

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SELF-CLEANING LITTER
BOXES AND COMPONENTS THEREOF**

Investigation No. 337-TA-625

**NOTICE OF COMMISSION DECISION TO EXTEND THE DATE BY WHICH THE
COMMISSION MUST DETERMINE WHETHER TO REVIEW THE FINAL INITIAL
DETERMINATION AND TO EXTEND THE TARGET DATE FOR COMPLETION OF
THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined (1) to extend the date by which the Commission must determine whether to review the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation and (2) to extend the target date for completion of the investigation.

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-3116. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.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 December 28, 2007, based on the complaint of Applica Consumer Products, Inc. of Miramar, Florida (“Applica”) and Waters Research Company of West Dundee, Illinois (“Waters”). 72 *Fed. Reg.* 73884 (Dec. 28, 2007); 73 *Fed. Reg.* 13566 (Mar. 13, 2008). The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of

certain self-cleaning litter boxes and components thereof by reason of infringement of U.S. Patent No. RE36,847 (“‘847 patent”). The respondents are Lucky Litter, L.L.C. of Chicago, Illinois (“Lucky Litter”) and OurPet’s Company of Fairport Harbor, Ohio (“OurPet’s”).

On December 1, 2008, the ALJ issued his final ID, finding a violation of section 337 has occurred in the importation, sale for importation, or sale after importation of certain self-cleaning litter boxes and components thereof by reason of infringement of claim 33 of the ‘847 patent and of contributory infringement. The Commission granted an unopposed request for a one-day extension for the filing of petitions for review. Respondents Lucky Litter and OurPet’s, complainants Applica and Waters, and the Commission investigative attorney (“IA”) filed petitions (or contingent petitions) for review on December 16, 2008. All parties filed responses to same on December 24, 2008. Complainants also filed a motion to strike on December 23, 2008, to which Lucky Litter and the IA filed oppositions on January 5, 2009.

The Commission has determined to extend the deadline for determining whether to review the ID to February 9, 2009. The Commission has determined to extend the target date for completion of the investigation to April 7, 2009.

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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: January 9, 2009