



February 2024

ITC Section 337 2024.

Intelligence Report

January 2018 — December 2023

A comprehensive report on the **Best Performing** and **Most Active** ITC Section 337 Attorneys and Law Firms.

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Introduction.

Section 337 Investigations by the International Trade Commission (ITC) have become increasingly popular in the past decades due to globalization, leading to a surge in imported goods and IP-related risks. These investigations offer expedited proceedings, typically completed within 12 to 15 months, and authority over accused products rather than individuals or entities. This simplifies the process for addressing IP disputes and enables successful complainants to obtain exclusion orders enforced by U.S. Customs and Border Protection, thus safeguarding American innovation and industry against IP infringement.

In 2023, there was a notable decrease in new investigations under the ITC Section 337 after several consecutive years of increase. The recent decline necessitates a separate analysis as it can result from various factors. In this report, we will analyze the average duration of investigations, addressing concerns that the increasing duration might deter the filing of new complaints. Despite this, several large law firms, including Am Law 100 firms, are adding and expanding their ITC practice within their intellectual property groups by hiring more ITC attorneys. Some firms, which have been active on the complainant side, are more actively utilizing the ITC as a strategic avenue to increase their chances of success.

What's New in the 2024 ITC Intelligence Report?

The *2024 ITC Intelligence Report* introduces two updates and enhancements aimed at providing a more comprehensive view of ITC Section 337 Investigations and all stakeholders involved. Last year our efforts included refining our ranking methodology, incorporating CAFC appeals data, and analyzing investigation durations. This year, we offer a deeper analysis of investigation duration by outcome and include data from the ITC

regarding investigations initiated by non-practicing entities (NPEs).

Our objective is to deliver a more accurate and reliable measure of the success of ITC Section 337 Investigations, achieved through several adjustments and normalizations based on community feedback. The following summarizes the updates and changes made.

Investigation Duration Analysis

Analyzing investigation duration is crucial as it provides insights into the efficiency and effectiveness of the ITC Section 337 process. Understanding how long investigations typically take can help stakeholders man-

age expectations, allocate resources more effectively, and identify potential areas for improvement in the investigative process. By categorizing investigations based on their outcomes, we can offer a better understand-

ing of how duration fluctuates based on the resolution type of disputes. This allows for a deeper analysis of factors influencing inves-

tigation length and provides insights into the likelihood of different outcomes based on the time taken to resolve cases.

Non-Practicing Entities Initiating Investigations

Over the last six years, from 2018 to 2023, the trends in Section 337 investigations initiated by Non-Practicing Entities (NPEs) have exhibited fluctuations. Understanding these trends is essential as it sheds light on the evolving strategies and activities of

NPEs within the ITC landscape. Analyzing the changes in the number of investigations brought by NPEs over this period provides insights into their impact on intellectual property disputes and the overall dynamics of the ITC Section 337 process.

What's in the Pipeline for 2024?

As our Intelligence Reports enter its eighth year of publication, these annual reports have garnered widespread popularity among corporations and law firms. A Google search for "[patexia rankings](#)" yields thousands of pages published by law firms online, utilizing our reports and data-driven rankings for marketing and business development across various domains of intellectual property (IP).

In addition to this report, Patexia plans to publish the following in 2024:

- [Patent Litigation](#) (Released on January 25, 2024)
- [Patent Prosecution](#) (scheduled for release on March 28, 2024)
- [Trademark Prosecution](#) (scheduled for release on April 25, 2024)
- [Trademark Litigation](#) (scheduled for release on May 30, 2024)
- [ANDA Litigation](#) (scheduled for release on August 29, 2024)

- [Inter-Partes Review \(IPR\)](#) (scheduled for release on September 5, 2024)
- [CAFC \(Court of Appeal for the Federal Circuit\)](#) (scheduled for release on October 31, 2024)

Our *District Court Patent Litigation Report* was released in late January, and our upcoming report on Patent Prosecution, currently in preparation, is scheduled for release in March. All these reports are offered free of charge to our [Concierge Members](#).

We have made significant progress by introducing newly designed pages dedicated to attorneys, firms, and companies, providing diverse statistics and insights on each. Additionally, we have launched new pages focusing on patents, cases, and trademarks, enriching our platform with comprehensive data and analysis across various aspects of intellectual property. This expansion and update are made possible by the continued support of our readers and Concierge members.

