

2024

ITC Section 337 Year in Review

ANALYSIS & TRENDS | 2ND EDITION

Introduction

Section 337 investigations at the U.S. International Trade Commission (ITC) remain an efficient and powerful method for American businesses seeking relief from foreign acts of unfair competition, including infringement of intellectual property rights. The Commission's injunctive powers provide an attractive forum for patent owners seeking relief from patent infringement litigation and other unfair acts. In 2024, the number of complaints filed at the ITC rebounded after the low in 2023. The ITC is a useful forum when enforcing patents against multiple infringers; two-thirds of the complaints filed in 2024 involved more than one respondent group.

As in 2023, the specter of government shutdowns loomed in 2024. However, the ITC still continued its work, issuing 17 Final Determinations, of which 7 found a violation of Section 337. The percentage of violations dipped below 50% for the first time in a decade, but it is too early to predict whether such a trend will hold in years to come.

In our webinar "ITC Section 337 Year in Review," in addition to statistical trends, we highlighted some important legal decisions in 2024 involving the ITC, the economic prong of domestic industry and standing, and a look ahead to 2025.

We appreciate your interest in this report, and we encourage you to read our other year-in-review publications covering Design Patents, the CAFC, and the PTAB in detail as well as a new report covering AI and IP. All of this content is available at www.sterneckessler.com and by request. Please contact us if you would like to discuss enforcement or defense of IP at the ITC.

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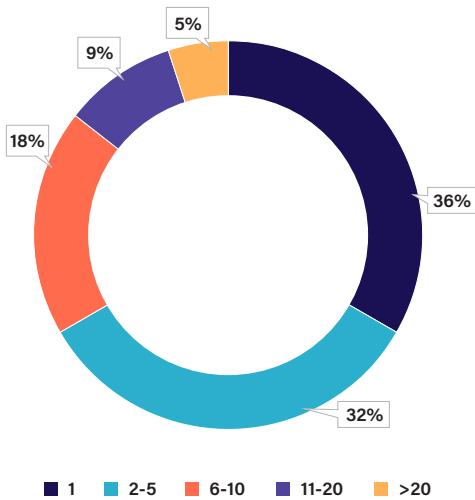


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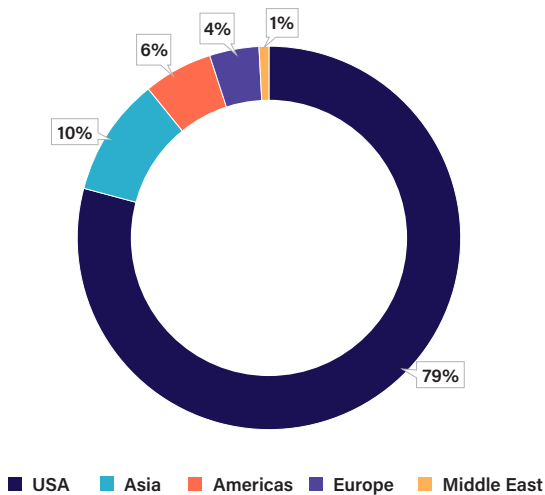
ITC Statistics

Cases Instituted in 2024

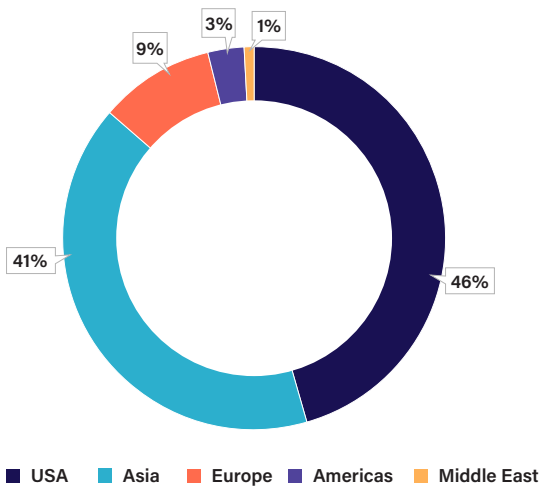
Respondents per Investigation



Complainant Region



Respondent Region



Respondent counts in the top chart reflect corporate consolidation. The region charts on the bottom row count related corporate entities in different regions independently.

