

Commission filed a motion to stay the SFO appeal pending reinstatement of the SFO by the Commission or resolution of any CIT appeal by the Federal Circuit. On July 29, 2020, the Federal Circuit granted the Commission's motion to stay the SFO appeal until the suspension of the SFO is lifted or until final disposition of the CIT appeal.

Concurrently, on January 16, 2020, the Commission instituted a modification proceeding to determine whether Wirtgen's redesigned series 1810 machines infringe claim 19 of the '693 patent. On August 31, 2020, the Commission determined that Wirtgen's redesigned machines do not infringe and issued modified remedial orders exempting the redesigned machines from the scope of the orders. Caterpillar did not appeal the Commission's non-infringement determination to the Federal Circuit, and therefore, the Commission's non-infringement determination is now final. Consequently, on November 5, 2020, the U.S. government moved to dismiss the CIT appeal. On December 4, 2020, the Federal Circuit dismissed the CIT appeal.

In view of the Federal Circuit's dismissal of the CIT appeal, the Commission has determined to institute a rescission proceeding and to permanently rescind the SFO. The rescission proceeding is hereby terminated.

The Commission's vote for this determination took place on December 7, 2020.

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: December 7, 2020.

**Lisa Barton,**

*Secretary to the Commission.*

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Advisory Committee on Bankruptcy Rules; Hearing of the Judicial Conference

**AGENCY:** Advisory Committee on the Federal Rules of Bankruptcy Procedure, Judicial Conference of the United States.

**ACTION:** Notice of Cancellation of Open Hearing.

**SUMMARY:** The following remote public hearing on proposed amendments to the Federal Rules of Bankruptcy Procedure has been canceled: Bankruptcy Rules Hearing on January 7, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Telephone (202) 502-1820, *RulesCommittee\_Secretary@ao.uscourts.gov*.

#### SUPPLEMENTARY INFORMATION:

Announcements for this hearing were previously published in 85 FR 48562.

**Authority:** 28 U.S.C. 2073.

Dated: December 8, 2020.

**Rebecca A. Womeldorf,**

*Chief Counsel, Rules Committee Staff.*

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Advisory Committee on Appellate Rules; Hearing of the Judicial Conference

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

**ACTION:** Notice of Cancellation of Open Hearing.

**SUMMARY:** The following remote public hearing on proposed amendments to the Federal Rules of Appellate Procedure has been canceled: Appellate Rules Hearing on January 4, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Telephone (202) 502-1820, *RulesCommittee\_Secretary@ao.uscourts.gov*.

#### SUPPLEMENTARY INFORMATION:

Announcements for this hearing were previously published in 85 FR 48562.

**Authority:** 28 U.S.C. 2073.

Dated: December 8, 2020.

**Rebecca A. Womeldorf,**

*Chief Counsel, Rules Committee Staff.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### King Wong, M.D.; Decision and Order

On November 12, 2019, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, Government), issued an Order to Show Cause (hereinafter, OSC) to King Wong, M.D. (hereinafter, Registrant). OSC, at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. AL1804409. *Id.* It alleged that Registrant is without "authority to handle controlled substances in California, the state in which [Registrant is] registered with the DEA." *Id.* (citing 21 U.S.C. 823(f) and 824(a)(3)).

Specifically, the OSC alleged that Registrant surrendered his medical license pursuant to an agreement with the Medical Board of California on March 18, 2019, and that his license remains surrendered. *Id.* at 1-2. The OSC further alleged that because Registrant surrendered his medical license, Registrant lacks the authority to handle controlled substances in the State of California. *Id.* at 2.

The OSC notified Registrant of the right to either request a hearing on the allegations or submit a written statement in lieu of exercising the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. *Id.* at 3 (citing 21 U.S.C. 824(c)(2)(C)).

A DEA Diversion Investigator personally served Registrant with the OSC on December 13, 2019, and Registrant signed a DEA Form 12, Receipt for Cash or Other Items, to acknowledge his receipt of the OSC. Request for Final Agency Action Exhibit (hereinafter, RFAAX) 8, at 2-3 (Declaration of Diversion Investigator); RFAAX 5 (DEA Form 12 signed by Registrant). I find that more than thirty days have now passed since the Government accomplished service of the OSC. Further, based on the Government's written representations, I find that neither Registrant, nor anyone purporting to represent Registrant, requested a hearing, submitted a written statement while waiving Registrant's right to a hearing, or submitted a corrective action plan. RFAAX 8, at 3; RFAAX 6 (Emails regarding no communication from Registrant). Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and