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marked as "Sul	oject to Protective	Order" had been i	nadvertently poste	d on the Federal	Trade
			nadvertently poster		
Commission's	on-line docket, Co	omplaint Counsel i	mmediately reque	sted removal of	his
Commission's	on-line docket, Co	omplaint Counsel i		sted removal of	his

certain electronic files in order to "determine who accessed their highly confidential

large number of IP addresses that are randomly assigned. In other words, a user may have different IP addresses assigned to them each time they log on. Complaint Counsel has also been advised that the Commission's files would not disclose whether the individual or entity visiting the URL address that corresponded with information marked as "Subject to Protective Order" naturally mond the information derivated and it comised it abound it or migrood the information in A - a month the amedication of this information would not peaconaily achieve

reflect Respondents' view of their information but the designation does not reflect a formal	
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determination on the confidentiality of the information at issue. It "does <b>not</b> constitute an <i>in</i>	
camera order as provided in Section 3.45 of the Commission's Rules of Practice. 16 C.F.R. &	
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posting of the information at issue was not "during the course of discovery," it was in connection

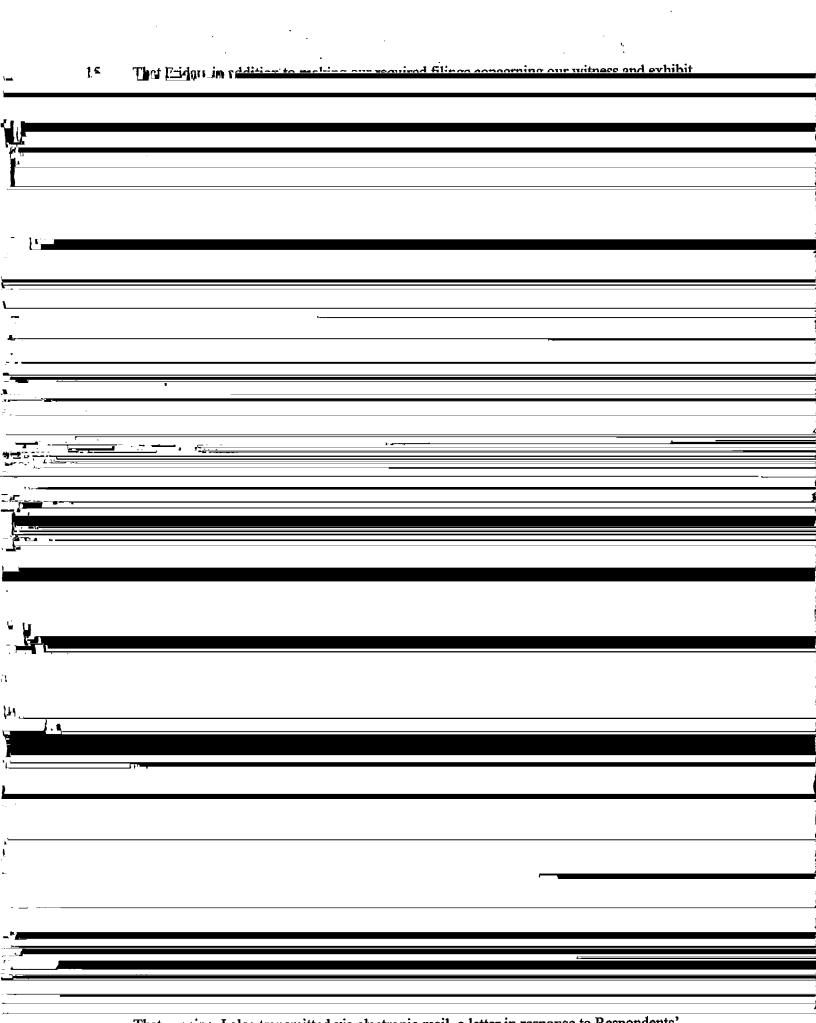
Party may move at any time for in camera treatment of any Confidential Discovery Material. . . .

that Respondents' designation is merely a preliminary determination until the time a party seeks formal in camera treatment. In fact, Complaint Counsel has indicated its frustration with the

#### ATTACHMENT A

· •	DECLARATION OF LAUREEN KAPIN	
-	I_LAUREEN KAPIN. hereby declare:	
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for Partial Summary Decision. Together, Mr. Dolan and I went to the office of Joshua Millard, intending to discuss this \_ 8. matter with him become he was reconsible for serving and filing the non-nublic version of Committiet Comment's Mation for Roction Summer Decicion ..... x ... x ... x ... ... X ........ 4 that Xin Xiilland himnelf had national that



### EXHIBIT 1

MIAMI UMSTER, 19 FLOOR 201 SCHITH BISCAYNE BOUTEVARD MIAMI, FLORIDA 33134-4332 TEI: 104.358.5001 FAX: 305.358.3309

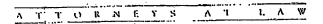
PROMENADE WIST, SUITE 115 880 WEST FREST STREET LOS ANGELES, CALIFORNIA 90012 TEL: 213.625,5992 FAX: 213.625,5993

www.Feldmant ide.com

February 17, 2005

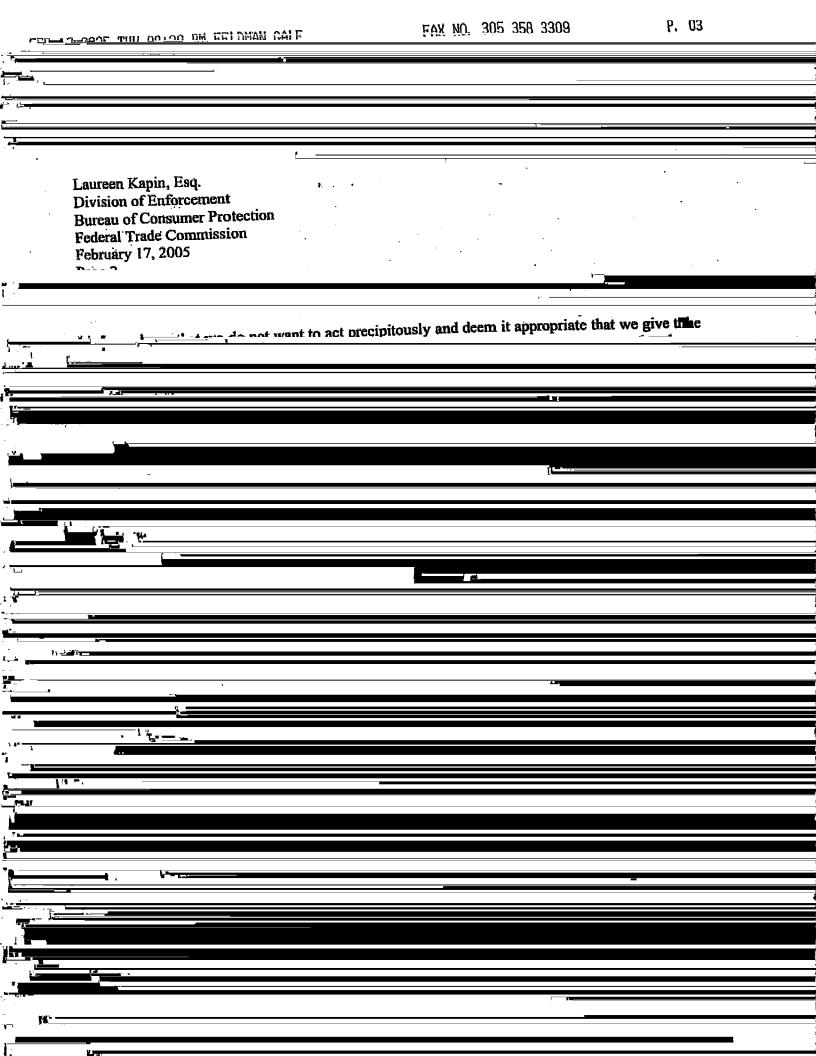
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Laureen Kapin, Esq.
Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission



REPLY TO: MIAMI OFFICE

1:-MAII: JFeldman@FeldmanGale.com

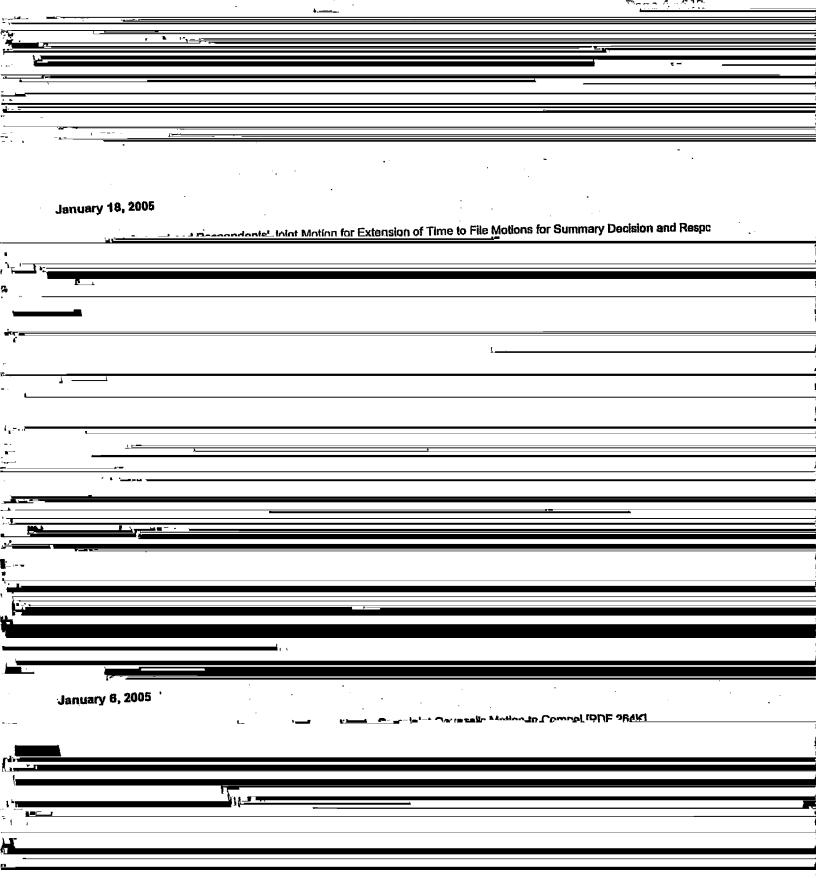


Laureen Kapin, Esq.
Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
February 17, 2005
Page 3

Tries ob Tit my request for the referenced computer files and emphasized

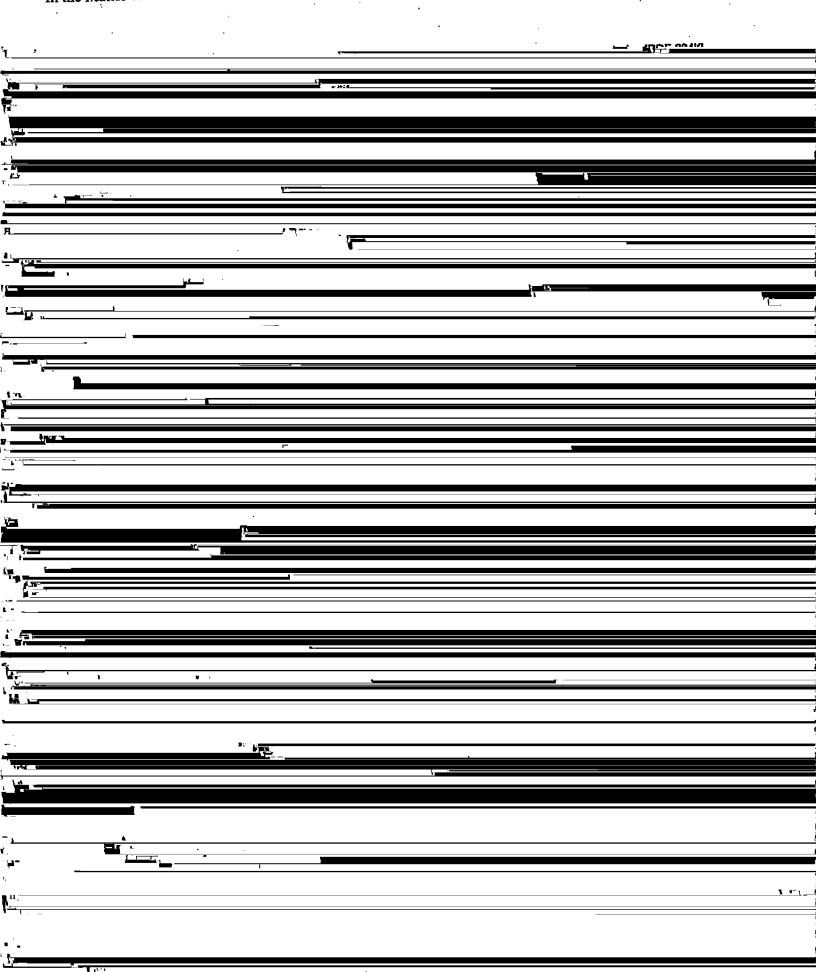
Page 2 OI 12

- Answer of Respondent Daniel B. Mowrey [PDF 483K]
- Answer of Respondent Mitchell K. Friedlander [PDF 488K]
- o Volume Two [PDF 31K]
  - Beeropes to Complaint Counsel's First Set of Interrogatories (PDF 1.23M)



Page 5 of 12

in the Matter of Easie Research



In the Matter of Panie Decearch

Pacin Passarrh's Motion to Compel Proper Privilege Log [PDF 1.87M]

