

EXHIBIT C

Lic#

NPI#

TES

Patient Name

11/22/16

Address

DOB

R Spectacle Rx

SRX	SPH	CYL	AXIS	ADD	PRISM/BASE
OD	+1.75	-0.75	045	+2.25	
OS	+1.75	-0.50	090	+2.25	

PD: Distance _____ Near _____

- VeriLite Lenses
- Progressive Lenses
- Standard Bifocal
- VeriClear
- UV Filter
- Scratch Resistant Coating
- Tint
- Sunsenors
- Other _____

Ultraviolet light may cause cataracts and retinal degeneration. We recommend that your lenses have ultraviolet protection.

Expires 1 2 year(s) from Rx date.

Contact Lens Rx

CLRS	SPH	CYL	AXIS	BC	DIA	LENS NAME
OD	+1.75	DS		8.6	14.0	SMBXW
OS	+3.50					

NOTE TO DISPENSING OPTICIAN: Please direct patient to the prescribed doctor for fitting evaluation and follow-up visits. Dispensing optician will provide removal training and care instructions.

- Solution _____
- Disposable
- Daily Wear
- Toric
- Cosmetic Lenses
- Dailies
- RGP
- Backup Eyeglasses Recommended
- Solution _____

Expires 1 2 year(s) from Rx date.

Dispense as Written

Substitution Permissible



PRESCRIPTION COVER SHEET

TO:
FAX#:
FROM: [REDACTED]
RE: Order #



13385739



OD Biofinity (Same as AquaClear)

BC: 8.6 DIA: 14.0 SPH: -6.75

OS Biofinity (Same as AquaClear)

BC: 8.6 DIA: 14.0 SPH: -5.25

Attach prescription(s) here or on separate page if necessary

(Please make sure you fax us a contact lens prescription and not an eyeglass prescription – Thank you.)



PATIENT: [REDACTED]
ADDRESS: [REDACTED]

DOB: [REDACTED]
Expires: 10/4/2017
Exam Date: 9/22/2016
Print Date: 12/14/2016

MFG	Brand	BC	DIA	Sph	Cyl	Axis
OD	Aqua Clear	8.6	14	-5.75		
OS	Aqua Clear	8.6	14	-5.25		

Add	Tint	Series	QTY
OD			0 Lenses / Boxes
OS			0 Lenses / Boxes

[Handwritten signature]

LIC#:

Contact Lens Rx

Date: 03/30/2016

Expires: 03/30/2017

Patient: [REDACTED]

DOB: [REDACTED]

Lens and Dispensing

	Manufacturer		Dispense
OD	Coopervision Inc.	Aquaclear	
OS	Coopervision Inc.	Aquaclear	

Rx Details

	MV	BC	Sph	Cyl	Axis	Diam	Add	Desig.	Tint
OD		8.60	-6.50			14.0			
OS		8.60	-5.75			14.0			

Rx Comments

Additional Information and Instructions

Overnight Wearing Schedule

OD:

OS:

Replacement Schedule

OD:

OS:

Other Recommendations

Drops:

Solution:

Enz. Cleaner:

Lens Cleaner

Modality:

[Handwritten signature]

C-4

LENSCRAFTERS



Patient Name: [REDACTED]

Date: December 19, 2018

General Use Eyeglasses

Digital Optical Measurements Recommended

	Sphere	Cylinder	Axis	Prism	Add	Lens Type	Use Instructions	Lens Recommendation			
OD	-3.00	-0.50	0 15	H V		<input checked="" type="checkbox"/> Single Vision <input type="checkbox"/> Progressive <input type="checkbox"/> Bifocal <input type="checkbox"/> Trifocal	<input type="checkbox"/> Full-time <input type="checkbox"/> As Needed <input type="checkbox"/> Near <input type="checkbox"/> Distance	High Index <input type="checkbox"/>	Polycarbonate <input type="checkbox"/>	Anti-Reflective <input checked="" type="checkbox"/>	Photochromic <input type="checkbox"/>
OS	-1.50	0.00	00 0	H V				Best for strong prescription, edge to edge clarity	Thin and light, most impact resistant	Reduces glare & reflections	Changes from clear to dark with UV light

