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January 30, 2017

Secretary Donald S. Clark
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex C)
Washington, DC 20580

Re: Contact Lens Rule, 16 CFR Part 315, Project No. R511995

Dear Secretary Clark:

On behalf of our client, Vision Path, Inc., doing business as Hubble, we are pleased to submit the enclosed comments in response to the Federal Trade Commission's Notice of Proposed Rulemaking regarding the Contact Lens Rule.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A short, horizontal blue line representing a handwritten signature.

Paul Otto
Senior Associate
Hogan Lovells US LLP

Enclosure



Vision Path, Inc.
1325 Avenue of the Americas
Suite 2718
New York, NY 10019

January 30, 2017

Vision Path, Inc., doing business as Hubble (“Hubble” or “we”), welcomes the opportunity to participate in the Federal Trade Commission’s (the “FTC” or the “Commission”) ten-year review of the Contact Lens Rule (the “Rule”), which implements the Fairness to Contact Lens Consumers Act (the “Act”).

Hubble launched publicly on November 1, 2016, with significant venture backing.¹ Hubble’s product, a private label affordable, high-quality daily disposable contact lens, is the first brand of contact lenses sold directly to consumers through an e-commerce, subscription-only model,² as well as through a reseller program created by outreach from Hubble to the prescriber community with which Hubble works on a collaborative basis. By significantly reducing the cost of daily disposable contact lenses and making it seamless for consumers to maintain an uninterrupted supply of lenses throughout the duration of their prescriptions, Hubble enables consumers to better adhere to their prescribers’ instructions and steer clear of over-wearing lenses. Simply put, Hubble helps consumers avoid having to choose between their eye health and their wallet.

Hubble has built its business model in a way that prioritizes patient eye health, comfort, and convenience, and to that end, Hubble exclusively sells daily disposable lenses, which are generally recognized as the safest choice.³ Hubble also prices its lenses very competitively (benchmarked at approximately half the price of competing lenses), and has developed an innovative, consumer-friendly subscription-based approach to selling contact lenses. These innovations significantly reduce the high cost of contact lenses, thereby making daily disposable contact lenses an affordable reality for many of the 75 percent of U.S. contact lens wearers who currently do not use them, largely due to cost.

1 See *High-Quality Contact Lenses for Half the Price*, PRWeb, Nov. 2, 2016, <http://www.prweb.com/releases/2016/11/prweb13812809.htm>; *Hubble Contacts*, Crunchbase, <https://www.crunchbase.com/organization/hubble-contacts>.

2 See *How it Works*, Hubble Contacts, <https://www.hubblecontacts.com>.

3 See, e.g., Ernie Bowling, OD, *Daily disposables—a great option*, *Optometry Times*, Aug. 22, 2013, <http://optometrytimes.modernmedicine.com/optometrytimes/news/RC/daily-disposables-great-lens-choice-your-patients> (“A range of patient symptoms can be reduced and clinical signs can be improved with [daily disposable contact lenses]. Their convenience, comfort, and reduced health risks are benefits that make this modality an attractive option to our patients.”); Saul Sebag, *New findings with etafilcon A daily disposable contact lenses*, *Optician*, Mar. 3, 2016, <https://www.opticianonline.net/features/review-new-findings-etafilcon-daily-disposable-contact-lenses> (“Recent findings support the contention that the [daily disposable] modality is the healthiest way to wear contact lenses . . .”).

Though Hubble is a new entrant in the market, data we have already collected indicates that the delivery of affordable single-use contact lenses through monthly subscriptions has a dramatic and positive impact on health behaviors. In a recent representative customer survey, 92 percent of Hubble users indicated that they use Hubble's daily lenses as directed, and discard them after a single wear. Conversely, data from the Centers for Disease Control and Prevention shows that 49.9 percent of wearers of other brands "extend the recommended replacement frequency of lenses,"⁴ no doubt due at least in part to cost considerations.

The existence and commercial viability of Hubble's business model is in no small measure attributable to the existence of the procedures established by the Act and the Rule. As a newcomer to the market, Hubble believes the Act and Rule, as currently constituted, effectively serve three significant and laudable aims: (i) reinforcing the importance and primacy of the professional judgment of the prescriber in selecting the lenses most suitable for each patient; (ii) enabling the consumer to seek the best price for the product they are prescribed, thereby increasing the likelihood of the proper use of that product and improving eye health; and (iii) spurring the innovation that makes possible new models such as Hubble.

The Rule exemplifies policymaking that successfully balances interests that are frequently in tension, and we believe that the procedures set forth by the Rule remain relevant and effective. In fact, Hubble's business model is a testament to the continued efficacy of the Act and Rule, and our approach indicates that the FTC has struck the appropriate balance among the interests of prescribers, consumers, and the market for contact lenses. By working collaboratively with doctors in the prescriber community throughout the country through both our reseller and patient referral programs, we are providing consumers with a highly affordable product that improves consumer eye health behaviors while respecting the inviolate nature of the prescriber-patient relationship.

In sum, the Rule, as currently constructed, has created an environment that appropriately addresses the needs of consumers, sellers, and prescribers while promoting both patient health and competition. We therefore caution the Commission against making any amendments to the Rule at this time, as doing so might upset the delicate balance that the Commission has already achieved.

We thank you for your consideration of these comments.

Very truly yours,

VISION PATH, INC.

By: _____
Ben Cogan
Co-CEO 

By: _____
Jesse Horwitz
Co-CEO 

4 Jennifer R. Cope et al., *Contact Lens Wearer Demographics and Risk Behaviors for Contact Lens-Related Eye Infections – United States, 2014*, CDC Morbidity and Mortality Weekly Report, Aug. 21, 2015, <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6432a2.htm>.