

CLIENT ALERT

ITC Adopts First Significant Rule Changes Since 2018



JANUARY 16, 2025

On February 3, 2025, amendments to the Rules of Practice & Procedure at the U.S. International Trade Commission (ITC) will take effect. These are the first major rule changes at the ITC in almost seven years. The amendments revise a number of rules concerning filing procedures, confidentiality designations, disclosures required in complaints, procedures for amended complaints, and limitations on discovery, among other areas.

Most notably, the ITC has adopted the district court limitation of seven hours on the record for conducting depositions. Consistent with Federal Rule of Civil Procedure 30, under new Commission Rule 210.28(b), depositions at the ITC—including those requiring an interpreter—will be limited to one day of seven hours. Previously, ITC depositions were unlimited in time absent agreement among the parties. The new rule also requires the Administrative Law Judge to extend the time limits if fairly needed or if the examination is delayed or impeded under any circumstances.

The ITC has also limited the number of depositions to 20 total depositions per side, regardless of the number of respondents. The prior rule allowed the complainant to take more than 20 depositions if more than four respondents were parties in the investigation. The revised rule also clarifies that depositions of nonparties count toward the 20-deposition limit.

The amendments also seek to align objections to document requests served under Commission Rule 210.30 with Federal Rule of Civil Procedure 34. The new rule requires objections to such requests to identify whether documents are being withheld from production on the basis of the objections. Previously, a party could simply object, produce some documents, and not state whether additional documents were being withheld.

Various other changes will affect filing procedures and requirements for complaints. For example, the ITC can now request revised complaints and delay institution of an investigation if the Commission determines that a complainant has over-designated confidential information in the complaint filing. [A complete summary of the amendments can be found here.](#)

If you have any questions about the rules or if Winston can help you in any way with your ITC questions or needs, please reach out to us.

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