

WITHDRAW / REFILE

**Verne, B. Michael**

**From:** [REDACTED]  
**Sent:** Tuesday, June 17, 2008 10:52 AM  
**To:** Verne, B. Michael  
**Subject:** pulling and resubmitting a filing  
**Importance:** High

Hi Mike:

I've been poring over interpretations 230 and 244 in the 4th ed. PNPM, and I have a couple of questions about the re-filing process (and some sense of urgency, as we must re-file tomorrow). In this particular case we have confirmed that there are no new 4(b) documents and we are pretty close to confirming that there are no new 4(c) documents (and we are not a public company, so there are no 4(a) documents).

So here are some questions about procedure.

- 1) Do I submit five copies of the form (two to FTC, three to DOJ), just as in the first filing, or just send the submission to the agency that is doing the review (in this case, FTC)?
- 2) Do the same rules about the original signature apply (that we can file with a pdf signature but must produce the original within a day or two)?
- 3) Do you need me to reproduce all of the documentary attachments (which I expect will be exactly the same as were submitted a month ago), or only add those that have arisen since the last filing?
- 4) Do we need to include a newly executed declaration/affidavit, or just the certification page?

I'd be grateful for any guidance you can give me.

Best regards,

[REDACTED]

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Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

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 Thank you very much.  
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 [REDACTED]

6/17/2008

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Submit 2 copies to FTC and 3 to DOJ. You only need to submit a cover letter and a new certification page if there are no new Item 4 documents. If there are, you just need to submit one copy of the new documents to each agency along with a revised Item 4 index. The Item 4 documents submitted with the original filing do not need to be resubmitted. The same rules apply to .pdf signatures. No new affidavit is required.

A handwritten signature in black ink, appearing to be the initials 'BN' with a long horizontal stroke extending to the right.

6/17/08