



UNITED STATES  
INTERNATIONAL TRADE COMMISSION

### USITC Selective Participation Survey

## Introduction to Survey

As part of its work supporting the Section 337 operations of the U.S. International Trade Commission, the Office of Unfair Import Investigations (OUII) may participate in an investigation as an independent party with no commercial interest in the outcome. Since January 2011, OUII's level of participation in a given investigation has fallen into one of three categories: **Full Participation** on the range of issues in the investigation, **Selective Participation** on some issues, or **No Participation** on any issues.

This survey seeks feedback about OUII's level of participation in this investigation. We are asking for a single response from each participant. For parties that were represented by outside counsel, we ask that the survey be completed by the attorney who was most involved in this investigation. For parties represented by in-house counsel or a corporate representative, we ask that the survey be completed by the attorney or representative who was most involved with the investigation. This survey should take less than 15 minutes to complete.

19 U.S.C. §§ 1335 and 1337 authorize collection of this information. The survey results will be used to help the Commission decide the appropriate level of OUII participation in Section 337 investigations. Your disclosure of the information is voluntary. Your individual response will be kept confidential, and will not be publicly disclosed except as required by law.

To navigate through this survey, please use the following interface buttons only:

Click the **Next** button to continue to the next page.  
Click the **Back** button to return to the previous page.  
Click the **Send Answers** button to submit your survey.

**Do not use your browser's Forward and Back arrows or the Enter or Backspace keys on your keyboard** to navigate; you risk losing information you have already entered. As you navigate through the survey you may notice that a question number is missing. This is intentional and is based on the way in which you answered a previous question (e.g., your affiliation).

There are a number of text boxes following individual questions. These are for any additional comments you may have and are all optional.

In addition, on each screen of the survey is an "Uncheck All Radio Buttons" option. This is to permit resetting of all radio buttons on that page in case you did not intend to select any for a particular question.

Finally, after you start the survey, if you find you need to complete it at a later time, you should click the Finish Later button. Clicking on this button generates a URL that contains a unique identifier for your partially completed survey. This URL allows you to return to and complete the survey with all of the previously entered answers intact. You may also send the URL to another user to complete the same survey; all the previously entered answers will still be there.

When the URL appears, bookmark this page (or add to favorites) before you close your browser if you plan to complete the survey yourself later on. Copy the URL and paste it into a message if you plan to forward it to someone else to complete.

OMB No. 3117-xxxx; Expiration Date xx/xx/xxxx

Start



### USITC Selective Participation Survey

1. Please fill in the investigation name and number identified in the email requesting your response to this survey.

2. Please select your affiliation from the list below.

- Outside attorney representing a private party in the investigation
- In-house representative
- Presiding ALJ
- ALJ attorney advisor
- Commissioner's Office
- Assigned OUII investigative attorney
- Assigned OUII supervisor
- OUII director
- Assigned GC attorney
- GC supervising attorney

3. Please enter your email address:

4. What was your level of involvement in the investigation?  None  Minimal  Moderate  Extensive

5. Did your involvement in this investigation terminate based upon settlement, entry of a consent order, or withdrawal of allegations in the complaint?

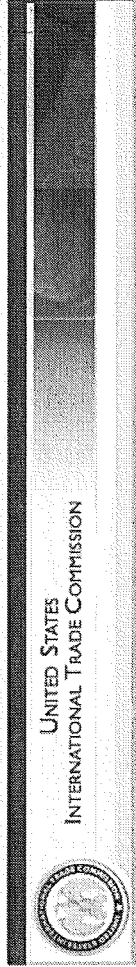
- Yes
- No

6. If you answered yes to the previous question, at what stage did your involvement in the investigation end?

- Within 3 months of institution
- After 3 months of institution but before close of discovery
- Between close of discovery and before trial
- After trial
- After the final ID on violation
- After Commission action regarding the final ID on violation
- N/A

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7. Did you prevail in the investigation before the ALJ?

- Yes
- No
- Mixed results
- Other

7-a. Please explain.

8. Did you prevail in the investigation before the Commission?

- Yes
- No
- Mixed results
- Other

8-a. Please explain.

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9. What criteria were used by the Director of OUII to determine the level of participation?

[<< Back](#) [Finish Later](#) [Next >>](#)

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10. In which issues did OUII participate?  
.....

11. Among the issues in which OUII did not participate, please identify those issues in which you believe OUII's participation would have been particularly productive (e.g. in terms of expedition, development of the record, decision making) (select as many as applicable).

- Discovery and discovery disputes
- Motions
- Pre- and post-trial briefing
- Stipulations
- Trial
- Petitions for review and related briefing
- Settlement discussions
- Procedural issues
- Issues specific to the asserted intellectual property (e.g. infringement, validity, claim construction)
- Issues specific to section 337 (e.g., domestic industry, importation, injury, jurisdiction)
- Remedy
- Bonding
- Public interest
- Other Issues
- No basis to judge
- None

11-a. Please explain.  
.....

