

International Trade Commission (ITC) Pilot Program Promotes Early Disposition of Investigations

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Recent years have seen a surge in the number of investigations before the **United States International Trade Commission (ITC)**, owing to the promise of speedy resolution combined with the leverage that accompanies the threat of an exclusion order. With the increased volume of investigations have come calls for the ITC to streamline the process of an investigation. In June 2013, the ITC announced one such effort, a pilot program for early adjudication of certain potentially-dispositive issues.

Specifically, for investigations in the program, the ITC will expedite initial determinations on threshold grounds, such as:

- (A) domestic industry ([19 U.S.C. § 1337\(a\)\(3\)](#));
- (B) importation ([19 U.S.C. § 1337\(a\)\(1\)\(A\)](#)); and
- (C) standing.

In so doing, the ITC seeks to save the parties the time and expense of full discovery and litigation of the investigation in its entirety where the case turns on such a dispositive issue.

The firm's alert on the pilot program, [International Trade Commission Takes Steps to Promote Early Adjudication of Dispositive Issues](#), provides a greater level of detail.

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National Law Review, Volume III, Number 350

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