Sunglasses

Digital Optical Measurements Recommended

	Sphere	Cylinder	Axis	Prism	Add	Lens Type	Use Instructions	Lens Recommendation			
OD	-3.00	-0.50	0 15	H V		<input checked="" type="checkbox"/> Single Vision <input type="checkbox"/> Progressive <input type="checkbox"/> Bifocal <input type="checkbox"/> Trifocal <input type="checkbox"/> Non-Rx	<input checked="" type="checkbox"/> All Free Long, Outdoors and Driving <input type="checkbox"/> Distance <input type="checkbox"/> Over Contacts	High Index <input type="checkbox"/>	Polycarbonate <input type="checkbox"/>	Polarized <input checked="" type="checkbox"/>	Backside Anti-Reflective <input type="checkbox"/>
OS	-1.50	0.00	00 0	H V				Best for strong prescription, edge to edge clarity	Thin and light, most impact resistant	Reduces sun glare	Reduces reflection when the sun is behind you

Contact Lenses Number of Refills: 0/01

	Sphere	Cylinder	Axis	Add	Contact Lens Type	Dia.	B.C.	Replacement Frequency	Cleaning / Disinfection
OD	-3.00				Love Eyes LC 1 Day Premium	14.2	8.4	Daily	
OS	-1.50				Love Eyes LC 1 Day Premium	14.2	8.4	Daily	

Glasses Rx Expires On: December 19, 2018

Contact Lenses Rx Expires On: December 19, 2017

Remarks:

Approved For Contact Lenses Not Approved For Contact Lenses



Prescription Release

Patient:



Phone:



Date: 11/28/2016

DOB:

Spectacle Prescription Date: 11/28/2016 Expiration Date: 11/28/2017

	Sphere	Cylinder	Axis	Vert Prism	Hori Prism	Add	Seg Ht	Dist PD	Mono PD
OD	-6.25	-1.25	020			+1.75			
OS	-4.75					+1.75		Near PD	
Notes:									

Notes and Recommendations:

Options: Scratch Resistance, UV Protection, Anti-reflective

Contact Lens Prescription Date: 11/28/2016 Expiration Date: 11/28/2017

# of Lenses Authorized: OD:		OS:							
Disinfection Method:				Replacement Interval: 2 Weeks					
X Disposable X Toric									
Manufacturer	Series	Base Curve	Diameter	Sphere	Cylinder	Axis	Tint		
OD B & L	SL 66 Toric	8.5	14.5	-4.25	-1.25	020			
OS Cooper	Ultraflex II	8.6	14.2	-4.75					
Notes:									

Signature : _____

License # _____

Contact Lens Rx
Patient: [REDACTED]

Rx Date: 14-Oct-2016

Expiration: 14-Oct-2017

Refills Per Eye: 0

	Sphere	Cylinder	Axis	Add	Prism	Base Curve
OD:	-1.25	-0.75	110			8.70
OS:	-1.25	-1.25	080			8.70

Diameter	Multifocal

	Manufacturer	Lens	Material
OD:	Cooper Vision	Ultraflex 55 Toric	
OS:	Cooper Vision	Ultraflex 55 Toric	

Replacement Schedule:

Contact lens follow-ups at no charge within 90 days of fitting.

