

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

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

Investigation No. 337-TA-625

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION
TERMINATING THE INVESTIGATION AS TO ONE RESPONDENT ON THE
BASIS OF A CONSENT ORDER; ISSUANCE OF THE CONSENT ORDER**

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 the initial determination (“ID”) (Order No. 50) of the presiding administrative law judge (“ALJ”) terminating the investigation as to one respondent on the basis of a consent order.

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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. *72 Fed. Reg.* 73884 (Dec. 31, 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 various claims of U.S. Patent No. RE36,847. The complaint named as respondents Lucky Litter, L.L.C. of

Chicago, Illinois; Doskocil Manufacturing Co., Inc. of Arlington, Texas; and OurPet's Company of Fairport Harbor, Ohio.

On August 21, 2008, Dosckocil filed a motion to terminate the investigation based upon a consent order stipulation and proposed consent order that accompanied its motion. Doskocil filed a revised consent order stipulation the following day at the ALJ's request. Complainants did not oppose the motion and the Commission investigative attorney filed a response in support of it.

On August 25, 2008, the ALJ issued the subject ID granting the motion, finding that the consent order stipulation complies with the requirements of Commission rule 210.21, and that termination of the investigation will not be contrary to the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or U.S. consumers' interests. No petitions for review of the ID were filed.

The Commission has determined not to review the ID.

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 Commission rules 210.21 and 210.42 (19 C.F.R. §§ 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 15, 2008