



subpoenas that are the subject of this motion.<sup>1</sup>

On Friday, October 21, 2005, after the close of business, Corporate Respondents' new counsel served Complaint Counsel with twenty-five subpoenas *duces tecum* directed to third parties. Corporate Respondents previously had obtained these subpoenas from the Secretary. *See, e.g.,* Resp'ts' Subpoena to Alexa Internet (stamped by Secretary of the Commission on Oct. 14, 2005); *see generally* RULE 3.34(b) (setting forth procedure under which Secretary issues signed, blank subpoenas to parties upon request). Respondents' subpoenas are attached hereto as Exhibit A, arranged by the names of the recipients in alphabetical order.

Respondents addressed their subpoenas to the following entities: (1) AboveNet Communications, Inc.; (2) Alexa Internet; (3) America Online, Inc.; (4) AT&T Corp.; (5) Become, Inc.; (6) BellSouth Intellectual Property Corp.; (7) Comcast Corp.; (8) Earthlink, Inc.; (9) Global Crossing Ltd.; (10) Google, Inc.; (11) IBM Corp.; (12) Lexis-Nexis Group; (13) Microsoft Corp.; (14) Qwest Communications International, Inc.; (15) Reed Elsevier Group; (16) SBC Internet Services, Inc.; (17) Schneider International, Inc.; (18) "Thomson";<sup>2</sup> (19) University of North Texas; (20) Verizon Communications; (21) Verizon Internet Services, Inc.; (22) Verizon Trademark Services, LLC; (23) Mr. John Wang; (24) WilTelCommunications Group, Inc.; and (25) Yahoo! Inc. None of these entities are parties to this administrative

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<sup>1</sup> Earlier in this action, on June 17, 2005, the Commission denied Respondents' motion to take certain discovery from Complaint Counsel, stating that the requested discovery was beyond the scope of that permitted under the Commission's RULES, 16 C.F.R. part III. *See infra* page 6-7.

<sup>2</sup> Respondents submitted an electronic file to Complaint Counsel purporting to be a subpoena to an entity called "Thomson," perhaps meaning the Thomson-West company, but the electronic file contained another copy of the subpoena directed to Reed Elsevier Group.

proceeding. Moreover, none of the actual parties to this proceeding have identified any of the entities listed above as entities likely to have discoverable information relevant to discoverable topics. *See, e.g.*, Ex. B (Corp. Resp'ts' Initial Disclosures).

Respondents' twenty-five subpoenas relate to the posting of one or more exhibits on the FTC's website. The exhibits in question are those identified in the Commission's June 17<sup>th</sup> *Order* imposing procedural restrictions, granting partial access to certain internal agency electronic files, and denying Respondents' discovery motion. *See* Order of the Commission n.1 (June 17, 2005) (describing exhibits generally); *id.* at 8 (stating orders). Each subpoena contains approximately six or seven specifications for documents. An illustrative list of these specifications follows.

1. All documents relating to your company's access to the U.S. Federal Trade Commission's ("FTC") website, URL [www.ftc.gov](http://www.ftc.gov) ("FTC Website").
2. All documents identifying employees, officers, directors, contractors and/or other agents (collectively, "Users") who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on February 8, 2005.
4. All documents identifying Users who accessed the FTC Website on February 8, 2005.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.<sup>3</sup>
6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.
7. All information maintained in your company's databases relating in any way to the file from the FTC Website identified in paragraph 5 above.

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<sup>3</sup> In 17 of the 25 subpoenas served late last week, Respondents demanded that recipients provide documents and information concerning the use of only one identified file—the file identified above, which contained an exhibit of gross sales figures submitted with Complaint Counsel's first *Motion to Compel*. *See* Resp'ts' Subpoenas to Alexa Internet, America Online, AT&T, Bellsouth Intellectual Property, Comcast, Qwest, Global Crossing, Google, Verizon, Verizon Trademark Services, Verizon Internet Services, Microsoft, Schneider, University of North Texas, SBC, Mr. Wang, WilTelCommunications (Oct. 21, 2005); *see also* Order of the Commission n.1 (describing exhibit in those terms).

Resp'ts' Subpoena to Alexa Internet (served Oct. 21, 2005).

Respondents' specifications vary slightly from subpoena to subpoena, but they are uniformly sweeping in scope. For example, Respondents' subpoenas directed to America Online, Earthlink, and others demand all documents relating to their "users' or subscribers' access" to the FTC's website, all documents identifying those users, and additional documents and information. *See, e.g.*, Resp'ts' Subpoena to America Online (Oct. 21, 2005). Additionally, Respondents have also demanded that many subpoena recipients provide documents and information concerning an electronic file containing an exhibit that this Court ruled did not meet the standards for *in camera* treatment. *See* Resp'ts' Subpoenas to Earthlink, Reed Elsevier, IBM, Lexis-Nexis Group, and Yahoo! (Oct. 21, 2005) (seeking documents and information concerning any use of electronic file for Exhibit 42); *see also* Order, Apr. 6, 2005, at 9 (concluding that Exhibit 42 did not meet standards for *in camera* treatment).

