

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1209
(Enforcement)]

Certain Movable Barrier Operator Systems and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination Terminating the Enforcement Proceeding Based on Settlement; Termination of the Proceeding

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 (“ID”) (Order No. 26) of the presiding Administrative Law Judge (“ALJ”) terminating the enforcement proceeding based on settlement. The enforcement proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.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: On August 10, 2020, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Overhead Door Corporation of Lewisville, Texas and GMI Holdings Inc. of Mount Hope, Ohio (collectively, “Overhead Door”). See 85 FR 48264-65 (Aug. 10, 2020). The complaint, as supplemented, alleged a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain movable barrier operator systems and components thereof by reason of infringement of U.S. Patent Nos. 8,970,345 (“the ‘345 patent’”); 7,173,516 (“the ‘516 patent’”); 7,180,260 (“the ‘260 patent’”); 9,483,935 (“the ‘935 patent’”); 7,956,718 (“the ‘718 patent’”); and

8,410,895 (“the ‘895 patent’”). See *id.* The notice of investigation named The Chamberlain Group, Inc. (now, The Chamberlain Group, LLC) of Oak Brook, Illinois (“Chamberlain”) as the respondent in this investigation. See *id.*

On February 10, 2021, the Commission terminated the investigation as to the ‘516 patent based on the withdrawal of the allegations in the complaint as to that patent. See Order No. 10 (Jan. 19, 2021), *unreviewed by Comm’n Notice* (Feb. 10, 2021).

On February 9, 2022, the Commission issued a final determination finding a violation of section 337, based on Chamberlain’s infringement of the asserted claims of the ‘935, ‘718, and ‘895 patents, but not the ‘345 and ‘260 patents. See 87 FR 8605-06 (Feb. 15, 2022). The Commission further determined to: (1) issue a limited exclusion order against Chamberlain’s infringing products and a cease and desist order against Chamberlain (collectively, the “remedial orders”); and (2) set a bond during the period of Presidential review in the amount of one hundred (100) percent of the entered value of the infringing articles. See *id.* On March 30, 2022, the Commission issued modified remedial orders to confirm that the covered products or articles in the remedial orders include garage door openers, gate operators, and commercial operators. See 87 FR 19709-10 (Apr. 5, 2022).

On April 11 and 12, 2022, respectively, Overhead Door and Chamberlain filed appeals from the Commission’s final determination with the U.S. Court of Appeals for the Federal Circuit. See *Chamberlain Grp., LLC v. ITC*, Appeals Nos. 22-1664, 22-1656 (consolidated).

On August 5, 2022, the Commission instituted an enforcement proceeding under Commission Rule 210.75 (19 CFR 210.75) to investigate alleged violations of the remedial orders by Chamberlain’s legacy and redesigned products. See 87 FR 48039 (Aug. 5, 2022). In addition to Overhead Door and Chamberlain (collectively, “the Private Parties”), the Office of Unfair Import Investigations (“OUII”) was also named as a party to the enforcement proceeding. See *id.*

On December 21, 2022, the Commission terminated the enforcement proceeding as to the ‘718 patent based on withdrawal of the enforcement complaint as to that patent. See Order No. 14 (Dec. 1, 2022), *unreviewed by Comm’n Notice* (Dec. 21, 2022).

On June 13, 2023, the parties filed a joint stipulation of voluntary dismissal of the appeals. On June 14, 2023, the Federal Circuit dismissed the appeals.

See *Chamberlain Grp., LLC v. ITC*, Order, Appeal No. 22-1664, ECF No. 95 (Fed. Cir. June 14, 2023).

On June 13, 2023, the Private Parties jointly moved to terminate the enforcement proceeding based on settlement. The joint motion states that OUII supports the motion.

On June 14, 2023, the ALJ issued the subject ID (Order No. 26) granting the joint motion to terminate the enforcement proceeding based on settlement. The ID finds that the joint motion complies with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1). See ID at 2-3. Specifically, the ID notes that the joint motion includes confidential and public copies of the settlement agreement. See *id.* at 2. In addition, the motion states that “there are no other agreements, written or oral, express or implied, between the Private Parties concerning the subject matter of this proceeding.” See *id.* Furthermore, in accordance with Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds “no evidence that terminating this proceeding on the basis of settlement would adversely affect” the public interest. See *id.* at 3.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The enforcement proceeding is terminated.

The Commission’s vote on this determination took place on July 12, 2023.

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 12, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-15119 Filed 7-17-23; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1224]

Importer of Controlled Substances Application: Biopharmaceutical Research Company

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Notice of application.

SUMMARY: Biopharmaceutical Research Company has applied to be registered as

an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before August 17, 2023. Such persons may also file a written request for a hearing on the application on or before August 17, 2023.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short

comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia

22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on April 28, 2023, Biopharmaceutical Research Company 11045 Commercial Parkway Castroville, California 95012-3209, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import Marihuana Extract (7350), Marihuana (7360) and Tetrahydrocannabinols (7370) as flowering plants and cannabis derivatives to support analytical chemistry analyses, research and the manufacturing of dosage forms for pre-clinical and clinical trials. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2023-15185 Filed 7-17-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1123-0014]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Certificates of Pardon for the Offense of Simple Possession of Marijuana

AGENCY: Office of the Pardon Attorney, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Office of the Pardon Attorney, Department of Justice (DOJ),

will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on May 9, 2023, allowing a 60-day comment period.

DATES: The comment period for the notice published on March 3, 2023, is extended. Comments should be received on or before August 15, 2023. August 17, 2023.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Kira Gillespie, Deputy Pardon Attorney, Office of the Pardon Attorney, 950 Pennsylvania Avenue NW, Main Justice—RFK Building, Washington, DC 20530; kira.gillespie@usdoj.gov; (202) 616-6073.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1123-0014. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements