

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN BLOWERS AND
COMPONENTS THEREOF**

**Investigation No. 337-TA-1217
(Enforcement)**

COMMISSION OPINION

I. INTRODUCTION

On December 14, 2021, the presiding administrative law judge (“ALJ”) issued an enforcement initial determination (“EID”) finding no violation of the consent order issued in the original investigation. On February 11, 2022, the Commission determined to review the EID in its entirety. *See* 87 Fed. Reg. 9085–86 (Feb. 17, 2022). On review, the Commission has determined to affirm the EID with the modifications set forth in this opinion. The Commission has determined not to review any other issues and adopts the remainder of the EID that is not inconsistent with this opinion. The Commission therefore finds no violation of the consent order and has determined to terminate the enforcement proceeding.

On February 11, 2022, the Commission also determined to review Order No. 36. On review, the Commission has determined to remand Order No. 36 to the ALJ as set forth in the Commission’s remand order.¹ The remand is to be conducted in a separate proceeding to examine the issue of sanctions for misconduct identified in Order No. 36.

¹ Commissioner Schmidlein does not join the majority’s determination to remand the sanctions issue to the ALJ. She sees no need for the ALJ to further specify and explain the directives set out in Order No. 36. She would affirm Order No. 36 sanctioning Regal under Commission Rule 210.4(d)(1)(ii) (19 C.F.R. § 210(d)(1)(ii)), but would take no position on

II. BACKGROUND

A. Procedural History

On September 8, 2020, the Commission instituted the original investigation based on a complaint filed by Regal Beloit America, Inc. of Beloit, Wisconsin (“Regal” or “Complainant”). 85 Fed. Reg. 55491-92 (Sept. 8, 2020). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain blowers and components thereof by reason of infringement of one or more of claims 1, 2, 7–10, and 15 of U.S. Patent No. 8,079,834 (“the ’834 patent”). *Id.* at 55492. The Commission’s notice of investigation named as respondents East West Manufacturing, LLC of Atlanta, Georgia, and East West Industries of Binh Duong, Vietnam (collectively, “East West” or “Respondents”).² *Id.*

On November 12, 2020, the Commission terminated the original investigation based upon a consent order stipulation and entered a consent order. 85 Fed. Reg. 73511 (Nov. 18, 2020). The consent order directs East West to “not sell for importation, import or sell after importation the Subject Articles ... except under consent or license from Complainant.” Consent Order at ¶ 5. The consent order defines “Subject Articles” as “certain blowers and components thereof that infringe claims 1, 2, 7–10, and 15 of the ’834 Patent.” *Id.* at ¶ 3.

On January 15, 2021, Regal filed an enforcement complaint at the Commission alleging that East West’s redesigned blower infringes claims 1, 2, 7–10, and 15 of the ’834 patent in violation of the consent order. On February 19, 2021, the Commission instituted a formal

whether a strict reading of the safe harbor provision of Commission Rule 210.4(d)(1)(i) (19 C.F.R. § 210(d)(1)(i)) is required.

² The Office of Unfair Import Investigations (“OUII”) did not participate as a party in the original investigation. *Id.*

enforcement proceeding, pursuant to Commission Rule 210.75(a) (19 C.F.R. § 210.75(a)), to determine whether a violation of the consent order issued in the original investigation has occurred and to determine what, if any, enforcement measures are appropriate. 86 Fed. Reg. 10335 (Feb. 19, 2021). The respondents named in the enforcement proceeding are the same two respondents named in the original investigation. *Id.* OUII was named as a party in the enforcement proceeding. *Id.*

On June 29, 2021, the ALJ issued a *Markman* Order (Order No. 22), styled “*Markman* Claim Constructions With Abbreviated Rationales” (“*Markman* Order I”). On July 13, 2021, the ALJ issued Order No. 23, clarifying Order No. 22. The ALJ held an evidentiary hearing from July 20–23, 2021, and received post-hearing briefs thereafter. On October 29, 2021, the ALJ issued Order No. 32 (*Markman* Order II), providing extensive explanations as to the constructions adopted in Order No. 22.