In most of the twenty-five subpoenas, Corporate Respondents' counsel certified that the subpoenas were served by registered mail last Friday, October 21<sup>st</sup>. Respondents' counsel has done so without apparent leave of Court, and the subpoenas are improper. Accordingly, we hereby move to quash those subpoenas as an improper use of administrative subpoena powers.<sup>4</sup>

#### **I. Respondents' Subpoenas Are Untimely**

As a threshold issue, Respondents' subpoenas duces tecum are untimely. The ability of a party to issue subpoenas duces tecum under RULE 3.34 is circumscribed by the Court's *Scheduling*

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<sup>4</sup> The Court has authority to consider this question *sua sponte*, as well as on the application of Complaint Counsel. *See* Order, Dec. 9, 2004, at 5 (observing that interests of judicial economy render it appropriate for Administrative Law Judge to resolve issues raised by parties concerning multiple subpoenas issued to third parties).

*Order*. That *Order* clearly set the deadline for issuing subpoenas *duces tecum* for November 8, 2004. See *Order*, Aug. 11, 2004, at 1. The Court did not move this deadline, and Respondents did not move for leave of Court to issue their subpoenas out of time. Compare Compl. Counsel's Mot. to Serve Subpoenas (Feb. 11, 2005). Although both the Commission's RULES OF PRACTICE and the Court's *Scheduling Order* require "a showing of good cause" for extensions to discovery deadlines, see RULE 3.21(c)(2), *Order*, Aug. 11, 2004, at 3, Respondents did not attempt to make this showing, to our knowledge, before issuing 25 subpoenas to third parties nearly a year after the close of written discovery. Respondents' subpoenas are untimely and should be quashed as an *ultra vires* exercise of the agency's administrative subpoena powers. As briefly discussed below, Respondents' subpoenas are objectionable for other reasons as well.

## **II. Respondents' Subpoenas Demand Documents and Information that are Irrelevant and Outside the Bounds of Discovery in this Matter**

Respondents have served dozens of third parties with subpoenas that demand documents and information that are irrelevant to the issues in this case and beyond the scope of proper discovery in this matter. Respondents' subpoenas are improper and should be quashed.

It is axiomatic that discovery in these adjudicative proceedings must be "reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of the respondent." *Order*, Dec. 9, 2004, at 4; see RULE 3.31(c)(1) (stating same limitation on scope of discovery). "[T]he issue to be litigated at the trial in this matter is whether Respondents violated the FTC Act's prohibition against false and misleading advertising." *Order on Complaint Counsel's Motion to Strike Respondents' Additional Defenses*, Nov. 4, 2004, at 2. However, Respondents' twenty-five subpoenas relate solely to the posting of exhibits on an agency

website. *See supra* page 3. This topic is beyond the scope of proper discovery in this matter.

None of the discrete factual questions and document demands contained in Respondents' subpoenas has any relevance to whether Respondents have violated the FTC Act as alleged in the *Complaint*. Indeed, the Commission has ruled that Respondents' discovery demands related to the website posting are not, in fact, relevant to this matter. When Respondents sought to conduct such discovery directed to Complaint Counsel, the Commission reviewed Respondents' submissions, and denied Respondents' discovery motion, restating the principle that "discovery in Commission adjudicatory proceedings . . . is limited to matters that are relevant to the allegations of the Commission's complaint, to the relief proposed therein, or to the Respondents' defenses." Order of the Commission at 8. The Commission found that Respondents' discovery demands were not addressed to these issues. *See id.*

Respondents have made no suggestion that their present subpoenas are relevant and limited to matters properly within the scope of discovery. As was the case when Respondents sought to conduct discovery directed to Complaint Counsel, "Respondents have failed to allege or demonstrate how the posting of the documents on the FTC Web site has prejudiced the Respondents with respect to the merits of the proceeding." *Id.* at 5. As the Commission stated:

The posting of the exhibits on the FTC's Web site has not deprived or interfered with the Respondents' access to any relevant testimony, document, or other necessary evidence. Likewise, Respondents' allegation of serious competitive business harm from the alleged improper disclosure, even if proven to be true, would not constitute prejudice to any substantive claims or defenses that might be a factor in this litigation.

*Id.* Following these precepts, Respondents' discovery demands clearly do not seek documents or

information that would be relevant in this litigation.<sup>5</sup>

Respondents' subpoenas are irrelevant to the issues in this matter and are thus outside the bounds of available discovery. *See* Order, Dec. 9, 2004, at 4; RULE 3.31(c)(1). Under the RULES OF PRACTICE and the consistent prior rulings of the Commission and this Court concerning the scope of discovery, Respondents' unilateral decision to issue dozens of agency subpoenas is clearly improper, and warrants an appropriate judicial response.

