

2013 USITC SURVEY REGARDING OUTSTANDING § 337 EXCLUSION ORDERS

(Limited Exclusion Order)

In its FY 2013 Performance Plan, the Commission stated its intention of obtaining feedback on the effectiveness of its outstanding exclusion orders issued under 19 U.S.C. § 1337. Results from the questionnaire will help assess progress on the agency's goal of actively facilitating enforcement of exclusion orders. The Commission's FY 2013 Performance Plan can be viewed [here](http://www.usitc.gov/press_room/documents/budget_2013.pdf) (http://www.usitc.gov/press_room/documents/budget_2013.pdf) (PDF).

The Commission conducts such surveys in accordance with E.O. 12862, which directs agencies to ensure their products are customer-driven and to periodically survey customers to determine the kind and quality of services they want and their satisfaction with the existing services. Your sharing of this information is voluntary. Your individual response will be kept confidential and will not be publicly disclosed.

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

Click the **Start** button to begin the survey.

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 may lose information already entered.

2013 USITC Survey Regarding Outstanding Section 337 Exclusion Orders

D1. Do you believe that infringing goods covered by the Limited Exclusion Order issued in your investigation have been imported into the United States by or on behalf of entities subject to the Limited Exclusion Order since the order went into effect?

Yes No No basis to judge

Comments regarding Question 1:

D2. Do you believe that infringing goods covered by the Limited Exclusion Order issued in your investigation are being imported into the United States by or on behalf of entities subject to the Limited Exclusion Order at this time?

- Yes No No basis to judge

Comments regarding Question 2:

If3. If you answered "yes" to Question No. 1 or 2, were the imported articles the same product(s) and 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?

- Same product(s) and model number(s) of the articles at issue before the ITC
- Newly developed or other products (including the same products with new model numbers) that were not at issue before the ITC
- Combination of same product(s) and model number(s) of the articles at issue before the ITC and newly developed or other products that were not at issue before the ITC

Not applicable/no basis to judge

Comments regarding Question 3:

If4. If you believe there were imports of infringing goods of entities subject to the Limited Exclusion Order issued in your investigation after the order went into effect, but such imports have since stopped, approximately how long after the order went into effect did the imports cease? (If you cannot estimate how long after the order went into effect that infringing imports ceased, please select “Not applicable/no basis to judge/cannot determine” and describe what happened to these infringing imports in the comment field)

Less than a month

Over a year

One month to three months

Not applicable/no basis to judge/cannot determine

Four months to a year

Comments regarding Question 4:

If 5. If you believe there were imports of infringing goods of entities subject to the Limited Exclusion Order issued in your investigation after the order went into effect, what is your estimate of the value of your lost sales due to the infringing goods since the order went into effect? (If the value was greater than \$5 million, check the appropriate box but please also provide your estimate of the value of sales lost due to infringing imports to the nearest million in the comment field).

- \$50,000 or less
- \$50,001 to 100,000
- \$100,001 to 500,000
- \$500,001 to 1,000,0000
- \$1,000,001 to 5,000,000
- More than \$5,000,000
- Not applicable/No basis to estimate

Comments regarding Question 5:

If6. If you believe there were imports of infringing goods of entities subject to the Limited Exclusion Order issued in your investigation after the order went into effect, what is your estimate of the amount of your lost sales as a ratio to

your total sales ($[\text{amount of lost sales} \div \text{your total sales}] \times 100$) due to the infringing goods since the order went into effect?

- 5.00% or less
- 5.01 to 10.00%
- 10.01 to 20.00%
- 20.01 to 33.33%
- 33.34 to 50.00%
- 50.01 to 66.67%
- 66.68 to 100.00%
- 100.01% or more
- Not applicable/no basis to estimate

Comments regarding Question 6:

Si7. Since issuance of the Limited Exclusion Order in your investigation, how has the total value of U.S. imports of infringing goods of entities subject to the Limited Exclusion Order changed? (Compare a recent time period to a similar time period just before the order was issued.)

