

Richard D Durhidan (0400)

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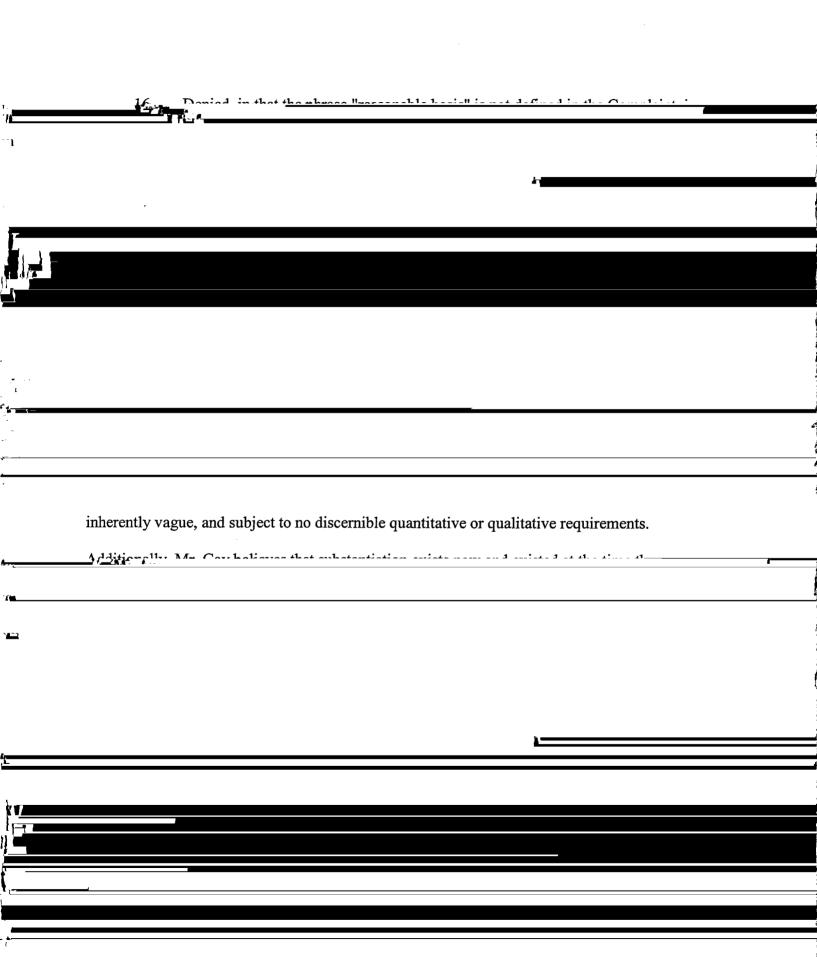
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Attorneys for Respondent Dennis Gay

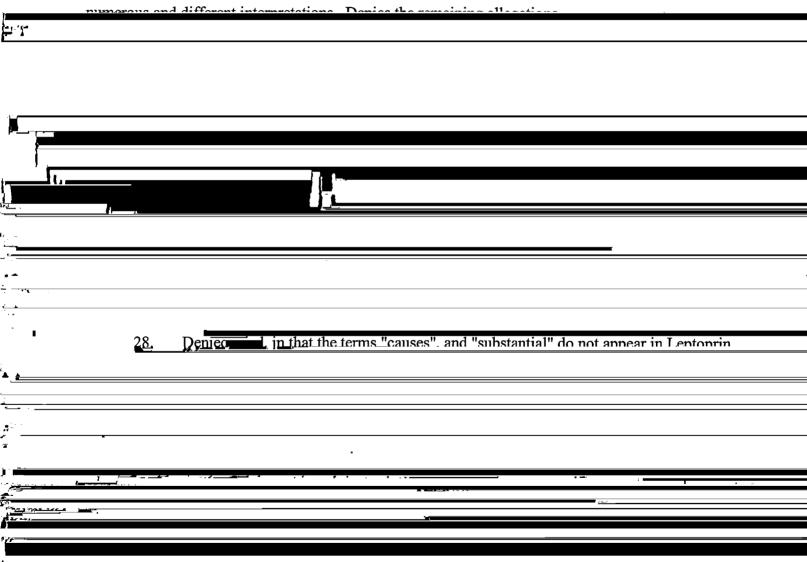


	6.	Admits the first sentence. Denies all remaining allegations.
	7.	Denied, except admits the last sentence.
	8.	Denied, except admits the last sentence.
	9.	Denied, except admits that Friedlander has performed marketing services for one
	or more of the	he Respondents.
	10.	Denied.
	11	Danied event admits that at different times contain of the Desmandents be
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inherently vague, and subject to no discernible quantitative or qualitative requirements. Additionally, Mr. Gay believes that substantiation exists now and existed at the time the Tummy Denied, in that the phrase "reasonable basis" is not defined in the Complaint. is 22. inharantly rooms and arhivet to no discornible arentitative or analitative rear

27. Admits that at different times Mr. Gay and certain of the Respondents disseminated the advertisements. Denies that Mr. Gay caused any advertisements to be disseminated, in that the term "caused" is inherently vague, subjective, and susceptible to



susceptible to numerous and different interpretations. All remaining allegations are denied.

