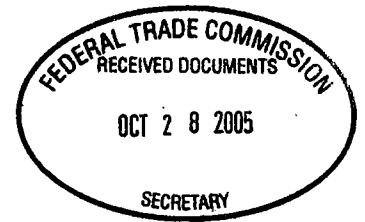


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of )  
)  
)  
BASIC RESEARCH, L.L.C., )  
A.G. WATERHOUSE, L.L.C., )  
KLEIN-BECKER USA, L.L.C., )  
NUTRASPORT, L.L.C., )  
SOVAGE DERMALOGIC )  
LABORATORIES, L.L.C., )  
BAN, L.L.C., )  
DENNIS GAY, )  
DANIEL B. MOWREY, and )  
MITCHELL K. FRIEDLANDER, )  
Respondents. )

Docket No. 9318

PUBLIC DOCUMENT

**NOTICE OF SERVICE OF MOTION TO QUASH RESPONDENTS'  
TWENTY-FIVE SUBPOENAS DIRECTED TO THIRD PARTIES  
AND MOTION TO FILE SUCH NOTICE**

Complaint Counsel hereby offer this supplement to our October 26<sup>th</sup> *Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties*, providing notice of the service of that *Motion*, without its voluminous exhibits, upon the subpoenaed third parties identified in the accompanying certificate.

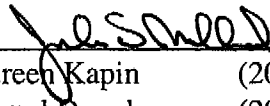
Complaint Counsel are sending copies of the *Motion to Quash*, without its exhibits, to the subpoenaed third parties today because Corporate Respondents' subpoenas set a return date of November 11, 2005, and Corporate Respondents instructed the third parties in the subpoenas that "responsive material may be returned . . . *on or before 11/11/2005.*" Subpoena to AboveNet Comm. Inc., Oct. 21, 2005, at 1 (submitted as part of Ex. A to Compl. Counsel's Mot. to Quash) (emphasis added).

We respectfully request that the Court accept this supplement pursuant to RULE 3.15, which allows supplements "setting forth . . . events which have happened since the date of the

pleading . . . sought to be supplemented and which are relevant to any of the issues involved.”

RULE 3.15(b).

Respectfully submitted,

  
\_\_\_\_\_  
Laureen Kapin (202) 326-3237  
Lemuel Dowdy (202) 326-2981  
Walter C. Gross, III (202) 326-3319  
Joshua S. Millard (202) 326-2454  
Edwin Rodriguez (202) 326-3147  
Laura Schneider (202) 326-2604

Division of Enforcement  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Dated: October 28, 2005

**CERTIFICATE OF SERVICE OF MOTION TO QUASH RESPONDENTS'  
TWENTY-FIVE SUBPOENAS DIRECTED TO THIRD PARTIES**

I hereby certify that on this 28<sup>th</sup> day of October, 2005, I caused *Complaint Counsel's Motion to Quash Respondents' 25 Subpoenas Directed to Third Parties*, without the voluminous exhibits originally attached thereto, to be served to the following entities:

AboveNet Communications  
360 Hamilton Ave.  
White Plains, NY 10601

Alexa Internet  
Presidio of San Francisco  
Building 37 PO Box 29141  
San Francisco CA 94129-0141

America Online, Inc.  
22000 AOL Way  
Dulles, VA 20166

AT&T Corp.  
32 Avenue of the Americas  
New York, NY 10013

Become, Inc.  
1300 Crittenden Lane  
Suite 403  
Mountain View, CA 94043

Bellsouth Intellectual Property  
824 Market Street, Suite 901  
1100 Ashwood Parkway  
Wilmington, DE 19801

Comcast Corp.  
1500 Market St.  
Philadelphia, PA 19102

Earthlink, Inc.  
1375 Peachtree St., Level A  
Atlanta, GA 30309

Global Crossing, Ltd.  
200 Park Avenue, Suite 200  
Florham Park, NJ 07932

Google, Inc.  
2400 E. Bayshore Parkway  
Mountain View, CA 94043

IBM Corp.  
1133 Westchester Ave.  
White Plains, NY 10604

LexisNexis Group  
9333 Springboro Pike  
Miamisburg, OH 45342

Microsoft Corp.  
One Microsoft Way  
Redmond, WA 98052-6399

Qwest Communications  
International, Inc.  
555 17th Street  
Denver, CO 80202

Reed Elsevier Group  
125 Park Ave., 23rd Floor  
New York, NY 10017

SBC Internet Services, Inc.  
1701 Alma Drive  
Plano, TX 75075

Schneider National, Inc.  
3101 South Packerland Drive  
Green Bay, WI 54306-2545

Thomson Legal and Regulatory  
610 Opperman Drive  
Eagan, MN 55123

University of North Texas  
Computing and Information  
Technology Ctr.  
Denton, TX 76203-5398

Verizon Communications  
Corporate Headquarters  
1095 Avenue of the Americas  
New York, NY 10036

