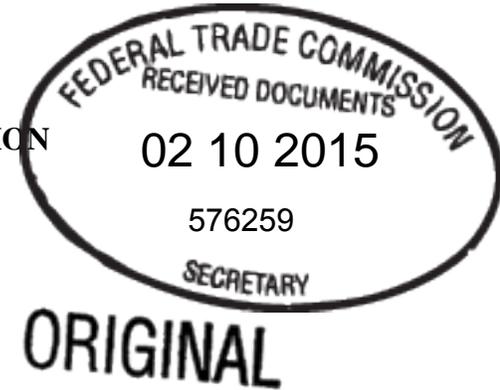


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeney

_____)
In the Matter of)
)
)
ECM BioFilms, Inc.,) Docket No. 9358
a corporation, also d/b/a) PUBLIC DOCUMENT
Enviroplastics International)
_____)

COMPLAINT COUNSEL’S NOTICE OF APPEAL

Pursuant to Commission Rule of Practice 3.52(b), Complaint Counsel hereby gives notice that it will appeal against ECM BioFilms, Inc. (“Respondent”) the following portions of the Initial Decision and Order entered by Hon. D. Michael Chappell in the above-entitled action, as well as any related procedural, evidentiary, and substantive rulings:

1. The failure to find that the Complaint alleged certain claims.
2. The failure to find that certain of the challenged advertisements made the claims alleged in the Complaint.
3. The failure to find that Respondent lacks substantiation for certain of the claims made in the challenged advertisements.
4. The failure to find that certain of Respondent’s claims in the challenged advertisements are false.
5. The level and type of substantiation required for the challenged advertising claims.
6. The failure to find that certain of the challenged claims are material to consumers.

7. Certain provisions of the Order entered by the Administrative Law Judge.

Complaint Counsel intends to preserve and advance all arguments presented before the Administrative Law Judge at the evidentiary hearing and through Complaint Counsel's post-trial briefs, including Complaint Counsel's Proposed Findings of Fact and Conclusions of Law, Post-Trial Brief, and Post-Trial Reply Brief. Moreover, Complaint Counsel specifically objects to those rulings that affected evidentiary decisions at the hearing, and that resulted in the improper exclusion or inclusion from, or insufficiency of, evidence in the record.

Complaint Counsel will file a timely brief perfecting this notice of appeal under 16 CFR § 3.52(b) and (c).

Dated: February 10, 2015

Respectfully submitted,

/s/ Katherine Johnson
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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2015, I caused a true and correct copy of the foregoing to be served as follows:

One electronic copy to the **Office of the Secretary**, and one copy through the FTC's e-filing system:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Room H-159
Washington, DC 20580
Email: secretary@ftc.gov

One electronic copy and one hard copy to the **Office of the Administrative Law Judge**:

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Room H-110
Washington, DC 20580

One electronic copy to **Counsel for the Respondent**:

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I further certify that I possess a paper copy of the signed original of the foregoing document that is available for review by the parties and the adjudicator.

Date: February 10, 2015

/s/ Katherine Johnson
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Fax: 202-326-3197

Notice of Electronic Service for Public Filings

I hereby certify that on February 10, 2015, I filed via hand a paper original and electronic copy of the foregoing Complaint Counsel's Notice of Appeal, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on February 10, 2015, I filed via E-Service of the foregoing Complaint Counsel's Notice of Appeal, with:

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