Insights: Publications

ITC Denies Suspension or Temporary Rescission of Remedial Orders after PTAB Invalidates Patents at Issue

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In a first of its kind decision with important ramifications for patentees, the U.S. International Trade Commission ("ITC") denied a petition to suspend or temporarily rescind remedial orders issued in Investigation No. 337-TA-945 pending appeal of the Patent Trial and Appeal Board's ("PTAB") separate finding that the patent claims at issue are invalid. The ITC has therefore decided to continue to exclude products it found to be infringing certain patents, regardless of the PTAB invalidating the very patents the exclusion order is based upon in separate IPR proceedings. While this decision aiding patentees may surprise some, it is consistent with the ITC's practices regarding stays and of giving little deference to IPR proceedings.

Related People



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