

CONTENTS

Designing Around Remedial Orders: Options for Patentees and Importers	1
By Richard Uberto, Summer Associate Sterne, Kessler, Goldstein & Fox, Washington, D.C.	
Refusal to Investigate: An Often-Sought but Rarely-Seen Disposition	13
By Cody Reeves, Summer Associate Covington & Burling LLP, Washington, D.C.	
The International Trade Commission Has Proven to Be an Appropriate Forum to Litigate Disputes Involving Patents Asserted to Be Standard Essential and Subject to FRAND Commitments	24
By King O. Xia and Patrick C. Hynds, Summer Associates Hogan Lovells, New York City, New York and Washington, D.C.	
Antitrust Injury in Antitrust-Based Claims under Section 337 after <i>Certain Carbon and Alloy Steel Products</i>	33
By Anora Wang and Gregory Winter, Summer Associates Winston & Strawn LLP, Washington, D.C.	
Are ITC Cease and Desist Orders Overstepping Statutory Constraints?	44
By Brendan McLaughlin, Summer Associate Ropes & Gray LLP, Washington, D.C.	
The Challenges of Non-Party Foreign Discovery at the ITC and Potential Methods to Overcome Them	55
By Nicholas Halkowski, Summer Associate Dentons US LLP, San Francisco, California	
Section 337 Costs: Debunking a Myth	65
By Hayley Ostrin, Summer Associate Adduci, Mastriani & Schaumberg, LLP, Washington, D.C.	
<i>Oil States</i> and <i>SAS Institute</i> Open the Door for Increased Collaboration between the ITC and the PTO	75
By Robert M. Breetz and Charles F. Lee, Summer Associates Jones Day, Cleveland, Ohio and Washington, D.C.	
<i>Octane Fitness</i> at the ITC: When Should a Prevailing Party Receive Attorneys' Fees?	84
By Laura Ashley Harris, Summer Associate Sidley Austin LLP, Washington, D.C., 2018	

Considering Research and Development Investments under Section 337(a)(3)(A) & (B) in the Domestic Industry Analysis.....	96
By Jian (Coco) Zhang and Williams Dixon Summer Associates Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, Boston, Massachusetts	
Trends in the Commission’s Evolving Section 101 Jurisprudence	104
By Mary LaFleur, Summer Associate Brinks Gilson & Lione, Chicago, Illinois	
An Analysis of the Commission’s Decisions on Whether to Implement 100-Day Proceedings.....	115
By Theodore Bruckbauer and Kee Young Lee, Summer Associates Morrison & Foerster LLP, Washington, D.C. and San Francisco, California	
Unfair Methods of Competition in the Digital Era: An Expanded Approach.....	126
By Sohrab Hajarian, Summer Associate Akin Gump Strauss Hauer & Feld LLP, Washington D.C.	
The Ambiguous Nexus between False Advertising Claims and Section 337 Remedies	136
By Daniel S. Martens, Summer Associate Vinson & Elkins, LLP, Austin, Texas	
International Restrictions on Depositions	145
By Rachel Frank, Summer Associate Quinn Emanuel Urquhart & Sullivan LLP, Washington, D.C.	
Equitable Defenses in Section 337 Investigations	153
By Dorea K. Batté, Summer Associate McDermott, Will & Emery, Washington, D.C.	
“Sale for Importation:” The Reach of ITC Jurisdiction over Suppliers in the Chain of Distribution	158
By Jana Zaidan, Summer Associate Orrick, Herrington & Sutcliffe, Irvine, California	
Recent Trends in Design Patent Investigations.....	167
By Safiya Aguilar, Summer Associate Finnegan, Henderson, Farabow, Garrett and Dunner, LLP, Washington, D.C.	