

United States Court of Appeals for the Federal Circuit

ERRATUM

December 6, 2005

Appeal No. 04-1460

SKF v. ITC

Precedential opinion

Decided: September 14, 2005

On page 6, the first paragraph on that page, which begins with “The Commission concluded--” and ends with “--all of its marked bearings.”, has been replaced with following paragraph:

The Commission concluded that the post-sale services did not accompany certain of SKF USA’s sales, including alternate channels of distribution consisting of sales by (1) Chicago Rawhide, SKF USA’s business unit relating to the vehicle service market, (2) Roller Bearing Company/Tyson Bearing Company, (3) gray market distributors, (4) the surplus market, and (5) nonauthorized distributors to end users. *Id.*, slip op. at 39, 42, 55. Sales from these alternate channels of distribution amounted to 12.6% of SKF USA’s total bearing sales. *Id.*, slip op. at 39. Despite the undisputed 87.4% of SKF USA bearing sales to authorized distributors that were supported by post-sale services, the Commission determined that the 12.6% of SKF USA’s bearing sales was sufficient to defeat SKF USA’s argument that the material difference accompanied all or substantially all of its marked bearings.