

Confidential Business Information
2010 USITC SURVEY REGARDING OUTSTANDING §337 EXCLUSION ORDERS
(Limited Exclusion Order) *as revised August 10, 2010*

[Title of Investigation]
Inv. No. 337-TA-___

OMB Control No. _____****
Expiration _____

1. Do you believe that infringing goods covered by the Limited Exclusion Order issued in the above-referenced investigation have been imported into the United States by or on behalf of **[entities named in Limited Exclusion Order]** since the order went into effect?

1. Yes
2. No
3. No basis to judge

2. Do you believe that infringing goods covered by the Limited Exclusion Order issued in the above-referenced investigation are being imported into the United States by or on behalf of **[entities named in Limited Exclusion Order]** at this time?

1. Yes
2. No
3. No basis to judge

3. If you answered “yes” to Question No. 1 or 2, were the imported articles the same product(s) or model number(s) of the articles found to infringe at the ITC or were the imported articles newly developed or other products that were not at issue before the ITC?

1. Same product(s) or model number(s) of the articles at issue before the ITC
2. Newly developed or other products that were not at issue before the ITC
3. No basis to judge

****** In accordance with 19 C.F.R. § 1320.5(b)(2)(i), you need not respond at all unless this survey displays a valid OMB control number.**

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4. If you believe there were imports of infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order issued in the above-referenced investigation after the order went into effect, but such imports have since stopped, approximately when (or how long after the order went into effect) did the imports cease?

/_/ No basis to judge

5. If you believe there were imports of infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order issued in the above-referenced investigation after the order went into effect, what is your estimate of the value of lost sales due to the infringing goods since the order went into effect?

1. \$50,000 or less
2. \$50,001 - 100,000
3. \$100,001 – 500,000
4. 500,001 – 1,000,000
5. \$1,000,001 – 5,000,000
6. More than \$5,000,000 (specify to nearest million) _____
7. No basis to estimate

6. If you believe there were imports of infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order issued in the above-referenced investigation after the order went into effect, what is your estimate of the amount of lost sales as a percentage of your total sales ([amount of lost sales ÷ your total sales] x 100) due to the infringing goods since the order went into effect?

1. 5% or less
2. 5.01 – 10.00%
3. 10.01 – 20.00%
4. 20.01 – 33.33%
5. 33.34 – 50.00%
6. 50.01 – 66.67%
7. 66.68 – 100.00%
8. No basis to estimate

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7. Since issuance of the Limited Exclusion Order in the above-referenced investigation, to what degree has the value of infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order and imported into the U.S. marketplace increased or decreased? (Compare a recent time period to a similar time period just before the Limited Exclusion Order was issued.)

1. Effectively stopped
2. Decreased substantially
3. Decreased moderately
4. Decreased slightly
5. Remained about the same
6. Increased slightly
7. Increased moderately
8. Increased substantially
9. No basis to judge

8. Since issuance of the Limited Exclusion Order in the above-referenced investigation, to what extent have infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order and imported into the U.S. marketplace hurt your company's sales?

1. Little or no extent
2. Some extent
3. Moderate extent
4. Substantial extent
5. Very great extent
6. No basis to judge

9. Since issuance of the Limited Exclusion Order in the above-referenced investigation, has your company used an in-house or outside investigative person or group to identify infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order that were intended for sale in the United States?

1. Yes
2. No

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10. If you answered “yes” to Question No. 9, what is your estimate of the approximate total cost to your company to maintain this investigative person or group during your company’s most recently completed fiscal year?

\$ _____

/_/ No basis to judge

11. Since issuance of the Limited Exclusion Order in the above-referenced investigation, has your company provided information to U.S. Customs to assist in the enforcement of the Limited Exclusion Order?

- 1. Yes
- 2. No

12. If you answered “yes” to Question No. 11, has the information provided by your company led U.S. Customs to interdict shipments of infringing goods of **[entities named in Limited Exclusion Order]** covered by the Limited Exclusion Order issued in the above-referenced investigation that were intended for sale in the United States?

- 1. Yes
- 2. No
- 3. Do no know

13. If you answered “yes” to Question No. 11, what is your company’s level of satisfaction with U.S. Customs’ response to the information provided by your company?

- 1. Very satisfied
- 2. Satisfied
- 3. Neither satisfied nor dissatisfied
- 4. Dissatisfied
- 5. Very dissatisfied

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14. Has U.S. Customs issued any ruling regarding whether goods are covered by the Limited Exclusion Order since the order went into effect?

1. Yes, a ruling that goods are covered by the order
2. Yes, a ruling that goods are not covered by the order
3. Yes, rulings both that some goods are covered by the order and that other goods are not covered by the order
4. No, such a ruling has not been issued
5. Not aware of any such ruling

15. Did you find the letter that the U.S. International Trade Commission sent to your counsel after issuance of the Limited Exclusion Order that provided contact information for personnel at the U.S. International Trade Commission and U.S. Customs regarding enforcement measures to be helpful?

1. Yes
2. No
3. Not applicable
4. Not aware of such a letter

Additional Comments - Please feel free to include comments below pertaining to this survey or suggestions for improvement of the effectiveness of exclusion orders.