### **III. Respondents' Subpoenas Are Overbroad**

Even if Respondents had requested and received advance leave of Court to serve subpoenas, and the posting of website exhibits was somehow related to the merits of this matter, Respondents' subpoenas would still be overbroad and improper. These subpoenas demand a broad assortment of documents from non-parties, including "[a]ll documents relating to [the non-party's] access to the U.S. Federal Trade Commission's ("FTC") website," and "[a]ll documents identifying employees, officers, directors, contractors and/or other agents (collectively, "Users") who accessed the FTC Website." *E.g.*, Resp'ts' Subpoena to Alexa Internet. These specifications would encompass nearly all documents pertaining to the FTC's website possessed by third parties, regardless of date or subject matter. The specifications also include all documents referencing any persons who are known to have accessed the FTC's website, which would include personnel files or consumer bills. Respondents' more specific demands for documents relating to visits to the

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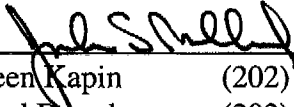
<sup>5</sup> As the Commission recognized in its *Order*, the aggregate data ordered to be disclosed by the Commission, which we believe has been disclosed, would allow Respondents "to contact the operators of the Web domains from which requests for the exhibits originated, and determine if those domains might assist in identifying, retrieving, or destroying any copies of the exhibits that may have been retained." *Id.* at 8. The Commission's *Order* did *not* state, however, that Respondents were entitled to use administrative subpoenas to do so.

FTC website on particular dates are likewise overbroad because they do not focus on the posted exhibits in question. These demands would encompass hundreds or thousands of unrelated web pages, including pages devoted to the FTC's "Do Not Call" initiative, the *Evanston* matter, and other materials that are not relevant to Respondents' chosen topic of investigation. Respondents' amorphous, ill-defined specifications are overbroad, and they are all but certain to impose unreasonable burdens upon innocent third parties who receive and endeavor to comply with administrative subpoenas.<sup>6</sup>

### CONCLUSION

Long after the deadline for propounding written document requests, Respondents have employed administrative subpoenas often used to investigate alleged violations of the FTC Act to issue demands bearing the FTC seal to 25 non-parties, directing them to produce documents concerning a topic unrelated to the merits of this matter. The RULES and *Orders* defining the scope of discovery in adjudicative proceedings offer no justification for Respondents' issuance of these subpoenas. We therefore respectfully request that the Court quash Respondents' improper effort to levy administrative subpoena powers here.

Respectfully submitted,

  
\_\_\_\_\_  
Laureen Kapin (202) 326-3237  
Lemuel Dowdy (202) 326-2981  
Walter C. Gross, III (202) 326-3319  
Joshua S. Millard (202) 326-2454

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<sup>6</sup> Complaint Counsel have an interest in ensuring that this agency's administrative discovery mechanisms do not burden third parties—parties who "may be understandably reluctant to become involved in administrative proceedings." Operating Manual ch. 10, § .13.6.4.7.6; *see id.* § .13.6.4.7.3.




Edwin Rodriguez (202) 326-3147  
Laura Schneider (202) 326-2604

Division of Enforcement  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Dated: October 26, 2005

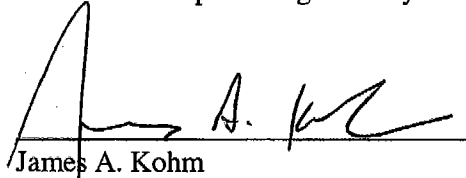
### RULE 3.22 STATEMENT

Pursuant to RULE 3.22(f), I certify that Complaint Counsel have conferred in good faith with opposing counsel in good faith in an effort to resolve by agreement the issues raised in this *Motion*. On October 25, 2005, Complaint Counsel Laureen Kapin and Joshua Millard contacted counsel for Corporate Respondents. We spoke to Andrea Ferrenz, the attorney whose signature appears on the service pages for the subpoenas forwarded to us, and asked that Respondents withdraw their subpoenas. Ms. Ferrenz requested time to contact her clients and convey Complaint Counsel's position and concerns. Thereafter, on October 26<sup>th</sup>, opposing counsel indicated that Corporate Respondents would not consent to withdrawing the subpoenas that are the subject of this Motion, necessitating this *Motion to Quash*.

  
Complaint Counsel

**CERTIFICATION OF REVIEWING OFFICIAL**

I certify that I have reviewed the attached public filing, *Complaint Counsel's Motion to Quash Respondents' 25 Subpoenas Directed to Third Parties*, prior to its filing to ensure the proper use and redaction of materials subject to the *Protective Order* in this matter and protect against any violation of that *Order* or applicable RULE OF PRACTICE.

A handwritten signature in black ink, appearing to read 'James A. Kohm', is written over a horizontal line.

James A. Kohm

Associate Director, Division of Enforcement  
Bureau of Consumer Protection

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

In the Matter of )  
)  
BASIC RESEARCH, L.L.C., )  
A.G. WATERHOUSE, L.L.C., )  
KLEIN-BECKER USA, L.L.C., )  
NUTRASPORT, L.L.C., )  
SOVAGE DERMALOGIC )  
LABORATORIES, L.L.C., )  
BAN, L.L.C., )  
DENNIS GAY, )  
DANIEL B. MOWREY, and )  
MITCHELL K. FRIEDLANDER, )  
Respondents. )

Docket No. 9318

PUBLIC DOCUMENT

**ORDER GRANTING COMPLAINT COUNSEL'S MOTION TO QUASH  
RESPONDENTS' TWENTY-FIVE SUBPOENAS DIRECTED TO THIRD PARTIES**

Complaint Counsel have moved, pursuant to RULE OF PRACTICE 3.34(c), to quash twenty-five subpoenas *duces tecum* that Respondents directed to third parties on October 21, 2005. Respondents have indicated that they oppose this motion.

