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''). *Id.* at 55492. The Office of Unfair Import Investigations (''OUII'') did not participate as a party in the original investigation. *Id.*

On November 12, 2020, the Commission terminated the original investigation with respect to Respondents based upon a consent order stipulation and entry of a consent order. 85 FR 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 enforcement proceeding, pursuant to Commission Rule 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 FR 10335 (Feb. 19, 2021). The respondents named in the enforcement proceeding are the same as the respondents named in the original investigation, *i.e.,* East West Manufacturing, LLC of Atlanta, Georgia, and East West Industries of Binh Duong, Vietnam. *Id.* OUII was named as a party in the enforcement proceeding. *Id.*

On March 1, 2021, East West filed a motion for monetary and other sanctions alleging that Regal and its attorneys tampered with and misrepresented the accused redesigned blower in the enforcement complaint. Regal and OUII filed responses thereto on March 11, 2021, and March 18, 2021, respectively. The presiding Administrative Law Judge (''ALJ'') further permitted the private parties to file replies and sur-replies to the sanctions briefing. EID at 16.

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 September 22, 2021, the ALJ held a supplemental hearing on the sanctions motion. EID at 18.

On October 29, 2021, the ALJ issued Order No. 32 (*Markman* Order II), providing extensive explanations as to the adopted constructions 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 the parties do not contest personal jurisdiction, and that the Commission has *in rem* jurisdiction over the accused products. EID at 19–20. The EID noted that the private parties filed a ''Joint Stipulation on Importation and Sales,'' describing ''the number of units of the Accused or Redesigned Blower that East West imported and sold.'' *Id.* at 20. The EID found that Regal failed to show that East West's redesigned blower infringes asserted claims 1, 2, 7–10, and 15 of the '834 patent, and thus failed to show a violation of the consent order. *See id.* at 9–10. The EID states that ''in the event the Commission were to find to the contrary, an imposed civil penalty should be *de minimus* and not the maximum civil penalty that Regal has proposed.'' *Id.* at 10. Specifically, the EID recommends that ''East West disgorge its profits plus an additional one-half of its profits from any sales that violated the Consent Order.'' *Id.* at 10–11.

On December 14, 2021, the ALJ also issued Order No. 36 denying East West's motion for monetary sanctions. The ALJ issued a public warning to Regal, citing the Commission's sanctions authority under Commission Rule 210.4(c) and (d), 19 CFR 210.4(c), (d), and ordered Regal to correct potentially misleading portions of the enforcement complaint.

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 a petition for review of Order No. 36. On January 10, 2022, the parties replied to the petitions for review.

Having examined the record of this investigation, including the EID, the petitions for review, and the responses thereto, the Commission has determined to review the EID in its entirety. The Commission has also determined to review Order No. 36.

The Commission does not request additional briefing from the parties.

The Commission's vote on this determination took place on February 11, 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 210).

By order of the Commission.

Issued: February 11, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03402 Filed 2–16–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1196]

Certain In Vitro Fertilization Products, Components Thereof, and Products Containing the Same; Commission Decision Not To Review a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review a final initial determination (''FID'') of the presiding Administrative Law Judge (''ALJ'') finding a violation of section 337 by respondents Fast IVF of Scottsdale, Arizona (''Fast IVF'') and Hermes Ezcanesi of Istanbul, Turkey (collectively, the ''Defaulting Respondents''). The Commission also requests written submissions from the parties, interested government agencies and interested persons, under the schedule set forth below, on remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. 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: On April 16, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by complainant EMD Serono, Inc. of Rockland, Massachusetts (''Complainant''). *See* 85 FR 21267–68 (Apr. 16, 2020). The complaint, as amended and supplemented, alleges a violation of section 337 based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain *in vitro* fertilization products, components thereof, and products containing same (collectively, ''Gray Market IVF Products''), by reason of infringement of U.S. Trademark Registration Nos. 4,689,651; 1,772,761; 3,777,170; 3,389,332; 3,816,320; 1,972,079; 3,604,207; and 3,185,427 (collectively, ''the Asserted Trademarks''); unfair methods of competition and unfair acts in the importation and sale of Gray Market IVF Products by reason of false designation of source; and unfair methods of competition and unfair acts in the importation and sale of the Gray Market IVF Products by reason of false advertising. *See id.* In addition to the Defaulting Respondents, the notice of investigation names General Plastik Drug Stores (''Unserved Respondent'') of Istanbul Suadiye, Turkey as a respondent in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On September 1, 2020, the Chief ALJ issued an initial determination (''ID'') finding each of the Defaulting Respondents in default. *See* Order No. 6 (Sept. 1, 2020), *unreviewed by* Comm'n Notice (Sept. 24, 2020). On October 13, 2020, the Chief ALJ also issued an ID terminating Unserved Respondent from the investigation based on the withdrawal of the complaint allegations as to that respondent. *See* Order No. 8 (Oct. 13, 2020), *unreviewed by* Comm'n Notice (Oct. 26, 2020).

On April 16, 2021, the Chief ALJ issued an ID (Order No. 10) (''SD'') granting in part Complainant's motion for summary determination of violation of section 337 by the Defaulting Respondents with respect to Complainant's claim under section 337(a)(1)(C) (infringement of the Asserted Trademarks) but denied the motion with respect to Complainant's unfair competition claims under section 337(a)(1)(A). The SD also finds that Complainant has satisfied the economic prong of the domestic industry requirement under subsection (C) of section 337(a)(3).

