

ENFORCING U.S. PATENT RIGHTS IN IOWA AGAINST CHINESE COMPANIES



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CAST A WIDE NET:

U.S. PATENTS REACH CHINA-BASED ACTIVITIES

1. Importing goods into U.S. (§ 271(a))
2. Inducing another company in China to infringe (§ 271(b))
3. Selling or importing components/materials into the U.S. used to infringe (§ 271(c))
4. Importing products made by a patented process (§ 271(g))

KEY QUESTION

What remedies do I need?

Injunctive Relief



Permanent

Preliminary

Damage Award



FORUMS

ITC § 337 Investigation

In rem jurisdiction

Exclusion Orders – general and limited

Federal District Court – Infringement Action

TC Heartland and 28 U.S.C. § 1400(b) do not apply to foreign defendant for venue

Injunctive relief (35 U.S.C. § 283; Fed. R. Civ. P. 65)

Service of process considerations

DISTRICT COURT INFRINGEMENT ACTION CHECKLIST

1. **Who to sue – any related U.S. entities**
2. **Identify actionable infringing activities**
3. **Personal jurisdiction**
4. **Effectuating service of Process**
5. **Consider preliminary relief**
6. **Settlement considerations to deter future infringement**

QUESTIONS