On December 14, 2021, the ALJ issued the subject EID finding no violation of the consent order. The EID found that Regal failed to show that East West’s redesigned blower infringes the asserted claims (claims 1, 2, 7–10, and 15) of the ’834 patent, and thus failed to show a violation of the consent order. EID at 9–10. Also on December 14, 2021, the ALJ issued Order No. 36, which addressed the parties’ motions for sanctions pursuant to Commission Rule 210.4.

On January 4, 2022, Regal filed a petition for review of the EID, and Respondents filed a contingent petition for review of the EID and for review of Order No. 36.³ On January 10, 2022, the parties filed reply submissions.⁴

On February 11, 2022, the Commission determined to review the EID and Order No. 36. *See* 87 Fed. Reg. 9085–86 (Feb. 17, 2022).

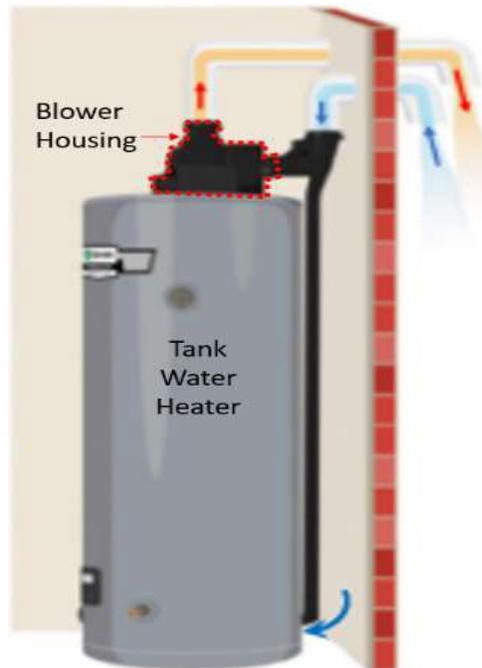
B. Overview of the Technology

The technology at issue generally relates to a blower housing for a “dilution blower” intended to be mounted on the surface of a gas-operated heater, such as a water heater tank (as shown below). *See* EID at 26–27; Regal Pet. at 3. A typical hot water tank heats the water by burning fuel in a “combustion chamber” located at the bottom of the water heater. *See Markman* Order II at 5–6; OUII Pet. at 2. The combustion gases and fumes flow upward through a vertically-oriented duct or pipe (also known as “flue”), and then pass through a “heat exchanger” to heat the water contained in the water heater. EID at 27. The combustion gases and fumes are then drawn from the heat exchanger and exit through the top of the water heater. *Id.* A device known as a “blower” is often mounted on top of the water heater to assist with (1) drawing air into the combustion chamber and (2) expelling the combustion gases and fumes from the water heater, typically through an exhaust pipe or chimney. *Id.*; ’834 patent (JX-0001) at 1:22-26 &

³ *See* Complainant Regal Beloit’s Petition for Review (“Regal Pet.”); Respondents’ Petition for Review of the Enforcement Initial Determination and Petition for Review of Order No. 36.

⁴ *See* Respondents’ Response to Complainant Regal Beloit’s Petition for Review of Enforcement Initial Determination; Office of Unfair Import Investigations Combined Response to Complainant’s and Respondents’ Petitions for Review; Complainant Regal Beloit’s Response to Respondent’s Contingent Petition for Review of Enforcement Initial Determination and Petition for Review of Order No. 36.

1:53-62. These blowers improve heater efficiency by enhancing air flow in the combustion chamber. *See* EID at 26-27; Regal Pet. at 3. The dilution blower also draws in ambient air and mixes that cooler dilution air with the hotter exhaust gases coming from the flue of the heater. EID at 26. This mixing cools the exhaust gases and permits the use of materials, such as PVC, instead of a traditional metal exhaust duct. Regal Pet. at 3.



