memory devices and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 5,994,152, 6,509,751, 6,615,485, 6,624,648, 7,168,162, and 7,225,538. The complaint, as amended, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, as amended, 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, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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.*

FOR FURTHER INFORMATION CONTACT: Benjamin Levi, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2781.

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 Rules of Practice and Procedure, 19 CFR 210.10 (2007).

Scope of Investigation: Having considered the complaint, as amended, the U.S. International Trade Commission, on December 13, 2007, 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 probe card assemblies, components thereof, or certain tested DRAM or NAND flash memory devices or products containing same by reason of infringement of one or more of claims 1, 2, 4, 7–12, 15, 21–23, 27–30, 33–35, 51–54, and 59 of U.S. Patent No. 5,994,152; claims 1–3, 5–7, 12, 13, 24, and 25 of U.S. Patent No. 6,509,751; claims 1–11, 18, 19, 23–25, 29, 32, 33, 36–38, and 41 of U.S. Patent No. 6,615,485; claims 1–15, 18–22, 34, and 36 of U.S. Patent No. 6,624,648; claims 1–4, 13, and 14 of U.S. Patent No. 7,168,162; and claims 1–9, 13–22, 27–33, 37–41, 44, 45, and 47–49 of U.S. Patent No. 7,225,538, and whether an industry in the United States exists 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—

FormFactor, Inc., 7005 SouthFront Street, Livermore, California 94551.

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

Micronics Japan Co., Ltd., 2–6–8 Kichijoiji Hon-cho, Musashino-shi, Tokyo 180–8508,Japan.

MJC Electronics Corp., 2621 Ridgepoint Drive, Suite 110, Austin, Texas 78754.

Phicom Corporation, 60–29 Gasandong, Kumcheon-gu, Seoul, South Korea.

Phiam Corporation, 3003 North First Street #309, San Jose, California 95134.

(c) The Commission investigative attorney, party to this investigation, is Benjamin Levi, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Theodore R. Essex 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 Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), 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 and the notice of investigation 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 an initial determination and a final determination containing such findings, and may result in the issuance of a permanent exclusion order or cease and desist order or both directed against the respondent.

Issued: December 13, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–24586 Filed 12–18–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 06–44]

Richard Carino, M.D.; Revocation of Registration

On December 23, 2005, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Richard Carino, M.D. (Respondent), of Port Richey, Florida. The Show Cause Order proposed the revocation of Respondent's DEA Certificates of Registration, BC5048043 and BC7752024, as a practitioner, on the ground that he had committed acts which rendered his registration ''inconsistent with the public interest.'' Show Cause Order at 1 (citing 21 U.S.C. 823(f) and 824(a)(4)).

More specifically, the Show Cause Order alleged that between September 2003 and July 2004, Respondent, ''while working for iPharmacy.MD,'' had issued between ''100 to 2000 prescriptions per month over the internet, most'' of which were for controlled substances. *Id.* at 5. The Show Cause Order alleged that Respondent ''never saw the customers and * * * had no prior doctor-patient relationship with them,'' that he did not ''conduct physical examinations of the customers and [that he] did not create or maintain patient records.'' *Id.* The Show Cause Order further alleged that ''[t]he only information [Respondent] reviewed prior to issuing a prescription was a questionnaire completed by the customer, and [that he] never consulted with the customer's primary care physician or obtained prior medical records.'' *Id.* at 5–6. The Show Cause Order thus alleged that ''[t]he controlled substance prescriptions issued by [Respondent] over the internet were not

issued in the usual course of [his] professional practice, or for a legitimate medical purpose, in violation of 21 CFR 1306.04 and 21 U.S.C. 841(a).'' *Id.* at 5.

Respondent timely requested a hearing on the allegations. The matter was assigned to Administrative Law Judge (ALJ) Mary Ellen Bittner, who conducted a hearing on March 27, 2007, in Tampa, Florida.

On July 16, 2007, while the ALJ's decision was still pending, the Government moved for summary disposition. The basis of the motion was that on April 17, 2007, the Florida Board of Medicine had issued a final order which indefinitely suspended Respondent's state medical license and that because Respondent was no longer authorized to handle controlled substances under state law, he was not entitled to hold a DEA registration. Gov. Mot. for Summ. Disp. at 2. The Government supported its motion with a copy of the Florida Board's order. *See id.* at Attachment.