Remove your contact lenses immediately if:

1. You develop pain or redness
2. You develop foggy or cloudy vision
3. You experience a decrease in vision that does not clear up
4. You suspect something is wrong

License #:

Date: 03/21/2016

Expires: 03/21/2017

Patient:



DOB:

Lens and Dispensing

	Manufacturer		Dispense
OD	Coopervision Inc	Aqua C ear	
OS	Coopervision Inc	Aqua C ear	

Rx Details

	MV	BC	Sph	Cyl	Axis	Diam	Add	Desig.	Tint
OD			-2.75						
OS			-3.00						

Rx Comments

Additional Information and Instructions

Overnight Wearing Schedule

OD:

OS:

Modality:

Replacement Schedule

OD:

OS:

Other Recommendations

- Drops
- Solution
- Enz Cleaner
- Lens Cleaner



RX

Name
Addr

DOB
Age
Date Issued 15-Dec-2016

Contact Lens

	Base Curve	Power	Diameter	Design of Lens
Right	8.6	-3.25	14.0	AquaClear Aspheric
Left	8.6	-4.00	14.0	AquaClear Aspheric

Replacement Interval: 2 weeks
Expiration Date: 15-Dec-17
Office Hours: 8:00AM-5:00PM M-F
Phone Number: 608-366-6178
Fax Number: 608-269-2099

Provider:
NPI:

Date Printed: 15 Dec 2016, 08:53:49 AM

order # 1338770

rx@OptiContacts.com

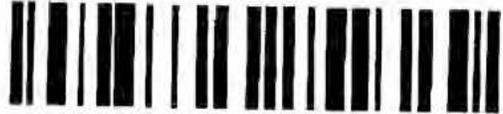


FROM: OptiContacts.com (Fax: 1-888-413-5153)

REQ DATE/TIME: 22-Nov-2016 04:32PM EST

REF#: 13353220 PX REQUEST DATE: 20161122

RE: RX VERIFICATION REQUEST ON BEHALF OF:



Rx info: (PLEASE NOTE PATIENT NAMES)

Biofinity (Same as AquaClear) (QT#000002OS)

Patient: [Redacted] Eye: OS

BC: 8.6 DIA: 14.0 SPH: -4.00

Biofinity Toric (Same as AquaClear Toric) (QT#000002OD)

Patient: [Redacted] Eye: OD

BC: 8.7 DIA: 14.5 SPH: -4.00 CYL: -1.25 AX: 90

PLEASE FAX BACK TO 1-888-413-5153 OR CALL 1-888-678-4201 WITH REF# 13353220.

1) Prescription is correct. Expiry date: _____

2) Prescription is incorrect.

Correct OD: BC 8.6 DIA 14.0 SPH -4.00

Correct OS: BC 8.6 DIA 14.5 SPH -4.00 CYL -1.25 AX: 90

3) Prescription expired on _____

Please fill one-time order but notify my patient that they are due for an eye exam.

4) Rx expired. Exam date: _____ Expiry date: _____

If faxing back, please use this form only and fax 1-888-413-5153 or call 1-888-678-4201

OptiContacts.com is requesting verification of the above prescription(s) under the Fairness to Contact Lens Consumers Act. I represent and warrant that the information provided to OptiContacts.com is accurate. If this form is faxed back, a copy will be made available to the patient. For any questions regarding this prescription verification request, please contact T. Hampton at number above.

Doctor Name

Doctor Signature

License#



PATIENT:
ADDRESS:



DOB: 
Expires: 08/26/2017
Exam Date: 03/04/2016
Print Date: 11/22/2016

	MFG	Brand	BC	DIA	Sph	Cyl	Axis
OD	Coopervision	Aqua Clear Tori	8.6		-4.00	-1.25	090
OS	Coopervision	Aqua Clear	8.6		-4.00		

	Add	Tint	Series	QTY
OD				0 Lenses / Boxes
OS				0 Lenses / Boxes

LIC#:

Print Date: 08/23/2016

Exam Date: 08/23/2016
Expiration Date: 08/23/2017

Final Contact Rx

Patient: [REDACTED]

RT:	BC	Dia	Sphere	Cylinder	Axis	Add	Tint:	Qty: 0
Product:	8.60	14.00	-4.75	SPH.			Clear	
AquaClear								

LT:	BC	Dia	Sphere	Cylinder	Axis	Add	Tint:	Qty: 0
Product:	8.60	14.00	-4.75	SPH.			Clear	
AquaClear								