Markman I at 6 (citing CDX.5).

The '834 patent is entitled "Exhaust Dilution Blower Housing with Remote Air Intake" and issued on December 20, 2011. The patent describes "a blower housing that may be used with a climate control furnace or with a water heater and provides cooling of the motor that rotates the blower fan and also provides dilution and cooling of exhaust gases drawn from the furnace or water heater." '834 patent, Abstract. "The housing has an interior dilution compartment that communicates with an elongate conduit." *Id.* The dilution compartment receives dilution air through the conduit, thereby reducing blower operation noise at the blower housing." *Id.* The claims at issue in this investigation are claims 1, 2, 7–10, and 15. EID at 15.

C. The Accused Products

The accused products are East West’s redesigned PDV (power direct vent) blowers imported and sold after issuance of the consent order. EID at 20–23. The item numbers of the redesigned PDV Blower include Model (or Item) Nos. 100338630, 100338701, 100338702, 10038703, 10038704, and 10038705. The parties, however, “agree that there is only one Accused Redesigned PDV blower at issue for purposes of infringement in this Enforcement Proceeding notwithstanding the various model numbers....” EID at 20–21.

III. ANALYSIS OF CLAIM CONSTRUCTION AND INFRINGEMENT

“It is a ‘bedrock principle’ of patent law that ‘the claims of a patent define the invention to which the patentee is entitled the right to exclude.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004)). Infringement, on the other hand, is a factual determination made by comparing the properly construed claims with the accused device to determine, for purposes of literal infringement, whether “every limitation recited in the claim is found in the accused device, *i.e.*, when the properly construed claim reads on the accused device exactly.” *Amhil Enters., Ltd. v. Wawa, Inc.*, 81 F.3d 1554, 1562 (Fed. Cir. 1996).

Regal seeks review of the EID’s findings regarding the blower housing. The claims at issue are independent claims 1 and 9 and dependent claims 2, 7, 8, 10, and 15. EID at 15.

Independent claim 1 recites⁵:

1. A blower housing comprising:

one side of the blower housing that is positioned in a single plane, the single plane of the one side of the blower housing facilitating mounting the one side of the blower housing on a flat surface having a flue opening of a heater with which the blower housing is used;

⁵ The relevant claim language in independent claims 1 and 9 is identical.

a fan compartment inside the blower housing and positioned directly above the one side of the blower housing for stable support of the fan compartment when the one side of the blower housing is attached to the flat surface of the heater, the fan compartment having an enclosed interior volume;

a fan inside the fan compartment interior volume;

a motor on the blower housing, the motor being operatively connected to the fan for rotating the fan inside the fan compartment;

a dilution compartment inside the blower housing and positioned on the one side of the blower housing, the dilution compartment having an interior volume that communicates with the fan compartment interior volume, the dilution compartment having a side wall that extends around the dilution compartment interior volume and forms a part of the one side of the blower housing, the side wall having a single dilution air intake opening through the side wall communicating the interior volume of the dilution compartment with an exterior environment of the blower housing, the side wall being dimensioned to extend around and be spaced outwardly from the flue opening of the heater when the one side of the blower housing is mounted on the flat surface of the heater whereby the dilution compartment interior volume is dimensioned sufficiently large to enable mixing of exhaust gas received in the dilution compartment interior volume from the flue opening with ambient air received in the dilution compartment interior volume through the dilution air intake opening, the side wall and the one side of the blower housing providing a continuous engagement with the flat surface of the heater around the flue opening when the one side of the blower housing is mounted on the flat surface of the heater whereby ambient air can enter into the dilution compartment interior volume only through the one dilution air intake opening in the side wall; and