We extend our gratitude to the attorneys and the IP community for their invaluable contributions, as they generously shared their time and insights to clarify performance measurement doubts. Their thoughtful responses have enriched our understanding and enhanced the quality of our reports.

With the release of our sixth annual ITC report, we are thrilled about the opportunities it presents for our corporate partners to make informed decisions regarding their ITC counsel. Likewise, we believe our law firm partners can leverage this report as a strategic resource for driving new business development, marketing initiatives, and even recruitment strategies.



A handwritten signature in black ink that reads "Pedram Sameni". The signature is fluid and cursive, with a horizontal line above the name.

Pedram Sameni
Founder and CEO

What's in This Report?

The report is divided into the following sections:

- 1 **ITC Statistics:** This section offers a comprehensive overview of ITC investigations and covers high-level statistics concerning the ITC, encompassing all parties, judges, and cases from January 1, 2018, through December 31, 2023.
- 2 **Complainants and Respondents:** This section identifies the most active and best-performing Complainants and Respondents throughout the study period.
- 3 **Law Firms:** This section analyzes the performance and activity of law firms, providing comparisons and rankings for the top firms representing Complainants and Respondents.
- 4 **Attorneys:** This section reviews the performance and activity of attorneys representing complainants and respondents, offering comparisons and rankings for the top attorneys on each side. It also includes significant lateral moves over the past year, along with the law firms that experienced growth and decline in the number of ITC attorneys.
- 5 **Administrative Law Judges:** This section analyzes the performance of Administrative Law Judges (ALJs) during the study period, evaluating the outcomes of their judgments across all investigations.
- 6 **Ranking Methodology:** This section explains the performance model and how the performance scores and rankings for Complainants, Respondents, their representatives, and ALJs were calculated.

As per tradition for our ITC report and our other intelligence reports, and in order to have a meaningful comparison, as well as compensate for the time required for each case from filing to completion (e.g., 6 to 18 months), we covered a period of six years, January 1, 2018, through December 31, 2023. Appendix A lists all sources of data used for this report.

Disclaimer: The data for this report was obtained from public sources including EDIS, USPTO, PTAB, and PACER, as well as self-reported by attorneys on the Patexia website. Patexia has gone to great lengths to provide valid and accurate analysis based on this data. However, Patexia does not guarantee 100 percent accuracy nor take any responsibility for possible losses caused by the use of any information provided in this report.



Appendix.

Appendix A: Sources of Data.

Data is the foundation and building block of any data-driven analysis. Therefore, collecting that data from quality sources, and taking extra care in maintaining the data integrity, is something that we at Patexia take very seriously. We have collected our raw data from many sources including:

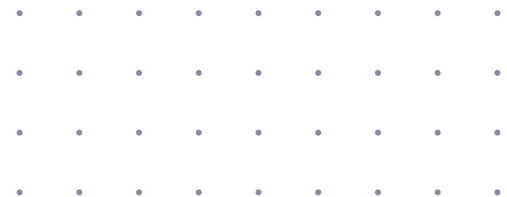
- US ITC Investigations Database System, Section 337 Information (<https://ids.usitc.gov/>)
- ITC Electronic Document Information System (EDIS) (<https://edis.usitc.gov/external/>)
- Patent Trial and Appeal Board (PTAB) Database
- United States Patent and Trademark (USPTO) Patent Database
- Public Access to Court Electronic Records (PACER)
- Court of Appeal for the Federal Circuit (CAFC)
- US Patent Classification Database
- Self-reported by attorneys named on the case

For this release, we limited the date range of our analysis to the last six years (January 1, 2018, through December 31, 2023).

While the possibility of errors such as typos in legal documents is inevitable, cleaning and organizing the attorneys’ data is even more challenging as attorneys change firms, may not update their information, and often use different variations of their names.

Our engineering team has implemented machine learning and natural language processing (NLP) methods to find the correct matches for various occurrences of the same name. To further minimize the errors, we not only review suspicious matches manually but also host profile pages for more than 100,000 attorneys and agents who can directly review and add missing cases to our database.

All the user-added data was again verified by Patexia’s internal data team for accuracy.

