

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

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In the Matter of)	
)	
TELEBRANDS CORP.,)	
a corporation,)	
)	
TV SAVINGS, LLC,)	
a limited liability company, and)	Docket No. 9313
)	
AJIT KHUBANI,)	PUBLIC DOCUMENT
individually and as president of)	
Telebrands Corp. and sole member)	
of TV Savings, LLC.)	
<hr/>)	

COMPLAINT COUNSEL’S TRIAL EXHIBIT INDEX AND WITNESS INDEX

Pursuant to Commission Rules 3.46(b) and 3.46(c), Complaint Counsel submits the following Exhibit Index and Witness Index.

Respectfully submitted,

<hr/>	
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June 2, 2004

EXHIBIT INDEX

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
JX-1	Joint Stipulations of Law, Facts and Authenticity	Final Pretrial Conference Tr. 8	
JX-2	Ab Force television commercial, production code AB-B-60. Previously identified as Exhibit A of the Complaint, Transcript of which is Exhibit B of the Complaint	TR.10	50-52, 59-62
JX-3	Ab Force television commercial, production code AB-B-120. Previously identified as Exhibit C of the Complaint, Transcript of which is Exhibit D of the Complaint	TR.10	52-56, 59-62
JX-4	Ab Force television commercial, production code AB-E-60. Previously identified as Exhibit E of the Complaint, Transcript of which is Exhibit F of the Complaint	TR.10	56-57, 59-62, 80, 82
JX-5	Ab Force television commercial, production code AB-E-120	TR.10	57-59, 59-62, 551-554
JX-6	Second Joint Stipulations of Fact, Law and Authenticity	TR.10	232
JX-7	V.H.S. tape: AbTronic infomercial (dated April 30, 2001) from Infomercial Monitoring Service. Previously identified as CX-97	TR. 241	42-44, 47-49, 559
JX-8	V.H.S. tape: AB Energizer infomercial (dated October 5, 2001) from Infomercial Monitoring Service. Previously identified as CX-99	TR. 241	44-45, 47-49, 559

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
JX-9	V.H.S. tape: Fast Abs infomercial (dated November 3, 2001) from Infomercial Monitoring Service. Previously identified as CX-101	TR. 241	45-49
JX-10	V.H.S. tape: Fast Abs infomercial provided by Jordan Whitney, Inc., to the Respondents labeled Vol. XI No. 10-A (Bates Number T011520) dated November 12, 2001. Previously identified as CX-102	TR. 241	559
JX-11	Third Set of Joint Stipulation	May 26, 2004, Order Granting Joint Motion for Designation and Admission of Third Set of Joint Stipulations Regarding Information Provided by John Nokes as JX-11	
CX-1	Complaint in the Matter of <i>Telebrands Corp., et al.</i> , Docket No. 9313 (with notice order and attachments) [Khubani Dep. CC Ex. 63]		
CX-1-A	Videotape of Ab Force Commercial AB-B-60 dated 12-28-01	Tr. 242	
CX-1-B	Transcript of Videotape of Ab Force Commercial AB-B-60 dated 12-28-01 (transcript is mislabeled AB-E-60)	Tr. 242	485, 491-493, 496-497
CX-1-C	Videotape of Ab Force Commercial AB-E-120 dated 12-28-01	Tr. 242	
CX-1-D	Transcript of Videotape of Ab Force Commercial AB-E-120 dated 12-28-01	Tr. 242	