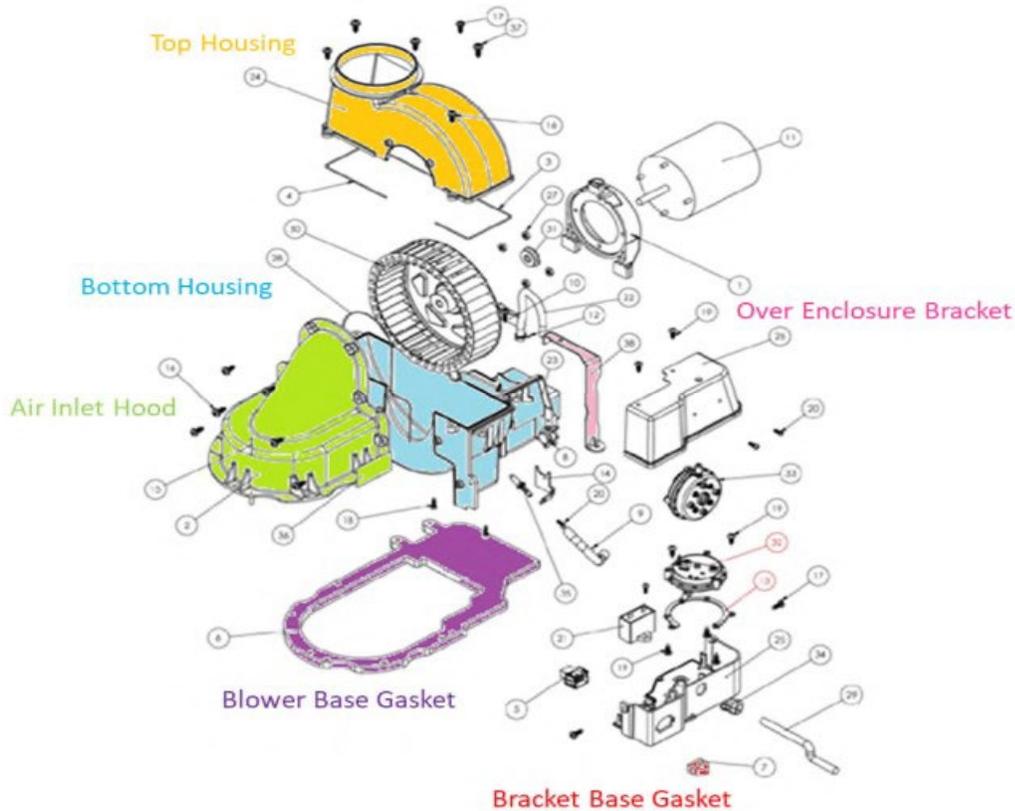
a circuitry compartment inside the blower housing and positioned on the one side of the blower housing, the circuitry compartment having at least one wall that extends around an interior volume of the circuitry compartment and forms a part of the one side of the blower housing that is positioned in the single plane.

'834 Patent (JX-0001) at 12:16-67.

The EID states that it “reconfirms” its *Markman* finding that “the ‘Blower Base Gasket’ and the ‘Bracket Base Gasket’ are attached to and are part of the East West Redesigned PDV Blower *housing*” and that the “claim constructions are the law of the case.” EID at 44 (emphasis in original). The EID also pointed to the *Markman* Order II finding that “Regal appears to have argued quite consistently and specifically during patent prosecution that contact between a blower housing and a hot water tank on which it is ‘mounted’ must be ‘direct’ rather than

‘indirect’ in order to gain the allowance of the ’834 patent, particularly over Yetman (particularly Figure 2), Stewart (particularly Figure 2), Windon and Suffron.”⁶ *Id.* at 47 (citing *Markman* Order II Appx. A, and on which *Markman* Order I constructions were premised).