On May 18, 2021, the Commission determined to review the SD (Order No. 10) in part. *See* Comm'n Notice (May 18, 2021). Specifically, the Commission determined to review the SD's findings with respect to the economic prong of the domestic industry requirement. *See id.* The Commission determined not to review any other findings in the SD.

On October 6, 2021, the Commission determined to vacate the SD in part. Specifically, the Commission vacated the SD's finding that Complainant has satisfied the economic prong of the domestic industry requirement. Consequently, the Commission also vacated the SD's finding of a violation of section 337 and remanded the investigation to the Chief ALJ. Commissioners Karpel and Schmidtlein dissented from the Commission's decision that Complainant had failed to satisfy the economic prong of the domestic industry requirement and would have found a violation of Section 337 based on substantial, reliable, and probative evidence.

After the Commission decision to vacate the SD, EMD Serono abandoned its request for a general exclusion order; thereafter, it requested a limited exclusion order against both defaulting respondents and a cease and desist order against FastIVF. *See* FID at 6 (citing Motion Docket No. 1196–008 at 1 n.1, 8–9). On December 15, 2021, the ALJ issued an ID partially terminating the investigation as to Complainant's unfair competition claims under section 337(a)(1)(A). *See* Order No. 13 (Dec. 15, 2021), *unreviewed by* Comm'n Notice (Jan 10, 2022).

On December 15, 2021, the ALJ issued the FID finding a violation of section 337 based on the infringement by the Defaulting Respondents of Complainant's Asserted Trademarks pursuant to section 337(g)(1), 19 U.S.C. 1337(g)(1). In addition, the ALJ recommended that the Commission issue a limited exclusion order (''LEO'') against the infringing articles imported by or on behalf of the Defaulting Respondents and a cease and desist order (''CDO'') against FastIVF.

No petition for review of the FID was filed.

On January 4, 2022, Complainant filed a statement on the public interest pursuant to Commission Rule 210.50, 19 CFR 210.50. On the same day, Complainant filed a declaration requesting relief against the Defaulting Respondents, namely, an LEO against the Defaulting Respondents' infringing products and a CDO against FastIVF. No third-party submissions were filed in response to the **Federal Register** notice requesting public interest comments. *See* 86 FR 72620–21 (Dec. 22, 2021).

The Commission has determined not to review the FID.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the

Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should also address the recommended determination by the ALJ on remedy and bonding. Complainant is also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS numbers under which the accused products are imported, and to supply the names of known importers of the products at issue in this investigation.

Written submissions and proposed remedial orders must be filed no later than close of business on February 28, 2022. Reply submissions must be filed no later than the close of business on March 7, 2022. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1196'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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).

The Commission's vote for this determination took place on February 11, 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).

By order of the Commission.

Issued: February 11, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03404 Filed 2–16–22; 8:45 am]

BILLING CODE 7020–02–P

LEGAL SERVICES CORPORATION

Retrospective Review of Regulations

AGENCY: Legal Services Corporation.

ACTION: Request for information.

SUMMARY: The Legal Services Corporation (LSC) is requesting public input on its regulatory priorities in 2022 and future years. Although LSC makes its regulatory priorities available for public comment annually in April, LSC has not formally sought the public's views on its regulatory activities since 2007.

DATES: Comments due May 18, 2022.

Listening sessions, all conducted via Zoom, all times Eastern:

1. Thursday, March 3, 2022, 11:00 a.m.–1:00 p.m.
2. Monday, March 14, 2022 2:00 p.m.–4:00 p.m.
3. Tuesday, March 29, 2022, 3:00 p.m.–5:00 p.m.
4. Wednesday, April 13, 10:00 a.m.–12:00 p.m.

ADDRESSES: You may send comments by any of the following methods:

- *Email: lscrulemaking@lsc.gov.* Include ''2022 Regulatory Review Comments'' in the subject line of the message.
- *Fax:* 202–337–6519. Please send to the attention of Stefanie Davis, Senior Associate General Counsel, and include ''2022 Regulatory Review Comments'' on the cover page.
- *Mail:* Legal Services Corporation, ATTN: Stefanie Davis, Senior Associate General Counsel, 3333 K Street NW, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Stefanie Davis, Senior Associate General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007; (202) 295–1563 (phone); 202–337–6831 (fax); or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

Listening Session Access Information: To participate in the listening sessions via Zoom, please follow the link or use the dial-in instructions below:

Link: https://lsc-gov.zoom.us/j/2464362303.

Meeting ID: 246 436 2303.

Find your local number: https://lsc-gov.zoom.us/u/a293EJE37.

Background: LSC last solicited input broadly on its Rulemaking Agenda in 2007 via an email to Executive Directors. In the intervening years, LSC has identified rulemaking priorities through a combination of:

- LSC Task Force reports;
- Comments from stakeholders, including grantees, the client board member community, LSC's Board of Directors, and the National Legal Aid and Defender Association;
- Audit and investigation reports issued by LSC's Office of the Inspector General;
- Statutory changes; and
- Discrete situations that indicated a need for rulemaking.

Since 2010, LSC has completed 17 separate rulemakings. These rulemakings have ranged from ones needed to reflect Congressional action, such as revisions to the Freedom of Information Act or the expansion of grantees' authority to represent defendants in Tribal criminal courts under the Tribal Law and Order Act of 2010, to complete overhauls of LSC's subgrant rule. LSC repealed one