

of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the name and principal place of business of the standards development organization is: Alliance for OpenUSD Series LLC, series of Joint Development Foundation Projects, LLC, Dover, DE. The nature and scope of AOUSD's standards development activities are: standardizing, developing, and evolving Universal Scene Description (USD) in an open forum to promote interoperability of 3D content to empower creators and consumers worldwide. AOUSD will initially focus on standardizing essential features of USD (including technical details or requirements on composition model, file format, data model, and schema) that are stable, understood, implemented and important for 3D authoring and transmission. In the future, AOUSD may also develop additional standards specifications to promote interoperability of 3D content through USD. AOUSD will also develop educational, marketing, and informational materials to facilitate the understanding and adoption of its standards.

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Numerical Propulsion System Simulation

Notice is hereby given that, on November 10, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute—Cooperative Research Group on <<Project_Name>> ("<<Acronym>>") 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, GEII, Cambridge, MA, 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 NPSS intends to file additional written notifications disclosing all changes in membership or planned activities.

On December 11, 2013, NPSS 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 February 20, 2014, (79 FR 9767).

The last notification was filed with the Department on April 25, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2023, (87 FR 29380).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on September 29, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), The Open Group, L.L.C. ("TOG") 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, 5HART-IT OPLEIDINGEN B.V., Velp, THE NETHERLANDS; Actenum Corporation, Vancouver, CANADA; Apogee Semiconductor, Inc., Plano, TX; ARK CLS, Bedford, UNITED KINGDOM; Beijing Jurassic Software Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; BKO Services, Houston, TX; Boomi, Chesterbrook, PA; C3RiOS Systems, Inc., Montreal, CANADA; CNPC USA Corporation, Houston, TX; COMPETENSIS, Fontaines St Martin, FRANCE; Cornet Technology Inc., Springfield, VA; Denodo Technologies Inc., Palo Alto, CA; Docaposte Institute, Ivry Sur Seine, FRANCE; Dragos, Inc., Hanover, MD; EastSea Star Software

Ltd, Ho Chi Minh, VIETNAM; Engineering Simulation and Scientific Software LTDA, Florianópolis, BRAZIL; Freelance Provider, Lac 1, TUNISIA; Glasspaper Learning AS, Oslo, NORWAY; GooBiz—Goal Oriented Business, Cergy, FRANCE; Indra Soluciones Tecnologías de la Información S.L.U., Alcobendas, SPAIN; Innoflight, LLC, San Diego, CA; LearnQuest s.r.o., Prague, CZECH REPUBLIC; Lin and Associates, Inc., Phoenix, AZ; Marine Corps Systems Command, Product Manager EWS, Stafford, VA; Microchip Technology Inc., Chandler, AZ; National Aeronautics and Space Administration (NASA), Washington, DC; Net Zero Matrix Ltd., Douglas, UNITED KINGDOM; One Stop Systems, Inc., Escondido, CA; OnTime Networks, LLC, Latham, NY; Onyx Data LLC, Engelwood, CO; ORSYS Formation, Paris, FRANCE; Palladio Consulting GmbH & Co. KG, Bavaria, GERMANY; Petroleum Development Oman L.L.C., Muscat, SULTANATE OF OMAN; Red Hat Inc., McLean, VA; and SAS Acceliance, Le Raincy, FRANCE, have been added as parties to this venture.

Also, Akridata, Inc., Los Altos, CA; Buurst, Inc., Houston, TX; CommandPrompt, Inc., Bellingham, WA; CRI2M SRL, Brussels, BELGIUM; DeepIQ, LLC, Houston, TX; EnergyVue Services Limited; Aberdeen, UNITED KINGDOM; G42 Cloud Technology L.L.C., Al Reem Island, UNITED ARAB EMIRATES; Galp Exploração e Produção Petrolífera S.A., Lisbon, PORTUGAL; Geopost Consultoria em Geologia e Geofísica Ltda; Rio de Janeiro, BRAZIL; GeoSynergy Pty Ltd, Brisbane, AUSTRALIA; Green Horizon AS, Sandnes, NORWAY; JourneyOne, West Perth, AUSTRALIA; Luxembourg Institute of Science and Technology (LIST), Luxembourg-Kirchberg, LUXEMBOURG; Magesis Fairfield ASA, Lysaker, NORWAY; Midwest Microwave Solutions, Inc., Hiawatha, IA; PAS Global LLC, Houston, TX; PM Expert Group UK LIMITED, Noida, INDIA; Prediktor AS, Fredrikstad, NORWAY; RDRTec, Inc., Roebling, NJ; Ruths Analytics and Innovation, Inc. (d/b/a "Petro.ai"), Houston, TX; Security Compass, Ontario, CANADA; Softeam, Paris, FRANCE; Softserve Inc, Austin, TX; Tech Mahindra Limited, Mumbai, INDIA; The Board of Supervisors of Louisiana State University, Baton Rouge, LA; VMTC—Vincenzo Marchese Training & Consulting, London, UNITED KINGDOM; and Zodiac Data Systems, Alpharetta, GA, have withdrawn as parties to this venture.

Additionally, Koch Industries has changed its name to Koch Capabilities,

LLC, Wichita, KS; Oriola Defense & Security LLC to Safran Federal Systems, Inc., Rochester, NY; Integrata AG to Cegos Integrata GmbH, Stuttgart, GERMANY; and NovaTech Process Solutions to Valmet Automation Oy, Vespoo, FINLAND.

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 TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG 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 13, 1997 (62 FR 32371).