12. Among the issues in which OUII participated, please identify those issues in which you believe OUII's participation was particularly productive (e.g. in terms of expedition, development of the record, decision making) (select as many as applicable).

- Discovery and discovery disputes
- Motions
- Pre- and post-trial briefing

12. Among the issues in which OUII participated, please identify those issues in which you believe OUII's participation was particularly productive (e.g. in terms of expedition, development of the record, decision making) (select as many as applicable).

- Discovery and discovery disputes
- Motions
- Pre- and post-trial briefing
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- Trial
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- Issues specific to the asserted intellectual property (e.g. infringement, validity, claim construction)
- Issues specific to section 337 (e.g., domestic industry, importation, injury, jurisdiction)
- Remedy
- Bonding
- Public interest
- Other Issues
- No basis to judge
- None

12-a. Please explain.

13. Among the issues in which OUII participated, please identify those issues in which you believe OUII's participation was not needed for productivity (e.g. in terms of expedition, development of the record, decision making) (select as many as applicable).

- Discovery and discovery disputes
- Motions
- Pre- and post-trial briefing
- Stipulations
- Trial
- Petitions for review and related briefing
- Settlement discussions
- Procedural issues
- Issues specific to the asserted intellectual property (e.g. infringement, validity, claim construction)
- Issues specific to section 337 (e.g., domestic industry, importation, injury, jurisdiction)
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- Remedy
- Bonding
- Public interest
- Other Issues
- No basis to judge
- None

13-a. Please explain.

Very Helpful      Neutral      Very Unhelpful to Judge

14. Please indicate the extent to which you believe OUII facilitated settlement discussions.

14-a. Please explain.

15. If OUII staff participated in issues specific to section 337, did it sufficiently address these issues?

- Yes
- No
- No basis to judge

15-a. Please explain.

Very Helpful - Neutral - Very Unhelpful No Basis to Judge

16. Please indicate the extent to which you believe OUII was helpful in resolving the issues in the investigation.

16-a. Please explain.

17. Did OUII aid in developing the record on the issues in which OUII participated?

- Yes
- No
- No basis to judge

17-a. Please explain.

18. Did OUII help resolve issues **without the need to** resort to the presiding ALJ on the issues in which OUII participated?

- Yes
- No
- No basis to judge

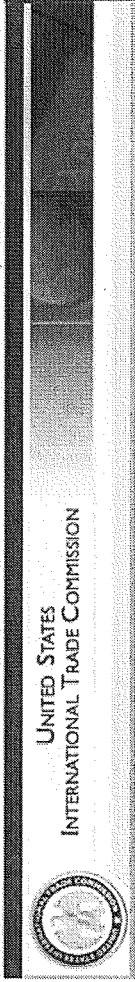
18-a. Please explain.

19. Did OUII facilitate the expeditious resolution of the investigation?

- Yes
- No
- No basis to judge

19-a. Please explain.





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Never Rarely Sometimes Often Always

20. Did OUII support your position on the key issues in the investigation (procedural, substantive, discovery)?

20-a. Please explain.

<< Back Finish Later Next >> Uncheck Radio Buttons

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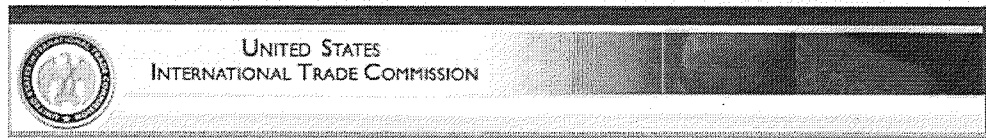


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	Disagree	-	Somewhat Agree	-	Strongly Agree	No Basis to Judge
21. Please indicate whether the resolution of the investigation would have benefited from a greater degree of participation by OUII.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

[<< Back](#) [Finish Later](#) [Next >>](#) [Uncheck Radio Buttons](#)

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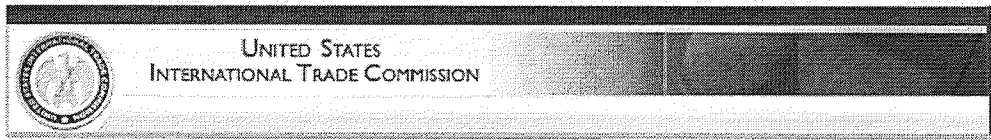
	Significantly Increased	-	No Impact	-	Significantly Decreased	No Basis to Judge
22. How do you believe selective participation by OUII affected your litigation costs?	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

22-a. Please explain.

[<< Back](#) [Finish Later](#) [Next >>](#) [Uncheck Radio Buttons](#)

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23. What level of OUII participation would you recommend in similar investigations in the future?

- None
- Selective
- Full

23-a. Please explain.

24. Other Comments

[<< Back](#) [Finish Later](#) [Send Answers](#) [Uncheck Radio Buttons](#)

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