



**LegalMetric USITC Report**  
**337 Proceedings**  
**Patent Cases**

**January 1996 - June 2017**

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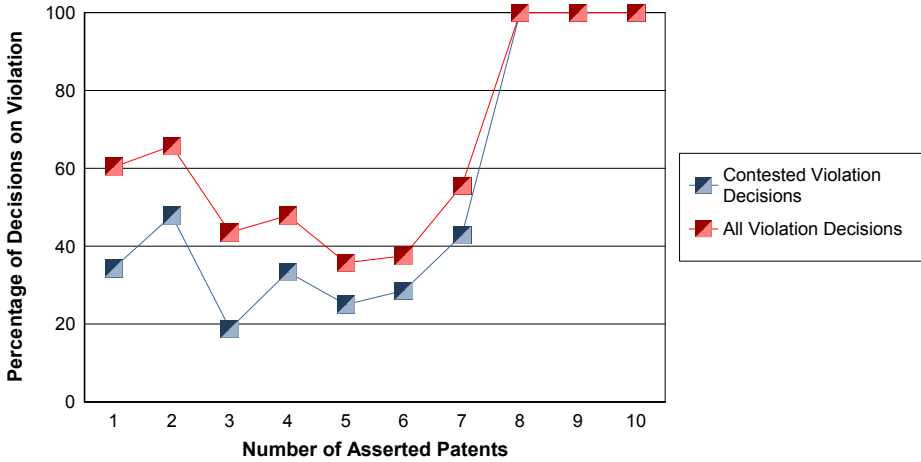
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# Overview

This report covers Section 337 patent investigations before the U.S. International Trade Commission from 1996 to June 2017. All patent investigations over this period are included. The results are shown both for the commission and for the currently active administrative law judges. The results for the administrative law judges are followed by results broken down by technology.

