

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CENTRIFUGE UTILITY
PLATFORM AND FALLING FILM
EVAPORATOR SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1311

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING RESPONDENT EZHYDRO IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 22) of the presiding administrative law judge (“ALJ”), finding respondent Ezhydro in default.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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. 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 this investigation on May 4, 2022. 87 FR 26372 (May 4, 2022). The complaint, as supplemented, 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 centrifuge utility platform and falling film evaporator systems and components thereof by reason of infringement of claims 1, 10, and 14 of U.S. Patent No. 10,814,338; claims 1, 10, and 18 of U.S. Patent No. 11,014,098; and claims 1, 9, and 19 of U.S. Patent No. 10,899,728. *Id.* The complaint further alleged that a domestic industry exists. *Id.* The Commission’s notice of investigation named fifteen respondents, including Ezhydro of Sacramento, CA. *Id.* at 26373. The Office of Unfair Import Investigations is also participating in the investigation. *Id.*

On June 13, 2022, complainant Apeks, LLC (“Apeks”) moved the ALJ for an order directing Ezhydro to show cause why it should not be found in default for failure to respond to the complaint and notice of investigation or otherwise participate in this investigation. On June 24, 2022, the ALJ issued Order No. 11, granting the motion and ordering Ezhydro to show cause why it should not be found in default. Order No. 11 found that Ezhydro received notice of the complaint and notice of the investigation based on proof of service attached as an exhibit to Apeks’s motion.

On July 20, 2022, the ALJ issued Order No. 22, the subject ID, which finds Ezhydro in default. The ID finds that service of the complaint and notice of investigation on Ezhydro was effected on May 19, 2022. The ID finds that Ezhydro did not answer the complaint and notice of investigation or respond to Order No. 11. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

Ezhydro is in default and has therefore waived its right to appear, to be served with documents, and to contest the allegations at issue in this investigation.

The Commission vote for this determination took place on August 4, 2022.

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).

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

By order of the Commission.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 5, 2022