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
CX-1-E	Videotape of Ab Force Commercial dated 2/1/02 :60	Tr. 242	
CX-1-F	Transcript of Videotape of Ab Force Commercial dated 2/1/02 :60.	Tr. 242	374
CX-1-G	Print Ad for Ab Force	Tr. 242	
CX-1-H	Script for Ab Force Radio spot	Tr. 242	272, 480-482, 485, 486-490, 492-493, 498, 522-523
CX-2	Concepts TV Productions Ab Pulse TV spot [in digitized format] (digitized format) [Liantonio Dep. CC Ex. 2]	Tr. 221	218-222, 225
CX-3	Concepts TV Productions, Inc., Ab Force 2 Min. Spot Supered/Mixed \$10.00 Offer (Dec. 28, 2001) [Liantonio Dep. CC Ex. 3]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-4	Concepts TV Productions, Inc., Production Job Card for Monday, Jan. 21, 2002 [Liantonio Dep. CC Ex. 4]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-5	Concepts TV Productions, Inc., Talent Confirmation Sheet for Tara Scotti Carpenito [Liantonio Dep. CC Ex. 5]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
CX-6	Concepts TV Productions, Inc., Talent Confirmation Sheet for Stacy Curtis [Liantonio Dep. CC Ex. 6]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-7	Image of Pat Murphy Stark with Female Torso from Ab Force 2 Min. Spot Supered/Mixed \$10.00 Offer (Dec. 28, 2001) [Liantonio Dep. CC Ex. 7]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	542-543
CX-8	Image of Pat Murphy Stark with Female Torso from Ab Force 2 Min. Spot Supered/Mixed \$10.00 Offer (Dec. 28, 2001) [Liantonio Dep. CC Ex. 8]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	543
CX-9	Image of Pat Murphy Stark with Male Torso from Ab Force 2 Min. Spot Supered/Mixed \$10.00 Offer (Dec. 28, 2001) [Liantonio Dep. CC Ex. 9]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	543-544
CX-11	Concepts TV Productions, Inc., Ab Force 2 Min. Spot Supered/Mixed \$20.00 Offer (Jan. 16, 2002) [Liantonio Dep. CC Ex. 11]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	

Exhibit No.	Title or Description	Admitted	Discussed
CX-13	“Cyclone Diet Opening” Collette Liantonio, Handwritten Page [Liantonio Dep. CC Ex. 13]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-18	Email from Ajit Khubani to Bala Iyer, Shail Prasad, Raj Shahani, and Bob Barnett (Jan. 7, 2002) Re: New Ab Force [Shahani Dep. CC Ex. 18]	Tr. 268	
CX-22	Email from Raj Shahani to Ajit Khubani (Jan. 8, 2002) Re: Various [Shahani Dep. CC Ex. 22]	Tr. 271	268-271, 523-524
CX-25	Email from Raj Shahani to Fiona Yiu (Jan. 23, 2002) Re: Project Updated [Shahani Dep. CC Ex. 25]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-31	Email from C.Y. Mung to Ajit Khubani, Bala Iyer, and Raj Shahani (Feb. 22, 2002) (with attachment) Re: Motorized massager with programmed massage step [Shahani Dep. CC Ex. 31]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-43	Email from Mark Golden to Shail Prasad and Jiezl Pineda (Jan. 7, 2002) Re: More Questions on TB_Electronic Ab Force [Prasad Dep. CC Ex. 43]	TR. 211	204-212, 225-226, 228-230

Exhibit No.	Title or Description	Admitted	Discussed
CX-49	Email from Tony Sperrazza to Bala Iyer (Jan. 31, 2002) Re: Ab Force Revisions [Iyer Dep. CC Ex. 49]	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	
CX-57	Mita Sujan, <i>Consumer Knowledge: Effects on Evaluation Strategies Mediating Consumer Judgments</i> , 12 J. CONSUMER RESEARCH 31-46 (June 1985). [Jacoby Dep. CC Ex. 57]	Tr. 415	49, 415
CX-58	Expert Report (with exhibits) of Michael B. Mazis, Ph.D, in the Matter of <i>Telebrands Corp., et al.</i> , Docket No. 9313 [Jacoby Dep. CC Ex. 58]	Tr. 110	68, 70-78, 90-100, 104-107, 109, 117-120, 123-126, 132, 152, 154, 165, 353-354, 362-363, 365
CX-61	Email from Ajit Khubani to Gary Hewitt (Feb. 5, 2002) [Khubani Dep. CC Ex. 61]	Tr. 265	254-256, 259, 261, 264-265
CX-62	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Fall Double Issue Sept. 19, 2001) (Khubani Dep.CX-62)	Tr. 243	285-292
CX-72	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Fall Double Issue Sept. 3/10, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-73	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Sept. 17, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-74	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Sept. 24, 2001)	Final Pretrial Conference Tr. 39	285-292

