

What Is the Domestic Industry Requirement?

Domestic Industry Requirement

The **domestic industry requirement** for Section 337 investigations at the U.S. International Trade Commission (ITC) mandates that a complainant asserting patent infringement at the ITC, or complainant's licensee, has made in the United States significant investments in plant and equipment, significant investments in labor or capital, or substantial investments in engineering, research and development, or licensing. The investments must further be directed to articles that practice a valid claim of the asserted patent. The investment component of the requirement is referred to as the "economic prong," while the requirement that the article practices the asserted patent is referred to as the "technical prong." The domestic industry requirement is codified in 19 U.S.C. § 1337(a)(2)-(3).

Related Capabilities

Intellectual Property

ITC – Section 337

Patent Litigation