



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)
In the Matter of _____)
ECM BioFilms, Inc., _____)
a corporation, also d/b/a _____)
Envioplastics International, _____)
Respondent. _____)

DOCKET NO. 9358

**ORDER EXTENDING TIME FOR FILING INITIAL
DECISION PURSUANT TO COMMISSION RULE 3.51**

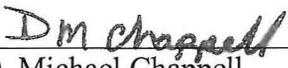
Commission Rule of Practice 3.51(a) provides that “[t]he Administrative Law Judge shall file an initial decision within 70 days after the filing of the last filed initial or reply proposed findings of fact, conclusions of law and order pursuant to § 3.46” 16 C.F.R. § 3.51(a). The last reply proposed findings and conclusions and briefs were filed October 16, 2014. Pursuant to Rule 3.51, therefore, the Initial Decision would be filed on or before December 29, 2014. Commission Rule 3.51(a) further provides that “[t]he Administrative Law Judge may extend [this time period] by up to 30 days for good cause.” 16 C.F.R. § 3.51(a).

The record requiring review and analysis in this matter is voluminous. Over 1,760 exhibits were admitted. The parties submitted 3,450 proposed findings of fact (446 by Complaint Counsel and 3,004 by Respondents). The parties’ proposed findings of fact and conclusions of law, replies to proposed findings of fact and conclusions of law, post-trial briefs, and reply briefs total 1,782 pages.

In addition, each side called four expert witnesses. The challenged claims in this case involve highly technical scientific expert opinions including in the areas of plastics engineering, environmental engineering, microbiology, and biochemistry, as well as technical areas involving consumer claim interpretation. The parties also presented numerous scientific studies in support of their positions. The complex areas of scientific dispute presented require a thorough review of the evidence presented by these experts.

Based on the foregoing, good cause exists to extend the deadline for filing the Initial Decision in this matter by up to 30 days, to January 28, 2015.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: December 19, 2014