Exhibit No.	Title or Description	Admitted	Discussed
CX-75	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (October 1, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-76	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (October 8, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-77	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Oct. 15, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-78	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (October 22, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-79	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (November 5, 2001)	Final Pretrial Conference Tr. 39	285-292, 321-323
CX-80	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (November 12, 2001)	Final Pretrial Conference Tr. 39	285-292, 319-321, 526, 549-550, 554-555
CX-81	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (November 19, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-82	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (November 26, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-83	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Dec. 3, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-84	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Dec. 10, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-85	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Dec. 17, 2001)	Final Pretrial Conference Tr. 39	285-292

Exhibit No.	Title or Description	Admitted	Discussed
CX-86	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Dec. 24, 2001)	Final Pretrial Conference Tr. 39	285-292
CX-87	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Double Issue, Dec. 31, 2001/Jan. 7, 2002)	Final Pretrial Conference Tr. 39	285-292
CX-88	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Jan. 14, 2002)	Final Pretrial Conference Tr. 39	277-278, 546-549, 554
CX-89	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Jan. 21, 2002)	Final Pretrial Conference Tr. 39	285-292
CX-90	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Jan. 28, 2002)	Prehearing Conference Tr. 39	285-292
CX-91	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Feb. 4, 2002)	Final Pretrial Conference Tr. 39	285-292
CX-92	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Feb. 11, 2002)	Final Pretrial Conference Tr. 39	285-292
CX-93	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Feb. 18, 2002)	Final Pretrial Conference Tr. 39	285-292
CX-94	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Feb. 25, 2002)	Final Pretrial Conference Tr. 39	285-292
CX-95	Jordan Whitney, Inc., <i>Direct Response Television Monitoring Report</i> (Mar. 4, 2002)	Final Pretrial Conference Tr. 39	285-292

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
CX-96	Exhibits to Complaint in <i>Federal Trade Commission v. Hudson Beckley, Corporation, et al.</i> , C’S-02-0649-P.P., (May 7, 2002), Transcript of AbTronic Infomercial (Complaint Exhibit 2), Transcript of AbTronic Short Spot (Complaint Exhibit 4), Still Images from AbTronic Infomercial and Commercial (Complaint Exhibit 5), AbTronic website (Complaint Exhibit 6), AbTronic Gel Label (Complaint Exhibit 7), AbTronic Instruction Manual (Complaint Exhibit 8).	Final Pretrial Conference Tr. 26; Tr. 241	241
CX-98	Exhibits to Complaint in <i>Federal Trade Commission v. Electronic Products Distribution, LLC, et al.</i> , 02CV0888 H(A.B.), (May 7, 2002), Transcript of AB Energizer Infomercial (Complaint Exhibit 2), Transcript of AB Energizer Short Spot (Complaint Exhibit 4), AB Energizer Website (Complaint Exhibit 5a), AB Energizer website (Complaint Exhibit 5b), AB Energizer Package Cover (Complaint Exhibit 6), AB Energizer User’s Manual (Complaint Exhibit 7).	Final Pretrial Conference Tr. 26; Tr. 241	241
CX-100	Exhibits to Complaint in <i>Federal Trade Commission v. United Fitness of America, LLC, et al.</i> , CV-S-02-0648-KD-LAL, (May 7, 2002), Transcripts of two Fast Abs infomercials (Complaint Exhibits B and D), Fast Abs internet advertisements (Complaint Exhibit E), Fast Abs web infomercial, incl. transcript dated Mar. 22, 2002 (Complaint Exhibit F), Fast Abs print advertisement (Complaint Exhibit G), Fast Abs Instructions and Healthy Eating Guide (Complaint Exhibit H), Fast Abs thirty (30) day limited warranty card (Complaint Exhibit I).	Final Pretrial Conference Tr. 26; Tr. 241	241