November 24, 2004

- Complaint Counsel's Opposition to Basic Research's Motion to Compel [PDF 1.86M] Complaint Counsel's Supplemental Response to Basic Research's First Request for Admissions [PDF 122K]

November 23, 2004

1. Report of Daniel B. Mowrey, Ph.D., and for Com

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Order On Basic Resarch's Second Motion To Compel (PDF 11	8K)

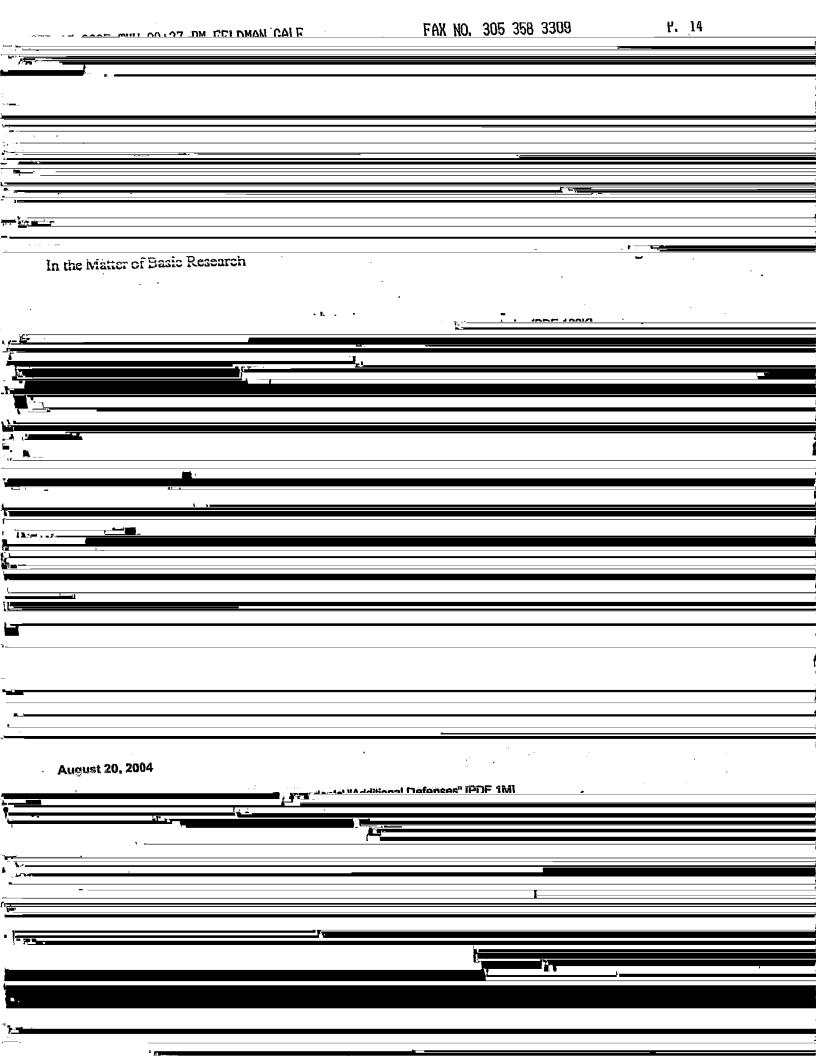
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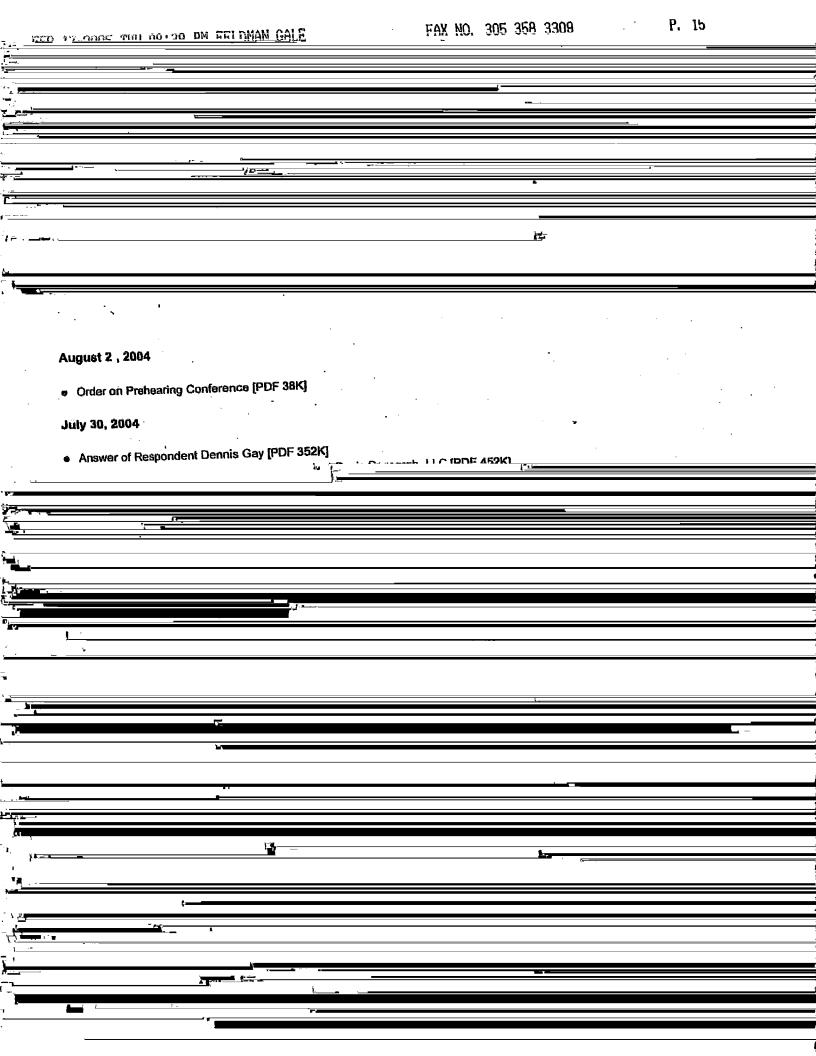
Complaint Counsel's Requests for Admissions [PDF 377K]

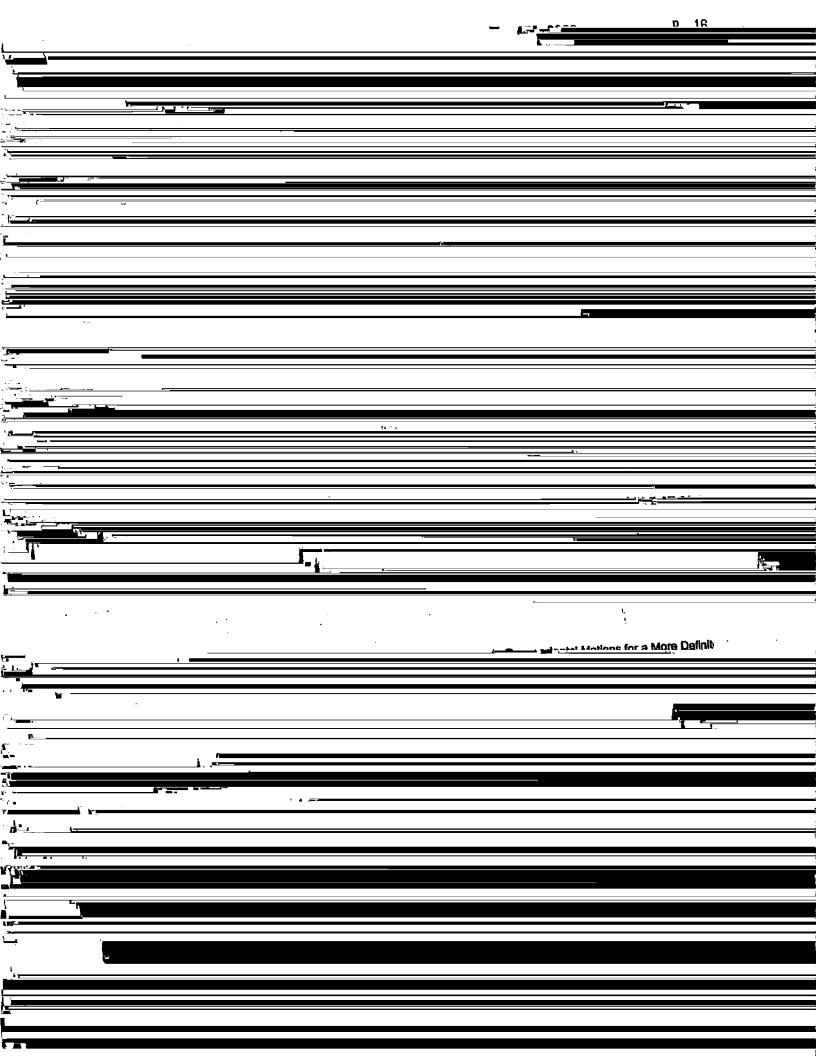
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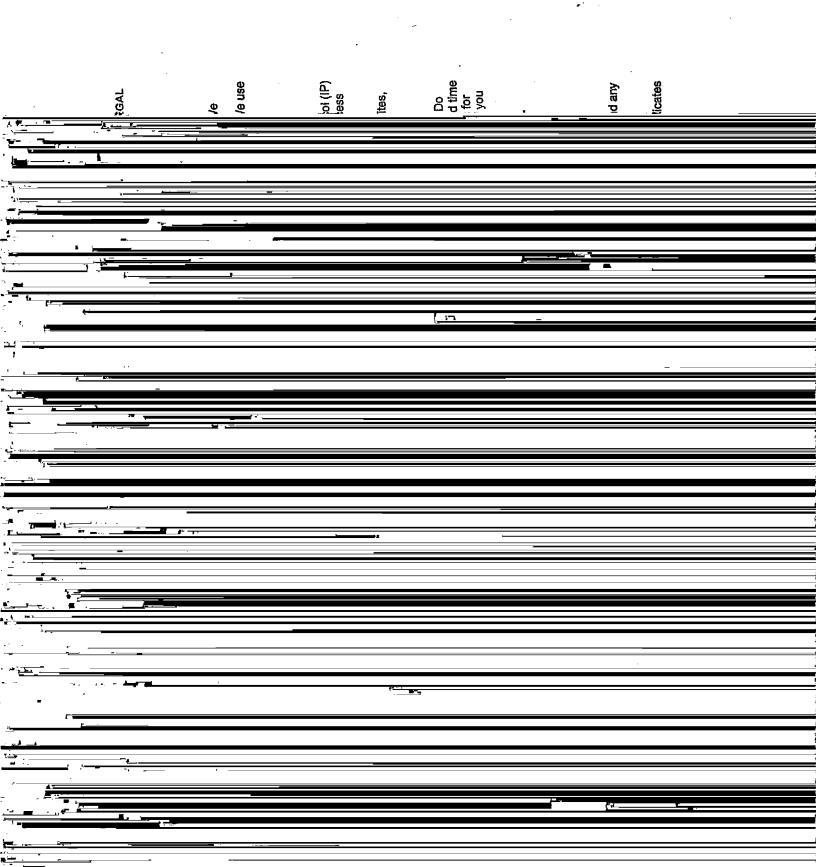


# FELDMANGALE

MIAMI CENTER, 19<sup>th</sup> Floor 201 South Biscayne Blvd, Miami, Florida 33131-4312 Tel. 305,358,5001

PROMENADE WEST, SUITE 315 880 WEST FIRST STREET LOB ANGELES, CALIFORNIA 90012 Tel.: 213.625,5992 FAX: 213.625,5993 E-MAIL: CDemetriades@FeldmanGale.com

#### EXHIBIT 2



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#### EXHIBIT 3



## UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION WASHINGTON, D.C. 20580

Bureau of Consumer Protection Division of Enforcement

> Laureen Kapin Senior Attorney

(202) 326-3237 February 18, 2005 Jeffrey D. Feldman FeldmanGale. P.A. Miami Center, 19th Floor 201 South Biscayne Blvd. Miami, FL 33141-4322 VIA EMAIL Basic Research LLC et al., Docket No. 9318 Re:

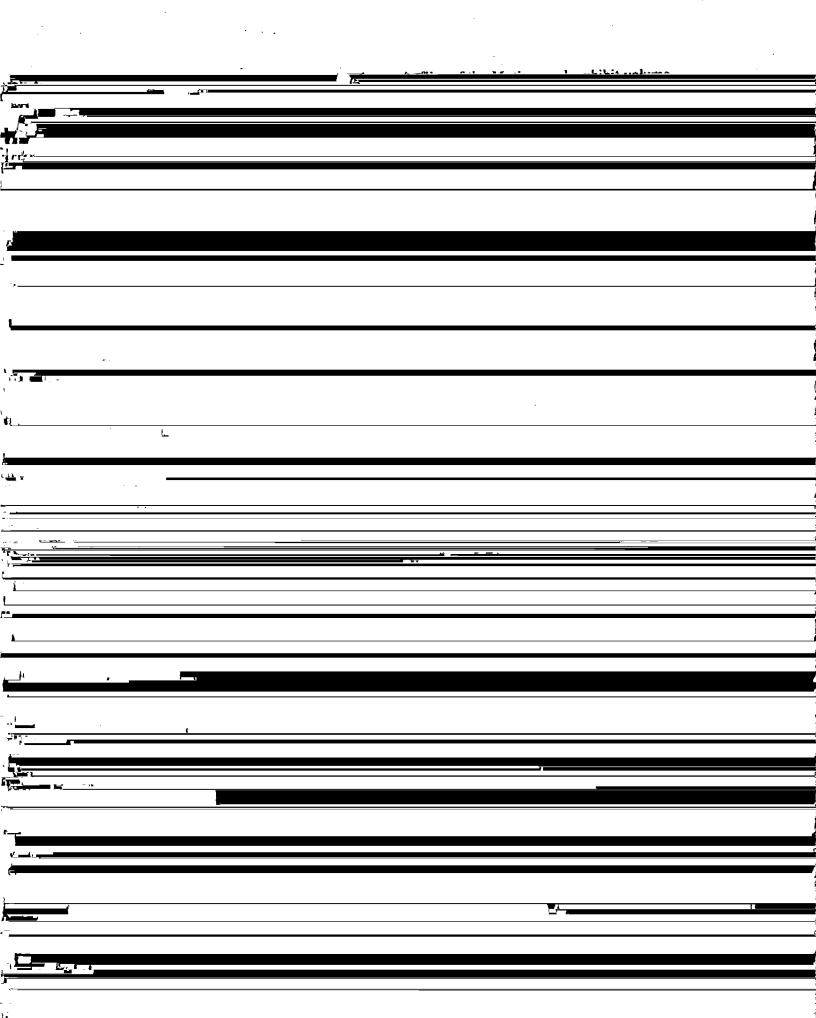
<u>-</u> ' '	Based on our inquiries, we have determined that the only non-public information posted on the
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## ATTACHMENT B

