

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 INITIAL
DETERMINATIONS TERMINATING RESPONDENTS IDEA MAKERS AND
COMERG**

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 two initial determinations (“ID”) (Order Nos. 23 and 24) of the presiding administrative law judge (“ALJ”), terminating the investigation as to respondent Idea Makers, LLC (“Idea Makers”) based on settlement and terminating the investigation as to respondent Comerg, LLC (“Comerg”) based on withdrawal of the allegations in the complaint.

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 Idea Makers of Salt Lake City, UT and Comerg of Phoenix, AZ. *Id.* at 26373. The Office of Unfair Import Investigations is also participating in the investigation. *Id.*

On July 25, 2022, the ALJ issued Order No. 23, which granted a joint motion by complainant Apeks, LLC (“Apeks”) and Idea Makers to terminate the investigation as to Idea Makers based on a settlement agreement. Order No. 23 finds that the motion complies with the Commission’s rules and that there is no evidence that terminating this investigation as to Idea Makers based on the settlement agreement would be contrary to the public interest.

Also on July 25, 2022, the ALJ issued Order No. 24, which granted an unopposed motion by Apeks to terminate the investigation as to Comerg based on withdrawal of the allegations in the complaint directed to Comerg. Order No. 24 finds that the motion complies with the Commission’s rules and that there are no extraordinary circumstances that would preclude termination of the investigation as to Comerg.

No petitions for review of either ID were received.

The Commission has determined not to review the subject IDs.

The investigation is terminated as to Idea Makers and Comerg.

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.

A handwritten signature in black ink, appearing to read "Katherine M. Hiner". The signature is written in a cursive style with a large initial "K".

Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 5, 2022