Wear Schedule: Replenishment: DOT:

Care Regimen

Notes

Provider: [REDACTED]

License #: [REDACTED]

Contact Lens Prescription Release
Fill Exactly As Written, NO SUBSTITUTIONS

Patient: [REDACTED]

Phone: () -

Date: 2/03/2015

DOB: [REDACTED]

Prescription Date: 2/03/2015

Expiration Date: 2/03/2017

of lenses Recommended OD: As needed

OS: As needed

Disinfection Method:

Replacement Interval: Monthly

Disposable

Toric

Manufacturer	Series	Base Curve	Diameter	Sphere	Cylinder	Axis	Tint
OD COOPER VISION	AQUATECH PLUS PREM TORIC	8.7	14.5	+2.00	-0.75	090	
OS COOPER VISION	AQUATECH PLUS PREM TORIC	8.7	14.5	+1.00	-1.75	180	

Notes: Release CLS Rx 1

Signature : _____

License # _____



Prescription Release

Patient: [Redacted]
DOB: [Redacted]

Phone: () -

Date: 11/27/2016

Spectacle Prescription Date: 3/12/2016 Expiration Date: 3/12/2017

	Sphere	Cylinder	Axis	Vert Prism	Hori Prism	Add	Seg Mt
OD	-1.00	-1.50	110				
OS	-1.00	-1.50	060				

Notes:

Prescribed as:
Details: Non-Glare

Contact Lens Prescription Date: 3/12/2016 Expiration Date: 3/12/2017

of Lenses Authorized: OD: As needed OS: As needed
Disinfection Method: Replacement Interval: 2 Weeks

X Disposable
X Toric

Manufacturer	Series	Base Curve	Diameter	Sphere	Cylinder	Axis	Tin
OD COOPER VISION	AQUATECH PLUS PREM TORIQ.7			-1.00	-1.25	110	
OS COOPER VISION	AQUATECH PLUS PREM TORIQ.7			-1.00	-1.25	060	

Notes: Release CLS Rx 1

Signature: [Redacted]

License # _____

Contact Lens Prescription Release
Fill Exactly As Written, NO SUBSTITUTIONS

Patient:



Phone: (915) 920-1657

Date: 2/12/2016

DOB:

Prescription Date: 2/12/2016

Expiration Date: 2/12/2017

of lenses Recommended OD: 12 OS: 12
Disinfection Method: Biotrue Replacement Interval: Monthly

X Disposable
X Toric

Manufacturer	Series	Base Curve	Diameter	Sphere	Cylinder	Axis	Tint
OD COOPER VISION	AQUATECH PLUS PREM TORIC	8.7	14.5	-2.50	-0.75	180	
OS COOPER VISION	AQUATECH PLUS PREM TORIC	8.7	14.5	-2.50	-1.25	170	

Notes: BIOFINITY TORIC, Release CLS Rx 1

Signature : _____

License # _____

Biofinity Toric

Contact Lens Prescription Release
 Fill Exactly As Written, NO SUBSTITUTIONS

Patient: [REDACTED]

Phone: () -

Date: 10/09/2016

DOB: 04/19/2000

Prescription Date: 2/27/2016

Expiration Date: 2/27/2017

# of lenses Recommended	OD: As needed	OS: As needed	
Disinfection Method:		Replacement Interval: 2 Weeks	

X Disposable							
X Toric							
Manufacturer	Series	Base Curve	Diameter	Sphere	Cylinder	Axis	Tint
OD COOPER VISION	AQUATECH PLUS PREM TORIC	8.7	14.5	-4.50	-0.75	010	
OS COOPER VISION	AQUATECH PLUS PREM TORIC	8.7	14.5	-4.80	-0.75	180	
Notes: Release CLS Rx 1							

Signature: _____

License # _____

Biotech
Biotech Toric

EXHIBIT D

November 25, 2015

By **Federal Express**

██████████, President
LD Vision Group Inc.
1010 Niagara St.
Buffalo, New York 14213