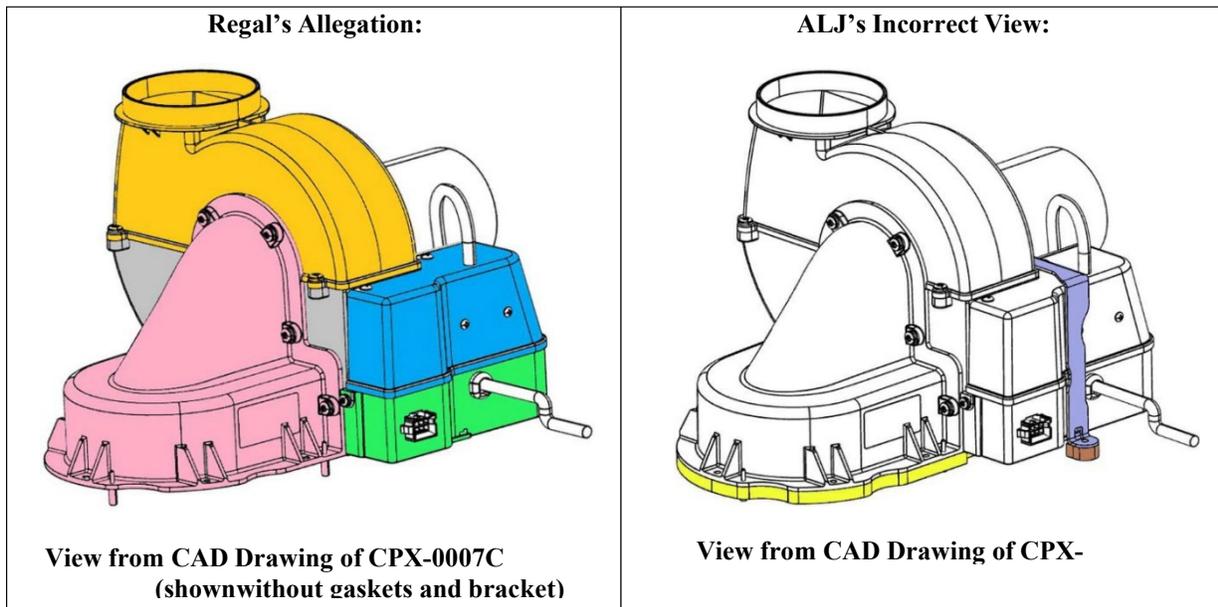
Referencing an annotated schematic of the East West accused product (below), the EID found that “[u]nlike in the embodiments of the ’834 patent, together, the ‘Blower Base Gasket,’ ‘Bracket Base Gasket,’ and the ‘Over Enclosure Bracket’ are the only parts that rest against the surface of a hot water heater.”⁷ *Id.* at 40 (citing RX-0248C (Brown Reb. Report) at ¶ 112; Hr. Tr. (Brown) at 550:19–551; *id.* at 551:19–552:8, 615:5–15, 615:4–616:13).



⁶ Yetman is U.S. Patent No. 5,697,330 (JX-0006, RX-0125); Windon is U.S. Patent No. 5,255,655 (JX-0005); Suffron is U.S. Patent No. 3,403,962 (JX-0004); and Stewart is U.S. Patent No. 6,398,512 (JX-0003).

⁷ The “Blower Base Gasket,” “Bracket Base Gasket,” and “Over Enclosure Bracket” are collectively referred to as “a gasket” in this opinion.

In its petition for review, Regal asserts that the “blower housing” of the accused blower (shown in the image below, on the left) “is made up of the following five component parts: ‘Air Inlet Hood’ (pink), ‘Bottom Housing’ (gray), ‘Top Housing’ (orange), ‘Electronics Enclosure Base’ (green), and ‘Electronic Enclosure Cover’ (blue).” Regal Pet. at 18 (citing Hrg. Tr. (Cameron) at 174:11-175:2; CX-0014C at EASTWEST000424; CDX-0002 at 12). According to Regal, the “EID, however, incorrectly viewed the ‘blower housing,’ as shown in the right image, such that the ‘Blower Base Gasket’ (yellow) and ‘Bracket Base Gasket’ (brown) must also be considered part of the accused ‘blower housing.’” *Id.* (citing EID at 42-43).



