| NAME OF THE ACCOUNT O | | UNITED STATES OF AMER FEDERAL TRADE COMMISS | |
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| In the Matter of BASIC RESEARCH, LLC A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC OLD BASIC RESEARCH LLC BASIC RESEARCH, L.G. KLEIN-BECKER USA, NUTRA SPORT, and KLEIN-BECKER USA, NUTRA SPORT, and | | | |
| In the Matter of BASIC RESEARCH, LLC A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC OLD BASIC RESEARCH LLC BASIC RESEARCH, L.G. KLEIN-BECKER USA, NUTRA SPORT, and KLEIN-BECKER USA, NUTRA SPORT, and | | | |
| In the Matter of BASIC RESEARCH, LLC KLEIN-BECKER USA, LLC OUD BASIC RESEARCH LLC BASIC RESEARCH, LLC BASIC RESEARCH, A.G. WATERHOUSE KLEIN-BECKER USA, NUTRA SPORT, and KLEIN-BECKER USA, NUTRA SPORT, and | _ | | |
| In the Matter of BASIC RESEARCH, LLC A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC OLD BASIC RESEARCH LLC BASIC RESEARCH, L.G. KLEIN-BECKER USA, NUTRA SPORT, and KLEIN-BECKER USA, NUTRA SPORT, and | | | |
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| In the Matter of BASIC RESEARCH, LLC KLEIN-BECKER USA, LLC OLD BASIC RESEARCH, LLC BASIC RESEARCH, L,C BASIC RESEARCH, A.G, WATERHOUSE. | | | |
| BASIC RESEARCH, LLC A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC SOVAGE DERMALOGIC LABORATORIES, LLC BASIC RESEARCH, LLC DASIC RESEARCH, LLC BASIC RESEARCH, A.G. WATERHOUSE. KLEIN-BECKER USA, NUTRA SPORT, and WHEN BECKER USA, NUTRA SPORT, AND WHEN BECKER USA, WATERHOUSE, AND WHEN BECKER | | WASHINGTON, D.C. | DEBAL TRADE COMM |
| BASIC RESEARCH, LLC A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC SOVAGE DERMALOGIC LABORATORIES, LLC BASIC RESEARCH, LLC DASIC RESEARCH, LLC BASIC RESEARCH, A.G. WATERHOUSE. KLEIN-BECKER USA, NUTRA SPORT, and WHEN BECKER USA, NUTRA SPORT, AND WHEN BECKER USA, WATERHOUSE, AND WHEN BECKER | | | CALOC RECEIVED DOCUMENTS SO |
| A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC NUTRASPORT, LLC BANILC dh/a BASIC RESEARCH LLC OLD BASIC RESEARCH, LLC BASIC RESEARCH, A.G. WATERHOUSE. | | In the Matter of | JAN 6 2006 |
| A AG. WABECKER USA, LLC KLEIN-BECKER USA, LLC BANILC d/b/a BASIC RESEARCH, LLC DASIC RESEARCH, A.G. WATERHOUSE. KLEIN-BECKER USA, NUTRA SPORT, and WHEN DESCRIPTION OF THE DESCRIPT | | | SECRETARY |
| NUTRASPORT, LLC SOVAGE DERMALOGIC LABORATORIES, LLC BAN LLC db/a BASIC RESEARCH, LLC DASIC RESEARCH, A.G. WATERHOUSE KLEIN-BECKER USA, NUTRA SPORT, and | | | |
| BAN LLC d/b/a BASIC RESEARCH LLC OLD BASIC RESEARCH, A.G. WATERHOUSE KLEIN-BECKER USA, NUTRA SPORT, and | | NUTRASPORT, LLC | |
| OLD BASIC RESEARCH, LLC BASIC RESEARCH. A.G. WATERHOUSE KLEIN-BECKER USA, NUTRA SPORT, and | | SOVAGE DERMALOGIC LABORATORIES, LLC | PUBLIC |
| BASIC RESEARCH. A.G. WATERHOUSE | | | |
| KLEIN-BECKER USA, NUTRA SPORT, and | | | |
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| | have consistently recognized that administrative agencies' ability to take official notice is |
| | even broader than the court's ability to take judicial notice. ¹ |
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upon a timely motion. 16 C.F.R. § 3.43(d). The standard of official notice is parallel to that

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Accordingly, Federal Trade Commission ALJs, as well as the Commission itself, have

frequently taken official notice of facts in order to relieve the parties engaged in

administrative advertises a file desta a second from the state of the second second second second second second

In light of existing precedent, Respondents seek to have his Honor take official notice

of the following government agency publications, studies, and guidelines:

