NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING UNITED PET GROUP'S MOTION FOR SUMMARY DETERMINATION OF NON-INFRINGEMENT


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation, granting the motion of United Pet Group, Inc. of Cincinnati, Ohio (“UPG”) for summary determination of non-infringement.

FOR FURTHER INFORMATION CONTACT: Andrea Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone 202-205-3105. Copies of all nonconfidential 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, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (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.


On June 23, 2004, the same day that UPG filed its motion to intervene, it also filed a
motion for partial summary determination of non-infringement. Complaints and the Commission investigative attorney filed responses in opposition to UPG’s motion for summary determination. On November 22, 2004, the ALJ issued an ID (order No. 10) granting UPG’s motion for summary determination. No petitions for review of the ID were filed.


By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 21, 2004