Verizon Internet Services  
1880 Campus Commons Dr.  
Reston VA, 20191

Verizon Trademark Services  
1320 North Court House Rd.  
Arlington, VA 22201

John Wang  
P.O. Box 52082  
Palo Alto, CA 94303

WiTel Communications Group  
One Technology Ctr.  
Tulsa, OK 74103

Yahoo! Inc.  
701 First Avenue  
Sunnyvale, CA 94089

  
\_\_\_\_\_  
COMPLAINT COUNSEL

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of )  
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BASIC RESEARCH, L.L.C., )  
A.G. WATERHOUSE, L.L.C., )  
KLEIN-BECKER USA, L.L.C., )  
NUTRASPORT, L.L.C., )  
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DENNIS GAY, )  
DANIEL B. MOWREY, and )  
MITCHELL K. FRIEDLANDER, )  
Respondents. )

Docket No. 9318

PUBLIC DOCUMENT

**ORDER GRANTING COMPLAINT COUNSEL'S MOTION  
TO FILE NOTICE OF SERVICE PURSUANT TO RULE 3.15(B)**

On October 28<sup>th</sup>, Complaint Counsel moved, pursuant to RULE OF PRACTICE 3.15(b), to file a supplement to their October 26<sup>th</sup> *Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties*, providing notice of the service of that *Motion* upon the subpoenaed third parties. Upon due consideration, it is ORDERED that Complaint Counsel's *Motion to File Notice* is GRANTED.

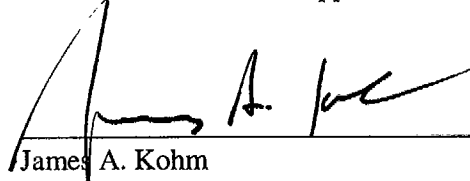
ORDERED:

\_\_\_\_\_  
Stephen J. McGuire  
Chief Administrative Law Judge

Date:

**CERTIFICATION OF REVIEWING OFFICIAL**

I certify that I have reviewed the attached public filing, *Complaint Counsel's Notice of Service of Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties And Motion to File Such Notice*, prior to its filing to ensure the proper use and redaction of materials subject to the *Protective Order* in this matter and protect against any violation of that *Order* or applicable RULE OF PRACTICE.

A handwritten signature in black ink, appearing to read 'James A. Kohm', is written over a horizontal line.

James A. Kohm  
Associate Director, Division of Enforcement  
Bureau of Consumer Protection

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of October, 2005, I caused *Complaint Counsel's Notice of Service of Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties And Motion to File Such Notice* to be served and filed as follows:

- (1) the original, two (2) paper copies filed by hand delivery and one (1) electronic copy via email to:  
**Donald S. Clark, Secretary**  
Federal Trade Commission  
600 Penn. Ave., N.W., Room H-135  
Washington, D.C. 20580
  
- (2) two (2) paper copies served by hand delivery to:  
**The Honorable Stephen J. McGuire**  
Administrative Law Judge  
600 Penn. Ave., N.W., Room H-104  
Washington, D.C. 20580
  
- (3) one (1) electronic copy via email and one (1) paper copy by first class mail to:

**Stephen E. Nagin**  
Nagin Gallop Figueroa P.A.  
3225 Aviation Ave.  
Miami, FL 33133-4741  
(305) 854-5353  
(305) 854-5351 (fax)  
[snagin@ngf-law.com](mailto:snagin@ngf-law.com)  
**For Respondents**

**Mitchell K. Friedlander**  
5742 West Harold Gatty Dr.  
Salt Lake City, UT 84116  
(801) 517-7000  
(801) 517-7108 (fax)  
mkf555@msn.com  
**Respondent Pro Se**

**Ronald F. Price**  
Peters Scofield Price  
310 Broadway Centre  
111 East Broadway  
Salt Lake City, UT 84111  
(801) 322-2002  
(801) 322-2003 (fax)  
[rpf@psplawyers.com](mailto:rpf@psplawyers.com)  
**For Respondent Mowrey**

**Richard D. Burbidge**  
Burbidge & Mitchell  
215 S. State St., Suite 920  
Salt Lake City, UT 84111  
(801) 355-6677  
(801) 355-2341 (fax)  
[rburbidge@burbidgeandmitchell.com](mailto:rburbidge@burbidgeandmitchell.com)  
**For Respondent Gay**

**Jonathan W. Emord**  
Emord & Associates, P.C.  
1800 Alexander Bell Dr. #200  
Reston, VA 20191  
(202) 466-6937  
(202) 466-6938 (fax)  
[jemord@emord.com](mailto:jemord@emord.com)  
**For Respondents Klein-Becker  
USA, LLC, A.G. Waterhouse,  
LLC, Basic Research, LLC,  
Nutrasport, LLC, Sovage  
Dermalogic Laboratories,  
LLC, and BAN, LLC**

  
\_\_\_\_\_  
COMPLAINT COUNSEL