



Press Release

The Rise of Patent Litigation at the International Trade Commission

PAULINA ENCK | NOVEMBER 27, 2023

A ruling by United States International Trade Commission (ITC) found that components of some Apple Watches infringe patents of medical technology company Masimo, allowing the agency to prohibit the importation of the devices starting in December 2023. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling explains the ITC's role in patent enforcement and potential concerns with the agency that Congress may wish to address.

Key points:

- The ITC was created to protect U.S. firms from international companies essentially copying a product and reselling under the guise of the original.
- Firms often rely on the ITC because a finding of patent infringement allows for a ban on device importation, a more powerful remedy than would be available under Article III courts.
- Critics of the ITC process argue that patent trolls are increasingly exploiting the ITC to bring cases seeking the threat of exclusion orders to drive significant settlements, and that the agency isn't adequately considering the public interest as required by law when deciding whether to issue such orders.

[Read the analysis](#)