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**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, "Toyo"). The complaint, as supplemented, alleges violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424 ("the '424 patent'"); D610,975; D610,976 ("the '976 patent'"); D610,977 ("the '977 patent'"); D615,031; D626,913 ("the '913 patent'"); D458,214 ("the '214 patent'"); and D653,200 by numerous respondents. 78 FR 57882-83 (Sept. 20, 2013). Subsequently, the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. ("Shandong Hengyu") as a respondent. Several respondents were terminated from the investigation based on settlement agreements and consent orders.

On November 18, 2013, the ALJ ordered certain respondents, including WestKY, Tire & Wheel Master, Vittore, and RTM, to show cause by December 4, 2013, why they should not be held in default for failing to respond to the Complaint and Notice of Investigation. See Order No. 10 (Nov. 18, 2013). No submissions were filed on behalf of WestKY, Tire & Wheel Master, Vittore, or RTM in response to ALJ Order No. 10. On December 5, 2013, the ALJ issued an ID finding respondents WestKY, Tire & Wheel Master, Vittore, and RTM to be in default. See ALJ Order 17 (Dec. 5, 2013) (not reviewed on December 27, 2013).

On December 24, 2013, the ALJ ordered respondents Turbo, Lexani, and WTD to show cause by January 10, 2014, why they should not be held in default for failing to respond to the Complaint and Notice of Investigation. See Order No. 24 (Dec. 24, 2013). No

submissions were filed in response to ALJ Order No. 24. On February 3, 2014, the ALJ issued an ID finding respondents Turbo, Lexani, and WTD to be in default. See ALJ Order 30 (Feb. 3, 2014) (not reviewed on March 6, 2014).

On January 28, 2014, the ALJ ordered respondent Simple Tire to show cause by February 12, 2014, why it should not be held in default for failing to respond to the Complaint and Notice of Investigation. See Order No. 29 (Jan. 28, 2014). No submissions were filed in response to ALJ Order No. 29. On February 18, 2014, the ALJ issued an ID finding respondent Simple Tire to be in default. See ALJ Order 34 (Feb. 18, 2014) (not reviewed on March 20, 2014).

The Commission found that the statutory requirements of section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission rule 210.16(a) (19 CFR 210.16(a)) are met with respect to the Defaulting Respondents. 79 FR 21484-86 (Apr. 16, 2014). Accordingly, pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission rule 210.16(c) (19 CFR 210.16(c)), the Commission presumes the facts alleged in the complaint to be true and finds that Defaulting Respondents are in violation of section 337.

The Commission requested briefing from the parties and the public on the issues of remedy, the public interest, and bonding. 79 FR at 21484-85. Complainant Toyo and the Commission investigative attorney ("IA") filed timely opening submissions. The IA further filed a timely responsive submission on May 2, 2014. Also, two submissions, both dated May 2, 2014, were filed on behalf of certain of Defaulting Respondents: A "Reply Submission of Katana Racing, Inc. d/b/a WTD Respecting Remedy, the Public Interest and Bonding," and a "Reply Submission of Turbo Tire Corporation Respecting Remedy, the Public Interest, and Bonding." On May 7, 2014, complainant Toyo filed "Complainants' Response to the Reply Submissions of Katana Racing, Inc. d/b/a WTD, TURBO Tire Corp., and LEXANI, Inc." No other submissions in response to the Commission notice were received.

The Commission has determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of certain tires and products containing same that are manufactured abroad by or on behalf of, or imported by or on behalf of, the Defaulting Respondents by reason of infringement of one or more of the '424 patent; the '976 patent; the '977 patent; the '913 patent; and the '214 patent. The Commission has also determined to issue cease and desist

orders directed against each of the Defaulting Respondents which prohibit, *inter alia*, the importation, sale, advertising, marketing, and distribution of covered products in the United States by the Defaulting Respondents. The Commission has further determined that the public interest factors enumerated in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the remedial orders. Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of the Defaulting Respondents. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

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: July 24, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

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**BILLING CODE 7020-02-P**

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

**AGENCY:** Judicial Conference of the United States Advisory Committee on Rules of Appellate Procedure.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Rules of Appellate Procedure will hold a one-day meeting. The meeting will be open to public observation but not participation.

**DATES:** October 20, 2014.

*Time:* 8:00 a.m.-5:00 p.m.

**ADDRESSES:** Thurgood Marshall Federal Judiciary Building, Mecham Conference Center, One Columbus Circle NE., Washington, DC 20544.

**FOR FURTHER INFORMATION CONTACT:** Jonathan C. Rose, Secretary and Chief Rules Officer, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: July 25, 2014.

**Jonathan C. Rose,**

*Secretary and Chief Rules Officer.*

[FR Doc. 2014-17945 Filed 7-29-14; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Franklyn Seabrooks, M.D.; Decision and Order

On April 8, 2014, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Franklyn Seabrooks, M.D. (hereinafter, Registrant), of Fairfield, California. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration BS4003795, which authorizes him to dispense controlled substances in schedules II-V as a practitioner, on the ground that he does "not have authority to practice medicine or handle controlled substances in the [S]tate of California." Show Cause Order at 1 (citing 21 U.S.C. 823(f) and 824(a)(3)).

