

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.

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);
- under oath, 19 CFR § 210.12 (a)(1);
- verification page, 19 CFR § 210.12(a)(1);
- 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 non-confidential versions of any confidential documents submitted.

NUMBER OF COPIES FOR PUBLIC DOCUMENTS

- **Original plus 8 copies of the 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 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)

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 complaint and public exhibits for each Respondent, 19 CFR § 210.8(a)(1)(iii)
 - ❖ 1 copy of non-confidential version of the 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)