## <u>ATTACHMENT R</u>

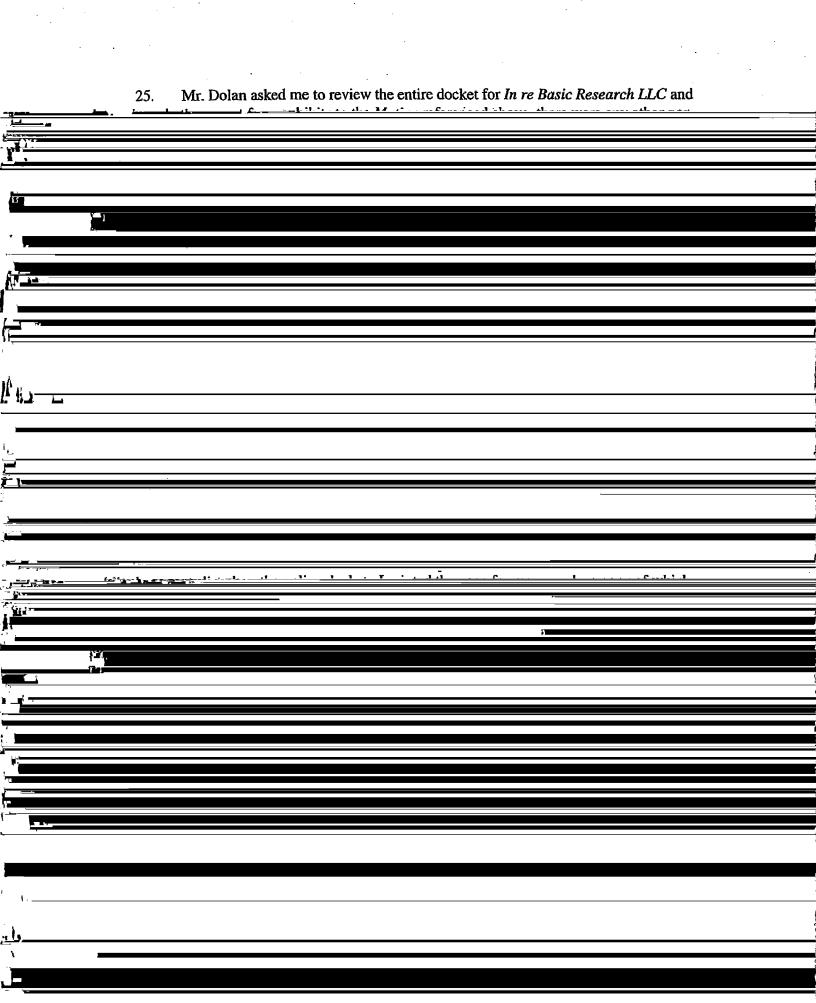
### DECLARATION OF JOSHUA S. MILLARD

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	14. Respondents' counsel did not contact me, or to my knowledge, anyone else at the
	FTC, regarding the emailing of the Motion and its exhibits, and the Statement, to the Secretary.
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	To my knowledge, they have not moved for in camera treatment of Motion exhibits designated as
	as "confidential" or "attorney eyes only" documents.
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	15. On February 7, 2005, five business days after the filing of Complaint Counsel's
	Motion and exhibits, and the Statement, each of which I had marked as "SUBJECT TO
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# **EXHIBIT 1**

#### CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January 2005, I caused Complaint Counsel's Motion for Partial Summary Decision to be served and filed:

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Washington, D.C. 2058

# EXHIBIT 2

# UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

MITCHELL K. FRIEDLANDI	ER,		
BAN, L.L.C., DENNIS GAY.	. )	SUBJECT TO PROTECTIVE ORDER	
- CC			
	-		
BASIC RESEARCH, L.L.C., A.G. WATERHOUSE, L.L.C., KLEIN-BECKER USA, L.L.C., NUTRASPORT, L.L.C.,	)	<u>, i pr</u> 60-0	
In the Matter of	)		

COMPLAINT COUNSEL'S MOTION FOR PARTIAL SUMMARY DECISION

## UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

	In the Matter of	)			
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-	A.G. WATERHOUSE, L.L.C.,	)	· · · · · · · · · · · · · · · · · · ·		·
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	SOVAGE DERMALOGIC LABORATORIES, L.L.C., BAN. L.L.C	)	Docket No. 9318  SUBJECT TO		* .
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### UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OF A DMINISTRATIVE LAW JUST DGES

In the Matter of  BASIC RESEARCH, L.L.C., A.G. WATERHOUSE, L.L.C.,  In the Matter of BASIC RESEARCH, L.L.C.,  A.G. WATERHOUSE, L.L.C.,  A.G. WATERHO				
	BASIC RESEARCH, L.L.C., A.G. WATERHOUSE, L.L.C	)		
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	FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES
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	KLEIN-BECKER USA, L.L.C.,  NUTRASPORT, L.L.C.,  )
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### INITED STATES OF AMERICA

### FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

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MITCHELL K. FRIEDLANDER, Respondents.	
MITCHELL K. FRIEDLANDER, Respondents.	TO COMPLAINT COUNSEL'S
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Volume Three Expert Reports

#### UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

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DANIEL B. MOWREY, and MITCHELL K. FRIEDLANDER.

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OFFICE OF ADMINISTRATIVE LAW HIDGES

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MITCHELL K. FRIEDLANDER,	)	
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## EXHIBITS TO COMPLAINT COUNSEL'S MOTION FOR PARTIAL SUMMARY DECISION

Volume Five Excerpts of Deposition Transcripts

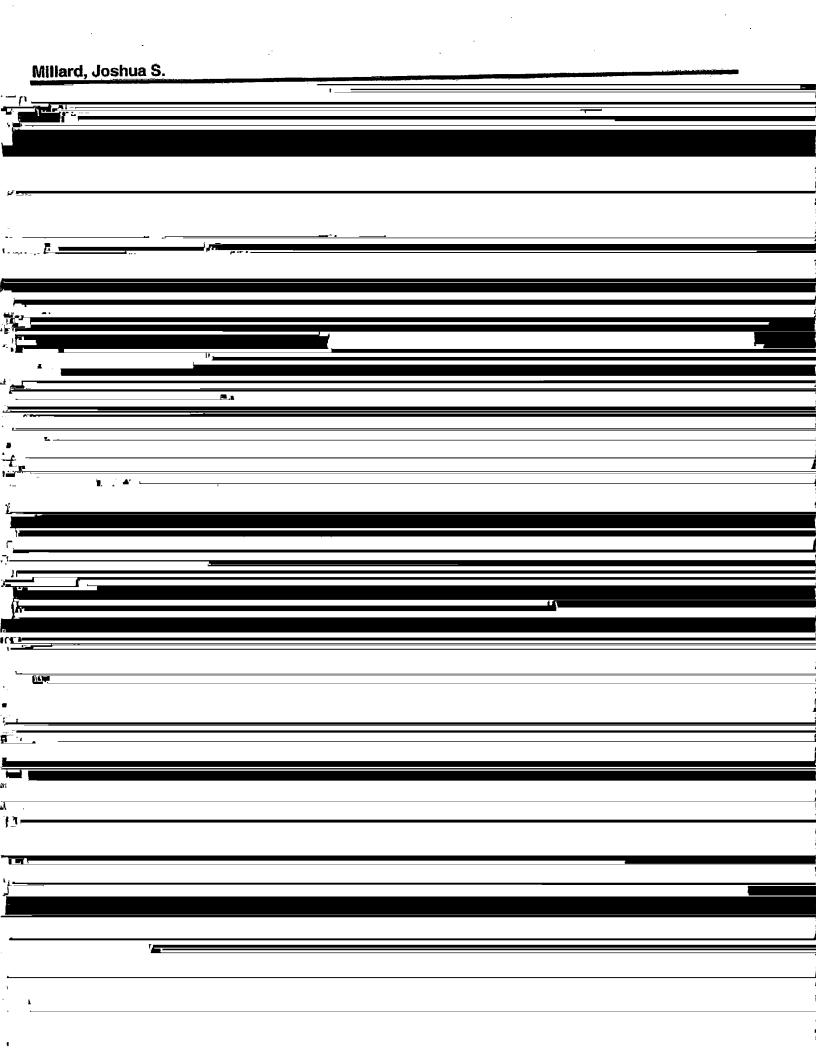
- 27. Meade Dep. (Dec. 10, 2004)
- 28. Mowrey Dep. (Jan. 13-14, 2005)
- 29. Sandberg Dep. (Dec. 28, 2004)

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OFFICE OF ADMINISTRATIVE LAW JUDGES  In the Matter of		· V =	
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EXHIBITS TO COMPLAINT COUNSEL'S MOTION FOR PARTIAL SHOWARY DECISION

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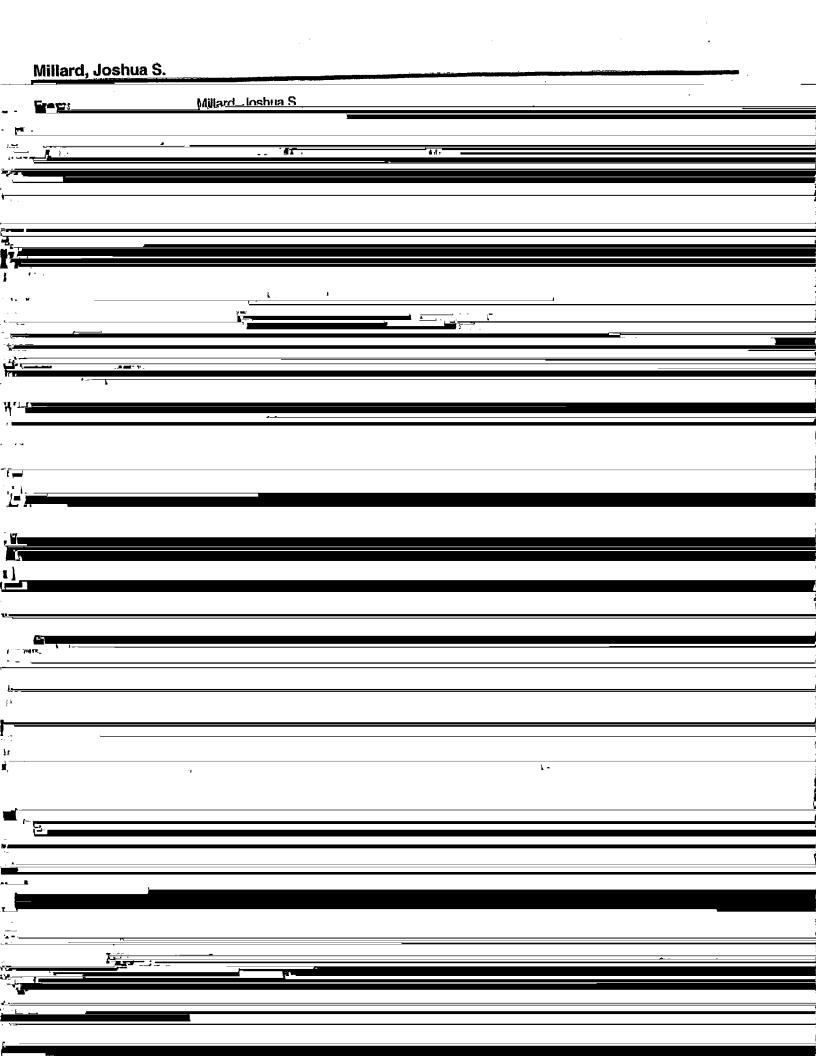