- Remarks of Mary L. Azcuenaga Commissioner, Before the International Congress of Advertising and Free Market, "Freedom: XXI Century; The Century of The Consumer" (May 1 I, 1995) (exhibit 16 in support of Motion for Partial Summary Decision and Separate Statement of Undisputed Fact - to instant case *FTC v. Basic Research* - 9318) (RX-001).
- 2. FTC Notice of Potential Illegal Marketing of Products that Claim to Cause Weight-

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| <u> </u> | Stress-Related Hormone Cortisol (Oct. 1, 2004) (RX-003). | , |
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- 13. Hearing Transcript of FTC Deception in Weight Loss Advertising : A workshop Note FTC 4917 defines "substantial weight loss as 1 lb./day (RX-017).
- 14. FTC's Advertising Policies, Frequently Asked Advertising Questions: Answers for Small Businesses (FTC Brochure 2004) (RX-018).
- 15. FTC Targets Products Claiming to Affect the Stress Hormone Cortisol (RX-023).

| 2 | 16 FTC'e Depict of Annil 16 2002. Dotition for Derlanding El-1 - 1-1-16. ETL. D. |
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17. FTC's Denial of Whittaker Petition (RX-034).

19 SBID Annlingtions filed his Dr. Chargeman for Dallat and OL to (DV

Respectfully submitted,

Jongthan W. Emord Emord & Associates, P.C. 1800 Alexander Bell Drive Suite 200 Reston, VA 20191 Tel. (202) 466-6937 Fax (202) 466-6938

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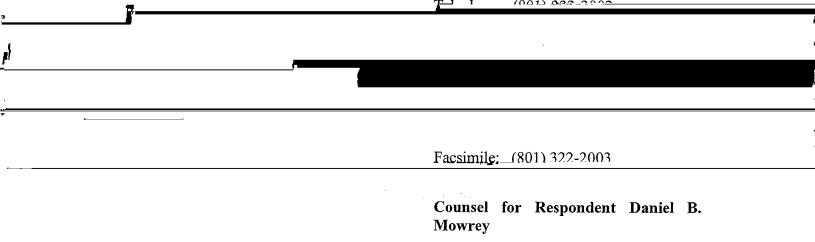
Counsel for Basic Research, LLC

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Salt Lake City, Utah 84111



Mitchell K. Friedlander 5742 West Harold Gatty Drive Salt Lake City, Utah 84111,

Pro se.

Dated: January 6, 2006

UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES WASHINGTON, D.C.

In the Matter of

BASIC RESEARCH, LLC A.G. WATERHOUSE, LLC KLEIN-BECKER USA, LLC NUTRASPORT, LLC SOVAGE DERMALOGIC LABORATORIES, LLC BAN LLC d/b/a BASIC RESEARCH LLC OLD BASIC RESEARCH, LLC BASIC RESEARCH, A.G. WATERHOUSE, KLEIN-BECKER USA, NUTRA SPORT, and SOVAGE DERMALOGIC LABORATORIES

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| | FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES WASHINGTON, D.C. |
| | In the Matter of |
| | BASIC RESEARCH, LLC |
| | A.G. WATERHOUSE, LLC |
| | KLEIN-BECKER USA, LLC NUTRASPORT, LLC |
| | SOVAGE DERMALOGIC LABORATORIES, LLC |
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2) two paper copies delivered by hand delivery to:

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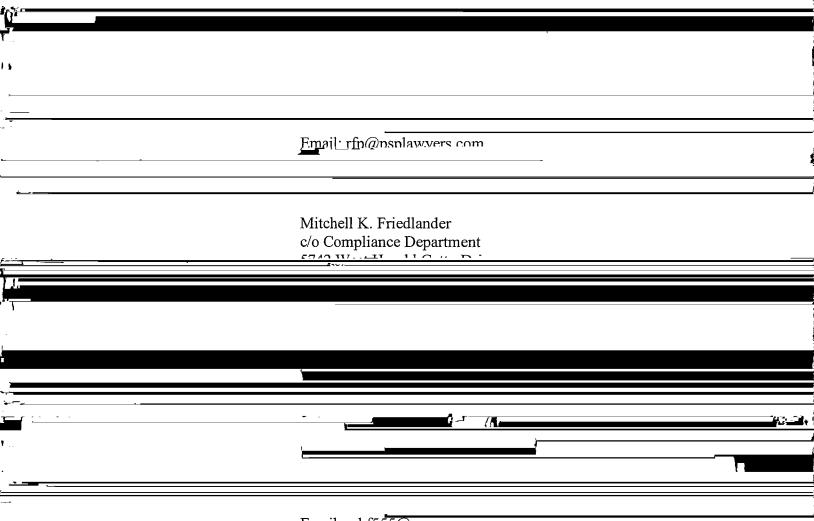
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