

# USITC or District Court

	SECTION 337 ITC INVESTIGATION	DISTRICT COURT PATENT LITIGATION
<b>Parties</b>	Complainant(s), Respondent(s) and the OUII.	Plaintiff(s) and Defendant(s).
<b>Judge</b>	Administrative Law Judge (ALJ).	Article III judge, or magistrate judge (with consent of parties).
<b>Jurisdiction</b>	In rem jurisdiction over products imported into the US that are accused of infringing US IP rights.	Court must have personal jurisdiction over the Defendant(s) and subject matter jurisdiction over the action.
<b>Counterclaims</b>	Available, but Complainant must immediately transfer to district court.	Available.
<b>Applicable Procedural Rules</b>	Commission Rules of Practice and Procedure and ALJ's Ground Rules.	Federal Rules of Civil Procedure, Local Rules and judge's Standing Orders.
<b>Domestic Industry</b>	Complainants must demonstrate domestic exploitation of the asserted patent or patents.	Not required.
<b>Typical Time to Respond to Discovery</b>	Ten days.	30 days.
<b>Typical Time to Respond to Motions</b>	Ten days (or fewer).	Varies; typically two-to-four weeks.
<b>Claim Interpretation (Markman hearing)</b>	Varies. Claim construction can be in ALJ decision after hearing.	Varies, often held by presiding judge, typically before expert discovery, summary judgment and trial.
<b>Evidentiary Trial or Hearing</b>	Held before an ALJ.	Held before a judge and jury (if requested by party).
<b>Typical Time Frame to Resolution</b>	15-to-18 months.	Two-to-three years.
<b>Remedies</b>	Exclusion order and cease and desist order.	Damages, if eBay Inc. elements are met, Injunction.
<b>Trial Decision</b>	ID by ALJ. Reviewed by the Commissioners.	Jury verdict or written decision / findings of fact by judge.
<b>Appeals</b>	Federal Circuit.	Federal Circuit.
<b>Stay Pending Post-Grant Review at UPTO/PTAB</b>	Highly Unlikely	Likely