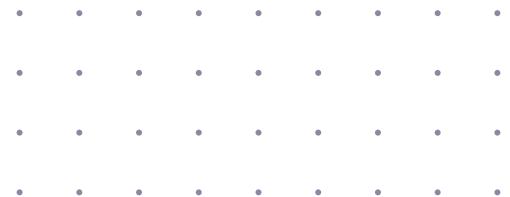


Appendix B: List of All ITC Section 337 Investigations.

See the attached Excel file for the list of all 396 ITC Section 337 cases filed from January 1, 2018, through December 31, 2023.

The spreadsheet covers the following fields for each case:

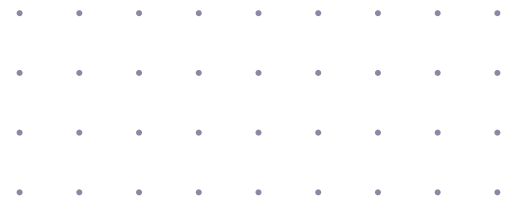
- ITC Case with a link to the case page on Patexia site
- Filing Date
- Institution Date
- Termination Date
- Status
- Unfair Act
- Title
- Judge
- Patents



Appendix C: Statistics for Complainants and Respondents.

See the attached Excel file for the statistics related to all 1,874 entities (companies) involved in one or more ITC Section 337 investigations, filed during the period of our study. The spreadsheet covers the following information for each of the companies:

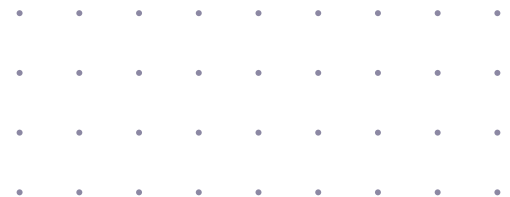
- Company name with a link to Patexia page
- Overall Activity Rank
- Overall Performance Rank
- Respondent Activity Rank
- Respondent Performance Rank
- Complainant Activity Rank
- Complainant Performance Rank
- All Cases
- Respondent Cases
- Complainant Cases
- Overall Activity Score
- Respondent Activity Score
- Complainant Activity Score
- Overall Success Score
- Respondent Success Score
- Complainant Success Score
- Overall Performance Score
- Respondent Performance Score
- Complainant Performance Score
- Overall Activity Rank (2023)
- Overall Performance Rank (2023)
- Respondent Activity Rank (2023)
- Respondent Performance Rank (2023)
- Complainant Activity Rank (2023)
- Complainant Performance Rank (2023)
- Top 3 Law Firms



Appendix D: Statistics for Law Firms.

The attached Excel file contains detailed statistics for all 372 law firms involved in one or more ITC Section 337 investigations. The spreadsheet includes the following information for each law firm:

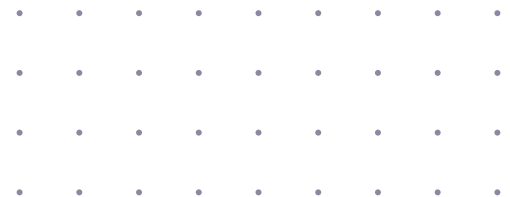
- Law firm name with a link to Patexia page
- Overall Activity Rank
- Overall Performance Rank
- Respondent Activity Rank
- Respondent Performance Rank
- Complainant Activity Rank
- Complainant Performance Rank
- All Cases
- Respondent Cases
- Complainant Cases
- Overall Activity Score
- Respondent Activity Score
- Complainant Activity Score
- Overall Success Score
- Respondent Success Score
- Complainant Success Score
- Overall Performance Score
- Respondent Performance Score
- Complainant Performance Score
- Overall Activity Rank (2023)
- Overall Performance Rank (2023)
- Respondent Activity Rank (2023)
- Respondent Performance Rank (2023)
- Complainant Activity Rank (2023)
- Complainant Performance Rank (2023)
- Top 3 Clients



Appendix E: Statistics for ITC Attorneys.

