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Dated: January 15, 2009.

**Ann Gold,**

*Acting Regional Director—UC Region.*

[FR Doc. E9-2727 Filed 2-12-09; 8:45 am]

BILLING CODE 4310-MN-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-504]

### India: Effects of Tariffs and Nontariff Measures on U.S. Agricultural Exports

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of hearing.

**SUMMARY:** Following receipt on January 13, 2009, of a request from the United States Senate Committee on Finance (Committee) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332-504, India: Effects of Tariffs and Nontariff Measures on U.S. Agricultural Exports.

**DATES:** *March 24, 2009:* Deadline for filing requests to appear at the public hearing.

*April 2, 2009:* Deadline for filing prehearing briefs and statements.

*April 21, 2009:* Public hearing.

*April 28, 2009:* Deadline for filing posthearing briefs and statements.

*June 26, 2009:* Deadline for filing all other written submissions.

*November 12, 2009:* Transmittal of Commission report to the Committee.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Project leader George Serletis (202-205-3315 or [george.serletis@usitc.gov](mailto:george.serletis@usitc.gov)) or deputy project leader Brian Allen (202-

205-3034 or [brian.allen@usitc.gov](mailto:brian.allen@usitc.gov)) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

**Background:** As requested by the Committee, the Commission will conduct an investigation and prepare a report on the effects of tariffs and nontariff measures on U.S. agricultural exports to India. As requested, to the extent possible, the report will include—

(1) An overview of the Indian agricultural market, including recent trends in consumption, imports, and domestic supply;

(2) a description of the principal measures affecting Indian agricultural imports, including tariffs, sanitary and phytosanitary measures, food regulations, packaging and labeling requirements, pricing policies, intellectual property policies, and customs procedures;

(3) information on Indian government regulations, including state regulations, covering agricultural markets and foreign direct investment affecting U.S. agricultural products in India;

(4) an evaluation of the impact of India's food marketing and distribution system, including market structure, transportation infrastructure, and cold-storage capacity, on U.S. agricultural products in the Indian market; and

(5) a quantitative analysis of the economic effects of Indian tariffs, and to the extent possible, nontariff measures on U.S. agricultural exports to India.

The Committee requested that the Commission deliver its report 10 months after receipt of the request letter, or by November 12, 2009.

**Public Hearing:** A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC, beginning at 9:30 a.m. on Tuesday, April 21, 2009.

Requests to appear at the public hearing

should be filed with the Secretary no later than 5:15 p.m., March 24, 2009, in accordance with the requirements in the "Submissions" section below. All prehearing briefs and statements should be filed not later than 5:15 p.m., April 2, 2009; and all posthearing briefs and statements responding to matters raised at the hearing should be filed not later than 5:15 p.m., April 28, 2009. In the event that, as of the close of business on March 24, 2009, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant may call the Office of the Secretary (202-205-2000) after March 24, 2009, for information concerning whether the hearing will be held.

**Written Submissions:** In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and all such submissions (other than pre- and post-hearing briefs and statements) should be received not later than 5:15 p.m., June 26, 2009. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/documents/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf)). Persons with questions regarding electronic filing should contact the Office of the Secretary (202-205-2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "nonconfidential" version, and that the confidential business information be clearly identified by means of brackets. All

written submissions, except for confidential business information, will be made available for inspection by interested parties.

In its request letter, the Committee stated that it intends to make the Commission's report available to the public in its entirety, and asked that the Commission not include any confidential business information in the report it sends to the Committee. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

Issued: February 9, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-3079 Filed 2-12-09; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-625]

### In the Matter of Certain Self-Cleaning Litter Boxes and Components Thereof; Notice of Commission Determination To Review a Final Initial Determination In Part; Grant a Motion To Strike; and Set a Schedule for Filing Written Submissions on the Issues Under Review and 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 to review in part the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on December 1, 2008, in the above-captioned investigation, and has granted Complainants' motion to strike.

**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 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, SW., Washington, DC 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 FR 73884 (Dec. 28, 2007); 73 FR 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 ("the '847 patent"). The respondents are Lucky Litter, LLC 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 that 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. His final ID also included his recommendation on remedy and bonding. 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 the petitions 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.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the following issues: the construction of "comb drive" (asserted claims 8, 13, 31-33), "comb drive means" (asserted claims 27, 41-42), "drive means" (asserted claims 24-25), "discharge position adjacent the discharge end wall" (asserted claims 8, 13), "comb \* \* \* coupled to the comb drive" (asserted claims 31-33), and "mode selector switch \* \* \* moveable between a manual operation position \* \* \* and an automatic operation

position" (asserted claim 33); invalidity due to anticipation; invalidity due to obviousness; and direct and contributory infringement.

On review, the Commission requests briefing on the above-listed issues based on the evidentiary record. The Commission is particularly interested in responses to the following questions:

(1) Did the ALJ err in finding that the specification of the '847 patent contains no disavowal that limits the claimed comb drive? If the patentee disavowed certain drives, what is the correct scope of the disavowal? Does it include, for example, worm drives of any configuration, or only the drive disclosed in the Carlisi prior art reference, which has a "worm" along the side of the litter box that turns and thereby drives the rake or comb on its path in the litter box?

(2) What are the differences or similarities in the patent's use of "comb drive" in asserted claim 8, "comb drive means" in asserted claim 27, and "comb drive" in asserted claim 33?

(3) Is there a difference in function between the "guide" wheels and "guide" pins referenced in the specification in connection with figures 1-3 of the '847 patent and the "drive" wheels and "drive" pins referenced in claim 10?

(4) What result should the Commission reach on infringement if it were to find that the '847 patent disavows all worm drives or that it disavows only the Carlisi drive?

(5) What result should the Commission reach on infringement if it were to find that the synonyms for "adjacent" cited in the ID at 143-44 incorrectly narrow the limitation "discharge position adjacent the discharge end wall" in asserted claim 8?

(6) Is the limitation "comb \* \* \* coupled to the comb drive" in asserted claims 31-33 met in OurPet's SmartScoop under a broader construction that includes, as Complainants argue, an "indirect" connection? Should the infringement analysis that follows from the correct construction of this limitation be different in claim 31 than it is in claim 33? Did the ID err in finding claim 33 infringed on the one hand and, on the other, that the same limitation is not met for purposes of claim 31?

(7) How does a finding of disavowal of all worm drives, or the Carlisi drive, impact the consideration of obviousness under section 103 and anticipation under section 102? Do the broader constructions of "discharge position adjacent the discharge end wall" and "comb \* \* \* coupled to the comb