drive'' advocated by Complainants impact either validity analysis?

(8) Did the ID err in finding that the Strickland prior art reference does not disclose a ''mode selector switch'' to one of ordinary skill in the art?

(9) Please describe and analyze the intrinsic evidence of record that is pertinent to the construction of ''mode selector switch * * * moveable between a manual operation position * * * and an automatic operation position'' of claim 33. Please identify record evidence of whether each accused device contains a ''mode selector switch'' which is ''moveable between a manual operation position * * * and an automatic operation position.'' In addition, please address the relevance of *Overhead Door Corp.* v. *Chamberlain Group, Inc.,* 194 F.3d 1261 (Fed. Cir. 1999), to the claim construction, infringement and invalidity analyses of the ''mode selector switch'' limitation.

The Commission has also granted Complainants' motion to strike the Declaration of Alan J. Cook that was submitted by Lucky Litter along with its petition for review. The declaration and its exhibits are not part of the record on violation in this investigation. References to such information in Lucky Litter's petition for review are also therefore stricken. This action is taken without prejudice to Lucky Litter submitting any information contained in the declaration and exhibits that is relevant to the remedy and bonding issues in this investigation at the appropriate time.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (Dec. 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the expiration date of the '847 patent and state the HTSUS number under which the accused articles are imported. The written submissions and proposed remedial orders must be filed no later than the close of business on February 20, 2009. Reply submissions must be filed no later than the close of business on February 27, 2009. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 sections 210.42–.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–.46).

Issued: February 9, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–3080 Filed 2–12–09; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 05–16]

Lyle E. Craker, Ph.D.; Denial of Application; Change in Effective Date

By Final Order dated January 7, 2009, I denied the application of Lyle E. Craker, PhD (Respondent), to become registered as a bulk manufacturer of marijuana. The Final Order, which was published in the **Federal Register** on January 14, 2009 (74 FR 2101), was to become effective February 13, 2009. On January 30, 2009, Respondent submitted to me a document entitled ''Request for Opportunity Under 5 U.S.C. 556(e) to Respond to New Officially Noticed Evidence and Motion for Reconsideration.'' As that request and motion remain pending before me, the effective date of the Final Order is hereby changed from February 13, 2009 to April 1, 2009.

Dated: February 9, 2009.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E9–3151 Filed 2–12–09; 8:45 am]

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