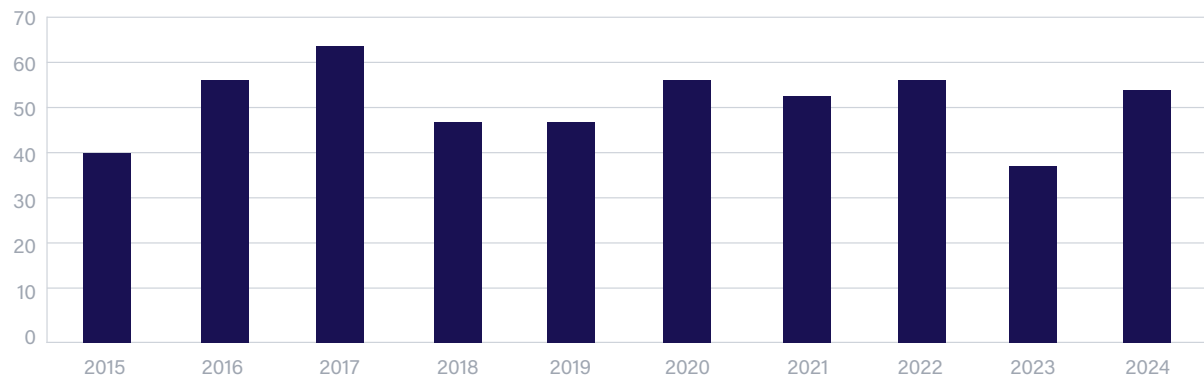
IP Type in Investigations	#	%
Utility Patent	39	89%
Design Patent	5	11%
Trademark	2	5%
Copyright	2	5%
Unfair Competition	2	5%
Trade Dress	1	2%
False Advertising	1	2%
Trade Secret	1	2%

In 2024, on average, from institution...

- 4.3 months to Markman hearing
- 16.7 months to target date

Case Flow and Outcomes

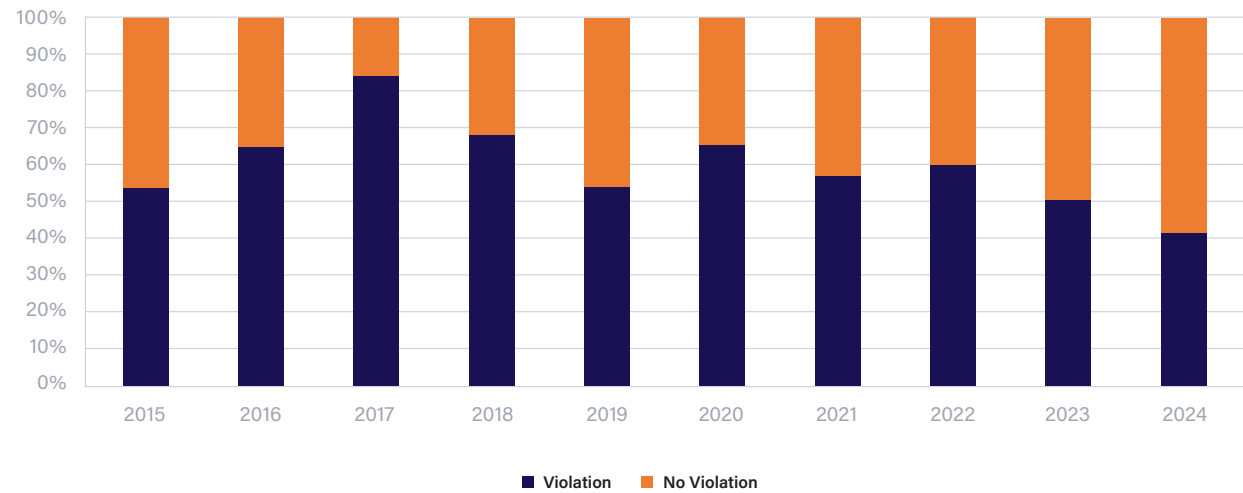
337 Violation Complaints



Patents per Investigation
In cases with any patents asserted

Comp. Year	Utility	Design	Total
2015	3.7	0.3	3.9
2016	3.1	0.7	3.8
2017	3.4	0.2	3.6
2018	3.4	0.1	3.5
2019	3.4	0.0	3.4
2020	3.0	0.3	3.4
2021	3.6	0.8	4.4
2022	3.1	0.1	3.2
2023	3.6	0.1	3.7
2024	2.8	0.4	3.2
Overall	3.3	0.3	3.6

Final Determination Outcomes



About Sterne, Kessler, Goldstein & Fox

Based in Washington, D.C., Sterne Kessler is one of the world's leading intellectual property law firms, specializing in the full range of IP services globally for more than four decades. We are passionate about IP law, with a unique combination of legal acumen and technical expertise in both prosecution and litigation. This enables us to offer unparalleled insights and forward thinking strategies to protect and enforce our clients' valuable IP assets.

Our team of experienced litigators have the trial skills and technical depth to deliver results across any venue, from district court to the Federal Circuit and International Trade Commission. Sterne Kessler is also recognized as a leading firm for patent prosecution and strategic counseling, trademarks, and post-grant proceedings at the Patent Trial and Appeal Board. With over 400 dedicated professionals, the firm is committed to delivering exceptional service to clients. The world's most innovative companies, including Fortune 500 companies, entrepreneurs, start-ups, inventors, venture capital firms, and universities trust Sterne Kessler with their most complex IP matters.

For more information about the firm and our services, visit sternekessler.com or follow us on [LinkedIn](#) to stay up-to-date on our latest news and updates.

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