The last notification was filed with the Department on June 29, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 23, 2023 (88 FR 57478).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 22–48]

APEXX Pharmacy, LLC; Decision and Order

I. Introduction

On August 2, 2022, the Administrator of the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (collectively, OSC) to APEXX Pharmacy, LLC (Respondent), of Hudson, Florida. OSC, at 1, 9. The OSC immediately suspended, and proposes the revocation of, Respondent's DEA registration No. FA5493363, pursuant to 21 U.S.C. 824(d) and (a)(4), and 21 U.S.C. 823(g)(1).¹ *Id.* at 1. The OSC more

¹ Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated 21 U.S.C. 823(f), cited in the OSC, as 21 U.S.C. 823(g)(1). Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1), and to the MRA-amended CSA throughout.

The Federal and state substantive violations alleged in the OSC include 21 U.S.C. 841(a)(2) and 842(a)(1); 21 CFR 1306.04(a) and 1306.06; Fla. Stat. 893.055(3)(a)(3); and Fla. Admin. Code r. 64B16–27.810(1) and (2), Fla. Admin. Code r. 64B16–27.831(1)(b) and (c), (2)(c), and (4), and Fla. Admin. Code r. 64B16–27.1001(4).

specifically alleges that Respondent's "continued registration is inconsistent with the public interest." *Id.* It also alleges violations of Florida law. *Supra* n.1.

The hearing Respondent requested was held on December 13 and 14, 2022. Hearing Transcript. The Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (RD) concludes that Respondent's registration should be revoked. RD, at 27. This Decision and Order, based solely on OSC allegations that Respondent filled controlled substances under the names of three individuals who, at the time, were deceased, agrees.² Fla. Admin. Code r. 64B16–27.1001(4). Accordingly, the Agency will revoke Respondent's registration. *Infra* Order.

II. Findings of Fact

The Allegation That Respondent Filled Controlled Substance Prescriptions Issued to Deceased Individuals

The OSC alleges, among other things, that Respondent filled controlled substance prescriptions issued to individuals who, at the time, were deceased. OSC, at 9. According to the Government's evidence, Respondent filled at least forty-seven such controlled substance prescriptions. *See, e.g.,* GX 6–GX 8 and GX 12–GX 14.

Respondent does not dispute that it filled the forty-seven Schedule II controlled substance prescriptions. *See, e.g.,* Tr. 366. It does not, however, take responsibility for doing so. Instead, it maintains that it acted properly and suggests, without any documentary or evidentiary support, a complex and layered theory of misconduct by others.

According to the testimony of Respondent's owner/Pharmacist-in-Charge (PIC), whom the Agency finds to be not credible, *infra*, the "only way" he can determine the validity of a prescription is to call the issuing doctor and ask whether the doctor wrote the specific elements of the order for the

² The OSC's substantive headings describe the allegations as "Improper Filling of Prescriptions to Undercover Officers," specifically referencing July 7, 2022, July 14, 2022, and July 15, 2022, "Issuing Prescriptions to Dead Patients," and "Imminent Danger." The OSC cites federal and state authorities as the bases of its allegations. *Supra* n.1.

This Decision is adjudicating only OSC allegations that Respondent filled controlled substance prescriptions issued to individuals who were deceased. Because these allegations alone are sufficient to revoke Respondent's registration, the Agency does not reach the other OSC allegations. The other OSC allegations include various references to conduct observed by and involving undercover officers; the record evidence related to those observations and interactions is periodically referenced herein as relevant to the analysis of Respondent's credibility and trustworthiness.

individual to whom the prescription is issued. *Id.* at 368–69. He testified that he does this for all of the prescriptions presented to his pharmacy. *Id.* at 369. He also testified that, for the forty-seven controlled substance prescriptions, each issuing doctor provided the verification. *Id.*

Further, Respondent's owner/PIC testified, for the forty-seven prescriptions, as with all other prescriptions, that "every patient that comes into the pharmacy ha[s] to have an ID," that he "get[s] their ID," and that he has "to have an ID that matches the person in front of . . . [him]." Tr. 367. He specifically testified that he "always" makes a copy of the IDs to put in the pharmacy's files, and that those prescriptions were not an exception.³ *Id.*

While he acknowledged the Government-sponsored testimony that no copies of IDs presented for the forty-seven prescriptions were found in Respondent's files, the owner/PIC testified that "that is impossible" because "[f]or every patient there ha[s] to be an ID to match the—the patient. They have to fill the information sheet and they have to give me an ID to match them and the prescription that they are filling." *Id.* at 368. He further testified that he was provided IDs for the three deceased individuals' prescriptions, that he made copies of them, and that "those IDs seem to match the prescriptions that were presented to" him. *Id.* The owner/PIC could not recall whether, for each of the forty-seven prescriptions, the individual presenting the Schedule II controlled substance prescription provided an ID in hard copy or electronically. *Id.* at 367; *see also* RD, at 23 (owner/PIC's "testimony is undermined by his statement that he could not remember whether the customer presented a physical identification or emailed him one from a phone application"). Regardless, as already noted, Respondent's owner/PIC testified that he has "to have an ID that matches the person in front of . . . [him]." Tr. 367.

When asked for his explanation as to how Respondent filled any of the forty-seven Schedule II controlled substance prescriptions issued to deceased

³ The admitted exhibits do not support the owner/PIC's testimony that he always makes a copy of the IDs. GX 4; GX 5. They indicate that the owner/PIC made copies of controlled substance prescriptions and patient history forms. *E.g.,* GX 5, at 1, 5. They do not indicate, however, that the owner/PIC made a copy of any of the IDs that the undercover officers handed him. *See, e.g.,* GX 5, at 2, 10. Accordingly, the Agency finds that the testimony of Respondent's owner/PIC lacks credibility. *See also infra* section V (credibility discussion).