## Violation Probability

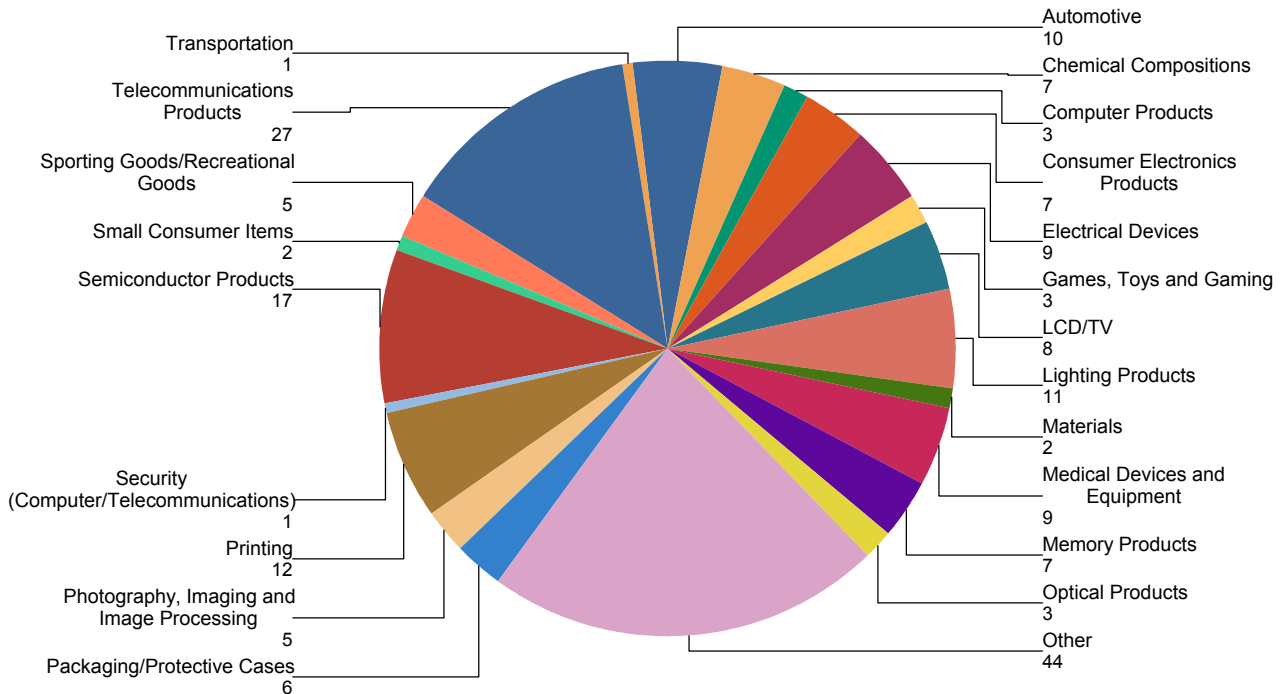
by Number of Patents Asserted



**Probability of Violation:** For the entire period, the probability of finding a violation in general (includes consent judgments and defaults) was 56.7%. This includes all investigations in which a violation of at least one asserted patent was found. In addition, the probability of a contested violation (does NOT include consent and default judgments) for the period was 38.1%. Variation by number of asserted patents is shown in the chart to the left.

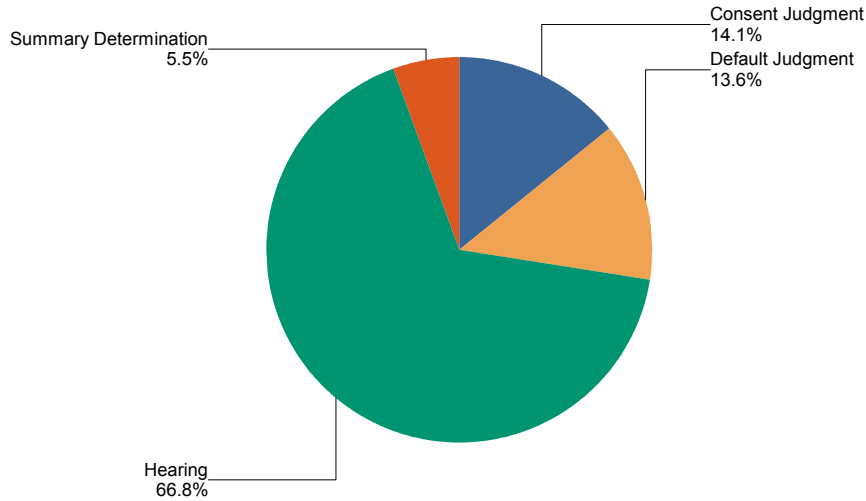
**Breakdown by Technology:** The most common technologies in these investigations were telecommunications and semiconductors. But, as seen in the chart below, the investigations cover a wide variety of technologies.

## Number of Investigations by Technology



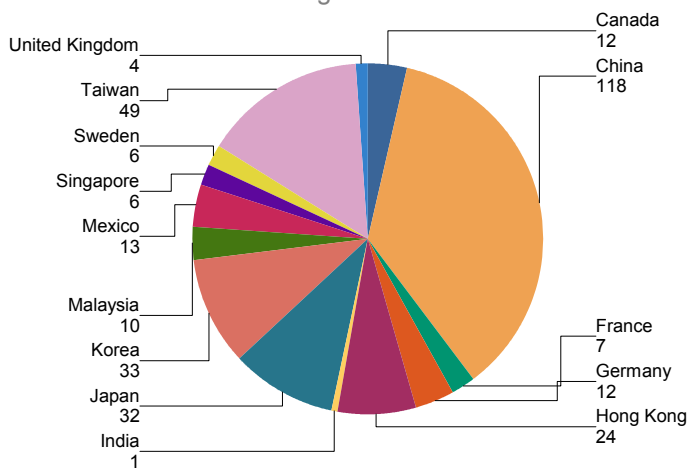
**Breakdown by Investigation Outcome:** The most common outcomes in these investigations are settlements, closely followed by investigations terminated as the result of a hearing.