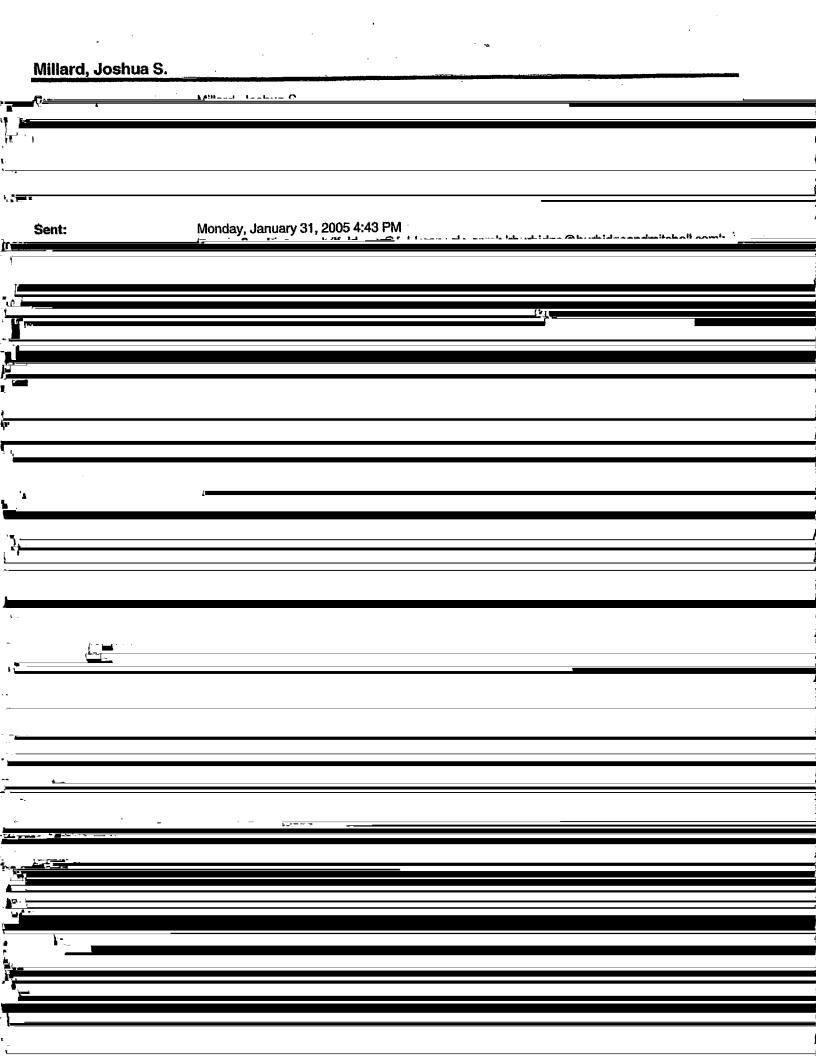
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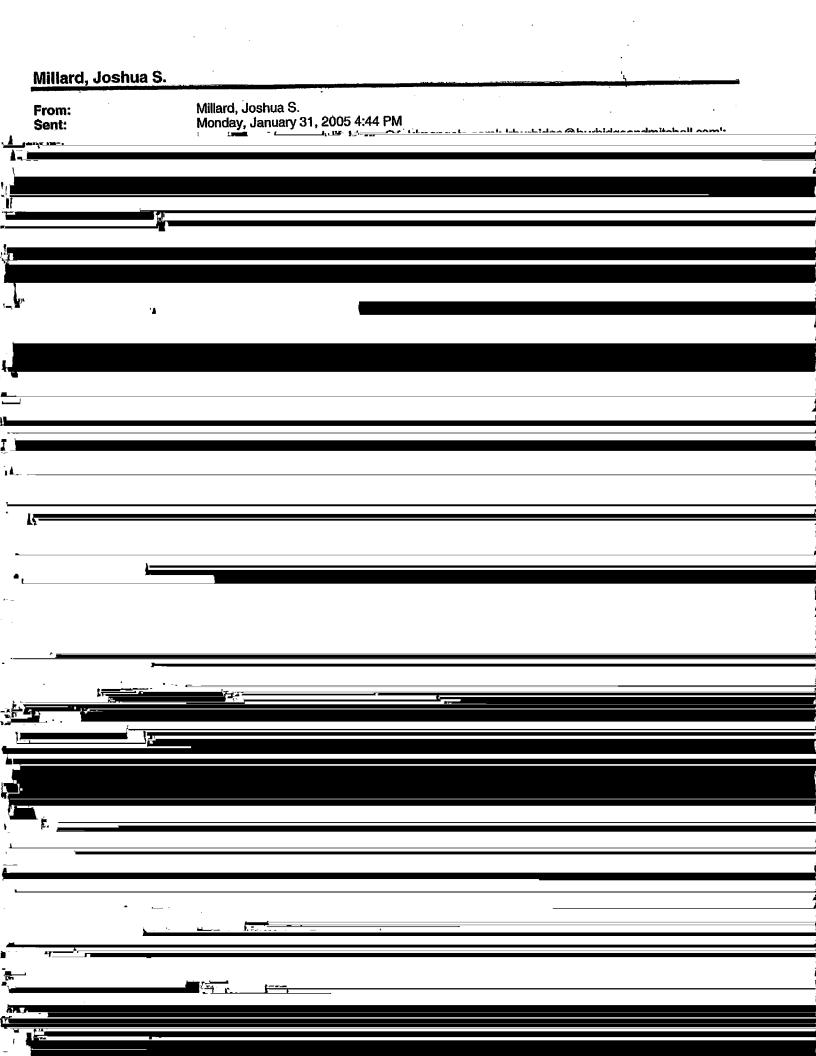
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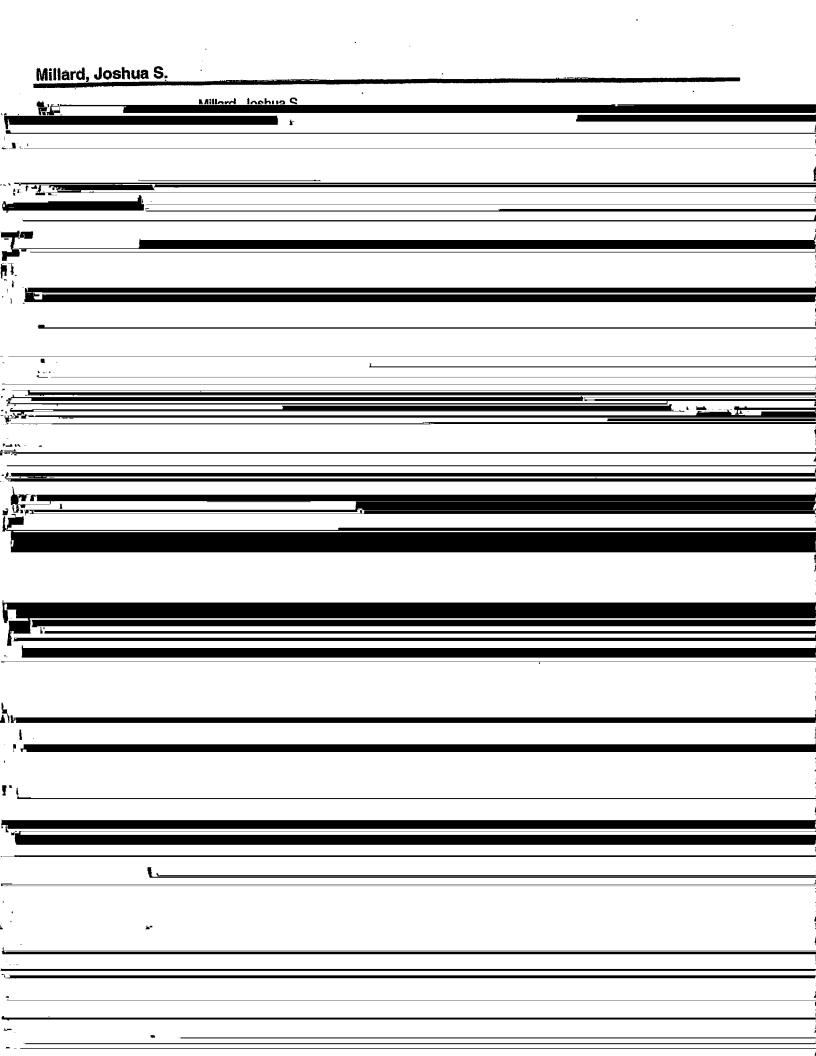


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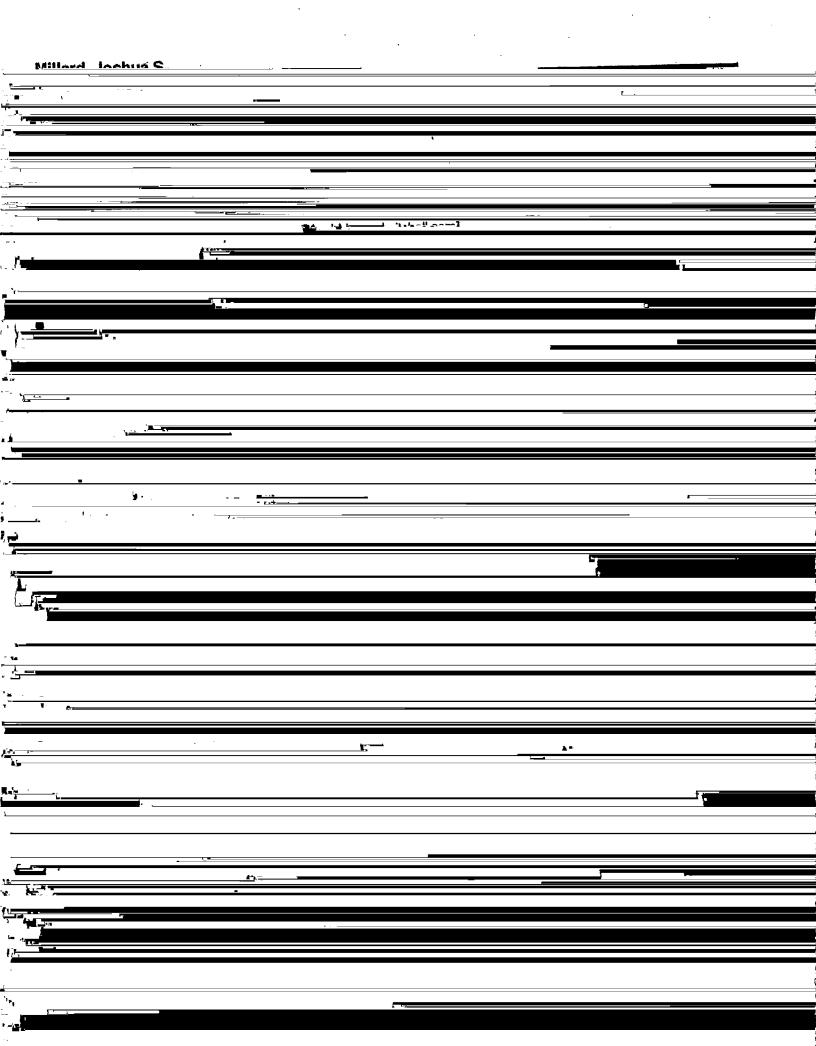
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### Millard, Joshua S. Millard, Joshua S. From: Monday, January 31, 2005 4:44 PM 'snagin@ngf-law.com'; 'jfeldman@feldmangale.com'; 'rburbidge@burbidgeandmitchell.com'; 'rfp@psplawyers.com'; 'mkf555@msn.com'; Secretary Kapin, Laureen; Gross III, Walter; Richardson, Robin M.; Schneider, Laura; Lewis, Leslie; Rodriguez, Edwin; Shapiro, Howard In re Basic Research, Docket No. 9318 Sent: To: Cc: Subject: Exhibit 42.pdf (10 MB) Volume Six - Ex. 42 Plana see the attached document. Complaint Counsel's Motion for Partial Summary Decision, with exhibits attached in

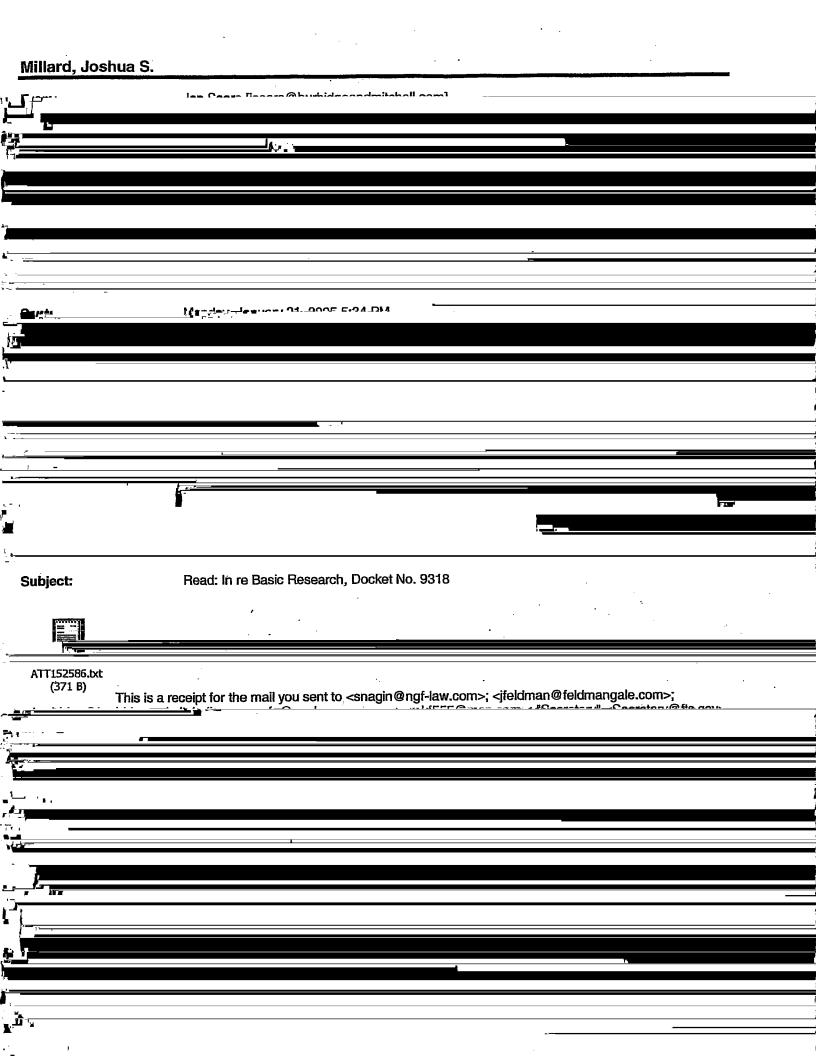


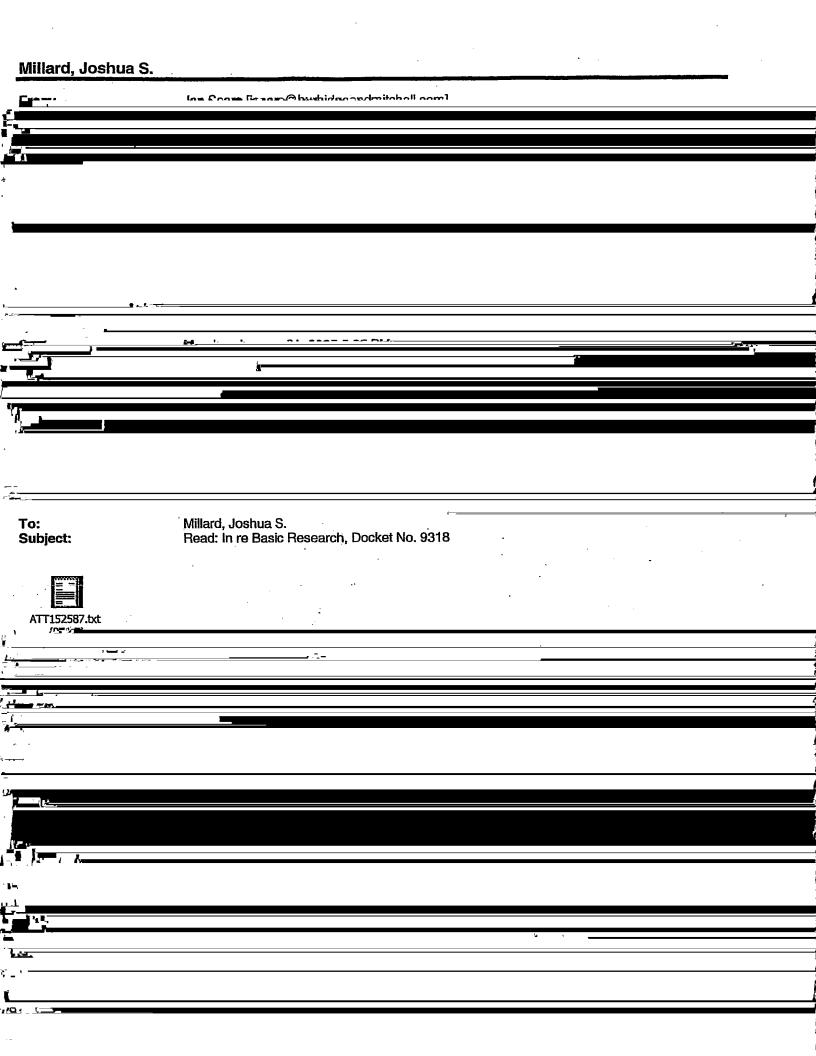
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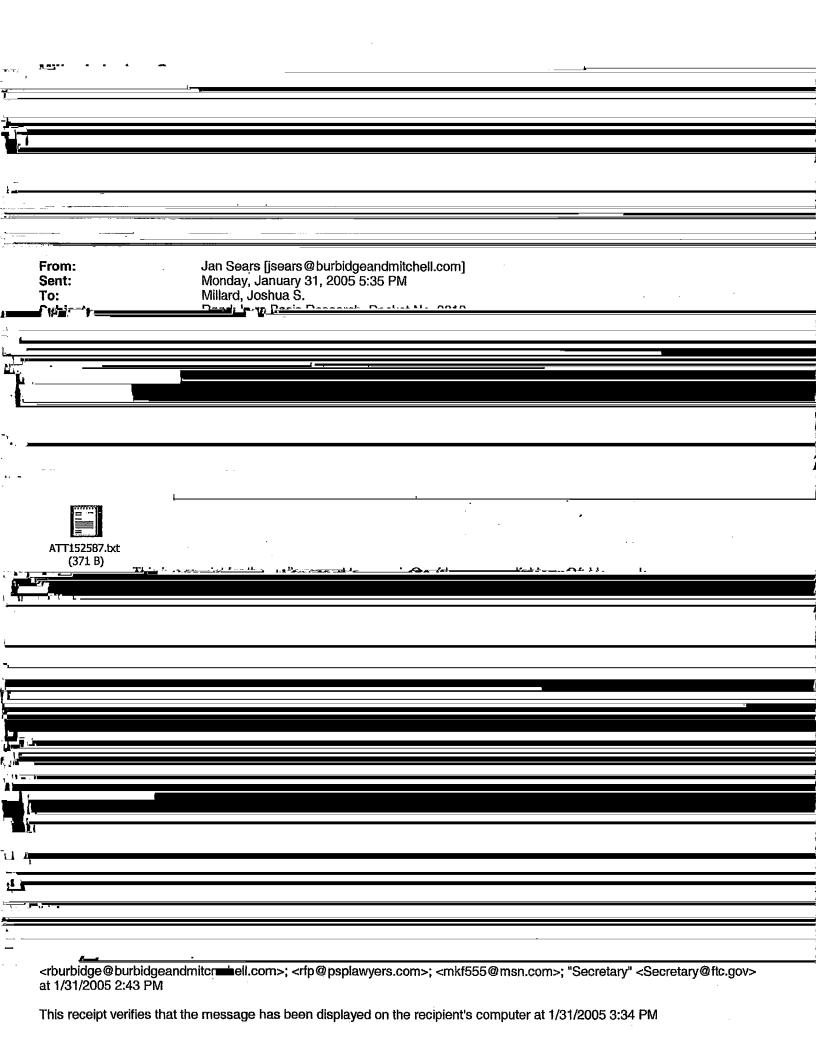


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### Millard, Joshua S.

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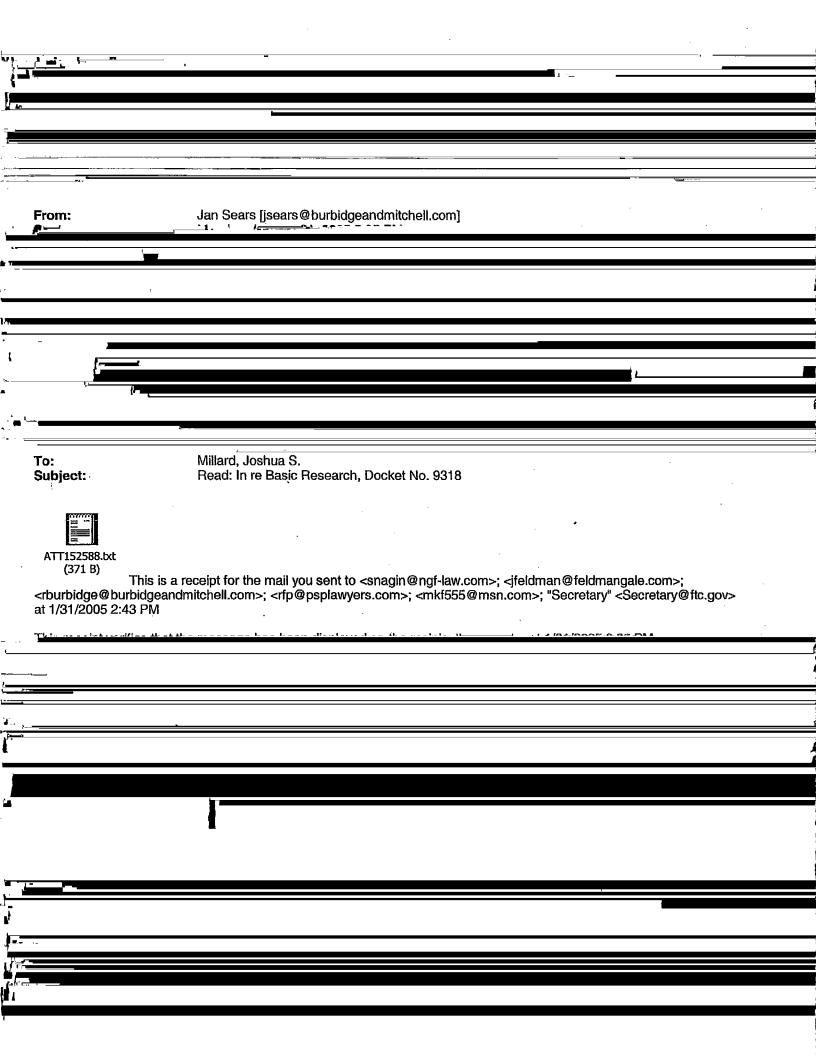
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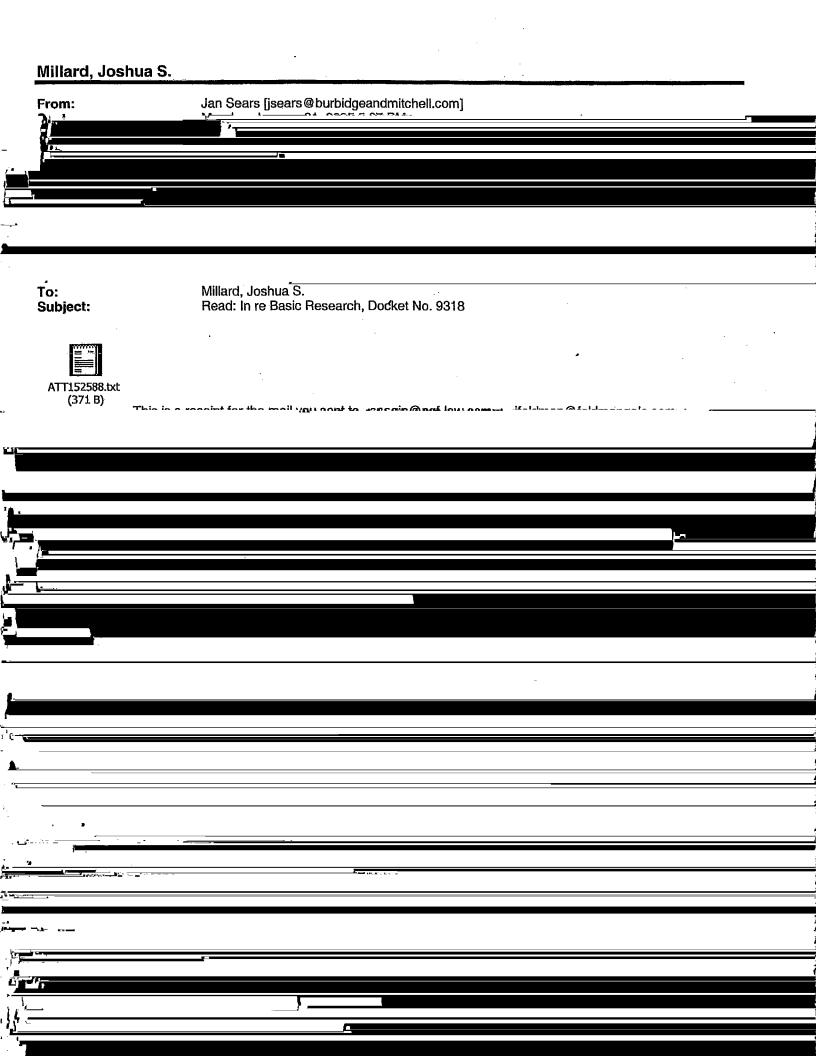


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### Millard, Joshua S. From: Jan Sears [jsears@burbidgeandmitchell.com] Monday, January 31, 2005 5:37 PM Millard, Joshua S. Sent: To: Subject: Read: In re Basic Research, Docket No. 9318 ATT152589.bxt (371 B) This is a receipt for the mail you sent to <snagin@ngf-law.com>; <jfeldman@feldmangale.com>; at 1/31/2005 2:43 PM

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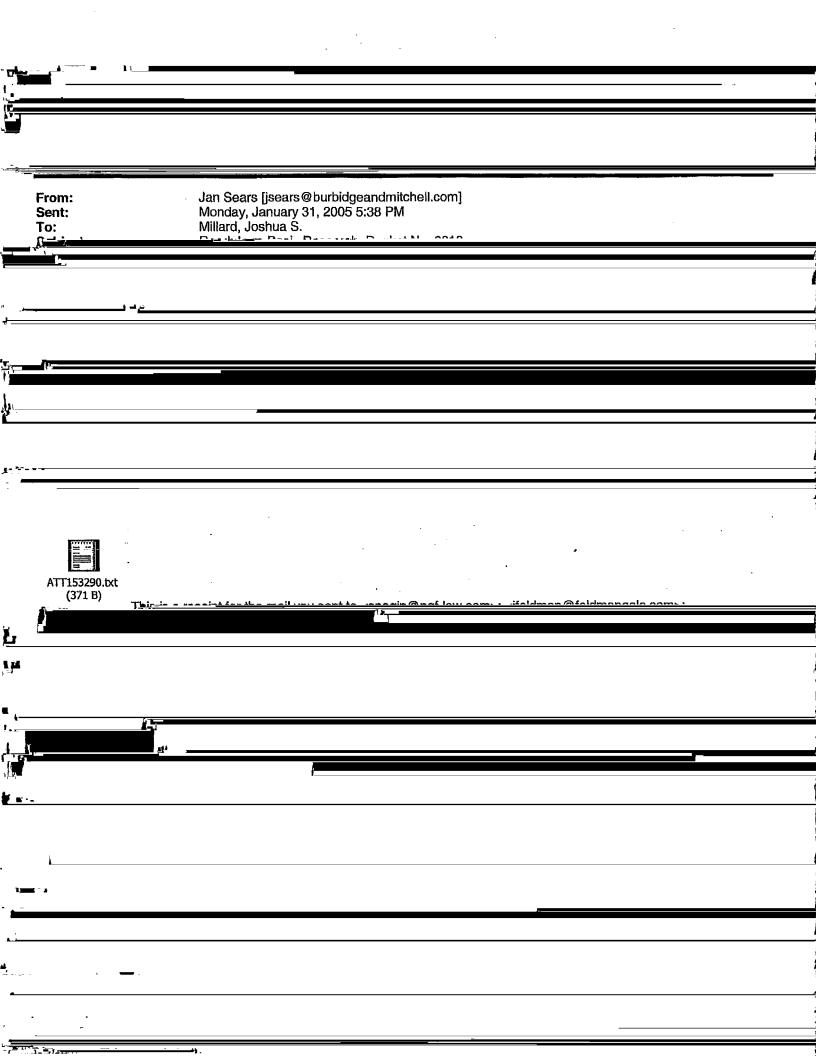
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## Millard, Joshua S. Jan Sears [jsears@burbidgeandmitchell.com] Monday, January 31, 2005 5:39 PM Millard, Joshua S. From: Sent: To: Į. (371 B) 1

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	Josh: I did not get your emails ur the time we recieve. I am	ntil well after 5:00 pm. I do not know if service is complete at the time you press the button or at just letting you know, I did not get some of your emails until after 9 pm.	
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Our service was not late. We emailed our MSD---including all exhibits---before 5pm EST.

