

Introduction

Section 337 investigations at the ITC have proven to be an efficient and powerful method for Complainants seeking relief from unfair importation. The Commission's injunctive powers provide an attractive forum for Complainants seeking relief from patent infringement litigation and other unfair acts. In 2023, the number of complaints filed in federal courts was down over previous years, and the ITC was no exception. However, despite the lower number of investigations, the importance of the ITC remains strong as this year saw the resolution of two investigations against the Apple watch as well as other important products.

2023 also saw the resumption of in-person hearings at the ITC after the end of the COVID-19 procedures. The Commission appointed a new Administrative Law Judge, bringing the current total to six. The specter of government shutdowns loomed. But the ITC still continued its work, issuing 22 Final Determinations, of which 11 found a violation of Section 337.

In this inaugural issue of "The Year in Review," we will highlight some important legal decisions in 2023 involving the U.S. International Trade Commission, such as the recent Apple watch decision and the current standards for a cease-and-desist order in view of the fast-moving online marketplace. We will also review the success of design patents at the ITC and preview issues in the pending Automotive Lamp design patent cases filed by Kia and Hyundai. In addition, we will provide an update on some of the recent statistics as well as legislative proposals that are taking place globally with respect to the ITC.

The information provided in this review is the result of a collaborative process. Thank you to co-authors—Daniel Yonan, Paul Ainsworth, Josephine Kim, Ivy Estoesta, Davin Guinn, Brooke McLain, and Cristen Corry, as well as Nicholas Nowak, Jamie Dohopolski, and Patrick Murray, who contributed important data and statistics for this review.

We appreciate your interest in this report, and we encourage you to see our firm's other recently released publications "2023 Design Patents Year in Review: Analysis and Trends," "2023 PTAB Year in Review: Analysis & Trends," and "Federal Circuit IP Appeals: Summaries of Key 2023 Decisions," which are available at [sterneckessler.com](https://www.sterneckessler.com) or by request. Please contact us if you have questions about this report, wish to discuss questions about the ITC, and/or if you would like hard copies of any of our 2023 "year in review" reports.

Best regards,



Uma N. Everett

Director, Trial & Appellate Practice Group