

DOCKET SERVICES

Filing a Section 337 Complaint

COVER LETTER: Lists what is included in the complaint and specifies documents, if any, for which confidential treatment is requested.

REQUEST FOR CONFIDENTIAL TREATMENT LETTER: Requests that information be treated as Confidential Business Information pursuant to 19 CFR §§ 201.6, 210.5.

STATEMENT OF PUBLIC INTEREST: A statement filed with the complaint, not to exceed five pages in length, inclusive of attachments, that provides specific information regarding how issuance of the relief requested could affect the public interest, 19 CFR § 210.8 (b).

EDIS COVER SHEET: Filer must submit an EDIS cover sheet for public documents and a separate cover sheet for confidential documents, 19 CFR § 201.8(g).

COMPLAINT FILING REQUIREMENTS

- original signature of complainant or duly authorized officer, attorney, or agent, 19 CFR §§ 201.8, 210.12(a)(1);
- be under oath pursuant to 19 CFR § 210.12 (a)(1) and include a statement attesting to the representations in §210.4(c)(1) through (3);
- name, address, and telephone number of complainant and duly authorized officer, attorney, or agent on the first page of the complaint, 19 CFR §§ 201.8, 210.12(a)(1).

SUPPLEMENTS TO THE COMPLAINT: When filing supplements to the complaint, filers must follow the same requirements outlined in § 210.8(a)(1); including providing public versions of any confidential documents submitted.

NUMBER OF COPIES FOR PUBLIC DOCUMENTS¹

- **Original plus 8 copies of the public complaint** (original should be unbound) 19 CFR § 210.8(a)(1)(i)
- **1 copy of any public exhibits** (on CD-ROM, DVD or other portable media approved by the Secretary) 19 CFR § 210.8(a)(1)(i)
- **Original, certified patent papers/trademark/copyright/registered mask work/vessel hull design** (depending on the type of case) **+ 3 copies** (on CD-ROM, DVD or other portable media approved by the Secretary) 19 CFR § 210.12(c)-(h)

¹ Reference to “public” documents throughout this guidance includes both those documents that are public with no attendant confidential document and those documents that are public versions of confidential documents.

Note: A complainant must submit the 3 copies (the original may be in paper or electronic format) required by the Commission Rules in electronic format, specifically in DVD/CD format. Please see *Guidelines for Filing the Prosecution Histories and Technical References Accompanying Section 337 Complaints on DVD/CD Media* at: http://www.usitc.gov/trade_remedy/int_prop/documents/CDInputGroundRules_Complaint_v2.0.pdf

- **(In patent cases) 4 copies of each patent and applicable pages of each technical reference in prosecution history of each U.S. patent** (on CD-ROM, DVD or other portable media approved by the Secretary) 19 CFR § 210.12(c)(2)
- For **Respondents and Embassies**:
 - ❖ 1 copy of public complaint and public exhibits for each Respondent, 19 CFR § 210.8(a)(1)(iii)
 - ❖ 1 copy of public complaint for each Embassy, 19 CFR § 210.8(a)(1)(iv)

NUMBER OF COPIES FOR CONFIDENTIAL DOCUMENTS

- **Original plus 8 copies of the confidential complaint** (if applicable) (original should be unbound) 19 CFR § 210.8(a)(1)(i)
- **1 copy of any confidential exhibits** (on CD-ROM, DVD or other portable media approved by the Secretary), 19 CFR § 210.8(a)(1)(ii)
- For **Respondents**:
 - ❖ 1 copy of confidential exhibits for each respondent, 19 CFR § 210.8(a)(1)(iii)
- **License Agreements**: License agreements must be provided as exhibits pursuant to 19 CFR § 210.12(a)(9)(iv), (10)(ii) **ONLY IF**:
 - ❖ *The complaint relies on license agreements to establish standing, or*
 - ❖ *The complaint relies on licenses agreements to support contentions that a domestic injury as defined in section 337(a)(3) exists or is in the process of being established as the result of domestic activities of one or more licensees.*

Note: If confidential treatment is sought for these agreements, they should be filed as confidential exhibits along with a request for confidential treatment pursuant to 19 CFR §§ 201.8(g) and 210.5.

- **Appendices**: The complainant has the obligation to serve each Respondent represented by counsel with materials covered in 19 CFR § 210.12(c) - (h) that were not included as exhibits to the complaint, but were filed with the complaint, *within 5 days of service of notice of appearance and an agreement to be bound by the protective order.* 19 CFR § 210.12(i)

If you have any questions regarding the procedures, as outlined in this document, please contact the Docket Services at 202-205-1802