In his response to the motion, Respondent stated that he ''does not, and cannot, dispute [the] assertion'' that he ''is no longer licensed to practice medicine in the State of Florida.'' Respondent's Resp. at 1. Respondent also acknowledged that ''the Government's motion * * * is well taken.'' *Id.*

On August 7, 2007, the ALJ issued her recommended decision. Finding that Respondent had ''concede[d] that he is without state authority * * * to handle controlled substances * * * in Florida,'' the ALJ concluded that there were no material facts in dispute. ALJ Dec. at 3. Noting that this Agency has consistently held that a practitioner ''must be currently authorized to dispense controlled substances 'in the course of professional practice,' '' in order to hold a DEA registration, the ALJ granted the Government's motion and recommended that Respondent's registration be revoked. ALJ at 2–3 (quoting 21 U.S.C. 802(21)). The ALJ then forwarded the record to me for final agency action.

Having considered the record in this matter, I adopt the ALJ's recommended decision in its entirety. I find that although Respondent's registrations expired on August 31, 2005, Respondent submitted timely renewal applications for each registration and therefore, his registrations remain in effect pending the issuance of this Final Order. *See* 5 U.S.C. 558(c); GX 1. I also find that effective on April 17, 2007, the Florida Board of Medicine issued a final order which indefinitely suspended Respondent's medical license. *See* Gov. Mot. for Summ. Disp., Attachment at 1–3. I therefore further find that Respondent is without authority under Florida law to dispense or otherwise handle controlled substances in the course of medical practice.

Under the Controlled Substances Act (CSA), a practitioner must be currently authorized to handle controlled substances in ''the jurisdiction in which he practices'' in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) (''[t]he term 'practitioner' means 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''). *See also id.* § 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.''). As these provisions make plain, possessing authority to dispense a controlled substance under the laws of the State in which a physician practices medicine is an essential condition for holding a DEA registration.

Accordingly, DEA has repeatedly held that the CSA requires the revocation of a registration issued to a practitioner whose state license has been suspended or revoked. *See Sheran Arden Yeates,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988). *See also* 21 U.S.C. 824(a)(3)(authorizing the revocation of a registration ''upon a finding that the registrant * * * has had his State license or registration suspended [or] revoked * * * and is no longer authorized by State law to engage in the * * * distribution [or] dispensing of controlled substances''). Because Respondent's Florida medical license has been indefinitely suspended, he is not entitled to maintain his DEA registrations.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificates of Registration, BC5048043 and BC7752024, issued to Richard Carino, M.D., be, and they hereby are, revoked. I further order that the pending applications of Richard Carino, M.D., for renewal or modification of each registration be, and they hereby are, denied. This order is effective January 18, 2008.

Dated: December 7, 2007.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E7–24606 Filed 12–18–07; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MB Wholesale, Inc.; Denial of Application

On August 7, 2006, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to MB Wholesale, Inc. (Respondent), of Detroit, Michigan. The Show Cause Order proposed the denial of Respondent's pending application to distribute the list I chemicals ephedrine and pseudoephedrine, on the ground that ''its registration would be inconsistent with the public interest.'' Show Cause Order at 1 (citing 21 U.S.C. 823(h)).

The Show Cause Order specifically alleged that ''on or about February 16, 2006, [Respondent], by Mohamed Mehanna, submitted an application for registration as a distributor of the list I chemicals ephedrine and pseudoephedrine,'' and that the fees for incorporating Respondent ''were paid by a check drawn'' on the account of Mehanna Brothers Export Import, Inc. (Mehanna Brothers). *Id.* at 2. The Show Cause Order alleged that Mehanna Brothers was managed by Abed, Mohammed and Jack Mehanna, and that it held a DEA registration to distribute list I chemicals at the registered location of 14442 Michigan Avenue, Dearborn, Michigan.'' *Id.*

The Show Cause Order alleged that in January 2005, Mehanna Brothers had moved its business to 6711 Greenfield Road, Detroit, Michigan, and distributed list I chemicals from this location without a registration authorizing it to do so. *Id.* The Show Cause Order further alleged that on July 10, 2006, DEA issued an Order to Show Cause proposing the revocation of Mehanna Brothers' registration based on this activity. *Id.*

The Show Cause Order next alleged that on April 16, 2006, DEA investigators went to Respondent's proposed registered location to conduct a pre-registration inspection and discovered that the facility was the same one that was used by Mehanna Brothers. *Id.* The Show Cause Order further alleged that on May 18, 2006, Abed Mehanna told DEA investigators that he was a co-owner of Respondent, that