- Effectively stopped
- Decreased slightly
- Increased moderately
- Decreased substantially
- Remained about the same
- Increased substantially

- Decreased moderately Increased slightly No basis to judge

Comments regarding Question 7:

Si8. Since issuance of the Limited Exclusion Order in your investigation, to what extent have infringing goods of entities subject to the Limited Exclusion Order and imported into the U.S. marketplace hurt your company's sales?

- Little to no extent Substantial extent
 Some extent Very great extent
 Moderate extent Not applicable/no basis to judge

Comments regarding Question 8:

Si9. Since issuance of the Limited Exclusion Order in your investigation, has your company used an in-house or outside investigative person or group to identify infringing goods of entities subject to the Limited Exclusion Order that were intended for sale in the United States?

- Yes No

Comments regarding Question 9:

If10. 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? (If the cost was greater than \$500,000, please provide your estimate of the total cost at the nearest hundred thousand in the Comments field).

- | | |
|---|---|
| <input type="radio"/> \$5,000 or less | <input type="radio"/> \$100,001 to 500,000 |
| <input type="radio"/> \$5,001 to 10,000 | <input type="radio"/> More than \$500,000 |
| <input type="radio"/> \$10,001 to 50,000 | <input type="radio"/> Not applicable/No basis to estimate |
| <input type="radio"/> \$50,001 to 100,000 | |

Comments regarding Question 10:

Si11. Since issuance of the Limited Exclusion Order in your investigation, has your company provided information to U.S. Customs and Border Protection to assist in the enforcement of the Limited Exclusion Order?

Yes No Do not know/Not applicable

Comments regarding Question 11:

If12. If you answered "yes" to Question No.11 (i.e., your company has provided information to U.S. Customs and Border Protection), has the information provided by your company led U.S. Customs and Border Protection to interdict shipments of infringing goods of entities subject to the Limited Exclusion Order that were intended for sale in the United States?

Yes No Do not know/Not applicable

Comments regarding Question 12:

13. If you answered "no" to Question No. 12 (i.e., the information provided by your company did not lead U.S. Customs and Border Protection to interdict shipments of the alleged infringing goods), did U.S. Customs and Border Protection make a determination that the goods referenced in the information provided by your company are not subject to the Limited Exclusion Order?

- Yes No Do not know/Not applicable

Comments regarding Question 13:

If14. If you answered "yes" to Question No. 11 (i.e., your company has provided information to U.S. Customs and Border Protection), what is your company's level of satisfaction with U.S. Customs and Border Protection's response to the information provided by your company?

- Very satisfied Dissatisfied
 Satisfied Very dissatisfied

Neither satisfied nor dissatisfied

Not applicable/decline to comment

Comments regarding Question 14:

H15. Has U.S. Customs and Border Protection issued any ruling regarding whether goods are covered by the Limited Exclusion Order since the order went into effect?

Yes, only ruling(s) that goods are covered by the order

No, such a ruling has not been issued

Yes, only ruling(s) that goods are NOT covered by the Order

Do not know/not applicable

Yes, both ruling(s) that some goods are covered by the order and that some goods are not covered by the order

Comments regarding Question 15:

T 16. The U.S. International Trade Commission sent a letter to your counsel after issuance of the Limited Exclusion Order providing contact information for personnel at the U.S. International Trade Commission and U.S. Customs and Border Protection regarding enforcement measures; did you find this letter helpful?

Yes No Not applicable/Not aware of such a letter

Comments regarding Question 16:

D17. Additional Comments - Do you have any additional comments pertaining to this survey or suggestions for improvement of the effectiveness or enforcement of the exclusion order(s)?

No Yes.--Please explain.

Thank you for providing your feedback. Any commercial or financial data furnished in response to this survey that reveals the individual operations of your firm will be treated as confidential by the Commission to the extent that such data is not otherwise available to the public and will not be disclosed except as may be required by law.