

## Selecting a Mediator

The Commission maintains a roster of pre-screened mediators who have agreed to provide a single pro-bono session for Commission investigations. The mediators are outside experts and consultants experienced in both patent litigation and mediation.

## Initiating Mediation

Private parties may request participation by submitting a Confidential Request to Enter Mediation form. This request form is available on the USITC website at [http://www.usitc.gov/intellectual\\_property/mediation.htm](http://www.usitc.gov/intellectual_property/mediation.htm) and should be submitted to the Secretary to the Commission. The parties do not file the request on EDIS. They may submit the request to the Secretary via email at [337Mediation@usitc.gov](mailto:337Mediation@usitc.gov).

## For more information...

Visit [http://www.usitc.gov/intellectual\\_property/mediation.htm](http://www.usitc.gov/intellectual_property/mediation.htm).



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United States  
International Trade Commission

## Section 337 Mediation Program



## 337 Mediation Program Overview



The U.S. International Trade Commission (“Commission”) provides an important forum for the litigation of intellectual property and unfair competition matters involving imported goods. The Mediation Program offers an inexpensive, confidential and quick mechanism to evaluate whether

settlement can be achieved. Even if settlement of all claims and issues is not possible, mediation may help narrow issues and claims in the investigation. All parties in section 337 practice are informed of the Mediation Program when new investigations are instituted.

### Background

Under Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), the Commission conducts investigations into allegations of certain unfair practices in import trade. Most section 337 investigations involve allegations of patent or registered trademark infringement. Other forms of unfair competition, such as misappropriation of trade secrets, trade dress infringement, passing off, false advertising, among others, may also be asserted.

## Program Benefits

- Based on CAFC program
- Program goal is settlement
- Experienced professionals
- Heightened confidentiality
- Narrows issues and/or claims in dispute
- Potentially shortens case resolution time
- Cannot be used as basis for delay or extension of time in proceeding before ALJ
- Businesses have greater certainty of settlement outcomes
- Reduced costs for business while maintaining control of IP