### Number of Investigation Outcomes by Type



**Breakdown by Country of Origin of Accused Goods:** The chart and table below show the countries of origin of the accused products for investigations instituted since 2000.

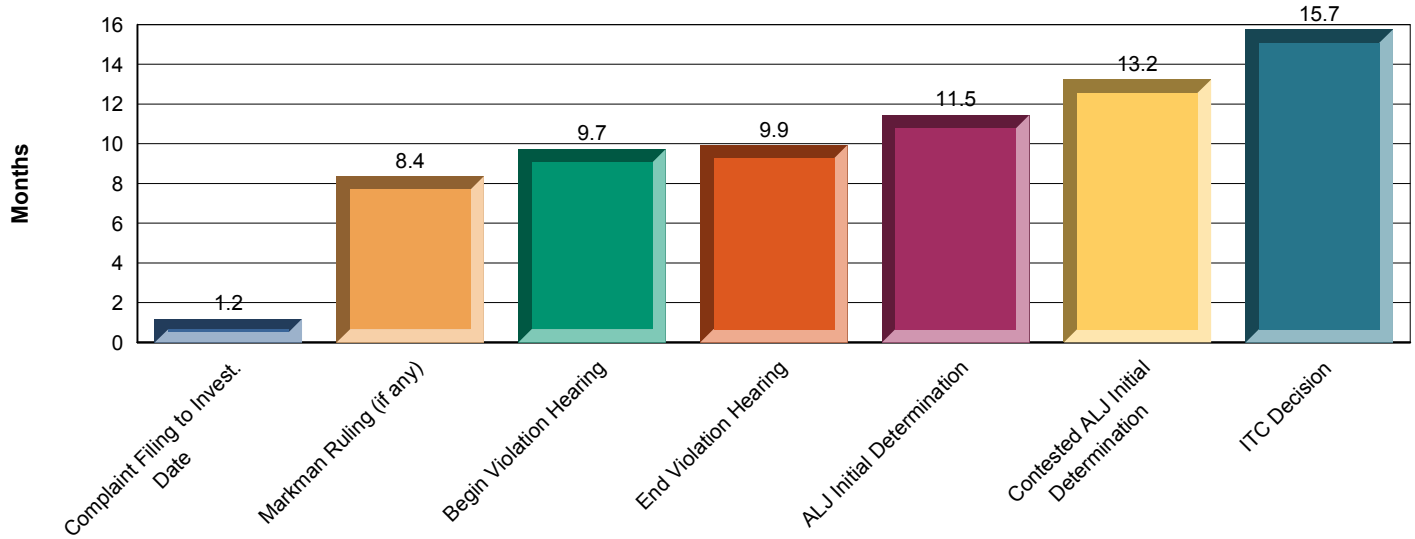
### Countries of Origin for Investigations Since 2000



|                       | Total |
|-----------------------|-------|
| <b>China</b>          | 118   |
| <b>Taiwan</b>         | 49    |
| <b>Japan</b>          | 32    |
| <b>Korea</b>          | 33    |
| <b>Hong Kong</b>      | 24    |
| <b>Canada</b>         | 12    |
| <b>Germany</b>        | 12    |
| <b>Mexico</b>         | 13    |
| <b>Malaysia</b>       | 10    |
| <b>Singapore</b>      | 6     |
| <b>France</b>         | 7     |
| <b>Sweden</b>         | 6     |
| <b>United Kingdom</b> | 4     |
| <b>India</b>          | 1     |

