

the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** On March 5, 2014, FMC Corporation of Philadelphia, Pennsylvania ("FMC") filed a complaint with the Commission alleging violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sulfentrazone, sulfentrazone compositions, and processes for making sulfentrazone, by reason of infringement of certain claims of U.S. Patent No. 7,169,952 ("the '952 patent"). The complaint named Beijing Nutrichem Science and Technology Stock Co., Ltd., of Beijing, China; Jiangxi Heyi Chemicals Co., Ltd. of Jiujiang City, China; Summit Agro USA, LLC, of Cary, North Carolina; and Summit Agro North America Holding Corporation, of New York, New York, as proposed respondents. Simultaneously with its complaint, FMC filed a motion for temporary relief requesting that the Commission issue a temporary limited exclusion order and temporary cease and desist order prohibiting, during the pendency of the Commission's investigation, the importation into and the sale within the United States after importation of certain allegedly infringing articles. Based on the complaint, the Commission instituted an investigation on April 14, 2014. 79 FR 20907-908 (April 14, 2014).

On April 22, 2014, the ALJ issued Order No. 6, designating the temporary relief proceeding as "more complicated" pursuant to Commission Rule 210.60, on the basis of the complexity of the issues raised in FMC's motion for temporary relief.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Dated: April 25, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014-09864 Filed 4-30-14; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-886]

### Certain TV Programs, Literary Works for TV Production and Episode Guides; Commission Determination to Not To Review Two Initial Determinations (Order Nos. 18 And 22); Termination of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (Order No. 18) granting a motion for summary determination of no copyright infringement and an initial determination (Order No. 22) concluding no unfair competition and terminating the investigation in Inv. No. 337-TA-886, *Certain TV Programs, Literary Works for TV Production and Episode Guides*. The investigation is terminated with a finding of no violation.

**FOR FURTHER INFORMATION CONTACT:** Jia Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-2301. Copies of non-confidential 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, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <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.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on July 15, 2013, based on a complaint filed by E.T. Radcliffe, LLC of Dallas Texas and Emir Tiar of Coto De Caza, California (collectively, "Complainants"), alleging violations of 19 U.S.C. 1337(a)(1)(B), in the importation and sale of certain TV programs, literary works for TV production and episode guides pertaining to same by reason of infringement of U.S. Copyright Nos.

PAU003415849, TXU001832727, and PAU00363 9268. The complaint also alleged violations of 19 U.S.C. 1337(a)(1)(A) by reason of unfair methods of competition and unfair acts, the threat or effect of which is to substantially injure an industry in the United States. The notice of investigation named The Walt Disney Company of Burbank, California; Thunderbird Films, Inc. of Los Angeles, California; and Mindset Television, Inc. of Canada (collectively, "Respondents") as respondents.

On January 6, 2014, Respondents filed a motion for summary determination pursuant to Commission Rule 210.18, alleging that there are no genuine issues of material fact in dispute with respect to copyright infringement and that they are entitled to a determination of no copyright infringement as a matter of law. On February 6, 2014, the presiding Administrative Law Judge ("ALJ") (Judge Lord) issued an ID (Order No. 18) granting Respondents' motion.

On February 6, 2014, the ALJ issued Order No. 19 to show cause why Complainants' claim based on unfair methods of competition should not be terminated in view of Order No. 18. On February 12, 2014, Complainants filed a response. On February 14, 2014, the Respondents filed a response to the order to show cause and to Complainants' response. On February 18, 2014, the ALJ issued Order No. 21, providing Complainants with three days to reply to the Respondents' response. On February 21, 2014, the Complainants filed a reply.

On February 21, 2014, the ALJ issued an ID (Order No. 22) concluding no unfair competition under 19 U.S.C. 1337(a)(1)(A) and terminating the investigation in its entirety.

On February 26, 2014, Complainants filed a combined petition for review of Order Nos. 18 and 22. On February 28, 2014, the Commission issued a notice extending the whether to review date for Order No. 18 to April 25, 2014, and clarifying that the whether to review date for Order No. 22 is also on April 25, 2014. On March 3, 2014, Complainants filed a motion for leave to file out of time their petition for review as it relates to Order No. 18. On March 5, 2014, Respondents and the IA each filed a response to Complainants' petition.

Upon consideration of the IDs, the petition for review, and the relevant portions of the record, the Commission has determined to deny Complainant's motion for leave to file out of time their petition for review as it relates to Order No. 18, and has determined not to review the subject IDs (Order Nos. 18

and 22). The investigation is hereby terminated.

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 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Documents relating to this determination, including a Concurring Memorandum from Commissioner Johanson, can be found on the Commission's Electronic Document Information System (EDIS) under Docket Number 886.

Issued: April 25, 2014.

