SUMMARY: Notice is hereby given that the Commission has determined not to review the initial determination (ID) issued by the presiding administrative law judge (ALJ) on March 21, 1996, terminating the above-captioned investigation on the basis of a finding of no violation of section 337 of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3106.

SUPPLEMENTARY INFORMATION: On January 30, 1995, the Commission ordered that an investigation be instituted to determine whether there are violations of section 337 of the Tariff Act of 1930, as amended, in the importation, sale for importation, or sale within the United States after importation of certain memory devices with increased capacitance and products containing same by reason of infringement of certain claims of U.S. Letters Patent 5,166,904 (the '904 patent), owned by complainants Emanuel Hazani and Patent Enforcement Fund, Inc., and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

The Commission instituted an investigation of the complaint and published a notice of investigation in the Federal Register on February 6, 1995. 60 FR 7068. The following thirteen firms were named as respondents: Mitsubishi Electric Corporation, Tokyo, Japan; Mitsubishi Electronics America, Inc., Cypress, CA; NEC Corporation, Tokyo, Japan; NEC Electronics, Inc., Mountain View, CA; OKI Electronic Industry Co., Ltd., Tokyo, Japan; OKI America, Inc., Hackensack, NJ; Hitachi, Ltd., Tokyo, Japan; Hitachi America, Ltd., Tarrytown, NY; Samsung Electronics Co., Ltd., Seoul, Korea; Samsung Electronics America, Inc., Ridgefield Park, NJ; Samsung Semiconductors, Inc., San Jose, CA; Hyundai Electronics Industries Co., Ltd, Seoul, Korea; and Hyundai Electronics America, Inc., San Jose, CA. The complaint alleged that the respondents manufactured and imported 16- and 64-Mbit dynamic random-access memories (DRAMs) that infringe certain claims of the '904 patent.

On October 13, 1995, the ALJ issued an ID (Order No. 63) granting a motion filed by the NEC respondents for summary determination of the invalidity of claims 1–2, 4–13, 15–17, 22 and 25 based on anticipation by U.S. Letters Patent 4,758,986 to Kuo (the ''Kuo patent''). On October 20, 1995, the ALJ issued an ID (Order No. 64) granting a motion filed by the Samsung respondents for summary determination of the invalidity of claims 18–20 and 26–28 also based on anticipation by the Kuo patent and terminating the investigation as to claim 21. On October 30, 1995, the ALJ issued an ID (Order No. 65) granting a motion filed by the Mitsubishi respondents for summary determination of non-infringement as to claim 14.

On December 14, 1995, the Commission determined not to review Orders Nos. 63 and 65, but determined to review in part and remand the ID (Order No. 64) issued by the ALJ on October 20, 1995.

On March 21, 1996, after further briefing from the parties, the ALJ issued an ID (Order No. 71) granting a motion filed by the Samsung respondents for summary determination of invalidity of claims 18–20 and 26–28 based on anticipation by the Kuo patent. Complainants filed a petition for review of the ID on March 28, 1996. The Samsung respondents and the Commission investigative attorney filed oppositions to the petition for review on April 12, 1996.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and Commission rule 210.42, 19 C.F.R. § 210.42. Copies of the public versions of the ALJ's ID and all other public 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 S.W., Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: April 22, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–10818 Filed 4–30–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 337–TA–387]

In the Matter of: Certain Self-Powered Fiber Optic Modems; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 26, 1996, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Patton Electronics Co., 7622 Rickenbacker Drive, Gaithersburg, MD 20879–4773. An amendment to the complaint was filed on April 17, 1996. The complaint, as amended, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain self-powered fiber optic modems that infringe claims 1, 2, 3, 7 and 8 of U.S. Letters Patent 4,161,650. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337. The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, S.W., Room 112, Washington, DC 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: John M. Whealan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2574.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Final Rules of Practice and Procedure, 19 C.F.R. § 210.10.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on April 25, 1996, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain self-powered fiber optic modems by reason of infringement of claims 1, 2, 3, 7 or 8 of U.S. Letters

Patent 4,161,650 and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Patton Electronics Co., 7622 Rickenbacker Drive, Gaithersburg, MD 20879–4773.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint shall also be served:

RAD Data Communications, Ltd., 12 Hanechoshet Street, Tel Aviv, 69710, Israel

RAD Data Communications, Inc., 900 Corporate Drive, Mahwah, New Jersey 07430

(c) John M. Whealan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401P, Washington, DC 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Final Rules of Practice and Procedure, 19 C.F.R. §§ 210.13. Pursuant to 19 C.F.R. sections 201.16(d) and 210.13(a) of the Commission's Final Rules of Practice and Procedure, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: April 26, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–10819 Filed 4–30–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–65]

East Towne Save Rite Pharmacy; Suspension of Registration

On May 26, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to East Towne Save Rite Pharmacy, (Respondent) of Bremerton, Washington, notifying it of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, BE1740770, as a retail pharmacy, and deny any pending application for modification of registration or change of address. The general reason stated for the proposed action was that the Respondent's owner had been convicted of a felony related to controlled substances warranting consideration under 21 U.S.C. 824(a)(2), and that the Respondent's continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 824(a)(4) and 823(f).

On May 31, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Seattle, Washington, on July 26 through July 27, 1995, before Administrative Law Judge Paul A. Tenney. At the hearing, both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On October 20, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law, and Recommended Ruling, recommending that the Respondent's DEA Certificate of Registration be suspended for a period of six months. After the six-month suspension, should be Respondent apply for a modification of its DEA registration to change the address of the pharmacy, then Judge Tenney recommended that the modification be granted. On November 7, 1995, the Respondent filed exceptions to Judge Tenney's opinion, and on November 9, 1995, the Government filed a response to the Respondent's exceptions. On November 28, 1995, Judge Tenney transmitted the record of these proceedings and the parties' exceptions to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Findings of Fact, Conclusions of Law, and Recommend Ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that on September 12, 1991, the Respondent was issued DEA Certificate of Registration BE1740770, as a retail pharmacy located on Wheaton Way in Bremerton, Washington. On March 2, 1991, Mr. Patrick Swanson, (Owner) owner and pharmacist for the Respondent pharmacy, was arrested for possession of a controlled substance, methylphenidate. The prescription bottle containing the substance was discovered during an investigatory stop of the Owner's vehicle. The Owner was convicted of possession of a controlled substance on June 24, 1992, and was sentenced to two days of confinement and to the performance of 204 hours of community service. He was also placed on a program of community supervision for a period of one year.

In September of 1991, upon notification of the Owner's arrest, investigators from the Washington State Board of Pharmacy (Pharmacy Board) conducted an audit at the Respondent pharmacy for Schedule II controlled substances, specifically dexedrine and methylphenidate. They discovered that there was a 37.2% combined shortage for those two controlled substances, as well as missing DEA 222 order forms for Schedule I and II controlled substances. The Owner had stated to the investigators that his pharmacy had been burglarized and that he had reported the burglary to the local police. However, the Owner admitted at his hearing before the Pharmacy Board and before Judge Tenney that a portion of the discovered shortage was due to his own diversion of the controlled substances.

On December 9, 1991, the Pharmacy Board issued a Statement of Charges against the Owner. These charges were primarily based upon the Owner's unlawful possession of a controlled substance and the shortage of dexetrine and methylphenidate at the Respondent pharmacy. On March 24, 1992, the Pharmacy Board imposed an Order of