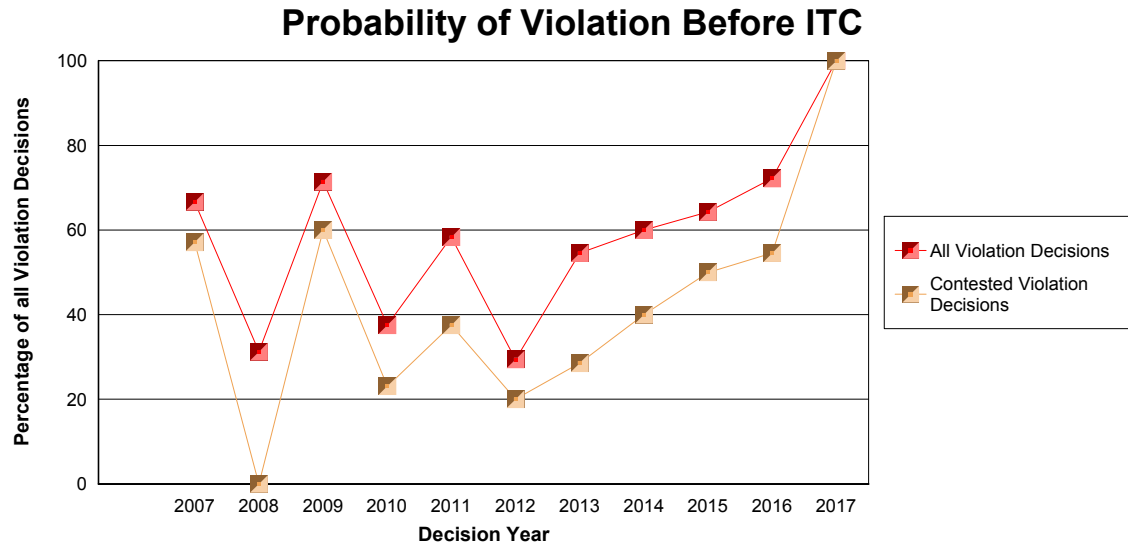
**Average Times:** The time from complaint filing to the investigation date in these cases is short (1.2 months). Everything thereafter is measured with respect to the investigation date. The time from investigation date to Markman ruling (if any) is 8.4 months on average; the time to the beginning of the violation hearing (if any) is 9.7 months; the time to the end of the violation hearing is 9.9 months; the time to ALJ Initial Determination is 11.5 months; the time to contested ALJ Initial Determination is 13.2 months, and the time from investigation date to ITC final decision is 15.7 months. Variation among ALJs and by technology is set out in subsequent sections of this report.

## Times From Investigation Date



## Probability of Violation

The probability of the ITC finding a violation based upon at least one asserted patent is 56.7%. The probability of a contested violation (which excludes consent and default judgments) before the ITC is 38.1%. Variation from year to year is shown in the chart below. Note that these percentages do not include investigations in which there is no decision on violation (such as settlements and withdrawn complaints).



|              | All Violations          |                      | Contested Violations |   |
|--------------|-------------------------|----------------------|----------------------|---|
|              | All Violations Win Rate | Number of Violations | Contested Win Rate   | Number of Contested Violation Decisions |
| <b>Total</b> | 56.7                    | 180                  | 38.1                 | 126                                     |
| <b>2007</b>  | 66.7                    | 9                    | 57.1                 | 7                                       |
| <b>2008</b>  | 31.3                    | 16                   | 0.0                  | 11                                      |
| <b>2009</b>  | 71.4                    | 21                   | 60.0                 | 15                                      |
| <b>2010</b>  | 37.5                    | 16                   | 23.1                 | 13                                      |
| <b>2011</b>  | 58.3                    | 24                   | 37.5                 | 16                                      |
| <b>2012</b>  | 29.4                    | 17                   | 20.0                 | 15                                      |
| <b>2013</b>  | 54.5                    | 22                   | 28.6                 | 14                                      |
| <b>2014</b>  | 60.0                    | 15                   | 40.0                 | 10                                      |
| <b>2015</b>  | 64.3                    | 14                   | 50.0                 | 10                                      |
| <b>2016</b>  | 72.2                    | 18                   | 54.5                 | 11                                      |
| <b>2017</b>  | 100.0                   | 8                    | 100.0                | 4                                       |