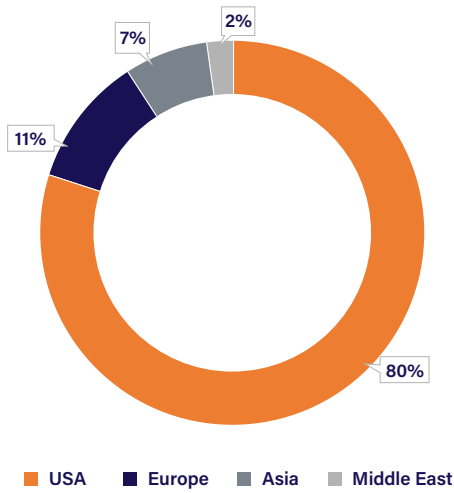


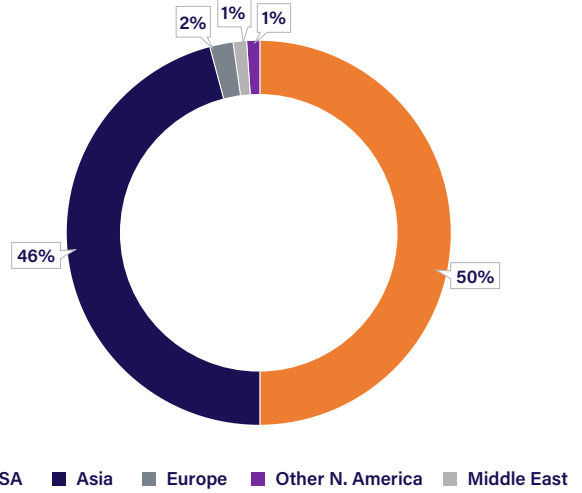
ITC Statistics

Cases Instituted in 2023

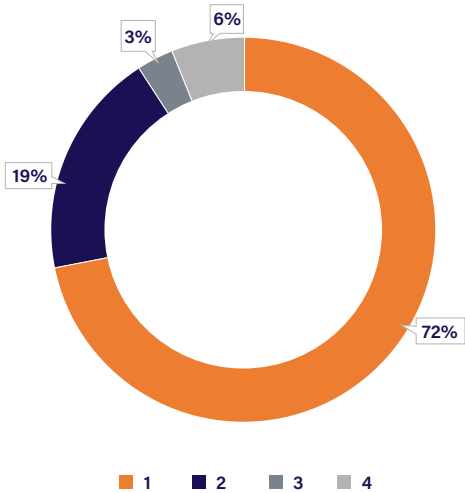
Complainant Region



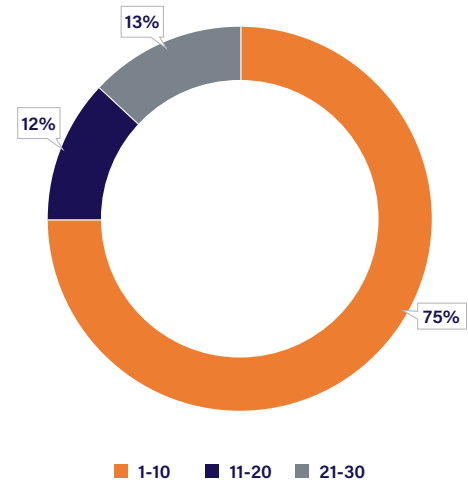
Respondent Region



Complainants per Investigation



Respondents per Investigation



IP Type in Investigations	#	%
Utility Patent	28	88%
Trademark	3	9%
Trade Dress	3	9%
False Advertising	2	6%
Trade Secret	2	6%
False Designation of Origin	2	6%
Design Patent	1	3%
Unfair Competition	1	3%

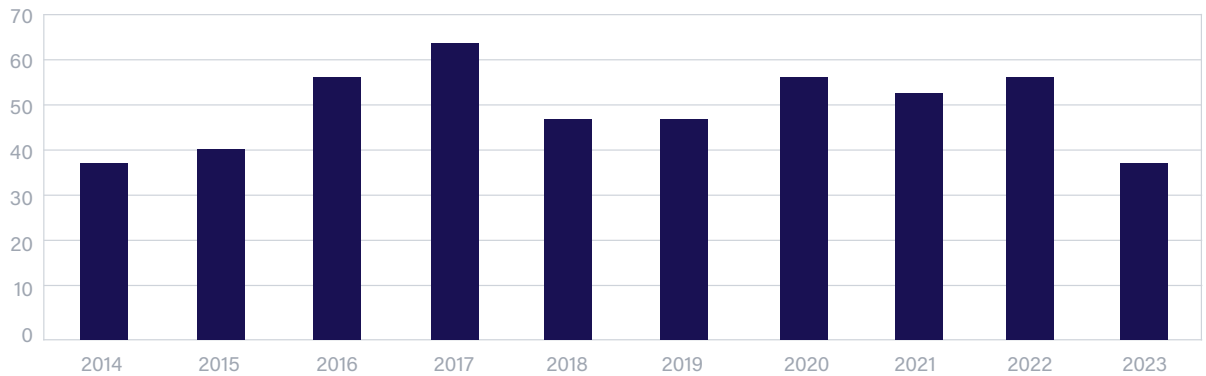
In 2023, on average, from institution...

- 4.6 months to Markman hearing
- 16.6 months to target date
- 17.6 months to Commission opinion

Thank you to Patrick Murray, Josephine Kim, Davin Guinn, Jamie Dohopolski, and Nick Nowak for contributing important data and statistics for this report.

Case Flow and Outcomes

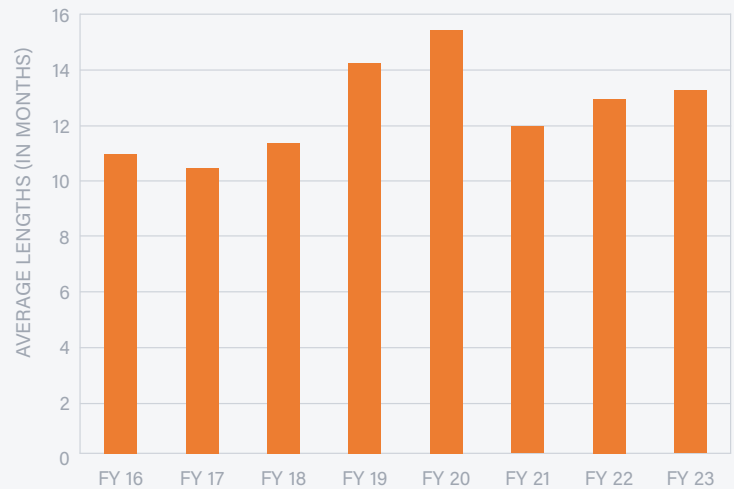
337 Violation Complaints



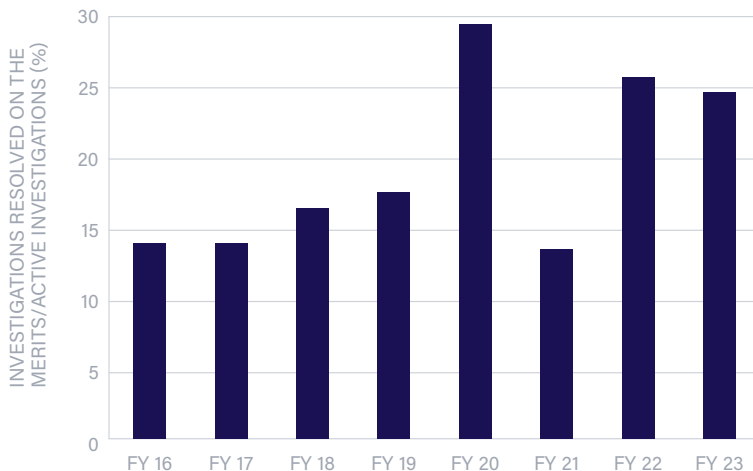
Patents per Investigation In cases with any patents asserted

Comp. Year	Design	Utility
2012	0.1	3.8
2013	0.3	2.8
2014	0.1	3.5
2015	0.3	3.7
2016	0.7	3.1
2017	0.2	3.4
2018	0.1	3.4
2019	0.0	3.4
2020	0.3	3.0
2021	0.8	3.6
2022	0.1	3.1
2023	0.1	3.6
Overall	0.3	3.4

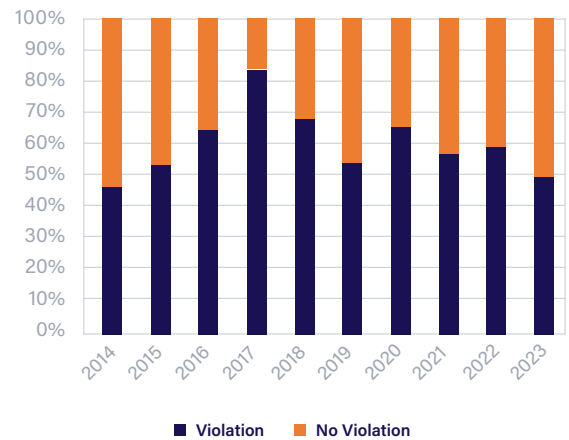
Average Length of Investigation



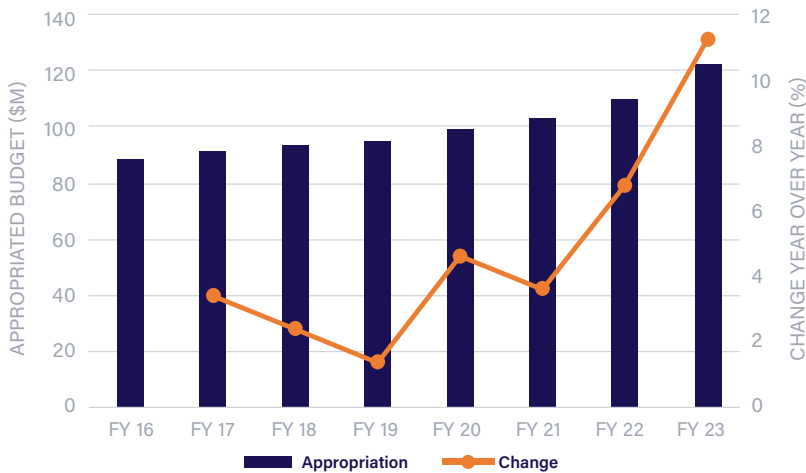
Investigations Resolved on the Merits



Final Determination Outcomes

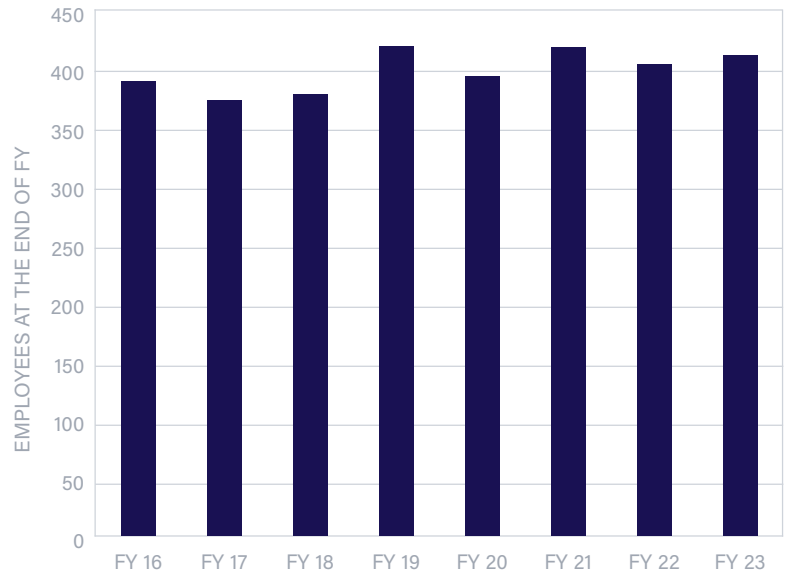


ITC Operations



Congress again increased the ITC’s budget for fiscal year 2023. Congress has yet to decrease the ITC’s absolute budget, and last year marked the greatest percentage increase in appropriations to the ITC yet.

But the ITC has not used its increased budget to build out its staff. Its staff numbers have remained relatively constant over the last several years. (Note: data for FY 21 is a mid-year figure.)



In comparison to prior years, the ITC had a lower case load in 2023. This does not appear to have any relationship with the average time to resolution, but it could be contributing to the ITC’s increased tendency to resolve investigations on the merits. Also notable, the government shutdown in 2019 did not appear to impact the ITC’s average length of investigations respective to other years.

Looking forward, however, the ITC may see an increase in its case load should the SECRETS Act gain traction. Introduced in 2021, this bill would expand the ITC’s authority beyond patent, copyright, and trademark infringement and enable the ITC to exclude imports that misappropriate trade secrets. But the bill was not reintroduced in the 2022 or 2023, so it appears unlikely that Congress will enact this law in 2024.

Instead, Congress may be inclined to free up more of the ITC’s time. Unlike the SECRETS Act, the Advancing America’s Interests Act has been reintroduced annually for the last several years, including 2023. But, by making it more difficult to prove domestic industry, this bill would likely allow the ITC to resolve cases more quickly by obviating the need to reach the merits of alleged infringement.