Upon due consideration, it is apparent that Respondents' subpoenas are untimely, and that Respondents did not seek leave to serve them on third parties. The subpoenas are directed to topics that are not within the bounds of available discovery. Discovery in Commission adjudicatory proceedings is limited to matters that are relevant to the allegations of the Complaint, to the relief proposed therein, or to the Respondents' defenses. The posting of one or more exhibits on the FTC's website is not relevant to those issues or this matter. *See* Order of the Commission, June 17, 2005, at 5, 8. Even if the subpoenas were within the bounds of permissible discovery, the breadth of the proposed discovery and its attendant burden on third parties would outweigh any benefit of such discovery in these proceedings. The subpoenas are improper. Accordingly, it is hereby ORDERED that Complaint Counsel's Motion to Quash is GRANTED, and Respondents' twenty-five subpoenas are hereby quashed. It is further ORDERED that Respondents shall immediately notify the subpoena recipients that the subpoenas have been quashed.

ORDERED:

\_\_\_\_\_  
Stephen J. McGuire  
Chief Administrative Law Judge

Date:

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of October, 2005, I caused *Complaint Counsel's Motion to Quash Respondents' 25 Subpoenas Directed to Third Parties* to be served and filed as follows:

- (1) the original, two (2) paper copies filed by hand delivery and one (1) electronic copy via email to:  
**Donald S. Clark, Secretary**  
Federal Trade Commission  
600 Penn. Ave., N.W., Room H-135  
Washington, D.C. 20580
  
- (2) two (2) paper copies served by hand delivery to:  
**The Honorable Stephen J. McGuire**  
Administrative Law Judge  
600 Penn. Ave., N.W., Room H-104  
Washington, D.C. 20580
  
- (3) one (1) electronic copy via email and one (1) paper copy by first class mail to:

**Stephen E. Nagin**  
Nagin Gallop Figueroa P.A.  
3225 Aviation Ave.  
Miami, FL 33133-4741  
(305) 854-5353  
(305) 854-5351 (fax)  
[snagin@ngf-law.com](mailto:snagin@ngf-law.com)  
**For Respondents**

**Mitchell K. Friedlander**  
5742 West Harold Gatty Dr.  
Salt Lake City, UT 84116  
(801) 517-7000  
(801) 517-7108 (fax)  
mkf555@msn.com  
**Respondent Pro Se**

**Ronald F. Price**  
Peters Scofield Price  
310 Broadway Centre  
111 East Broadway  
Salt Lake City, UT 84111  
(801) 322-2002  
(801) 322-2003 (fax)  
[rfp@psplawyers.com](mailto:rfp@psplawyers.com)  
**For Respondent Mowrey**

**Richard D. Burbidge**  
Burbidge & Mitchell  
215 S. State St., Suite 920  
Salt Lake City, UT 84111  
(801) 355-6677  
(801) 355-2341 (fax)  
[rburbidge@burbidgeandmitchell.com](mailto:rburbidge@burbidgeandmitchell.com)  
**For Respondent Gay**

**Jonathan W. Emord**  
Emord & Associates, P.C.  
1800 Alexander Bell Dr. #200  
Reston, VA 20191  
(202) 466-6937  
(202) 466-6938 (fax)  
[jemord@emord.com](mailto:jemord@emord.com)  
**For Respondents Klein-Becker  
USA, LLC, A.G. Waterhouse,  
LLC, Basic Research, LLC,  
Nutrasport, LLC, Sovage  
Dermalogic Laboratories, LLC,  
and BAN, LLC**

  
COMPLAINT COUNSEL

# **EXHIBIT A**



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>AboveNet Communications, Inc. 360 Hamilton Avenue White Plains NY 10601</p>	<p>2. FROM</p> <p style="text-align: center;">UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p style="text-align: center;">Jonathan W. Emord</p>
<p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p style="text-align: center;">November 11, 2005 at 10:00 AM EST</p>	

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191 (202) 466-6937</p>
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<p>DATE ISSUED</p> <p style="text-align: center;">OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> <p style="text-align: center;"><i>Donald S. Clark</i></p>
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**GENERAL INSTRUCTIONS**

<p style="text-align: center;"><b>APPEARANCE</b></p> <p>The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.</p> <p style="text-align: center;"><b>MOTION TO LIMIT OR QUASH</b></p> <p>The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.</p>	<p style="text-align: center;"><b>TRAVEL EXPENSES</b></p> <p>The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.</p> <p style="text-align: center;">This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.</p>
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**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

AboveNet Communications, Inc.  
360 Hamilton Avenue  
White Plains NY 10601

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on February 16, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following files from the FTC Website: 050131exhib015.pdf and 050131exhib036.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

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<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to AboveNet Communications, Inc. to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