- 33. Denied, in that the terms "causes", and "substantial" do not appear in Anorex advertisements, are not defined in the Complaint, and are inherently vague, subjective, and susceptible to numerous and different interpretations. All remaining allegations are denied.
- 34. Denied, in that the phrase "reasonable basis" is not defined in the Complaint, is inherently vague, and subject to no discernible quantitative or qualitative requirements.

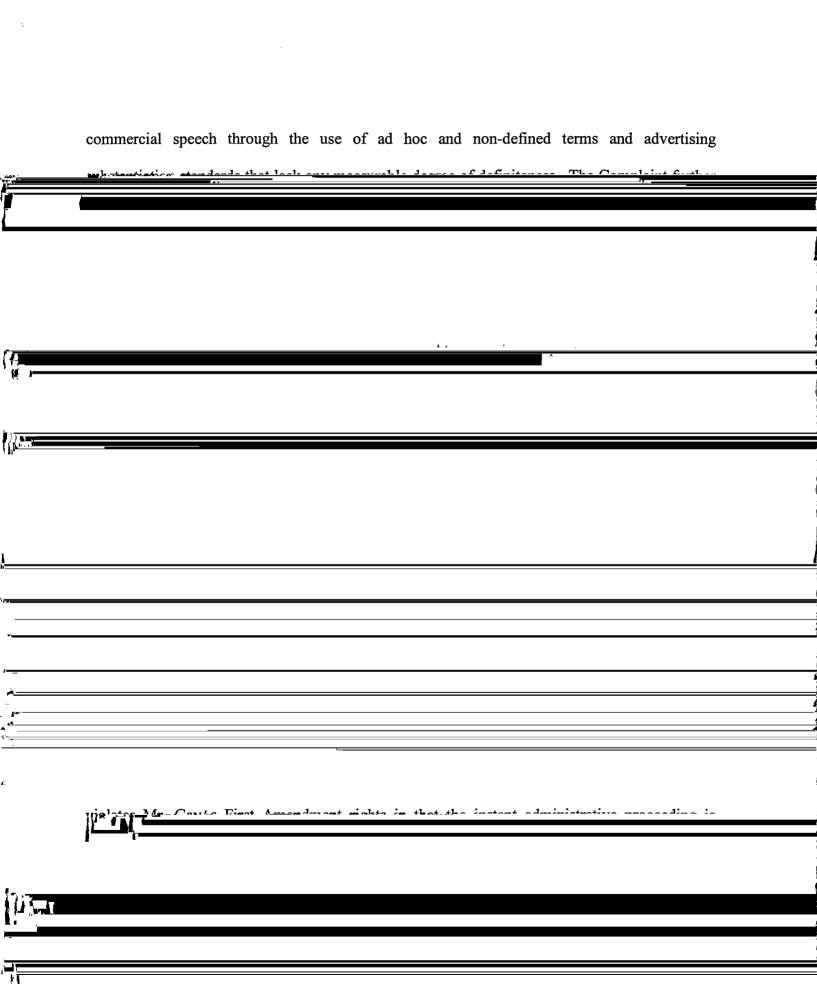
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advertisements were made. All remaining allegations are denied.

35. Denied, in that the phrase "reasonable basis" is not defined in the Complaint, is inherently vague, and subject to no discernible quantitative or qualitative requirements.

Additionally, Mr. Gay believes that substantiation exists now and existed at the time Anorex

inherently vague, and subject to no discernible quantitative or qualitative requirements. Additionally, Mr. Gay believes that substantiation exists now and existed at the time Pedialean Denied, in that the phrase "reasonable basis" is not defined in the Complaint, is 39.



that the Commission had a "reason to believe" that Mr. Gay had violated Sections 5(a) and 12 of the Federal Trade Commission Act, the Commission possessed the predicate evidence supporting said determination years before it chose to commence this action in coordination with a parallel

for political purposes and, in doing so, caused Mr. Gay to lose the benefit of testimony from third party witnesses and otherwise caused his defense in this action to become stale.

DEMAND FOR ATTORNEYS' FEES

Mr. Gay reserves all claims for attorneys= fees and costs he may have the right to obtain under Recovery of Awards Under the Equal Access to Justice Act in Commission Proceedings, 5 U.S.C. 504 and 5 U.S.C. 553(b).

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DATED this 30th day of July, 2004.

BURBIDGE & MITCHELL

Richard D. Burbidge

Attorneys for Respondent Dennis Gay

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2004, I caused to be filed and served the Answer and Grounds of Defense of Respondent Dennis Gay as follows:

(1) an original and two paper copies filed by hand delivery and one electronic copy in PDF format filed by electronic mail to:

Donald S. Clark, Secretary Federal Trade Commission 600 Pennsylvania Avenue, N.W., Room H-159 Washington, D.C. 20580 Email: secretary@ftc.gov

(2) one paper copy served by hand delivery to:

The Honorable Steven J. McGuire Administrative Law Judge Federal Trade Commission

Washington, D.C. 20580

(3) one naner convinvfirst class. ILS mail and one electronic convin PDF

format by electronic mail to:

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Loners & Decises

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Klein-Becker USA, L.L.C., Nutrasport, L.L.C.,
Sovage Dermalogic Laboratories, L.L.C., and
Ban, L.L.C.

I further certify that the electronic copies sent to the Secretary of the

DATED this 30 day of J/1/4, 2004.

BURBIDGE & MITCHELL

Richard D. Burbidge

Attorneys for Respondent Dennis Gay