

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



ORIGINAL

In the Matter of)

PUBLIC

LabMD, Inc.,)
a corporation,)
Respondent.)

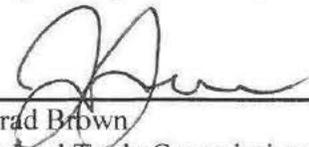
Docket No. 9357

COMPLAINT COUNSEL'S NOTICE REGARDING REBUTTAL

During the May 5, 2015 session of the evidentiary hearing in this matter, the Court instructed Complaint Counsel that any request to offer additional rebuttal evidence must be by written motion. Tr. 1319-20. The Court granted Complaint Counsel until May 12, 2015 to file a motion seeking leave to offer additional rebuttal evidence. Tr. 1460-61, 1463. Complaint Counsel hereby informs the Court that it will not seek leave to offer additional rebuttal evidence.¹ Complaint Counsel understands that the Court will hereafter "issue an order closing the hearing record . . . 3 business days" after this filing. *See* 16 C.F.R. § 3.44(c).

Dated: May 12, 2015

Respectfully submitted,



Jarad Brown
Federal Trade Commission
600 Pennsylvania Ave., NW
Room CC-8232
Washington, DC 20580

¹ The Court granted Complaint Counsel leave to offer the testimony of its rebuttal expert, Clay Shields, on May 23, 2014. The Court allowed Mr. Shield's rebuttal testimony to be offered out-of-time, after the conclusion of Complaint Counsel's case-in-chief. *See* Tr. 746-48, 791-92.

PUBLIC

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Complaint Counsel

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2015, I caused the foregoing document to be filed electronically through the Office of the Secretary's FTC E-filing system, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Room H-113
Washington, DC 20580

I also certify that I caused a copy of the foregoing document to be transmitted *via* electronic mail and delivered by hand to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW, Room H-110
Washington, DC 20580

I further certify that I caused a copy of the foregoing document to be served *via* electronic mail to:

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

May 12, 2015

By: 
Jarad Brown
Federal Trade Commission
Bureau of Consumer Protection