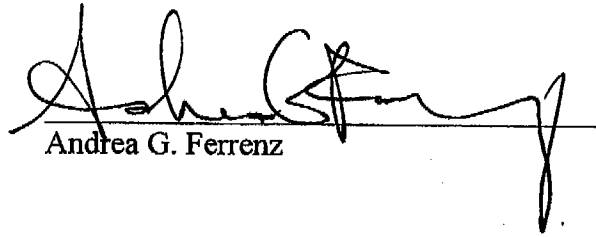
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Alexa Internet          Presidio of San Francisco          Building 37 PO Box 29141          San Francisco CA 94129-0141</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA          FEDERAL TRADE COMMISSION</p>
--	--

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC          1800 Alexander Bell Dr.          Suite 200          Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
---	--

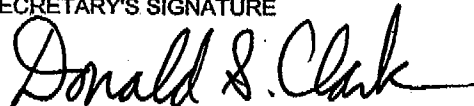
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission          Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord          Emord &amp; Associates PC          1800 Alexander Bell Dr.          Suite 200          Reston VA 20191          (202) 466-6937</p>
--	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Alexa Internet  
Presidio of San Francisco  
Building 37 PO Box 29141  
San Francisco CA 94129-0141

*on the person named herein on:*

October 21, 2005  
(Month, day, and year)

Jonathan W. Emord  
(Name of person making service)

Counsel for Corporate Respondents  
(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the document(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your company's access to the U.S. Federal Trade Commission's ("FTC") website, URL [www.ftc.gov](http://www.ftc.gov) ("FTC Website").
2. All documents identifying employees, officers, directors, contractors and/or other agents (collectively, "Users") who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on February 8, 2005.
4. All documents identifying Users who accessed the FTC Website on February 8, 2005.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

7. All information maintained in your company's databases relating in any way to the file from the FTC Website identified in paragraph 5 above.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Alexa Internet to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

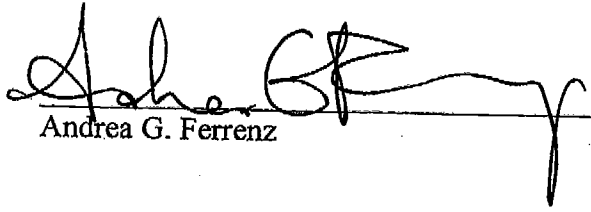
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

1. TO America Online, Inc. 22000 AOL Way Dulles VA 20166	2. FROM  UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
---	---

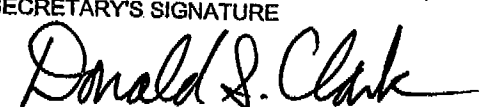
This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION Emord & Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191	4. MATERIAL WILL BE PRODUCED TO Jonathan W. Emord  5. DATE AND TIME OF PRODUCTION OR INSPECTION November 11, 2005 at 10:00 AM EST
--	---

6. SUBJECT OF PROCEEDING  In the matter of Basic Research LLC, et al., Docket No. 9318
--

7. MATERIAL TO BE PRODUCED Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.
--

8. ADMINISTRATIVE LAW JUDGE  The Honorable Stephen J. McGuire  Federal Trade Commission Washington, D.C. 20580	9. COUNSEL REQUESTING SUBPOENA Jonathan W. Emord Emord & Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937
---	---

DATE ISSUED  OCT 14 2005	SECRETARY'S SIGNATURE 
--------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

American Online, Inc.

22000 AOL Way

Dulles VA 20166

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on January 11, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

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1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to America Online, Inc. to be served as follows:  
  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

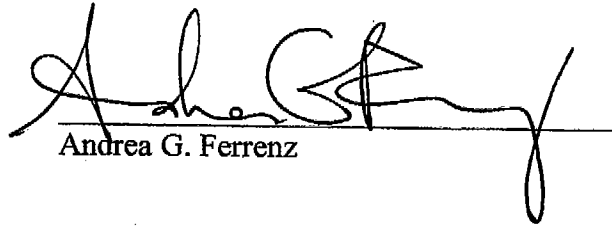
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>AT&amp;T Corp. 32 Avenue of the Americas New York NY 10013</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell DR. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

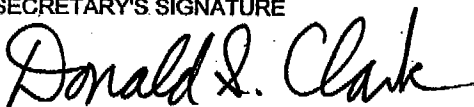
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

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<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

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#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

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**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

AT&T Corp.  
32 Avenue of the Americas  
New York NY 10013  
.....