Id. at 19 (annotations by Regal). Regal states that “[t]he ALJ apparently found as a legal matter of claim construction that the ‘Blower Base Gasket’ and ‘Bracket Base Gasket’ must be considered part of the accused ‘blower housing.’” *Id.* at 19 (citing EID at 43–44; Order 32 at 2). Regal contends that this finding “is not only contrary to Federal Circuit precedent, but it violated the Administrative Procedure Act and Regal’s right to due process.” *Id.*

The Commission finds that the determination as to whether the gasket is a part of the accused blower housing is a factual finding concerning infringement, not a legal claim construction determination as Regal contends. The heading and the sentence in the EID on page 44, however, uses language that would incorrectly suggest that the ALJ's determination on whether the gasket was part of the accused blower housing was rendered as a matter of law as a claim construction, rather than as a factual finding concerning whether the gasket is part of the accused blower housing to determine infringement under her construction of the claim terms "engagement"/"engages" and "mounted"/"mounting." See EID at 44 (reconfirming the *Markman* finding that the "Blower Base Gasket" and the "Bracket Base Gasket" are attached to and are part of the East West Redesigned PDV Blower housing and that the claim construction is the law of the case); Order 23 (clarifying *Markman I* and stating that "the gasket on East West's blower housing must be considered to be a part of the blower housing"). In addition, on page 48, the EID states that as "[a]s the Redesigned PDV Blower is constructed, the changes to the 'Blower Base Gasket' together with the 'Bracket Base Gasket' and the Electronics Enclosure/circuitry compartment, prevent East West's Redesigned PDV blower housing from being 'mounted' or 'engaged' with 'directly' onto a water tank." EID at 48 (emphasis original). To avoid confusion, the Commission strikes the heading and those sentences. The Commission finds that for the reasons expressed in the *Markman* Orders and the EID, the ALJ correctly construed the claim limitations, "engagement/engage," "mounting/mounted," and "plane," to require direct contact between the blower housing and the water heater. See *Markman* Order Nos. 22, 32; EID at 33.

Turning to infringement, the Commission agrees with the EID's ultimate finding of noninfringement. There is no dispute that the gasket in the accused product is coplanar and in

contact with the water heater. EID at 47–48. What the parties dispute is whether the gasket is part of the accused blower housing.

The EID properly credited testimony of East West’s expert, Dr. Brown, to determine, as a factual matter, that “the Redesigned PDV Blower housing is comprised of the Top Housing (yellow/orange), the Bottom Housing (blue), the Air Inlet Hood (green), the Over Enclosure Bracket (pink), the ‘Blower Base Gasket’(purple), and the ‘Bracket Base Gasket’ (red).” EID at 42–43 (schematic set forth above), 51.

In addition, the EID properly rejected the testimony of Regal’s expert, Dr. Cameron, that “she considered the Air Inlet Hood, the Bottom Housing, the Top Housing, the Electronic Enclosure Base and the Electronic Enclosure Cover but not the ‘Blower Base Gasket’ or the ‘Bracket Base Gasket’ to be part of the housing of the Redesigned PDV Blower.” *Id.* at 42 (citing RX-0223C (Cameron Op. Rept.) at ¶ 44). Specifically, the EID discounted Dr. Cameron’s testimony that “a gasket, and in this instance, the ‘Blower Base Gasket,’ is not part of the blower housing, in part, because the housing in the Redesigned PDV Blower is comprised of a different material—the housing is rigid plastic while the East West gasket is made of an EPDM rubber” and that “the gaskets in the Redesigned PDV Blower are not labeled ‘Housing.’” *Id.* at 43 (citing RX-0023 (Cameron Op. Rept.) at ¶ 45). As to the first rationale, the EID finds that the fact that different components of the Redesigned PDV Blower housing are manufactured from different materials is irrelevant to whether the Blower Base Gasket and Bracket Base Gasket are part of the assembled East West blower housing, or whether there is infringement. *Id.* at 43 n.19. Regarding the second rationale, Dr. Cameron’s testimony is logically inconsistent, as East West noted, because “Dr. Cameron’s Report identifies the ‘Air Inlet Hood,’ the Electronic Enclosure Base and the ‘Electronic Enclosure Cover’ as part of the ‘housing’ even though they are not

labeled ‘housing.’” See RX-0223C (Cameron Op. Rept.) at ¶ 44; see also EID at 78 (“Dr. Cameron did not see or inspect a Redesigned PDV Blower let alone as it sits atop a water tank or water heater.” (citing Hr. Tr. (Cameron) at 162:2–5)).

