''good cause.'' The Commission finds that there is no basis in either Commission precedent or the Commission's rules to terminate an investigation based on a PTAB final written decision that may still be appealed. *See Certain Network Devices, Related Software and Components Thereof (II),* Inv. No. 337–TA–945, Comm'n Op. at 12 (Aug. 2017) (explaining that ''the law is clear that patent claims are valid until the PTO issues certificates cancelling those claims, which it cannot do until the exhaustion of any appeals . . . take[n] from the PTAB's final written decisions''). On review, the Commission has determined to vacate the ALJ's termination for ''good cause.''

The investigation is terminated based on the finding of no violation.

The Commission vote for this determination took place on April 8, 2025.

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.

Issued: April 8, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–06272 Filed 4–11–25; 8:45 am]

BILLING CODE 7020–02–P

UNITED STATES DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 24–12]

Phong H. Tran, M.D.; Decision and Order

Correction

In Notice document 2025–05526 beginning on page 14385 in the issue of Tuesday, April 1, 2025, make the following correction:

On page 14385, in the third column, on the 30th line from the top, replace ''[insert date thirty days from the date of publication in the **Federal Register**]'' with ''May 1, 2025.''

[FR Doc. C1–2025–05526 Filed 4–11–25; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Eagle Pharmacy; Decision and Order

On June 2, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Eagle Pharmacy of Houston, Texas (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 9. The OSC proposed the revocation of Registrant's DEA registration, No. FE4992257, alleging that Registrant's continued registration is inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(g)(1), 824(a)(4)).

Specifically, the OSC alleges that ''[Registrant] repeatedly filled prescriptions for Schedule II through V controlled substances that contained multiple red flags indicative of diversion and/or abuse without addressing or resolving those red flags, and [that Registrant's decision] to fill those prescriptions despite unresolved red flags, . . . [violated] federal and Texas law, including 21 CFR 1306.04(a) [and] 1306.06; and Tex. Health & Safety Code § 481.074(a).'' RFAAX 2, at 4.

The OSC notified Registrant of its right to file with DEA a written request for hearing within 30 days after the date of receipt of the OSC. RFAAX 2, at 8 (citing 21 CFR 1301.43(a)). The OSC also notified Registrant that if it failed to file such a request, it would be deemed to have waived its right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43(c)(1)). The OSC further notified Registrant that ''[a] default, unless excused, shall be deemed to constitute a waiver of the [Registrant's] right to a hearing and an admission of the factual allegations of the [OSC].'' *Id.* (citing 21 CFR 1301.43(e)).

Here, the OSC was served on Registrant and its counsel on June 5, 2023. RFAAX 7. On August 2, 2023, 58 days after service of the OSC, Registrant submitted to the DEA Office of Administrative Law Judges (OALJ) a Request for Hearing, a Motion of Leave to File Late Answer, and an Answer to Show Cause Order (Answer). RFAAX 3–5. On August 3, 2023, a DEA Administrative Law Judge (ALJ) issued an Order Terminating Proceedings (Order), finding that Registrant was in default because Registrant had failed to timely request a hearing and had failed to timely show good cause to excuse the default. RFAAX 6. The ALJ's Order explained that ''because [Registrant] filed its [hearing request] more than 45 days after receiving the OSC, . . . [Registrant] can only be excused from the default by the Office of the Administrator.'' *Id.* at 3 (citing 21 CFR 1301.43(c)(1)). To date, Registrant has not filed a motion to excuse the default with the Office of the Administrator. 21 CFR 1301.43(c)(1). Accordingly, Registrant remains in default.

''In the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' 21 CFR 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), because Registrant has not timely requested a hearing, nor filed a motion with the Administrator seeking to excuse the default. *See also id.* § 1316.67.

I. Applicable Law

As already discussed, the OSC alleges that Registrant violated multiple provisions of the Controlled Substances Act (CSA) and its implementing regulations. As the Supreme Court stated in *Gonzales* v. *Raich,* ''the main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to . . . dispense[ ] or possess any controlled substance except in a manner authorized by the CSA.'' 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, ''[t]he CSA and its implementing regulations set forth strict requirements regarding registration, . . . drug security, and recordkeeping.'' *Id.* at 14.

The OSC's allegations concern the CSA's ''statutory and regulatory provisions . . . mandating . . . compliance with . . . prescription requirements'' and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances,'' and ''to prevent the diversion of drugs from legitimate to illicit channels.'' *Id.* at 12–14, 27.

The Allegation That Registrant Filled Prescriptions Without Addressing or Resolving Red Flags of Abuse and/or Diversion

According to the CSA's implementing regulations, a lawful prescription for controlled substances is one that is ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional