

FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



assist the trier of fact, are reliable and credible, and meet the standards for admissibility under the Federal Rules of Evidence, applicable court precedent, and the Commission's Rules of Practice. Opposition at 2-3.

Although Respondents titled their motions as "Motions to Strike Expert Report," the

235 F.2d 344, 346 (2nd Cir. 1956) (“[I]t is doubtful whether test reports, when testified to by a person supervising and participating in them are hearsay.”). See also *United States v. Lindemann*, 85 F.3d 1232, 1238 (7th Cir. 1996) (“The basis for excluding hearsay evidence is the

inability of the declarant to be subjected to cross-examination on

the basis of the declarant's inability to be subjected to cross-examination, presentation of contrary evidence, and

that Number 2's opinion constitutes extrinsic evidence of how Respondents' ads might reasonably

be interpreted by consumers. Opposition at 22