

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1292

APPLICA CONSUMER PRODUCTS, INC.

Appellant,

and

WATERS RESEARCH COMPANY,

Appellant,

v.

INTERNATIONAL TRADE COMMISSION,

Appellee,

and

LUCKY LITTER LLC,

Intervenor,

and

OURPET'S COMPANY,

Intervenor.

2009-1470, -1474

LUCKY LITTER LLC,

Appellant,

and

OURPET'S COMPANY,

Appellant,

v.

INTERNATIONAL TRADE COMMISSION,

Appellee,

and

APPLICA CONSUMER PRODUCTS, INC.

Intervenor,

and

WATERS RESEARCH COMPANY,

Intervenor.

On appeal from the United States International Trade Commission in
Investigation No. 337-TA-625.

ON MOTION

Before BRYSON, Circuit Judge.

ORDER

Applica Consumer Products, Inc. and Waters Research Company (Applica) move to strike portions of the reply briefs filed by OurPet's Company and Lucky Litter, LLC in 2009-1470, -1474. OurPet's Company and Lucky Litter oppose. Applica replies.

Applica states that the following sections of the reply briefs should be stricken: (1) pp. 7-10, including arguments 2-4, of OurPet's Company's reply brief; (2) the argument on p. 6 of OurPet's Company's reply brief concerning the meaning of "between"; (3) the argument on pp. 16-17 of OurPet's Company's reply brief that concerns commercial success; and (4) argument F on pp. 13-14 of Lucky Litter's reply brief that concerns the 2009-1292 et al.

meaning of "a predetermined event."

Applica has demonstrated that arguments 2-4 on pp. 7-10 of OurPet's Company's reply brief should be stricken. Those arguments are not properly raised in the reply brief because they do not relate to the basis for OurPet's Company's appeal.

Accordingly,

IT IS ORDERED THAT:

The motion is granted to the extent that OurPet's Company is directed to file a replacement reply brief, omitting arguments 2-4 on pp. 7-10 of its previously submitted reply brief, within 14 days of the date of filing of this order. The motion is denied in all other respects.

FOR THE COURT

APR 30 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jeffrey D. Mills, Esq.
Vance L. Liebman, Esq.
Mark B. Rees, Esq.
Paul V. Storm, Esq.
Eric C. Cohen, Esq.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

APR 30 2010

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**JAN HORBALY
CLERK**