

The ITC's Strategic Reset: One year after Lashify and the revival of Fintiv

A photograph of a modern building with a curved glass facade, showing multiple floors and windows, set against a light blue sky.

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July 15, 2026

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The International Trade Commission has undergone a fundamental shift over the past 18 months. New precedent on domestic industry.

Axinn partner [Brian Johnson](#) and associate [Emalee Peterson](#) just published a deep-dive analysis in IAM's *Special Report 2026 Q2*, breaking down exactly what's changed and what it means for IP enforcement strategy.

Key takeaways:

- **Lashify reopened the door.** The Federal Circuit's 2025 decision clarified that sales, marketing, warehousing, and QC investments now count toward the domestic industry requirement—expanding access to the ITC beyond traditional manufacturing-heavy complainants.
- **Fintiv is back.** The USPTO's reinstatement of the Fintiv factors has dramatically impacted IPR filings alongside ITC complaints. Where 42% of respondents filed PTAB petitions in H1 2025, only 7% did in H2 2025—and none so far in 2026.

- **The filing surge is real.** The ITC is on track to approach 2022 filing levels, with a notably broader technological mix. Computer and telecom cases declined; consumer electronics, LCDs, pharma, and medical devices surged.
- **The docket is straining.** Most 2026 investigations are exceeding the historical 16-month target date, with some extending to 21 months—a sign of the ITC's heavy workload.
- **Government priorities are shifting.** The DOJ and USPTO are signaling a more enforcement-friendly stance, with potential implications for how the ITC applies public-interest factors.

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