Re: Vision Source L.P./unauthorized use of AQUACLEAR trademark

Dear ██████████:

This firm represents Vision Source L.P. ("**Vision Source**") in trademark and other intellectual property matters. As you may know, Vision Source is an affiliate of Essilor International and, together with its licensed franchisees, comprises the largest network of independent optometrists in North America, with over 3,200 locations throughout the United States and Canada. Vision Source is also the owner of numerous established, highly recognized contact lens brands including FRESH DAY®, 2-CLEAR®, and AQUACLEAR®, to name but a few. Vision Source's AQUACLEAR trademark (the "**AQUACLEAR Mark**") is federally registered as U.S. Reg. No. 3,577,287, a copy of which is enclosed for your reference.

It has come to Vision Source's attention that LD Vision Group Inc., through various affiliates including Opticontacts.com and LensDiscounters.com (collectively "**LD Vision Group**") is using without authorization Vision Source's AQUACLEAR Mark, as shown, for example, by the material below found on Opticontacts.com, and furthermore, is using Vision Source's mark to sell a competing brand of lens (BIOFINITY):

MODEL

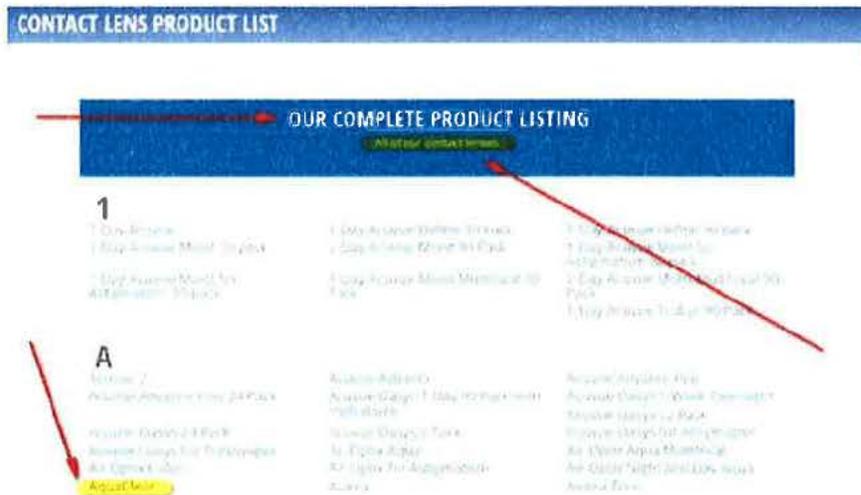
- Air Optix Night and Day Aqua
- AquaClear
- Avaira
- Avaira Toric
- Bausch + Lomb ULTRA
- Biofinity
- Biofinity Multifocal
- Biofinity Toric
- Biomedix (ClearSight) Day 90 Pack
- Biomedix 38
- Biomedix 55
- Biomedix 55 Premier
- Biomedix Toric
- Biomedix XC
- Biotrue ONE day 30 Pack
- Biotrue ONE day 90 Pack
- Clear 1 Day 90 Pack
- Clear 1 Day Multifocal 30 Pack
- Clear 1 Day Toric 30 Pack

COOPERVISION AquaClear **\$29.45**

DESCRIPTION

AquaClear 6-pack contact lenses are made using patented Aquaform technology. AquaClear contact lenses are identical to Biofinity contact lenses. AquaClear contact lenses are manufactured by CooperVision. AquaClear lenses are actually CooperVision BIOFINITY contact lenses, re-branded for

In fact, in several places on the Opticontacts.com website (for example), LD Vision Group falsely or misleadingly represents to the public that it is authorized to sell AQUACLEAR lenses, as shown below:



Yet, it is apparent that LD Vision Group does not sell AQUACLEAR, but rather, only "BIOFINITY", as shown in the example below:



Vision Source acknowledges the existence of the Fairness to Contact Lens Consumers Act, as codified at 15 U.S.C. § 7601-7610 (the "Act"). Vision Source also acknowledges that contact lenses sold under the AQUACLEAR Mark are manufactured by Cooper Vision

(which also manufactures contacts sold under the BIOFINITY label). While the Act may permit LD Vision Group to sell a BIOFINITY-labeled product to a consumer whose prescription specifies an AQUACLEAR-branded contact lens, nothing in the Act (or otherwise) authorizes LD Vision Group to violate federal and state trademark laws, or to use the AQUACLEAR Mark in the manner that it is doing now.