Regal, in its petition, argues that the EID should have analyzed whether, as a factual matter, the claims are infringed based on its allegation of the components in the accused product that read on the asserted claims. Regal Pet. at 25. That is, Regal claims that the EID should have considered whether the claims would be infringed had the EID found that gaskets were not part of the blower housing.

However, no law requires a trier of fact to accept the factual allegations in the complaint – in this case factual findings concerning what comprises the accused products. In any case, even if the Commission were to consider just the five component parts identified by Regal as the blower housing (*i.e.*, the “Air Inlet Hood,” “Bottom Housing,” “Top Housing,” “Electronics Enclosure Base,” and “Electronic Enclosure Cover”), that blower housing does not come into direct contact with the water heater as required by the claims, thus further supporting the conclusion of no infringement by the accused blower housing. EID at 89 (finding that “gaskets” are not equivalent to adhesives); see also EID at 84-85 (“If the ‘Blower Base Gasket’ were removed as Regal has argued it should be, the Redesigned PDV Blower housing would not be able to ‘provide a continuous engagement with the flat surface of the water heater’ as claims 1 and 9 also require.”).

Regal also contends that because the claims recite “comprising,” the presence of additional components between the housing and the water heater does not negate infringement. The EID, however, did not limit the claim term “blower housing” to any specific components. The EID simply found that the gasket of the accused product is part of its blower housing.

Moreover, the term “comprising” cannot be used to negate other claim terms, such as the “engagement/engage,” “mounting/mounted,” and “plane” terms that are required by the claims, and here, if the gasket is an additional component that is not part of the housing, it prevents the housing from meeting these other limitations. *Spectrum Int’l, Inc. v. Sterilite Corp.*, 164 F.3d 1372, 1380 (Fed. Cir. 1998) (“‘Comprising’ is not a weasel word with which to abrogate claim limitations.”).

By finding that, as a factual matter, the gasket is a part of the accused blower housing, the blower housing satisfies the limitation of direct contact between the blower housing and the water heater. However, since the gasket is in contact with the heater, none of the other components that the claims require to be positioned in the single plane that is mounted to the heater, *i.e.*, the circuitry compartment and the dilution compartment, are so positioned, and therefore the accused products do not infringe the asserted claims. As the EID explained, “the blower housing of the ’834 patent, by the language of claims 1 and 9, was designed so that one side of the claimed blower housing is ‘positioned in a single plane that facilitates mounting of the one side of the housing on a flat surface of the furnace or hot water heater with which the blower is used.’” EID at 67 (citing ’834 patent at 2:44–48, 4:13–26). The claims require that “the circuitry compartment and the dilution compartment be ‘located at’ the same side, and on the side of the blower housing that directly contacts the flat surface of a water heater.” *Id.* (citing ’834 patent at Fig. 3, 7:36–51, 2:44–48, 4:3–26, *Markman* Order II, Appx. A at 5–7, 46–47). The EID explained that “the claim language states that the circuitry compartment *and* the dilution compartment” are each “located at” the “one side of the blower housing that is located in a single plane” and that “[t]he positioning of both compartments enables the blower housing to be ‘mounted’ to the surface of a water heater.” *Id.* (citing ’834 patent claims 1 and 9, 4:13–26.).

As the EID found, “‘positioned on’ with respect to the location of the circuitry and dilution compartments does not mean positioned ‘above’ the one side of the blower housing,” which is what the accused products do. *Id.* at 67–68.

