

Economic analysis aids intellectual property infringement investigation

Client's challenge

A complainant in a US International Trade Commission (“ITC”) intellectual property infringement investigation sought protection from importation of products infringing its patent. The complainant sought economic analysis and expert witness testimony supporting its claims that a domestic industry existed for its patented products and that there was widespread infringement of its patent. Additionally, the complainant required expert witness testimony surrounding the commercial success of its patent.

PricewaterhouseCoopers' Advisory solution

The complainant sought the assistance of PwC's team to evaluate certain economic and financial criteria and factors related to the complainant's patented product and industry. PwC's detailed assessment confirmed the existence of a domestic industry for the patent and the need for the issuance of a General Exclusion Order given the widespread infringement by competitors. PwC also provided expert witness testimony illustrating the commercial success of the complainant's patent (a consideration in determining of the validity of the patent).

Impact on client's business

The complainant was able to demonstrate at the ITC hearing that a domestic industry existed for its patent. The complainant also used the commercial success of the patent to rebut attacks on the patent's validity. Ultimately, the ITC judge agreed with our client on these points and issued a General Exclusion Order to eliminate the importation of infringing products.

For more information on the topic of dispute analysis, please visit:
www.pwc.com/us/forensics

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