 6 other carburetor manufacturers, and 26 of their downstream equipment- and retailer-customers. Won termination as to Husqvarna early-on by consent order, and on the eve-of-trial for Lowe's by summary determination by Chief Judge Bullock (and affirmed by the Commission) that Walbro had failed to establish domestic industry. (*Certain Carburetors*).

Obtained complete victory for Reebok against RBX Active in a patent infringement and importation ITC investigation related to athletic shoe sole functionality after all respondents ultimately agreed to cease importation of the accused products (*Certain Athletic Footwear*). Currently pursuing damages in Oregon district court.

Defended semiconductor powerhouse Broadcom and its seven downstream customers — Technicolor, HTC, ASUS, Comcast, Arista, NETGEAR, and ARRIS — in patent infringement and importation ITC investigation brought by Tessera Technologies related to semiconductor chip packaging technology. Prevailed in two of three asserted patents at trial and convinced the commission to review findings on the third patent (*Certain Semiconductor Devices*).

Asserted Broadcom's patented streaming audio multimedia technology in ITC investigation seeking to prevent the importation of wireless speakers and other audio systems by Tessera subsidiary DTS and eight of its downstream technology customers (*Certain Wireless Audio Systems*).

Represented complainant Fiat Chrysler in an ITC investigation asserting trademark infringement and dilution based on Jeep's design marks and other acts of unfair competition based Jeep's rights in its iconic grille design and vehicle trade dress and successfully obtained an exclusion order on behalf of Fiat Chrysler. Kilpatrick Townsend also successfully represented Fiat Chrysler in the subsequent modification proceeding. (*Certain Motorized Vehicles*).

Defended ARRIS in patent infringement and importation ITC investigation brought by Rovi and Tivo, concerning on-screen programing guide technology; completed five-day trial before Administrative Law Judge David P. Shaw to win final determination of no violation by ARRIS, affirmed by the full Commisssion. Advocacy for ARRIS continues before U.S. Customs & Border Protection and the Federal Circuit as to implications of the no-violation ruling. (*Certain Digital Video Receivers*).

Secured a favorable settlement for ARRIS in a patent infringement and importation investigation brought by OpenTV/Nagra/Kudelski involving digital content and voice command technology as part of an aggressive patent licensing strategy against Comcast and its suppliers, which also included multiple district court litigations (*Certain Digital Television Set-Top Boxes*).

Obtained an exclusion order for Agere Systems and LSI Corp. banning the importation of accused products after a seven-day trial in an ITC investigation involving video compression (MPEG) and wireless technology against a respondent Japanese electronics company and two of its Taiwanese chip suppliers

(*Certain Audiovisual Components*).

Obtained invalidation of all asserted claims of five standards patents and defeated the complainants' standing for lack of a domestic industry for LSI Corp. and Seagate Technologies in an investigation involving external memory controllers and serializer/deserializer interfaces used in integrated circuits (*Certain Semiconductor Chips*).

Sought exclusion for Broadcom against LG Electronics televisions and other products infringing its patented technology for System-on-Chips that allow digital televisions and other devices to encode/decode multimedia streams, display and blend images, speed up or slow down video streams, and other features (*Certain Semiconductor Devices and Consumer Audiovisual Products*).

Favorably settled an ITC investigation for Levi Strauss & Co. in RevoLaze's investigation against 17 jeans brands related to laser fading of denim. (*Certain Laser Abraded Denim Garments*).

Prevailed against more than 20 respondents either at trial or during pre-trial settlements for complainants in an ITC investigation involving a single patent covering a fundamental innovation in semiconductor processing. Won all issues at trial except the construction of a single claim term, which became moot on appeal when its patent expired (*Certain Semiconductor Integrated Circuits Using Tungsten Metallization*).

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