

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN BLOWERS AND
COMPONENTS THEREOF

Inv. No. 337-TA-1217
ENFORCEMENT PROCEEDING

ORDER NO. 20: GRANTING MOTIONS: MOTION DOCKET NOS.
1217-008 AND 1217-006

(June 16, 2021)

A. MOTION DOCKET NO. 1217-008

On May 21, 2021, Complainant Regal Beloit America, Inc. (“Regal”), and Respondents East West Manufacturing LLC and East West Industries (“East West,” and collectively “the Private Parties”) jointly moved for leave to supplement the proposed *Markman* Exhibit Lists (“Joint Motion”) to add JXM-0007C (Transcript of Deposition of Dr. K. Cameron (May 14, 2021)) and JXM-0008C (Transcript of Deposition of Dr. S. Brown (May 18, 2021)). (Motion Docket No. 1217-008; Joint Motion at 1.). Consistent with Ground Rule 2.2., the Private Parties state that Commission Investigative Staff (“Staff” and with Regal and East West, “the Parties”) does not oppose the Private Parties’ Joint Motion. (*Id.*). The Private Parties explain that Exhibits JXM-0007C and JXM-0008C are transcripts of expert depositions taken after the parties submitted their *Markman* Exhibit Lists. The Private Parties stated that they believe that both expert deposition transcripts will be helpful in evaluating the parties’ respective claim construction positions.

For good cause, the Private Parties’ Joint Motion is *granted*.

If the transcripts have not been filed, they should be filed by close of business on **June 17, 2021**.

B. MOTION DOCKET NO. 1217-006

On May 13, 2021, Regal moved for leave (“Motion for Leave”) to supplement the record with respect to its sanctions motion with several exhibits, including a lawyer’s opinion letter on infringement from 2016. (Motion Docket No. 1217-006; Motion at 1; *see also* Motion for Sanctions (“Sanctions Motion”), Motion Docket No. 1217-001). Regal explains that certain documents, which include an attorneys’ opinion letter on infringement, were not available to it when Regal filed its Sanctions Motion. (Motion at 1.).

On May 14, 2021, East West filed its opposition (“Opposition”) to Regal’s Motion for Leave. (Doc. ID No. 742452; Opp’n at 1.). East West objects to Regal’s Motion for Leave to supplement its Sanctions Motion because East West says that the lawyer’s opinion letter, written five (5) years ago, and other materials Regal seeks to submit, concerns two (2) unaccused Blowers (i.e. the type of product at issue in this proceeding), and therefore, the lawyer’s opinion letter and other materials Regal identified for submission are not relevant to this proceeding. (*Id.* at 1, 2.).

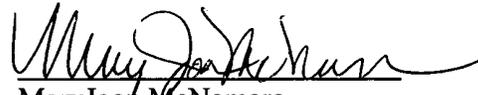
On May 20, 2021, Staff filed its response to Regal’s Motion for Leave. (Doc. ID No. 743051; Motion for Leave at 1). Staff supports Regal’s Motion for Leave without taking a position on the merits of the Sanctions Motion or of the opinion letter that Regal seeks to admit into the record. (*Id.*).

It is important that as complete a record as possible be developed since Regal’s Sanctions Motion is a particularly weighty motion. Because Regal’s supplemental materials are necessary for building the record, Regal’s Motion for Leave, Motion Docket No. 1217-006, is *granted*.

However, the Parties should not construe the allowance of Regal’s Motion for Leave as a decision on the merits of Regal’s arguments in its Motion for Leave, including the relevance of

the materials that Regal has asked to submit. The merits of Regal's supplemental documentation and of Regal's Sanctions Motion will be decided later after the record has been developed as completely as possible.

SO ORDERED.



MaryJoan McNamara
Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Thomas Chen, Esq.**, and the following parties as indicated, on **June 16, 2021**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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