	Please see the attached document, Complaint Counsel's Motion for Partial Summary Decision, with exhibits attached in separate electronic files, submitted today for filing in In re Basic Research LLC, et al., Docket No. 9318. I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original, and that a paper
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## Millard, Joshua S. MKF555 [mkf555@msn.com] Tuesday, February 01, 2005 2:05 PM Millard, Joshua S. From: Sent: To: Read: In re Basic Research, Docket No. 9318 Subject: ATT165737.bxt (371 B)

### Millard, Joshua S.

From:

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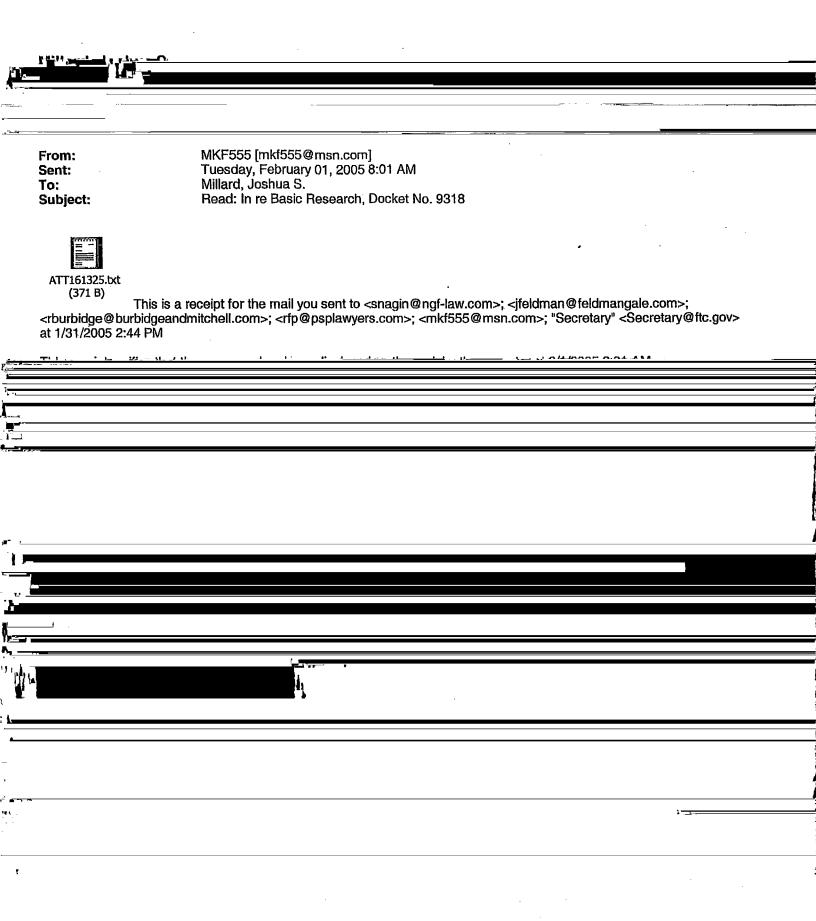
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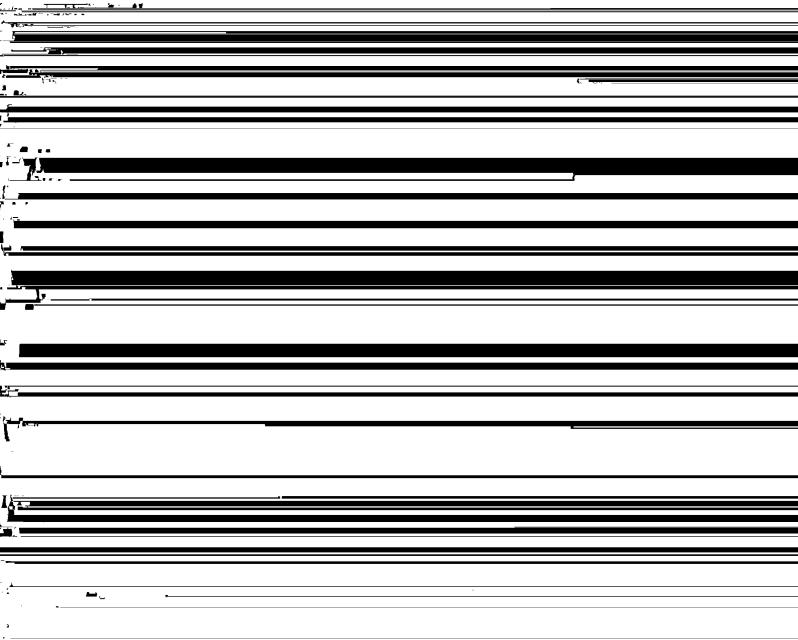
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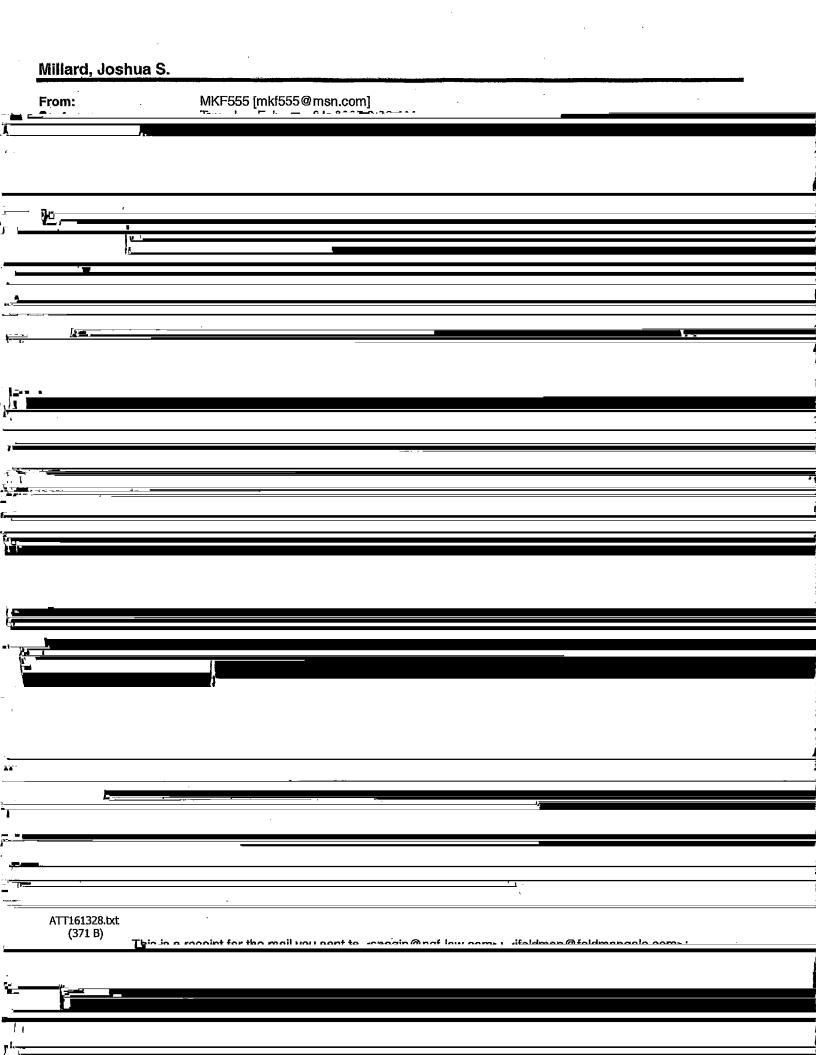
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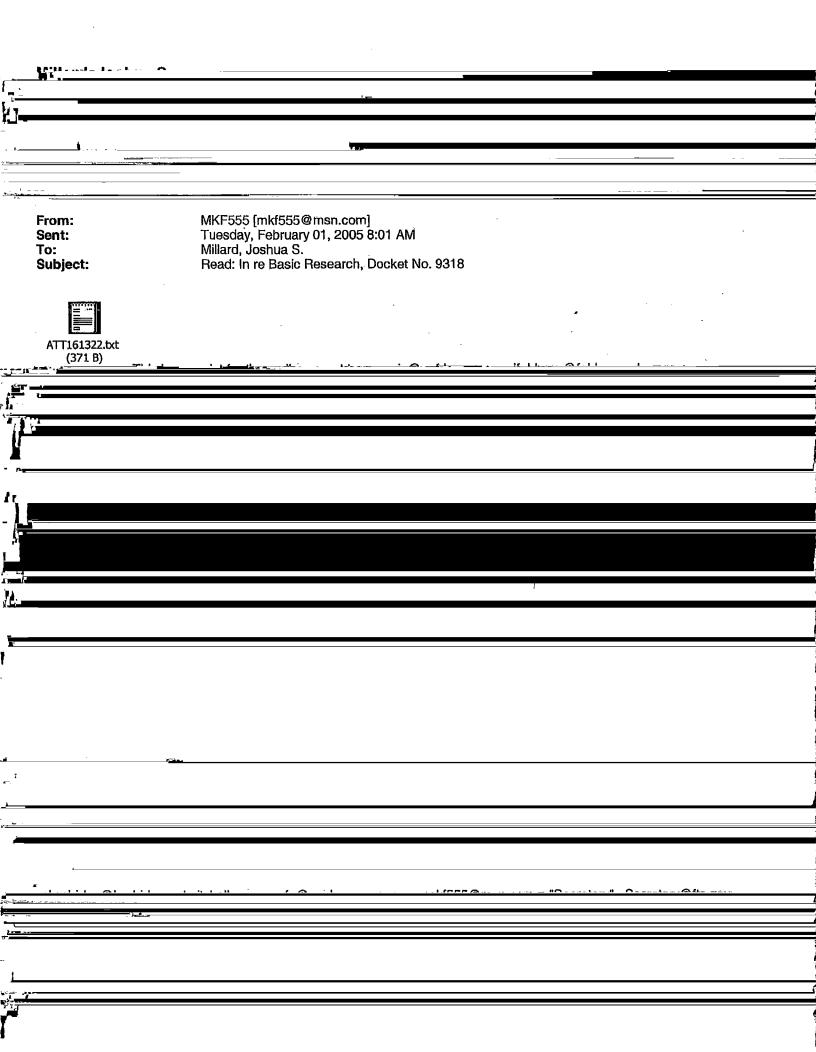
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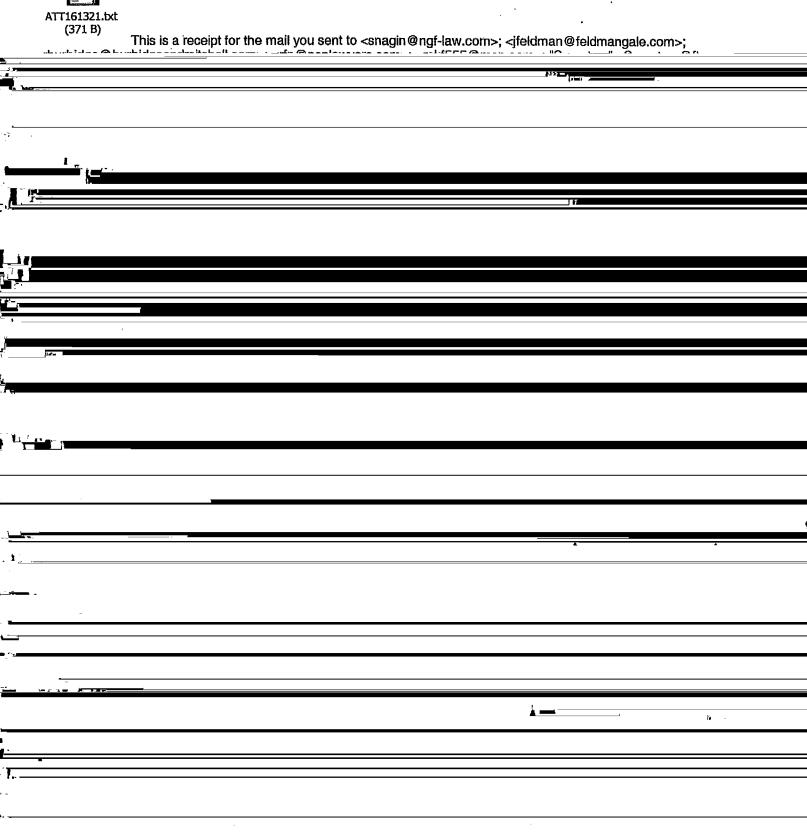
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# Millard, Joshua S. MKF555 [mkf555@msn.com] Tuesday, February 01, 2005 7:59 AM Millard, Joshua S. Read: In re Basic Research, Docket No. 9318 From: Sent: To: Subject: ATT161317.txt (371 B)