The Show Cause Order alleged that Registrant is registered as a practitioner in Schedules II-V at the registered address of 5140 Business Center Drive, Suite 109, Fairfield, California. Show Cause Order at 1. The Show Cause Order further alleged that this registration does not expire until February 28, 2015. *Id.*

Next, the Show Cause Order alleged that Registrant is currently without authority to handle controlled substances in California, the State in which he is registered, because on July 12, 2012, the Medical Board of California (MBC) filed a "Petition for Ex Parte Interim Suspension Order," which was granted the following day by the Medical Quality Hearing Panel ("Hearing Panel") of the State's Office of Administrative Hearings, thereby suspending Registrant's Physician's and Surgeon's license on an interim basis. *Id.* The Show Cause Order then alleged that on November 7, 2012, an MBC Hearing Panel ordered that the suspension be continued, and that following a further hearing, the MBC revoked his license effective November 22, 2013. *Id.* The Order thus asserted that based upon his lack of authority to handle controlled substances in the State of California, Registrant's Registration must be revoked. *Id.* (citing 21 U.S.C. 802(21), 823(f) and 824(a)(3)). The Order also notified Registrant of his right to request a hearing on the

allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* (citing 21 CFR 1301.43).

According to the Declaration of a DEA Diversion Investigator (DI), on April 11, 2014, the Order to Show Cause was served on Registrant at his home unit at the Napa State Hospital. GX 2. The DI stated on that date, he and a DEA Special Agent attempted to personally serve Respondent after being advised by Respondent's attorney that Respondent was a patient at that facility. *Id.* The DI further stated that upon arriving at the hospital gate, he was told that service of the Show Cause Order would have to be performed by a police officer, who would then confirm service by an email to the DI. *Id.* On April 14, 2014, the DI received an email from a police officer confirming that service had occurred. *Id.*

On May 5, 2014, the DEA Office of Administrative Law Judges received a letter from David Brown, Esq., an attorney with the law firm of Beyer, Pongratz & Rosen, in Sacramento, CA. GX 8. The letter, which is dated April 30, 2014 and appears to be printed on the law firm's letterhead, states: "The undersigned, David L. Brown, hereby waives a hearing regarding the Order to Show Cause regarding Franklyn E. Seabrooks, M.D. and his DEA Certificate of Registration." *Id.* The printed signature line for David L. Brown states: "Attorney for Respondent, Franklyn E. Seabrooks, II"; however, the letter is unsigned. *Id.* at 3. Attached to this letter is a copy of the April 8, 2014 Order to Show Cause issued to Registrant. *Id.* at 4-5.

Notwithstanding that the letter was not signed, I note that the law firm on the letterhead is the same firm that represented Registrant before the MBC. I therefore find that Mr. Brown is Registrant's attorney and based on his representation in the letter, I find that Registrant has waived his right to a hearing or to submit a written statement in lieu of a hearing. 21 CFR 1301.43(e). I therefore issue this Decision and Order based on relevant material contained in the record submitted by the Government. I make the following factual findings:

#### Findings

Registrant is the holder of DEA Certificate of Registration BS4003795, which authorizes him to dispense controlled substances in schedules II-V as a practitioner, at the registered address of 5140 Business Center Drive, Suite 109, Fairfield CA. GX 3. This

registration does not expire until February 28, 2015. *Id.*

On July 13, 2012, an administrative law judge (ALJ) of the Office of Administrative Hearings, Department of Consumer Affairs, State of California, heard a petition for Ex Parte Interim Suspension of Registrant's Physician's and Surgeons' Certificate (hereinafter, medical license). GX 4. Following an evidentiary hearing during which Registrant was neither present nor represented but submitted documents for consideration by the ALJ, the ALJ ordered the immediate suspension of Registrant's medical license. The ALJ found, *inter alia*, that Registrant had "engaged in actions constituting violations of various laws and regulations involving the practice of medicine," that permitting him to continue "in the practice of medicine will endanger the public health, safety and welfare," and that "serious injury will result to the public before the matter may be heard on regular notice." *Id.* at 2. The ALJ then scheduled a further hearing on the State's petition. *Id.*

On October 29, 2012, the hearing was held before another state ALJ. GX 5. At the hearing, Registrant was represented by counsel, oral and documentary evidence was presented, and oral argument was offered. Following the hearing, the ALJ found that Registrant "has engaged in acts or omissions constituting a violation of the Medical Practice Act and that he is unable to practice medicine safely due to a mental or physical condition, and that permitting [him] to continue to engage in the practice of medicine will endanger the public health, safety or welfare." *Id.* at 19-20. Further finding "that the likelihood of injury to the public in not issuing the order outweighed the likelihood of injury to [Registrant] in issuing the order," on November 7, 2012, the ALJ ordered that the Interim Suspension Order on Registrant's medical license remain in effect. *Id.* at 20.

On September 30, 2013, a further hearing was held before a third state ALJ. GX 6. Registrant was represented by counsel but did not personally appear. The ALJ found that "due to his mental impairment, [Registrant] has engaged in unprofessional conduct on multiple occasions," that "[c]ause exists to revoke [his] Physician's and Surgeon's certificate," that his ability to practice medicine safely is impaired because he is "mentally ill, or physically ill affecting competency," and that "at this time, protection of the public can be achieved only through license revocation." *Id.* at 20. The ALJ