The attached Excel file contains detailed statistics for the 1,000 most active ITC attorneys involved in ITC Section 337 investigations during the period of our study. The spreadsheet includes the following information for each attorney:

- Attorney name with a link to Patexia page
- Attorney’s Title
- Attorney’s Law Firm with a link to Patexia Page
- Overall Activity Rank
- Overall Performance Rank
- Respondent Activity Rank
- Respondent Performance Rank
- Complainant Activity Rank
- Complainant Performance Rank
- All Cases
- Respondent Cases
- Complainant Cases
- Overall Activity Score
- Respondent Activity Score
- Complainant Activity Score
- Overall Success Score
- Respondent Success Score
- Complainant Success Score
- Overall Performance Score
- Respondent Performance Score
- Complainant Performance Score
- Overall Activity Rank (2023)
- Overall Performance Rank (2023)
- Respondent Activity Rank (2023)
- Respondent Performance Rank (2023)
- Complainant Activity Rank (2023)
- Complainant Performance Rank (2023)
- Top 3 Clients



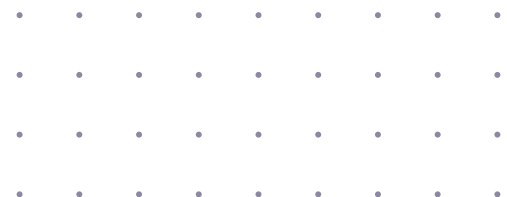
Appendix F: Lateral Moves.

The accompanying Excel file covers all the important lateral moves that took place since our previous publication of the ITC Intelligence Report in early 2023. We looked at the top 1,000 most active ITC attorneys in our 2024 report and identified the ones who had moved since last year. The spreadsheet covers the attorneys who moved as well as the new firms that were formed during this time. The spreadsheet covers the following information for each of the attorneys:

- Attorney’s Name
- Attorney’s Title
- Attorney’s Current Firm
- Attorney’s Old Firm
- Attorney’s Overall Activity Rank
- Attorney’s total number of ITC cases for the period of the study.

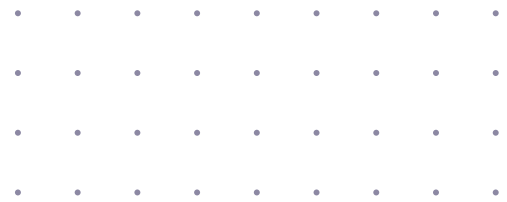
A separate sheet in the Excel file covers the changes in the number of ITC attorneys at firms that experienced any change in their ITC group. The spreadsheet covers the following information for each of the firms:

- Law Firm name
- Net Change in the number of ITC attorneys
- Number of attorneys joined
- Number of attorneys left



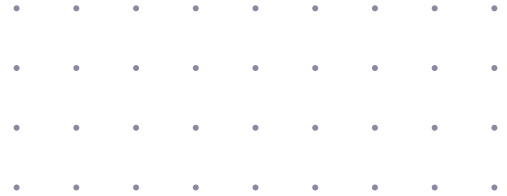
Appendix G: Best Performing and Most Active Badges.

As per our tradition, every year Patexia designs two categories of badges for Best Performing and Most Active Law Firms / Attorneys (Complainant, Respondent, and overall). The badges are only provided to those firms and attorneys who are ranked in the top 100 and choose to purchase the report ([Concierge Members](#) will automatically receive the badges if they are ranked among the top 100).



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Contact Us.



Established in 2010 with the goal of improving efficiency and transparency in the realm of intellectual property through the use of data, technology, and expert resources, Patexia is the leading network for IP professionals, boasting over 100,000 IP attorney profiles. The company offers a range of IP services through four distinct divisions: Patexia Connect (recruiting), Patexia Studies (Crowdsourced and traditional IP due diligence), Patexia Expert Witness, and Patexia Insights (IP reports and data). For further information, please contact us today.

Disclaimer: *The data for this report was obtained from public sources including USPTO, PTAB, and PACER, as well as self-reported by attorneys on Patexia’s website. Patexia has gone to great lengths to provide valid and accurate analysis based on this data. However, Patexia does not guarantee 100 percent accuracy nor take any responsibility for possible losses caused by the use of information provided in this report.*

The fine print

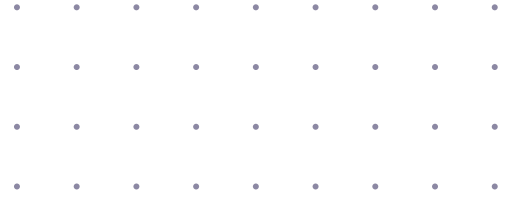
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