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

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- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
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1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 26, 2004; January 4, 2005; and January 21, 2005.
4. All documents identifying Users who accessed the FTC Website on the dates identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

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1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
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3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
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---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to AT&T Corp. to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

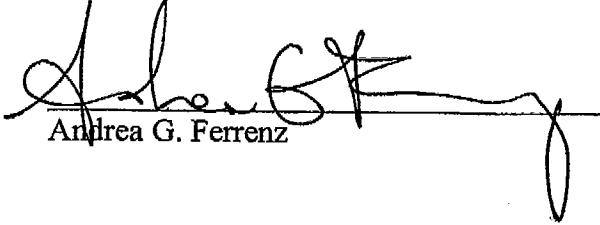
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

1. TO Become, Inc. 1300 Crittenden Lane Suite 403 Mountain View, CA 94043	2. FROM  UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION  Emord & Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191	4. MATERIAL WILL BE PRODUCED TO Jonathan W. Emord  5. DATE AND TIME OF PRODUCTION OR INSPECTION November 11, 2005 at 10:00 AM EST
--	---

6. SUBJECT OF PROCEEDING  In the matter of Basic Research LLC, et al., Docket No. 9318
--

7. MATERIAL TO BE PRODUCED Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements of Exhibit A attached.
--

8. ADMINISTRATIVE LAW JUDGE  The Honorable Stephen J. McGuire  Federal Trade Commission Washington, D.C. 20580	9. COUNSEL REQUESTING SUBPOENA Jonathan W. Emord Emord & Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191 (202) 466-6937
---	--

DATE ISSUED  OCT 14 2005	SECRETARY'S SIGNATURE 
--------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

#### TRAVEL EXPENSES

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: ... (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Become, Inc.  
1300 Crittenden Lane  
Mountain View, CA 94043

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on February 16, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following files from the FTC Website: 050131exhib015.pdf and 050131exhib036.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to Become, Inc. to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

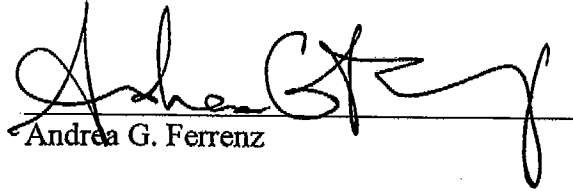
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Bellsouth Intellectual Property Corporation 824 Market Street, Suite 901 1100 Ashwood Parkway Wilmington DE 19801</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005, 10:00 AM EST</p>
---	--

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule "A" attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191 (202) 466-6937</p>
---	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Bellsouth Intellectual Property Corporation

824 Market Street

Suite 901

1000 Ashwood Parkway

Wilmington DE 19801

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 15, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Bellsouth Intellectual Property Corporation to be served as  
follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

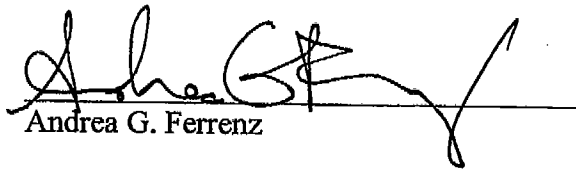
Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price  
340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Comcast Corporation 1500 Market Street Philadelphia PA 19102</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates, PC 1800 Alexander Bell DR. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00AM EST</p>
---	---

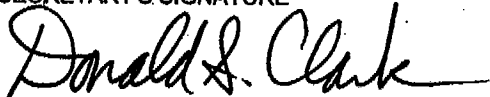
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Documents as set forth in Schedule "A" attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #9 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates, PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Comcast Corporation.....  
1500 Market Street.....  
Philadelphia PA 19102.....  
.....

*on the person named herein on:*

October 21, 2005.....

(Month, day, and year)

Jonathan W. Emord.....

(Name of person making service)

Counsel for Corporate Respondents.....

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 15, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to Comcast Corporation to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

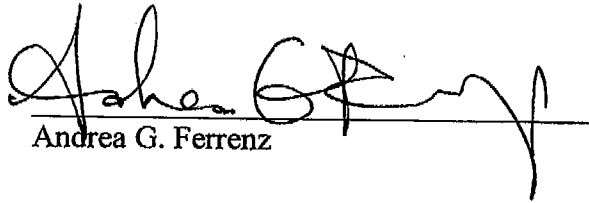
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>EarthLink, Inc. 1375 Peachtree Street Level A Atlanta, GA 30309</p>	<p>2. FROM</p> <p style="text-align: center;">UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Drive Suite 200 Reston, VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p style="text-align: center;">Jonathan W. Emord</p>
<p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p style="text-align: center;">November 11, 2005 at 10:00 AM EST</p>	

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In Lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p style="text-align: center;">Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p style="text-align: center;">Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Drive Suite 200 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p style="text-align: center;">OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> <p style="text-align: center;"><i>Donald S. Clark</i></p>
---	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Earthlink, Inc.  
1375 Peachtree Street  
Level A  
Atlanta, GA 30309

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on February 1, 2005 and February 16, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the dates identified in paragraph 3 above.
5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following files from the FTC Website:

041206ccmocompeldocmaterialexhibq-w.pdf, 050131exhib011.pdf,

050131exhib015.pdf, 050131exhib036.pdf, 050131exhib042.pdf, 050131exhib045.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to EarthLink, Inc. to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

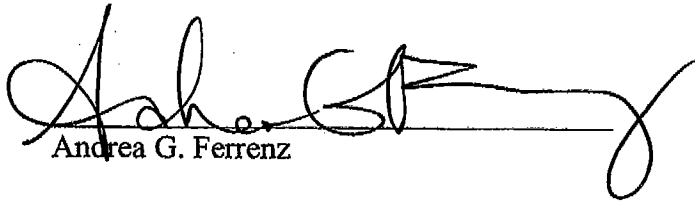
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
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Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Global Crossing Limited 200 Park Avenue Suite 200 Florham Park NJ 07932</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

