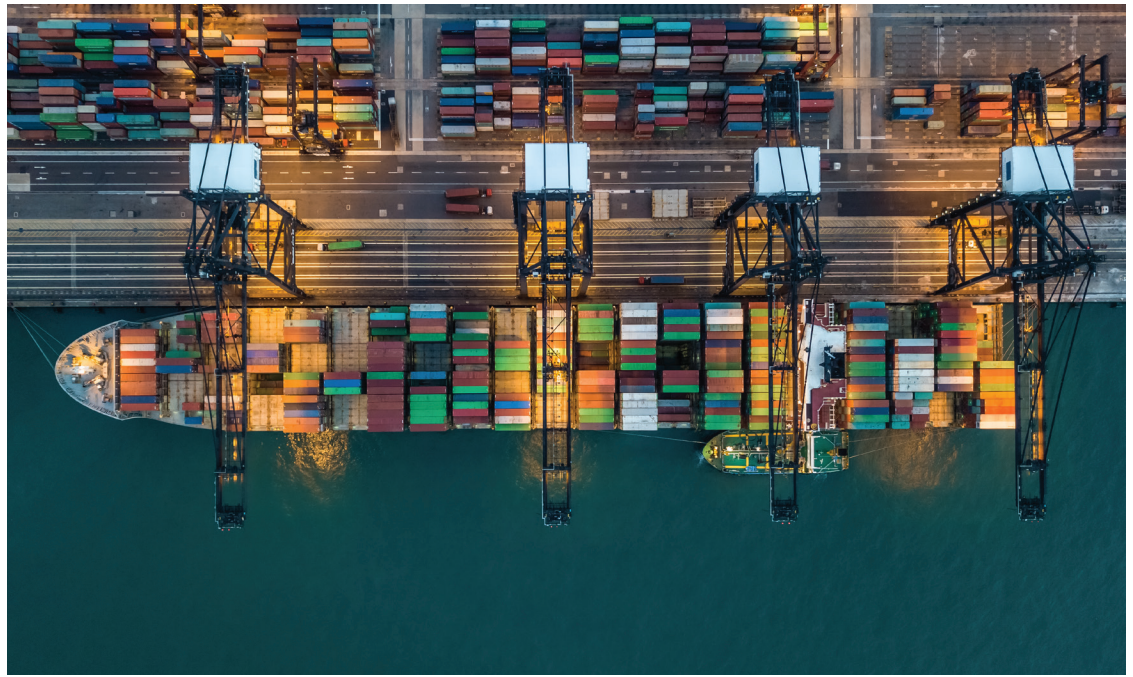


International Trade Commission



The Forum of Choice for Expedited Relief

The International Trade Commission (ITC) addresses high-stakes intellectual property (IP) disputes involving imported goods. With its expedited schedule, the ITC can resolve issues quickly and forcefully. It offers a substantive resolution to companies seeking to block imported products that allegedly infringe a U.S. IP right.

To harness the power of an ITC decision on a client's behalf, Fish & Richardson offers the strongest, most experienced team practicing before the ITC today. Fish's lawyers bring a multidisciplinary approach to ITC proceedings, drawing on their expertise in patent law, litigation, and licensing of IP rights.

Together, Fish's lawyers provide an exceptional blend of knowledge and familiarity with the ITC's unique rules and procedures. The Fish team of 170 ITC lawyers includes:

- a former Supervisory Attorney and Investigative Attorney in the Office of Unfair Import Investigations with over 25 years of experience at the ITC,
- a prominent trial attorney who co-teaches, with a former Administrative Law Judge, the first law school class in the U.S. dedicated to IP enforcement rights at the ITC, and
- one of the first lawyers to develop expertise trying patent cases at the ITC, who has handled more than 60 cases in this forum.

Fish was active in the ITC long before the rush to appear in its chambers. Our firm's deep experience and winning track record are why we handle more ITC patent litigation than any other law firm. In 2017, Fish was involved in nearly 25 percent of all new ITC patent investigations and has been involved in more than 125 ITC investigations since 2000.

Fish has handled it all at the ITC: from changing the law regarding "downstream products," to advancing the standards for when non-practicing entities can litigate in the ITC, to conducting unprecedented hearings before the full Commission regarding public interest issues.