By order of the Commission.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014–09915 Filed 4–30–14; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 14–4]

#### **Kate B. Mayes, M.D.; Decision and Order**

On February 19, 2014, Administrative Law Judge (ALJ) Gail A. Randall issued the attached recommended decision. Neither party filed exceptions to the decision. Having reviewed the entire record, I have decided to adopt the ALJ's rulings, findings of fact, conclusions of law, and recommended order. Accordingly, I will order that Respondent's DEA Certificate of Registration be revoked and that any pending application to renew or modify her registration be denied.

#### **Order**

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a)(3), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration BM8500452, issued to Kate B. Mayes, M.D., be, and it hereby is, revoked. I further order that any pending application of Kate B. Mayes, M.D., to renew or modify her registration, be, and it hereby is, denied. This Order is effective June 2, 2014.

Dated: April 21, 2014.

**Thomas M. Harrigan,**

*Deputy Administrator.*

Bryan Bayly, Esq., *for the Government*  
Kate B. Mayes, M.D., *Pro Se, for the Respondent*

#### **Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge**

##### **I. Facts**

Gail A. Randall, Administrative Law Judge. The Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, (“DEA” or “Government”), issued an Order to Show Cause (“Order”) dated October 25, 2013, proposing to revoke DEA Certificate of Registration (“COR”) number BM8500452 of Kate B. Mayes, M.D. (“Respondent”), a practitioner, pursuant to 21 U.S.C. 824(a)(3) (2006), because Respondent lacks state authority to manufacture, distribute, or dispense controlled substances.

The Order alleged that, effective June 27, 2012, Respondent's medical license was suspended by the South Carolina Board of Medical Examiners (“Board”). [Order at 1]. Accordingly, the Order stated that “DEA must revoke [Respondent's] current DEA registration based upon [her] lack of authority to handle controlled substances in the state of South Carolina.” [*Id.* at 1–2 (citing 21 U.S.C. 802(21), 823(f), and 824(a)(3))]. The Order notified Respondent that she may, within thirty days of her receipt of the Order, request a hearing to show cause as to why the DEA should not revoke her registration. [*Id.* at 2 (citing 21 CFR 1301.43(a) (2013))].

Respondent was served with the Order on November 4, 2013. On December 3, 2014, Respondent timely filed a letter with this office requesting that I, the Administrative Law Judge assigned to this matter, grant her an extension of time to respond to the Order. Pursuant to my authority under 21 CFR 1316.47(b), I granted Respondent's request for an extension of time and ordered Respondent to respond to the Order by December 19, 2013. On December 19, 2013, Respondent filed a request for a hearing,<sup>1</sup> and on December 20, 2013, I ordered the Government and Respondent to file prehearing statements by January 10, 2014 and January 17, 2014, respectively.

On January 10, 2014, the Government filed a motion with this Court entitled Government's Motion for Summary Judgment and to Stay the Dates for the Parties to Submit Prehearing Statements (“Government's Motion”). Therein, the Government requested that I issue a

<sup>1</sup> Although the Respondent mentioned an attorney in her request for a hearing and in her request for an extension of time, no attorney has entered a notice of appearance for Respondent in this case.

decision recommending that the DEA summarily revoke Respondent's COR because Respondent's state medical license has been suspended and Respondent therefore lacks state authority to handle controlled substances. [Gov't Mot. at 1, 2]. Additionally, the Government requested that I postpone the deadlines for filing prehearing statements until I have ruled on the motion. [*Id.*].

On January 13, 2014, I issued an order for Respondent to respond to the Government's Motion by January 21, 2014. Also in the order, I stayed the deadlines for prehearing statements until I have ruled on the Government's Motion. Respondent did not file a response to the Government's Motion; indeed, this office has received no correspondence from Respondent since she requested a hearing on December 19, 2013.

For the reasons set forth below, I will grant the Government's Motion and recommend that the Deputy Administrator revoke the Respondent's DEA Certificate of Registration and deny any currently pending applications to renew this registration.

##### **II. Discussion**

The Controlled Substances Act (“CSA”) provides that obtaining a DEA registration is conditional on holding a state license to handle controlled substances. [See 21 U.S.C. 802(21) (defining “practitioner” as “a physician . . . licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice”); 21 U.S.C. 823(f) (“the Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices”); *see also* § 824(a)(3) (“a registration may be suspended or revoked by the Attorney General upon a finding that the registrant has had his State license or registration suspended, revoked or denied by competent State authority”)]. The DEA, therefore, has consistently held that the CSA requires the DEA to revoke the registration of a practitioner who no longer possesses a state license to handle controlled substances. *See e.g. Joseph Baumstarck*, 74 FR 17,525, 17,527 (DEA 2009) (“a practitioner may not maintain his DEA registration if he lacks authority to handle controlled substances under the laws of the state in which he practices”); *Roy Chi Lung, M.D.*, 74 FR 20,346 (DEA 2009); *Gabriel Sagun Orzame, M.D.*, 69 FR 58,959 (DEA 2004); *Alton E. Ingram, Jr., M.D.*,