As provided under federal law, "any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name..., or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which (A) is likely to cause confusion, or to cause mistake, or to deceive, as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, ..., or commercial activities by another person, or (B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities,of his or her or another person's goods, services, or commercial activities, shall be liable...". See 15 U.S.C. 1125.

To be certain, LD Vision has not been authorized, and is not authorized, to use Vision Source's AQUACLEAR Mark in any manner. As such, Vision Source demands that LD Vision cease all use of Vision Source's AQUACLEAR Mark including but not limited to use in all advertisements, promotions, e-mail blasts and website uses.

In order to ensure protection of Vision Source's valuable AQUACLEAR Mark, we request that you confirm in writing by no later than close of business **Friday December 11, 2015** that LD Vision Group has complied with the demands.

We look forward to receiving your cooperative response.

Very truly yours,

Kay Lyn Schwartz

KLS/JRF:la

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,577,287

Registered Feb. 17, 2009

**TRADEMARK
PRINCIPAL REGISTER**

AQUACLEAR

VISION SOURCE L.P. (TEXAS LIMITED PART-
NERSHIP)
1849 KINGWOOD DRIVE, SUITE 101
KINGWOOD, TX 77339

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: CONTACT LENSES, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

SN 77-276,983, FILED 9-11-2007.

FIRST USE 12-3-2008; IN COMMERCE 12-3-2008.

KEVIN CORWIN, EXAMINING ATTORNEY

Bona Law PC

December 31, 2015

VIA EMAIL

Kay Lyn Schwartz
Gardere Wynn Sewell LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201

Dear Ms. Schwartz:

I write on behalf of my client, LD Vision Group, Inc. in response to your letter of November 25, 2015. Your claim that LD Vision Group has violated federal or state trademark laws is legally untenable. Nevertheless, my client has removed and replaced the listings for your Aquaclear lenses to more clearly specify that Aquaclear lens prescriptions are filled with the Biofinity label.

LD Vision provides consumers with the lowest prices available on the contact lenses they seek. Your client, in catering to eye-care professionals' demands for rents, has attempted to thwart healthy competition by offering private label lenses—Aquaclear—that ECPs can specifically prescribe to capture the sale by deceiving consumers into believing that their lenses are only available from their provider. LD Vision Group is simply protecting consumers' rights under the Fairness to Contact Lens Consumers Act by curing your initial deception.

LD Vision did nothing more than provide consumers with the information they need to make informed decisions in purchasing the contact lenses upon which they depend. LD Vision Group merely allows consumers to select the brand they were prescribed in order to properly fill their prescriptions.

LD Vision has the right to fill contact lens prescriptions "sold under multiple labels to individual providers . . . with a contact lens manufactured by that company under another label." 15 U.S.C. § 7603(f). To fulfill prescriptions, consumers must have the option to select the brands listed on their prescriptions. If they did not, then Congress' purpose would be frustrated.

Moreover, you claim that LD Vision has violated the Lanham Act. While you have not detailed exactly what your claim under the Lanham Act would be, I can only assume that you believe LD Vision Group has made a false or misleading description or representation of fact, either by

Bona Law PC

holding itself out as an authorized distributor of Aquaclear lenses or by including a listing for Aquaclear lenses as available for filling under the Biofinity label.

