

# Preface

The fourth edition of this guide to Section 337 practice reflects insights from over 40 years of experience before the U.S. International Trade Commission by the editor and the firm of Adduci, Mastriani & Schaumberg, L.L.P. Source materials include numerous articles, speeches, legal memoranda, and briefs prepared over the years, which have been revised, edited, and updated in light of developments in the three years since publication of the third edition.

This guide is intended to serve as an introduction to practice under Section 337 before the Commission for those who are not familiar with it or those who want a quick update. The reader should rely on the contents of this guide not to provide legal advice but rather as a starting point for further inquiry. As practice under Section 337 has grown, so has interpretation of the law. Many precepts once taken for granted have been overruled, and others have arisen that will survive until challenged in the future.

This guide provides analysis and explanation of the participants in Section 337 investigations and discusses the unique role played by the Commission and its staff. It also focuses on the procedural rules of a Section 337 investigation, including preparation of a complaint, the discovery process and other pre-hearing procedures, the hearing and post-hearing processes, and the remedies available to a successful complainant. Other elements addressed include enforcement of a violation ruling, parallel litigation, and appellate court review of Commission decisions. This guide will give the reader a clearer idea of what to expect when filing a complaint or being named as a respondent in a Section 337 investigation.

Once a backwater of intellectual property enforcement, Section 337 has become mainstream as imports have come to play an ever more significant role in the U.S. economy. This has been particularly true over the last ten years as the caseload continued to expand compared to the previous ten years. We hope this guide will assist those who wish to learn more about the use of Section 337 and about practice before a little known but active administrative agency responsible for its administration.

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Editor