

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**BASIC RESEARCH, LLC,
a limited liability company;**

A.G. WATERHOUSE, L.L.C.

**NUTRASPORT, LLC,
a limited liability company;**

**SÖVAGE DERMALOGIC LABORATORIES, LLC,
a limited liability company;**

PAW LLC

Docket No. 9318

PUBLIC DOCUMENT

[Faint, illegible text]

As Complaint Counsel's Opposition to Respondent's Motion For a More Definite Statement

Respondents' Motions for a More Definite Statement." Complaint Counsel noted that it was

directing its opposition "to both Respondents' Motion for a More Definite Statement and *pro se* Respondent Mr. Friedlander's Motion to Dismiss Complaint for Lack of Definiteness." See, Opposition, fn. 1.

The Opposition advanced several arguments to support the propriety of the complaint, including the contention that it is in compliance with 16 C.F.R. 3.11, and that the vagueness of the legal terms can be remedied by research or discovery. However, neither argument cures the flaws highlighted in Respondent Friedlander's Motion to Dimiss.

III. ARGUMENT

benchmarks he stands accused of violating. Litigation is inherently a comparative analysis. The
accusing party asserts a violation of a known standard and the defending party is left to explain

why the articulated standard was not breached or violated. Here, that comparative analysis
begins with the Commissions interpretation of the advertising and ends with a determination as
to whether such advertising was lawful. As the accusing party in this case, Complaint Counsel

Thus, in this case, if Complaint Counsel believes that a "reasonable basis" required particular types and amounts of information, they should be required to allow the same in its

[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided to the following parties this 13th day of July, 2004 as follows:

(1) The original and one (2) copies by hand delivery to Donald S. Clark, Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;

(2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the Secretary of the FTC at Secretary@ftc.gov;

Chappell, Federal Trade Commission, Room H-106, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580;

(4) One (1) copy via e-mail attachment in Adobe® “.pdf” format to Commission Complaint Counsel, Laureen Kapin, Joshua S. Millard, Robin Richardson, and Laura Schneider,



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Pro Se Respondent