

OFFICE OF ADMINISTRATIVE LAW JUDGES

FEDERAL TRADE COMMISSION  
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II.

Basic Research now requests an interlocutory appeal of the July 20 Order, arguing that

elements in the Complaint are substantial and should be resolved by the Commission itself.  
Motion at 2. Basic Research further argues that its' Motion presents a controlling issue of law or

Basic Research and Friedlander seek interlocutory review pursuant to Commission Rule 3.23(b), which allows review of a ruling by the Administrative Law Judge (“ALJ”) only upon a determination by the ALJ that “the ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate appeal from the


Regarding the second prong, Respondents merely argue that it would be more efficient for Complaint Counsel to define terms in the Complaint and that Respondents cannot commence a defense until the challenged terms are defined and the Commission articulates the amount of substantiation the Respondents allegedly need to have a reasonable basis for the challenged advertisements. Motion at 6-7; Freidlander's Motion at 10. No cases are cited by Respondents in support of this argument. Motion at 6-7; Freidlander's Motion at 10.

Respondents have not demonstrated that the second prong of the test, that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation or that subsequent review will be an inadequate remedy is not met. Freidlander's Motion at 11-12.

IV.

For the above stated reasons, Respondents motions for interlocutory appeal are **DENIED**  
and Respondent Epi-Health's motion for summary judgment is **DENIED**.

ORDERED:

  
Stephen J. McGuire  
Chief Administrative Law Judge