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Tuesday, February 01, 2005 7:59 AM

Subject:

Read: In re Basic Research, Docket No. 9318



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# **EXHIBIT 5**

#### UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of	ý ·	
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DENNIS GAY, DANIEL B. MOWREY, and	).	
MITCHELL K. FRIEDLANDER,	ý	
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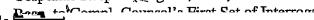
### FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

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## EXHIBITS TO COMPLAINT COUNSEL'S MOTION FOR PARTIAL SUMMARY DECISION

Volume Two

11. Resp. to Compl. Counsel's First Set of Interrogs., Corporate Resp'ts (Aug. 16, 2004)



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EXHIBITS TO COMPLAINT COUNSEL'S

#### UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

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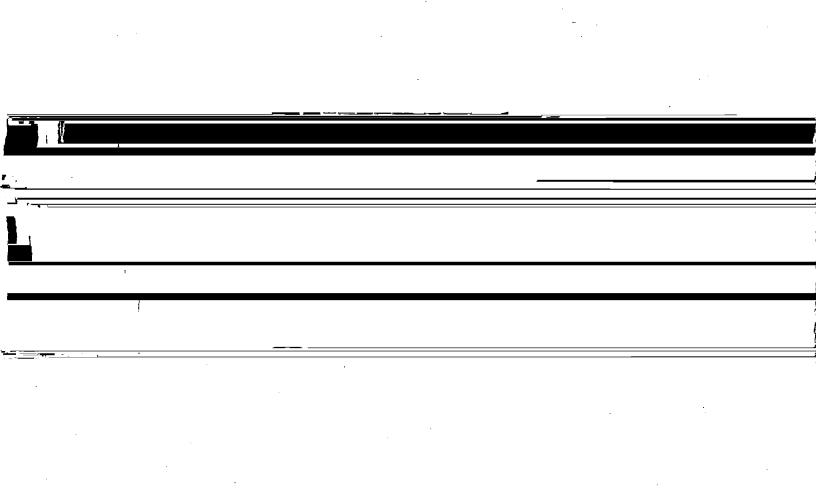
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#### FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

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Additional Documents<sup>1</sup>

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Millard, Joshua S.

Monday, February 07, 2005 4:35 PM

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Kapin, Laureen; Gross III, Walter; Richardson, Robin M.; Schneider, Laura; Lewis, Leslie;

Rodriguez, Edwin; Shapiro, Howard Subject:

In re Basic Research, Docket No. 9318

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Exhibit 32.pdf (4 Exhibit 33.pdf (2 Exhibit 34.pdf (963 Exhibit 35.pdf (4 MB) MB) MB)

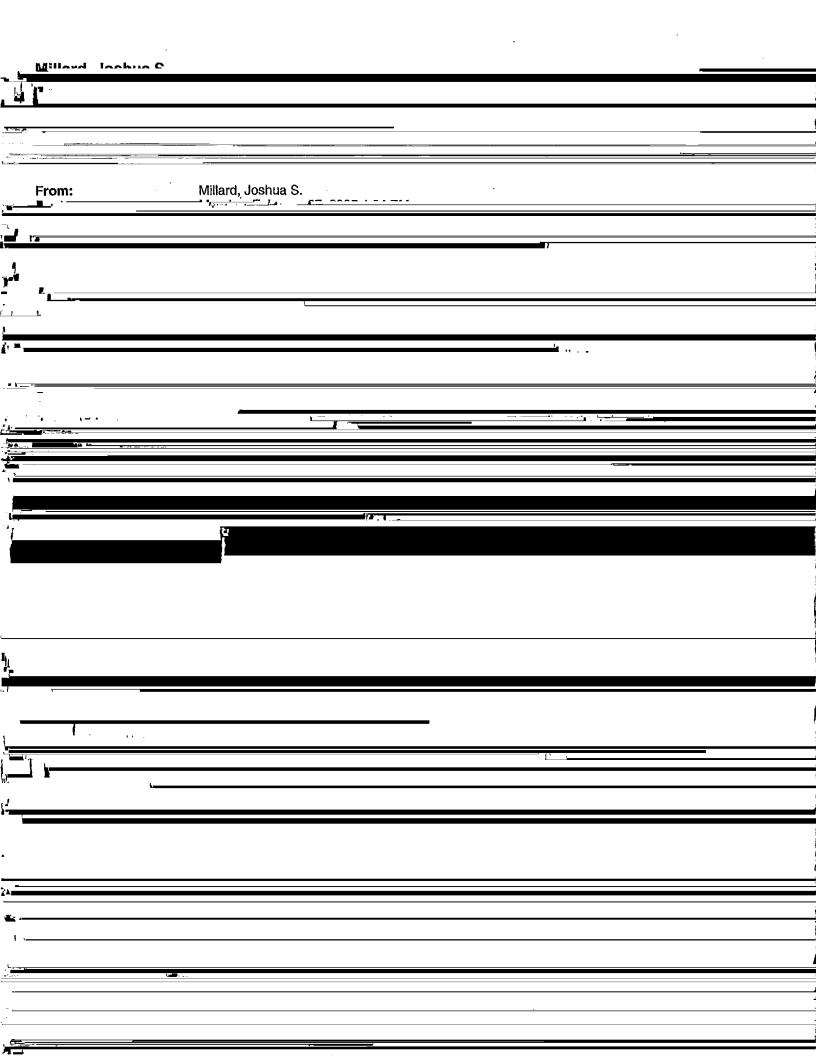
volume 6 - Exs. 32 thru 35

Please see the attached document, the Public Version of Complaint Counsel's Motion for Partial Summary Decision, with exhibits attached in separate electronic files, submitted today for filing in In re Basic Research LLC, et al., Docket No.

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## EXHIBIT 7

# Basic Research

Docket No. 9318

Lists, Witness Lists, Deposition Designations, and to File Motlons

e Oppositions to Pending Motions for Summary Decision [PDF

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Let of Interrogatories [PDF 507K]
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Respondents' First Set of Interrogatories [PDF 151K]
Respondents' First Set of Interrogatories [PDF 2.18M]
First Request for Admissions [PDF 717K]
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Unopposed Amended Motion to Extend Time to File Response To Complaint Counsel's Motion to Compel [PDF

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Jnopposed Motion to Extend Time to File Response to Complaint Counsel's Motion to Compel [PDF 111K]

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insel's Unopposed Motion for Extension of Time To File a More Complete Privilege Log [PDF 138K]

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unsel's Motion to Compel Production of Respondents' Testifying Expert Lawrence Solan's Document [PDF 1.71M] unsel's Motion to Compel Production of Documentary Materials And Answers to Interrogatories [PDF 264K]

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plaint Counsel's Second Motion for Protective Order [PDF 492K]

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unsel's Motion to Compel Respondents' Production of Privilege Logs That Comply with Rule of Practice 3.38A (PDF

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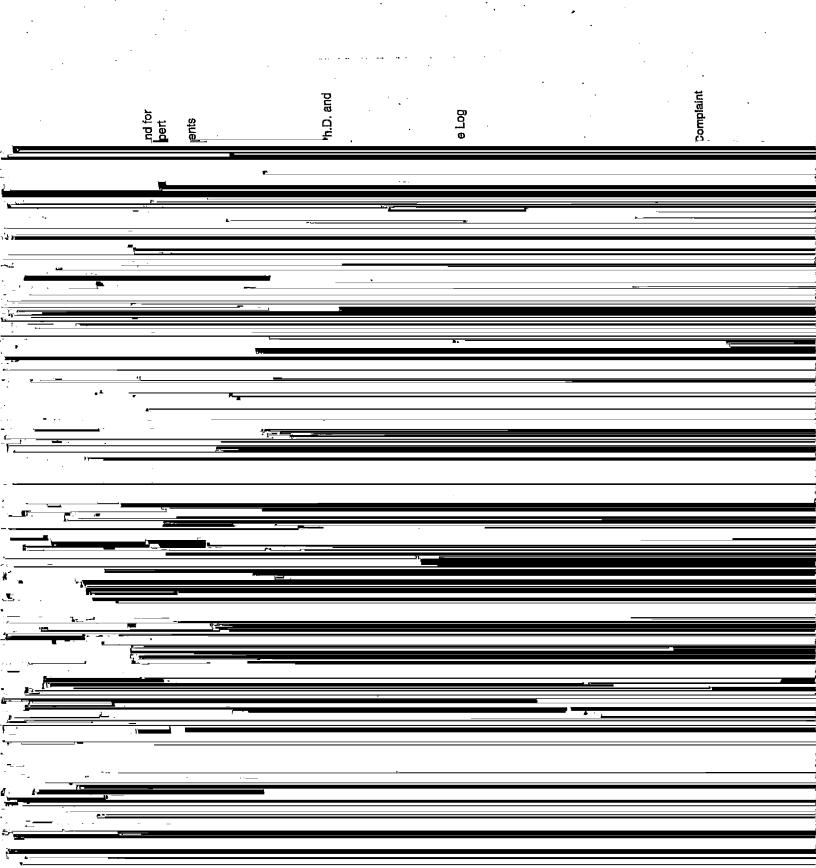
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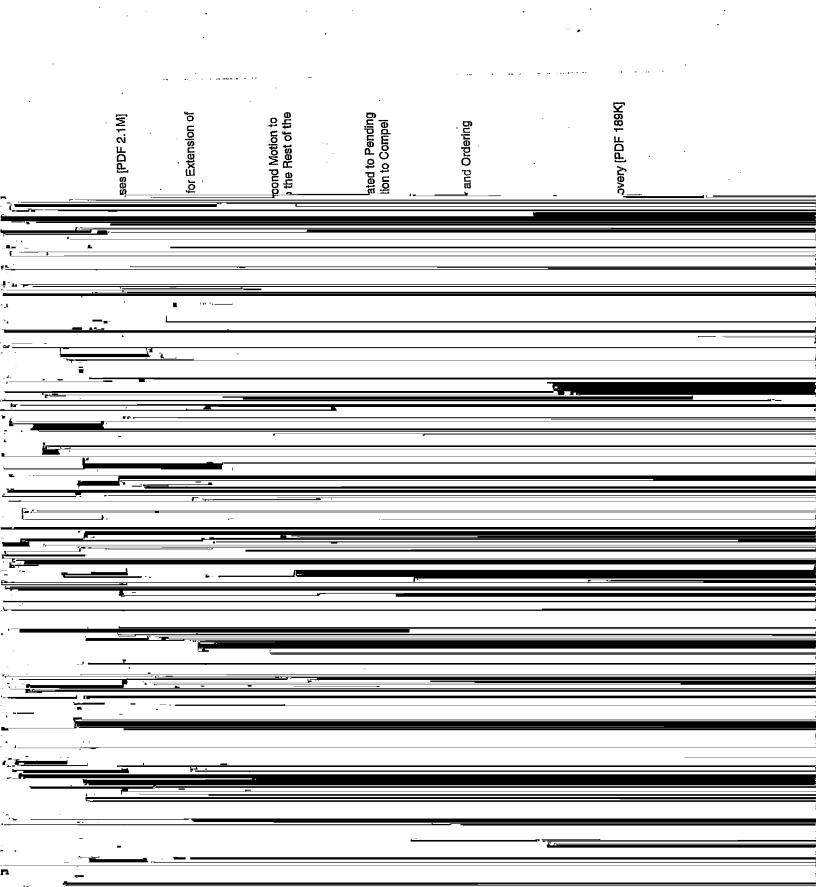
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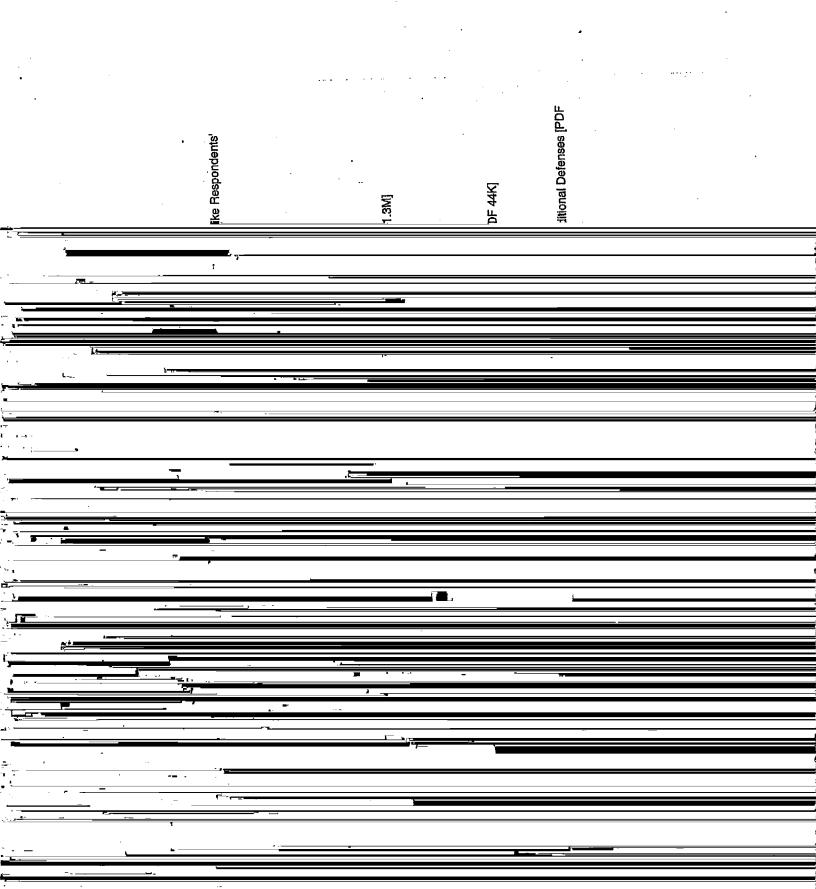
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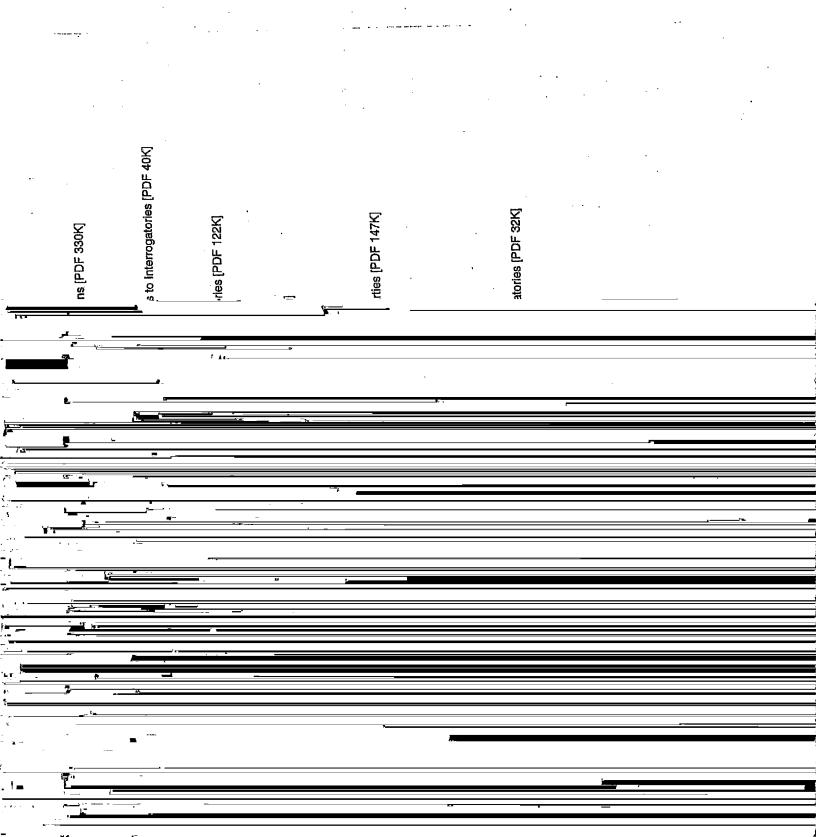