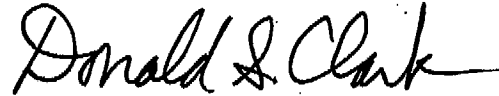
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule "A" attached. In lieu of production at the above place, material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Global Crossing Limited  
200 Park Avenue  
Suite 200  
Florham Park NJ 07932

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the document(s) were so numbered when submitted or by author and subject matter if not so numbered.
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- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on January 11, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to Global Crossing Limited to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

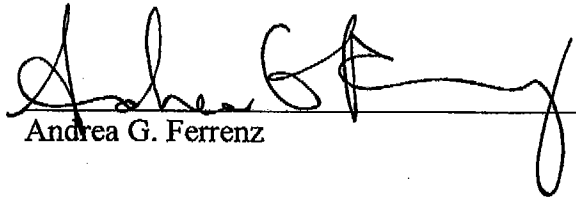
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

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215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Google, Inc. 2400 E. Bayshore Pkwy. Mountain View CA 94043</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord (202) 466-6937 Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>
---	---

DATE ISSUED

OCT 14 2005

SECRETARY'S SIGNATURE



### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Google, Inc.  
2400 E. Bayshore Pkwy.  
Mountain View CA 94043  
.....

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the document(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your company's access to the U.S. Federal Trade Commission's ("FTC") website, URL [www.ftc.gov](http://www.ftc.gov) ("FTC Website").
2. All documents identifying employees, officers, directors, contractors and/or other agents (collectively, "Users") who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 10, 2004; December 11, 2004; December 22, 2004; December 30, 2004; January 4, 2005; January 5, 2005; January 19, 2005; February 4, 2005; and February 14, 2005.
4. All documents identifying Users who accessed the FTC Website on December 10, 2004; December 11, 2004; December 22, 2004; December 30, 2004; January 4, 2005; January 5, 2005; January 19, 2005; February 4, 2005; and February 14, 2005.

5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

7. All information maintained in your company's databases relating in any way to the file from the FTC Website identified in paragraph 5 above.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to Google, Inc. to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

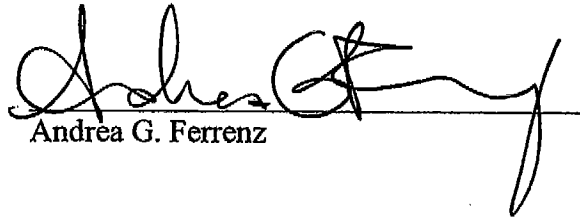
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>IBM Corporation 1133 Westchester Avenue White Plains, NY 10604</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>NOVember 11, 2005 at 10:00 AM EST</p>
--	--

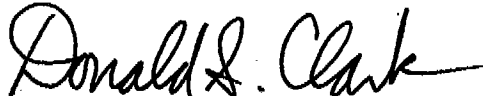
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord (202) 466-6937</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 RESTon VA 20191</p>
---	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

TBMM Corporation  
1133 Westchester Avenue  
White Plains, NY 10604  
.....

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on February 3, 2005; February 7, 2005; February 13, 2005; and February 15, 2005.
4. All documents identifying Users who accessed the FTC Website on the dates identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following files from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf,

050131exhib011.pdf, 050131exhib015.pdf, 050131exhib036.pdf, 050131exhib042.pdf,  
050131exhib045.pdf.

6. All documents identifying Users who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to IBM Corporation to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

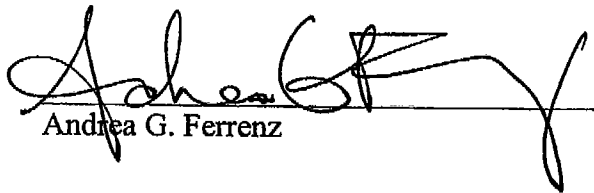
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>The LexisNexis Group 9333 Springboro Pike Miamisburg OH 45342</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>10:00 AM EST, Friday, November 11, 2005</p>
--	--

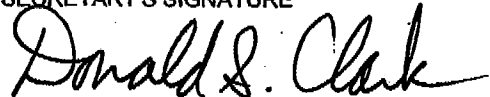
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule "A" attached hereto. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 above and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

**GENERAL INSTRUCTIONS**

<p><b>APPEARANCE</b></p> <p>The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.</p> <p><b>MOTION TO LIMIT OR QUASH</b></p> <p>The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.</p>	<p><b>TRAVEL EXPENSES</b></p> <p>The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.</p> <p>This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.</p>
---	---

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

The LexisNexis Group  
9333 Springboro Pike  
Miamisburg OH 45342  
.....

*on the person named herein on:*

October 21, 2005  
(Month, day, and year)

Jonathan W. Emord  
(Name of person making service)

Counsel for Corporate Respondents  
(Official title)



## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 10, 2004 and February 15, 2005.
4. All documents identifying Users who accessed the FTC Website on the dates identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following files from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf,

050131exhib011.pdf, 050131exhib015.pdf, 050131exhib036.pdf, 050131exhib042.pdf,  
050131exhib045.pdf.