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
CX-104	Test tape containing Ab Force commercial used in copy test (blue dots)	Tr. 112	84, 86-87, 90, 111-112, 146
CX-105	Control tape containing cleansed Ab Force commercial used copy test (green dots)	Tr. 112	84, 87-90, 111-112
CX-107	Excerpts from deposition of Collette Liantonio dated February 12 ,2004	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	561
CX-108	Excerpts from deposition of Bala Chanar Iyer dated February 19, 2004	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	561
CX-109	Excerpts from deposition of Raj Shahani dated February 19, 2004	TR.10 (stipulated to in JX-6, Second Joint Stipulations of Fact, Law and Authenticity)	561
CX-126	IMS Tabulation of rankings for AbTronic, AB Energizer, and Fast Abs infomercial for period January through February, 2002	Final Pretrial Conference Tr. 39	
CX-127	Ajit Khubani's Responses and Objections to the Federal Trade Commission's September 30, 2002 Civil Investigative Demand for Written Interrogatories	Final Pretrial Conference Tr. 39	

<u>Exhibit No.</u>	<u>Title or Description</u>	<u>Admitted</u>	<u>Discussed</u>
CX-128	Combined responses of TV Savings, LLC, and Ajit Khubani to Federal Trade Commission's June 10, 2003 Civil Investigative demand for Documentary under cover of letter from Venable.	Final Pretrial Conference Tr. 39	
CX-129	Tabulation from Infomercial Monitoring Service regarding Slendertone Flex ads.	Final Pretrial Conference Tr. 39	

WITNESS INDEX

<u>Name</u>	<u>Description</u>	<u>Transcript Pages of Testimony</u>
<p>Michael B. Mazis, Ph.D, M.B.A. Professor of Marketing The American University Kogod School of Business 27 Kogod School of Business 4400 Massachusetts Ave., NW Washington, DC 20016</p>	<p>Dr. Michael Mazis recieved his BS degree in economics at the University of Pennsylvania, Wharton School; an MBA degree from New York University and a Ph.D. degree in business administration with a major in marketing and minors in social psychology and statistics from the Pennsylvania State University. Dr. Mazis has been a professor of Marketing in the School of Business at American University for the past twenty-five years. He has taught courses in marketing research, consumer behavior, marketing management, principles in marketing, internet marketing and a course in marketing and public policy. Dr. Mazis has also conducted hundreds of consumer surveys and various kinds of research studies and published over 60 articles in peer-refereed publications.</p>	<p>36-110, 115-185</p>
<p>Respondent Ajit Khubani Fairfield, NJ 07004- 1096</p>	<p>Ajit Khubani is the president, chief executive officer, chairman of the board, and sole owner of Telebrands Corp. and the sole member of TV Savings, LLC.</p>	<p>244-284, 429-555</p>
<p>Mark Golden Cyber City Teleservices, Ltd. Continental Plaza Hackensack, NJ</p>	<p>Mr. Golden is the operations manager at CCT Marketing, the company that provided telemarketing services for Respondents for the Ab Force campaign.</p>	<p>186-231</p>
<p>Kevin Towers, Investigator Federal Trade Commission 601 New Jersey Ave., N.W., Suite NJ-2122 Washington, DC 20001</p>	<p>Mr. Towers is an investigator at the Federal Trade Commission's Bureau of Consumer Protection, Division of Enforcement. He has been at the FTC since November 2003.</p>	<p>284-329</p>