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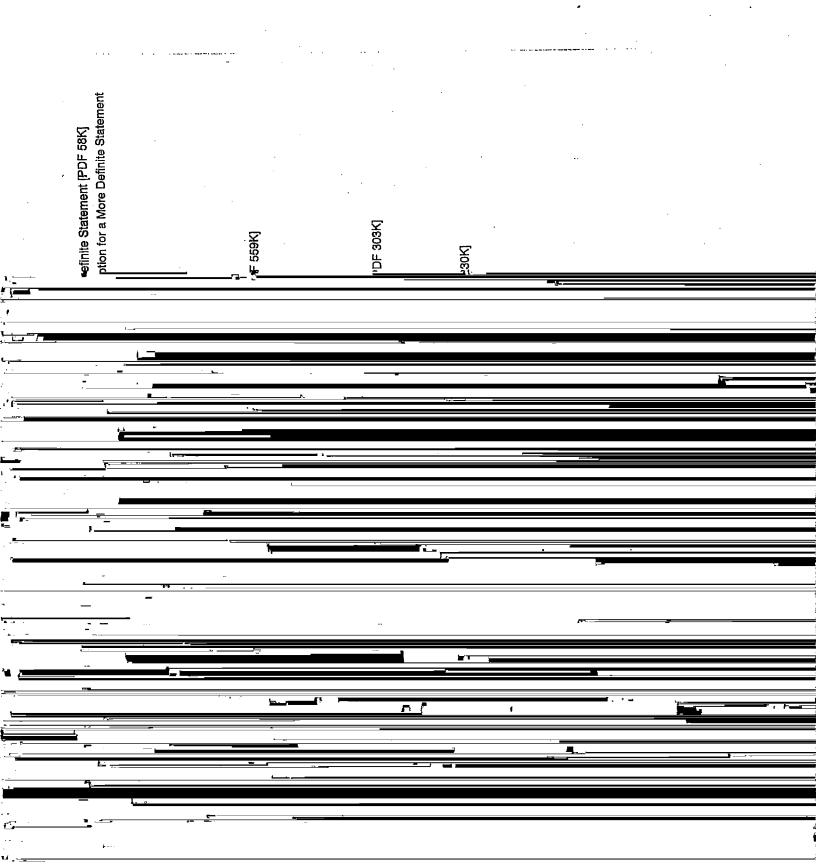
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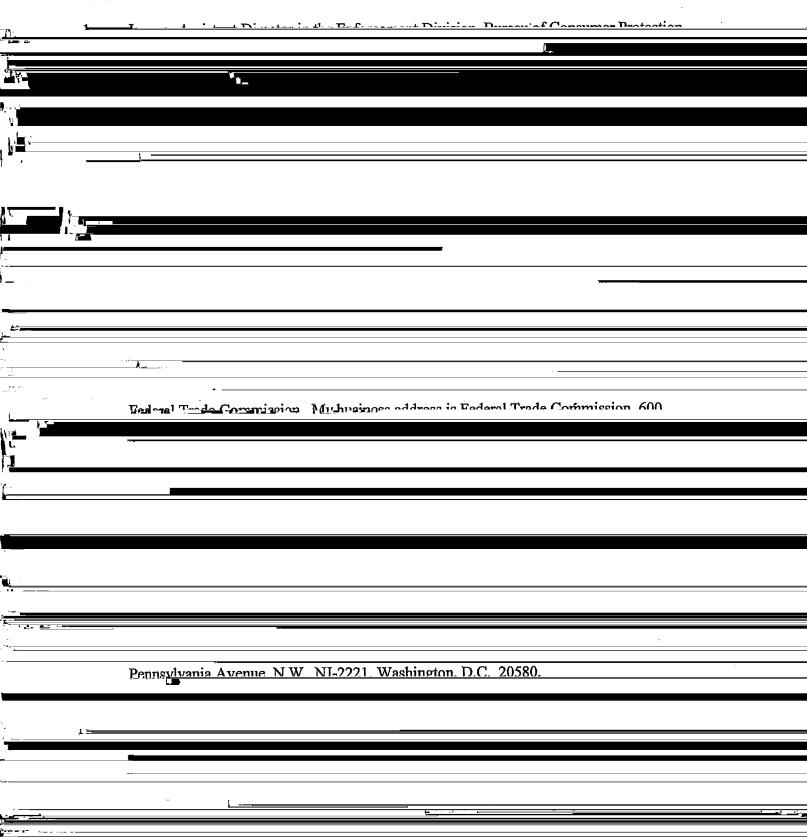
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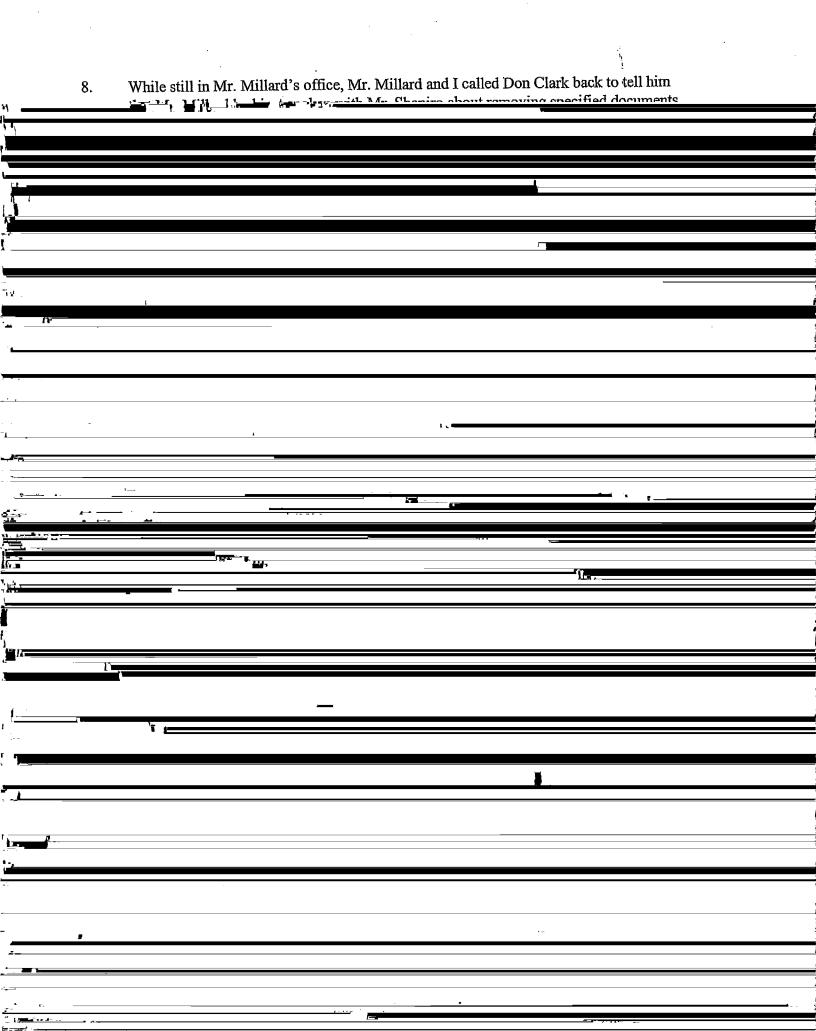
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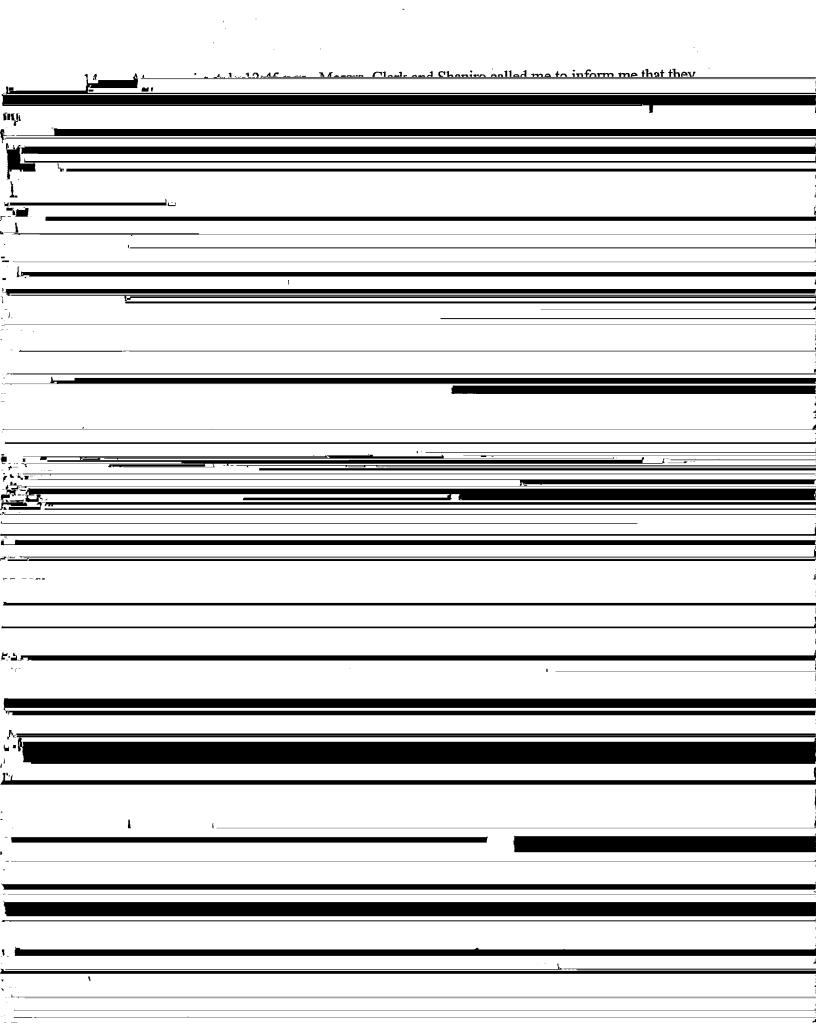
## ATTACHMENT C

Declaration of James Reilly Dolan

I, JAMES REILLY DOLAN, hereby declare:







#### CERTIFICATE OF SERVICE

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