

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 03-N-184 (MJW)

MAINSTREAM MARKETING SERVICES, INC., et al.

Plaintiffs,

v.

FEDERAL TRADE COMMISSION,

Defendant.

DEFENDANT FEDERAL TRADE COMMISSION'S NOTICE OF APPEAL

Defendant Federal Trade Commission hereby gives notice that, in the above-captioned matter, it appeals to the United States Court of Appeals for the Tenth Circuit that portion of this Court's Order and Judgment of September 25, 2003, that declares invalid the provisions of the FTC's Telemarketing Sales Rule that pertains to the nationwide telemarketing do-not-call registry. A copy of the Order and Judgment is attached hereto.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on September 26, 2003, I served a copy of Defendants' Notice of Appeal on plaintiffs by sending that copy by e-mail and by facsimile transmission to:

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