Your assertion that LD Vision has held itself out as an authorized distributor of Aquaclear lenses is a non-starter. Nowhere on its website does LD Vision use the term “authorized distributor” in connection with Aquaclear lenses. At best, a consumer might think that LD Vision sells the lenses they need to fill their Aquaclear prescription—and, in fact, it does. This is neither misleading nor false.

In any event, a Lanham Act claim based on misleading—rather than literally false—statements require proof of consumer deception. *See Osmose, Inc. v. Viance, LLC*, 612 F.3d 1298, 1318-19 (11th Cir. 2010). LD Vision’s ordering interface makes clear that Aquaclear lens prescriptions are filled with Biofinity lenses. Moreover, the deception must be material; that is, it must influence the consumer’s purchasing decision. *Johnson & Johnson Vision Care, Inc. v. 1-800 Contacts, Inc.*, 299 F.3d 1242, 1250 (11th Cir. 2002). There is no “inherent quality or characteristic” that differentiates Aquaclear lenses from Biofinity lenses. *Id.* Indeed, the only difference between the two lenses is that Aquaclear lenses include a complimentary dose of anticompetitive harm.

The lack of merit to your claims notwithstanding, LD Vision has removed and replaced the Aquaclear listings in order to allay your concerns and avoid further unnecessary expense. Please feel free to contact me if you have any further questions.

Very Truly Yours,

Aaron R. Gott
Bona Law PC

January 22, 2016

Via E-mail: _____
Confirmation via Federal Express

Mr. Aaron R. Gott
Bona Law PC
4275 Executive Square, Suite 200
La Jolla, CA 92037

Re: Vision Source L.P./unauthorized use of AQUACLEAR trademark

Dear Mr. Gott:

We are in receipt of your letter dated December 31, 2015. While we disagree with the allegations made in your letter (and deny all assertions of liability made by LD Vision against Vision Source), we acknowledge LD Vision’s agreement to comply with Vision Source’s demands, and appreciate your cooperation in this regard.

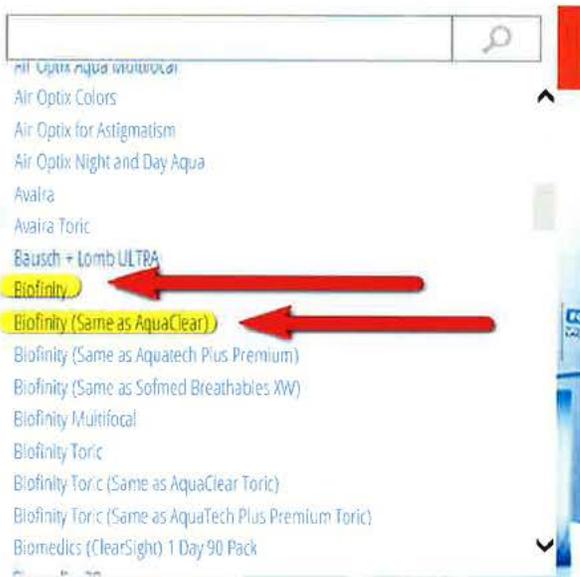
With respect to LD Vision’s intended changes, we note, however, that many changes have not yet been made, and further, it appears that certain changes that have been made so far require further change. LD Vision’s continued unauthorized use of Vision Source’s “AquaClear” mark (including photographs of AquaClear packaging) goes well beyond the bounds of permitted “fair use”, and is likely to cause confusion, as it creates the perception of an “affiliation, connection or association” between the “AquaClear” and “Biofinity” products. See e.g., 15 U.S.C. 1125(a). Further, the comparisons that LD Vision makes concerning the “AquaClear” product are false or misleading.

As an example, on the OptiContacts.com website, as of the date of this letter, LD Vision references



the "Biofinity" product as "**Biofinity (Same as AquaClear)**". See example below:

This occurs in multiple places on the website including in headers and in lists of products available on the Opticontacts.com website. See example below:



LD Vision creates the impression that "Biofinity" and "Biofinity (Same as AquaClear)" are two different products. It is apparent that LD Vision has simply substituted references to "AquaClear" with "Biofinity (Same as AquaClear)" throughout the website. This is unacceptable.

