

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

**In the Matter of**

**CERTAIN BLOWERS AND  
COMPONENTS THEREOF**

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

**NOTICE OF INSTITUTION OF FORMAL ENFORCEMENT PROCEEDING**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding relating to the Consent Order issued on November 12, 2020, in the above-referenced investigation.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted the original investigation on September 8, 2020, based on a complaint filed by Regal Beloit America, Inc ("Regal") of Beloit, Wisconsin. 85 FR 55491-92 (Sep. 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, "Respondents"). *Id.* at 55492. The Office of Unfair Import Investigations ("OUII") did not participate as a party in the original investigation. *Id.*

On October 14, 2020, Respondents filed a motion to terminate the investigation with respect to themselves based upon a consent order stipulation. The motion included a consent order stipulation and a proposed consent order.

On October 22, 2020, the presiding administrative law judge (“ALJ”) issued an initial determination (“ID”) granting the motion and terminating the investigation with respect to Respondents based on the entry of a consent order. Order No. 6 at 3 (Oct. 22, 2020). Thereafter, the Commission determined not to review the ID and issued a Consent Order. 85 FR 73511 (Nov. 18, 2020). Respondents were therefore terminated from the original investigation and the investigation was terminated in its entirety. *Id.*

On January 15, 2021, Regal filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate the alleged violation of the Consent Order by Respondents.

Having examined the enforcement complaint and the supporting documents, the Commission has determined to institute a formal enforcement proceeding, pursuant to 19 C.F.R. 210.75(a), to determine whether a violation of the Consent Order, issued on November 12, 2020, in the original investigation has occurred and to determine what, if any, enforcement measures are appropriate. The named respondents are East West Manufacturing, LLC of Atlanta, Georgia, and East West Industries of Binh Duong, Vietnam. OUII is also named as a party.

The Commission vote for this determination took place on February 16, 2021.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission’s Rules of Practice and Procedure, 19 CFR Part 210.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: February 16, 2021

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **INSTITUTION OF INVESTIGATION** has been served via EDIS upon the Commission Investigative Attorney and the following parties as indicated, on **February 16, 2021**.



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

**Complainants:**

Regal Beloit America, Inc.  
200 State Street  
Beloit, WI 53511

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

**On Behalf of Complainants:**

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

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

**Respondents:**

East West Manufacturing, LLC  
4170 Ashford Dunwoody Road, Suite 375  
Atlanta, GA 30319

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

**CERTAIN BLOWERS AND COMPONENTS THEROF**

**Inv. No. 337-TA-1217  
(Enforcement Proceeding)**

Certificate of Service – Page 2

East West Industries  
No. 27 Street No. 2, VSIP 2, Hoa Phu Ward  
Thu Dau Mot City  
Binh Duong  
Vietnam 72000

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

**Embassy:**

Embassy of Vietnam  
1233 20<sup>th</sup> Street, NW, Suite 400  
Washington, DC 20008

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

**Government Agencies:**

Lynda Marshall  
International Section, Antitrust Division  
U.S. Department of Justice  
450 5th Street NW, Room 11000  
Washington, DC 20530

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

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9<sup>th</sup> Street, NW, 7<sup>th</sup> floor  
Washington, DC 20229

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

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

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

Dale D. Berkley, Ph.D., J.D.  
Office of the General Counsel, PHD, NIH Branch  
National Institutes of Health  
31 Center Drive  
Bldg. 31, Rm. 47  
Bethesda, MD 20892

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



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

Regal Beloit America, Inc.  
200 State Street  
Beloit, WI 53511

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Sir/Madam:

This letter is to advise you that the U.S. International Trade Commission has instituted an enforcement proceeding pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton  
Secretary

Enclosures:

1. Notice of Investigation
2. Publication Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

Alan Norman  
**THOMPSON COBURN LLP**  
One U. S. Bank Plaza  
St. Louis, MO

**Re: Certain Blowers and Components Thereof**  
**Inv. No. 337-TA-1217 (Enforcement)**

Dear Sir/Madam:

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Lisa R. Barton  
Secretary

Enclosures:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

2. Publication Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

East West Manufacturing, LLC  
4170 Ashford Dunwoody Road Suite 375  
Atlanta, GA 30319

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **East West Manufacturing, LLC** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

You are advised that pursuant to Commission rule 210.75, 19 C.F.R. § 210.75, you have fifteen (15) days after the date of receipt of this letter to file a response to the complaint. Any such response should fully advise the Commission as to the nature of any defense and shall admit or deny each allegation of the complaint specifically and in detail unless you are without knowledge, in which case your answer should so state and the statement shall operate as denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed uncontroverted.

Failure to file and serve on all parties to the formal enforcement proceeding a response to the complaint within the time specified and in the manner prescribed herein shall authorize the Commission, in its discretion, to find the facts alleged in the complaint to be true and to take such action as may be appropriate without notice or hearing, or, in its discretion, to proceed without notice to take evidence on the allegations or charges set forth in the complaint. The presiding administrative law judge may permit late filing of a response for good cause shown.



Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

East West Industries  
No. 27 Street No. 2, VSIP 2 Hoa Phu Ward  
Thu Dau Mot City, Binh Duong, 72000  
Vietnam

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **East West Industries** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

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Sincerely,

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Lisa R. Barton  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

Embassy of Vietnam  
1233 20th St., NW #400  
Washington, DC 20036

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in Vietnam.

Pursuant to Commission Rule 210.11(a) (3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

Lynda Marshall  
International Section  
Antitrust Division  
U.S. Dept of Justice  
450 5th Street NW, Room 11000  
Washington, DC 20530

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Ms. Marshall:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

Intellectual Property Rights Branch  
Regulations and Rulings  
Office of International Trade  
U.S. Customs and Border Protection  
90 K Street, NE, 10th floor  
Washington, DC 20229-1177

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

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Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation

February 16, 2021



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of  
International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Ms. Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 16, 2021

Dale D. Berkley, Ph.D., J.D.  
Office of the General Counsel, PHD, NIH Branch  
National Institutes of Health  
31 Center Drive  
Bldg. 31, Rm. 47  
Bethesda, MD 20892

**Re: Certain Blowers and Components Thereof  
Inv. No. 337-TA-1217 (Enforcement)**

Dear Mr. Berkley:

This letter is to advise you that the United States International Trade Commission has instituted an enforcement proceeding pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Secretary

Enclosure:

1. Notice of Investigation