



This reality renders the federal court cases on which Complaint Counsel relies unhelpful and irrelevant. Tellingly, the only Commission precedent cited by Complaint Counsel, *In re LabMD*, supports Respondent's cross-appeal. That case rejected the use of conditional, catch-all appeals designed to preserve unidentified (and favorably-decided) issues. Order, *In re LabMD, Inc.*, FTC Dkt. No. 9357 (D

Provided, [t]hat within ten (10) days after completion of service of the initial decision such party files a notice of intention to appeal.” (emphasis added)).

That

see also In the Matter of Telebrands Corp., F.T.C. Dkt. No. 9313, 2004 WL 3142883, at *2
(F.T.C. Dec. 1, 2004).

CONCLUSION

For all of the foregoing reasons, Impax respectfully requests that the Commission deny Complaint Counsel's motion to dismiss Impax's notice of cross-appeal or, in the alternative, enlarge the word-count limitation by 10,000 words.

Dated: June 11, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2018, I emailed a copy of the foregoing to the following individuals:

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