Further, the description for "Biofinity" contains a description for "AquaClear", as evidenced below:

now on sale: **\$29.45** per box (6 lenses/box)

[Info](#) [Reviews](#) [Description](#)

AquaClear 6-pack contact lenses are made using patented Aquaform™ technology. AquaClear contact lenses are identical to Biofinity contact lenses. AquaClear contact lenses are manufactured by CooperVision. AquaClear lenses are actually CooperVision BIOFINITY contact lenses, re-branded (or privately labeled). AquaClear and Biofinity are the exact same lens in every aspect except for the name and packaging. We only ship the Biofinity label.

Biofinity lenses are also sold under the names SIH-48, Sofmed Breathables XW and Aquatech Plus Premium.

Mr. Aaron R. Gott
Bona Law PC
January 22, 2016
Page 3

While we acknowledge that the physical contact lens sold under the "AquaClear" mark is manufactured by CooperVision (and CooperVision also markets this lens under its "Biofinity" label), the "AquaClear" mark owned by Vision Source and the "Biofinity" mark owned by CooperVision are different trademarks, owned by different and unrelated companies. In addition, the contact lenses are sold under different packaging and at different prices. As such, "Biofinity" is not the "SAME" as "AquaClear" as LD Vision currently represents. While Vision Source acknowledges that the law may allow certain references to a competitor's mark in a comparative advertisement, it is well-established that such an ad cannot cause confusion, and must be 100% truthful.

We look forward to receiving by no later than **February 12, 2016** confirmation that LD Vision has completed the required changes to its websites and that it will otherwise adhere to Vision Source's demands.

Should you have any questions or wish to discuss, please feel free to call me.

Very truly yours,



Kay Lyn Schwartz

Bona Law PC

February 4, 2016

VIA EMAIL

Kay Lyn Schwartz
Gardere Wynn Sewell LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201

Re: Aquaclear / LD Vision Group

Dear Ms. Schwartz:

LD Vision Group is a contact lens retailer; it does not manufacture contact lenses or own its own labels of contact lenses. In contrast, Vision Source is a wholesaler that owns its own label. LD Vision is thus not a competitor of your client and its product listings are not comparative advertisements.

My client has nevertheless made additional changes to allay your concerns about potential confusion. We continue to believe that any confusion that consumers may have falls on the eye-care providers who prescribe your lenses by brand solely to capture a sale that they would otherwise lose to competition.

If you have any remaining questions or concerns, please feel free to call me.

Very Truly Yours,

Aaron R. Gott
Bona Law PC

EXHIBIT E

**PATIENT ACKNOWLEDGEMENT & WAIVER OF PRESCRIPTION
VERIFICATION**

I acknowledge that I completed and paid for an eye exam and/or contact lens fitting with _____ (name of provider). My replacement contact lens order is based upon my current valid prescription. The parameters I have provided for my contact lens order match the brand and lens parameters prescribed by my eye care provider and/or match the prescription parameters printed on contact lens packaging previously prescribed to and received by me. I certify that I am ordering exact replacements of contact lenses that I have successfully worn previously.

I am aware of the risks associated with the improper use of contact lenses.

I am aware it is recommended a patient receive an eye-health examination annually.

I hereby waive any additional prescription verification requirement and wish to engage [*Insert Contact Lens Seller*] for the purchase of my contact lenses. If I experience any unexplained symptoms such as blurriness or discomfort, I will discontinue use of contact lenses immediately and consult an eye care professional. I hereby certify that I will regularly visit my eye care professional for routine eye exams as per his/her recommended interval and immediately for any issues that may arise from the use of contact lenses.

[*Insert Contact Lens Seller*] reserves the right to request a copy of the actual prescription before or after fulfilling my order, or to contact my eye care provider regarding any issues with my prescription.

[Patient Name]

[Patient or Guardian Signature]