Regal admits that under the EID’s claim construction requiring direct contact and the EID’s finding that the gasket is part of the blower housing of the accused products, Regal cannot prove infringement:

Regal acknowledges that the ALJ’s findings regarding claim constructions of Engaged/Engaging, Mounted/Mounting, and “one side of the blower housing that is positioned in a single plane,” together with the ALJ’s construction or finding that the Accused East West PDV Blower’s gasket is part of the blower housing forecloses a finding of infringement in this Investigation and that an evidentiary hearing on the issues of infringement and penalty in light of such constructions and findings would be futile.

Joint Stipulation and Submission by East West, Regal, and the Staff Regarding Respondents’ Motion for Summary Determination of Non-Infringement and Scope of Evidentiary Hearing at 3 ¶ 7.

Regal argues, however, that “[t]o the extent the ALJ’s finding that gaskets must be considered part of the recited ‘blower housing,’ was a factual finding, it should be given no deference” because the decision was made “prior to the evidentiary hearing in violation of the Commission’s rules, depriving Regal of the opportunity to present its evidence and conduct full cross-examination.” Regal Pet. at 24 (citing the Administrative Procedure Act). We find Regal’s assertion to be meritless. The central dispute during claim construction over multiple claim terms was whether the “blower housing” must be in *direct* contact with the surface of a water heater (as East West and Staff advocated); or whether the “blower housing” only needed to *indirectly* contact the surface of the water heater, such as through a gasket (as Regal argued). *See* Respondents’ Opening Claim Construction Brief at 9 (“The central issue to [the ‘engages[-

ing]’ and ‘mounted[-ing]’ terms] (as well as the ‘positioned on one side’ and ‘one side of the blower housing’ terms . . .) is whether the ‘one side’ of the blower housing may have intervening physical structures interposed between the claimed housing and the flat surface of the heater.”); Complainant’s Opening Claim Construction Brief at 17 (“Ordinarily skilled artisans would understand that the blower housing of the ’834 Patent engages and is mounted on a water heater (if and when actually installed) with a seal such as a gasket or adhesive. [The disputed terms] do not exclude indirect connections.”).

The ALJ did not deprive it of an opportunity for “the submission and consideration of facts [and] arguments . . . [and] hearings and decision on notice.” Regal Pet. at 20 (quoting 5 U.S.C. § 554(c)). Nor did the ALJ deprive Regal of an opportunity “to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.” Regal Pet. at 20 (quoting 5 U.S.C. § 556(d)). Nothing prevented Regal from deposing East West’s technical expert Dr. Brown. Regal submitted a *Markman* brief with facts and arguments (both affirmative and rebuttal) in support of its position that an attached gasket is not part of the blower housing. And upon consideration of the complete record, the Commission finds no error in the EID’s conclusion that the gasket is part of the blower housing in the accused products. Accordingly, the Commission finds Regal’s arguments are without merit.

IV. CONCLUSION

For the reasons detailed above, the Commission has determined to affirm the EID’s finding with the above clarifications. The ALJ correctly construed the disputed claim limitations, and the Commission further affirms both the factual finding that the gasket in question is part of the housing of the accused products set forth in the EID, and the conclusion that the accused products do not infringe the asserted claims. Accordingly, the Commission has

determined to affirm the EID's finding of no violation of the consent order and to terminate the enforcement proceeding. Regarding Order No. 36, the Commission has determined to remand to the ALJ the issue of sanctions as set forth in the Commission's remand order to be conducted in a separate proceeding.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: March 28, 2022

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION OPINION** has been served via EDIS upon the Commission Investigative Attorney, **Thomas Chen, Esq.**, and the following parties as indicated, on **March 28, 2022**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Regal Beloit America, Inc.:

Alan Norman, Esq.
THOMPSON COBURN LLP
One U.S. Bank Plaza
St. Louis, MO, 63101
Email: anorman@thompsoncoburn.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondents East West Manufacturing, LLC and East West Industries:

Adam D. Swain, Esq.
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004
Email: Adam.Swain@alston.com

- Via Hand Delivery
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