Press Coverage | January 12, 2026

Attorneys Chastened By Fed. Circ.'s ITC Mixed Deadline Ruling

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Gwendolyn Tawresey

Gwendolyn Tawresey, a partner in Troutman Pepper Locke's Intellectual Property Practice Group, was quoted in the January 12, 2026 *Law360* article, "Attorneys Chastened By Fed. Circ.'s ITC Mixed Deadline Ruling."

> Attorneys say the concise, 13-page opinion is instructive for practitioners trying to meet deadlines and fully appreciate the nuances of ITC practice. Gwendolyn Tawresey of Troutman Pepper Locke LLP said the outcome of the case doesn't completely comport with how the Federal Circuit approaches district court appeal deadlines, when the court will often "talk about the dangers of piecemeal appeals."
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> "It's a reminder to practitioners to appeal early and often because the penalties if you appeal too early are nothing," Tawresey said. "If you appeal too late, you know your appeal is dismissed."
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> The opinion also contains lessons for attorneys to ensure the adequacy of their initial pleadings. For instance, the panel said Crocs hadn't made enough of an argument that the deadline wasn't jurisdictional or that equitable tolling applied. But Tawresey noted that Crocs did cite a U.S. Supreme Court opinion called Harrow v. Department of Defense from 2024 that found that deadlines like the one at issue are not jurisdictional.
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> "I wish the Federal Circuit had given more information about why it found this argument waived," she said, adding that "from an outside perspective, it is discussed in the briefs."

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