

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1292

APPLICA CONSUMER PRODUCTS, INC.
and WATERS RESEARCH COMPANY,

Appellants,

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 GAJARSA, Circuit Judge.

ORDER

Applica Consumer Products, Inc., Water Research Company, Lucky Litter LLC, and OurPet's Company move to consolidate the above captioned appeals and to set a briefing schedule. They state that the International Trade Commission (ITC) does not oppose the motion but prefers that OurPet's and Lucky Litter's appeals be consolidated and that Applica and Waters Research's appeal be treated as a companion case. The ITC, OurPet and Lucky Litter move without opposition for an extension of time to file their briefs.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to consolidate and set a briefing schedule is granted. The revised official caption is reflected above.

(2) Lucky Litter's opening brief in support of its appeal and in response to Applica's opening brief is due within 14 days of the date of filing of this order. OurPet's opening brief in support of its appeal and in response to Applica's opening brief is due within 14 days of the date of filing of this order. Each of those briefs may not exceed 14,000 words.

(3) The International Trade Commission's brief, not to exceed 18,000 words, is due within 40 days of service of Lucky Litter's and OurPet's opening briefs.

(4) Applica's response/reply brief, not to exceed 14,000 words, is due within 40 days of service of the International Trade Commission's brief.

(5) Lucky Litter's and OurPet's reply briefs, each not to exceed 7,000 words, are due within 14 days of service of Applica's response/reply brief.

(6) The motions for an extension of time is moot.

FOR THE COURT

OCT 01 2009

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.

s19

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

OCT 01 2009

JAN HORBALY
CLERK