

On October 17, 2014, Open Platform for NFV Project filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 14, 2014 (79 FR 68301).

The last notification was filed with the Department on March 9, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 4, 2017 (82 FR 16419).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—*fd.io* Project, Inc.

Notice is hereby given that, on May 30, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), *fd.io* Project, Inc. (“*fd.io*”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ZTE Corporation, Shenzhen, People’s Republic of China, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and *fd.io* intends to file additional written notifications disclosing all changes in membership.

On May 4, 2016, *fd.io* filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2016 (81 FR 37211).

The last notification was filed with the Department on March 6, 2017. A notice was published in the **Federal**

**Register** pursuant to Section 6(b) of the Act on March 27, 2017 (82 FR 15240).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### John Warren Cox, M.D.; Decision and Order

On February 23, 2017, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John Warren Cox, M.D. (Registrant), of West Point, Mississippi. GX 2. The Show Cause Order proposed the revocation of Registrant’s DEA Certificate of Registration No. BC6115047, on the ground that he does not have authority to handle controlled substances in Mississippi, the State in which he is registered with the Agency. *Id.* at 1 (citing 21 U.S.C. 824(a)(3)).

With respect to the Agency’s jurisdiction, the Show Cause Order alleged that Registrant is registered with the DEA as a practitioner authorized to handle controlled substances in schedules II through V under DEA registration BC6115047, at the registered address of 187 Medical Center Drive, West Point, Mississippi. *Id.* The Order alleged that Registrant’s registration expires by its terms on August 31, 2019. *Id.*

As to the substantive ground for the proceeding, the Show Cause Order specifically alleged that on October 18, 2016, Registrant “voluntarily surrendered [his] Mississippi medical license and agreed to never again seek to be licensed in the State of Mississippi.” *Id.* The Show Cause Order further alleged that because Registrant is currently without authority to practice medicine or handle controlled substances in the State of Mississippi, “the DEA must revoke [his] DEA COR.” *Id.* at 2 (citing 21 U.S.C. 823(f) and 824(a)(3) (other citations omitted)).

The Show Cause Order 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 for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43). It also notified him of his right to submit a corrective action plan in accordance with 21 U.S.C. 824(c)(2)(C). *Id.* at 2–3.

On February 24, 2017, a Diversion Investigator from the Jackson, Mississippi District Office personally served the Show Cause Order on Registrant at his residence in West Point, Mississippi. GX 4 (Declaration of Diversion Investigator).

On May 5, 2017, the Government forwarded its Request for Final Agency Action (RFAA) and an evidentiary record to my Office. Therein, the Government represents that Registrant “has not filed a request for a hearing or a written statement, and more than 30 days ha[ve] now passed since he was served.” RFAA, at 1–2.

Based on the Government’s representation that more than 30 days have now passed since the date of service of the Show Cause Order and that Registrant has not submitted a request for a hearing or a written statement, 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(d). I therefore issue this Decision and Final Order based on relevant evidence contained in the record submitted by the Government. *Id.* § 1301.43(d) & (e). I make the following findings of fact.

#### Findings

Registrant is the holder of DEA Registration No. BC6115047, pursuant to which he is authorized to dispense controlled substances in Schedules II through V as a practitioner, at the registered address of 187 Medical Center Drive, West Point, Mississippi. GX 1 (Certification of Registration History). His registration does not expire until August 31, 2019. *Id.*

On October 18, 2016, Registrant voluntarily surrendered his license to practice medicine in the State of Mississippi, and “agree[d] to never seek application for a future license to practice medicine in the State of Mississippi.” GX 3, at 2 (Surrender of Medical License). The agreement to voluntarily surrender his license followed an investigation by the Investigative Division of the Mississippi State Board of Medical Licensure, which “ha[d] in its possession evidence which, if produced during the course of an evidentiary hearing, would show [that Registrant’s] continued practice constitutes a threat to the public health and safety due to his impairment.” *Id.* at 2. Registrant’s surrender became effective immediately upon execution of the surrender form on October 18, 2016. *Id.*

A printout from the Mississippi Board’s Physician Profile System, dated May 5, 2017, shows that Registrant’s license to practice medicine “expired”