“Fish is a juggernaut at the ITC.”

IAM Patent 1000 Rankings
– DC Metro Area (2018)

Advantages of the ITC

The ITC is the forum of choice for expedited relief because its cases, called investigations, have three primary advantages:

First, ITC cases are generally decided in 12-18 months – much more expeditiously than district court cases, which typically take two to four years to resolve.

Second, the ITC wields broad jurisdiction, including nationwide subpoena power and *in rem* jurisdiction on goods imported into the United States.

Third, although the ITC cannot award monetary damages, it can bar infringing products from entry into the United States by issuing exclusion orders, which are enforced by U.S. Customs and Border Protection.

ITC proceedings allow patent holders to obtain significant prospective relief without filing actions against numerous foreign and/or domestic infringers. As a result, accused infringers often face the possibility of having entire product lines – or perhaps their entire business – barred from the U.S. market.

While an ITC investigation can be used in lieu of a district court action, it can also be a powerful complement to a conventional patent litigation in federal district court. Moreover, ITC investigations are not limited to patent disputes. Trademark, copyright, and trade secret owners have found the ITC extremely effective in protecting their IP rights. The swift and powerful remedies available before the ITC provide a striking tactic for IP owners and frequently afford greater leverage in negotiations. No firm manages this better than Fish.

Representative Experience at the ITC

Certain UV Curable Coatings for Optical Fibers, Coated Optical Fibers, and Products Containing Same (ITC No. 337-TA-1031, Final determination June 7, 2018) – Fish won this business-critical case as lead counsel for client Momentive UV Coatings (MUV) as the respondent in this four-patent ITC case against DSM Desotech and its parent company. The case involved patents on optical fiber coatings and coated optical fibers, with DSM seeking to block the importation of MUV’s UV curable coating products into the United States. The Commission found all asserted claims of the patents-in-suit either invalid or not infringed by MUV. DSM was seeking a limited exclusion order against MUV’s largest-selling coating in the ITC case, and was asking for \$30 million in damages in a related district court case.

In the Matter of Certain Composite Aerogel Insulation Materials and Methods for Manufacturing the Same (ITC No. 337-TA-1003, Final determination Feb. 5, 2018) – Fish scored a major ITC victory for Aspen Aerogels, Inc., in a patent infringement

case against two China-based competitors, Guangdong Alison Hi-Tech Co. Ltd. and Nano Tech Co. Ltd. In its final determination, the ITC found that Alison and Nano each infringed Aspen Aerogels’ three asserted patents, that Aspen Aerogels has a domestic industry in every asserted claim, and that Alison and Nano failed to prove any of the claims invalid. The ITC issued a limited exclusion order barring the importation of Alison’s and Nano’s composite aerogel insulation into the U.S. market.

There was a lot at stake for Aspen Aerogels, which is a leading energy technology company providing innovative thermal management solutions to the \$3.2 billion energy insulation market. The company turned to Fish in 2015 after the two Chinese companies began to sell cheap knockoffs in the marketplace. Fish filed the case with the ITC in May 2016. Alison and Nano failed in their attempts to throw up many roadblocks throughout the pendency of the ITC case. Alison filed a number of *inter partes* reviews petitions against Aspen Aerogels’ patents, which were all denied institution by the PTAB.

[View more representative cases at fr.com/services/litigation/itc-litigation/](https://www.fishrichardson.com/services/litigation/itc-litigation/)

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Fish & Richardson, a premier global intellectual property law firm, is sought-after and trusted by the world’s most innovative brands and influential technology leaders. Fish offers litigation, prosecution and counseling services for patents, trademarks and copyrights, as well as trade secret counseling and litigation services. Our deep bench of attorneys with first-chair trial experience in every technology makes us the go-to firm for the most technically complex cases. We have an established reputation as a top-tier firm for patent portfolio planning, strategy and prosecution, as well as post-grant proceedings at the PTAB. Established in 1878, and now with more than 400 attorneys and technology specialists in the U.S. and Europe, our success is rooted in our creative and inclusive culture, which values the diversity of people, experiences and perspectives. For more information, visit [fr.com](https://www.fishrichardson.com) or follow us at [@FishRichardson](https://twitter.com/FishRichardson).