6. All documents identifying Users who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to The LexisNexis Group to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

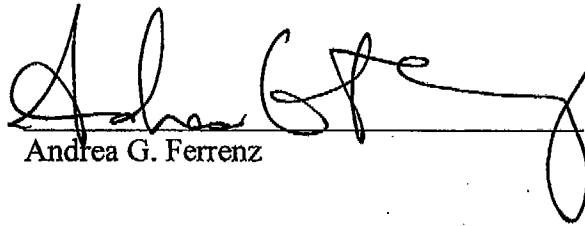
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Microsoft Corporation One Microsoft Way Redmond WA 98052-6399</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

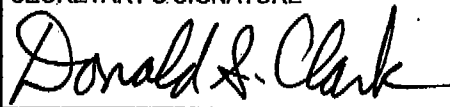
<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jönathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED  
Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements of Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord (202) 466-6937 Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191</p>
---	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

## **INSTRUCTIONS**

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.



## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your company's access to the U.S. Federal Trade Commission's ("FTC") website, URL [www.ftc.gov](http://www.ftc.gov) ("FTC Website").
2. All documents identifying employees, officers, directors, contractors and/or other agents (collectively, "Users") who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 25, 2004.
4. All documents identifying Users who accessed the FTC Website on December 25, 2004.
5. All documents relating to Users' downloading of and/or access to the following files from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.
6. All documents identifying Users who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

7. All information maintained in your company's databases relating in any way to the files from the FTC Website identified in paragraph 5 above.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 13, 2004.
4. All documents identifying Users who accessed the FTC Website on the date identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to Microsoft Corporation to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

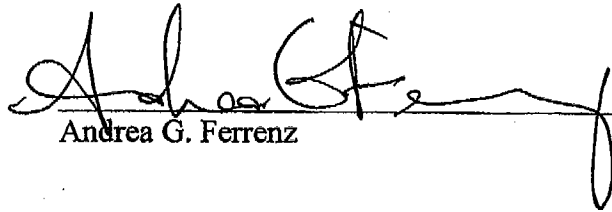
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

1. TO  
Qwest Communications International Inc.  
555 17th Street  
Denver, CO 80202

2. FROM  
  
**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION  
Emord & Associates PC  
1800 Alexander Bell Drive  
Suite 200  
Reston, VA 20191

4. MATERIAL WILL BE PRODUCED TO  
Jonathan W. Emord

5. DATE AND TIME OF PRODUCTION OR INSPECTION  
November 11, 2005 at 10:00 AM EST

6. SUBJECT OF PROCEEDING  
  
In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED  
Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

8. ADMINISTRATIVE LAW JUDGE  
  
The Honorable Stephen J. McGuire  
  
Federal Trade Commission  
Washington, D.C. 20580

9. COUNSEL REQUESTING SUBPOENA  
Jonathan W. Emord  
Emord & Associates PC  
1800 Alexander Bell Drive  
Suite 200  
Reston, VA 20191  
(202) 466-6937

DATE ISSUED  
  
OCT 14 2005

SECRETARY'S SIGNATURE  


### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Owest Communications International Inc.  
555 17th Street  
Denver, CO 80202  
.....  
.....

*on the person named herein on:*

October 21, 2005  
(Month, day, and year)

Jonathan W. Emord  
(Name of person making service)

Counsel for Corporate Respondents  
(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on January 5, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's *Subpoena Duces Tecum* to Qwest Communications International Inc. to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

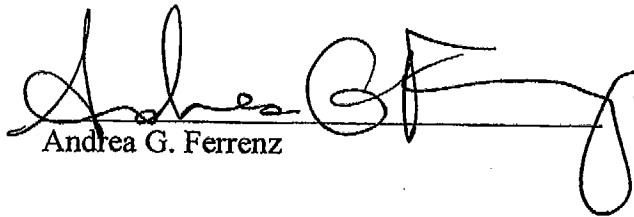
Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price  
340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com

  
Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Reed Elsevier Group 125 Park Avenue 23rd Floor New York, NY 10017</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served. . . (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Reed Elsevier Group  
125 Park Avenue  
23rd Floor  
New York, NY 10017

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
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- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 10, 2004 and February 15, 2005.
4. All documents identifying Users who accessed the FTC Website on the dates identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following files from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf,

050131exhib011.pdf, 050131exhib015.pdf, 050131exhib036.pdf, 050131exhib042.pdf,  
050131exhib045.pdf.

6. All documents identifying Users who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Reed Elsevier Group to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

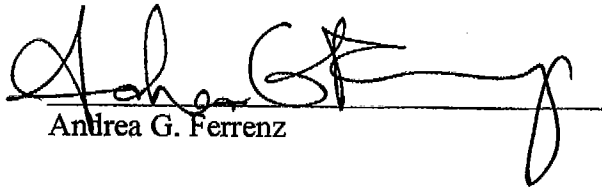
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

1. TO  
 SBC Internet Services, Inc.  
 1701 Alma Drive  
 Plano, TX 75075

2. FROM  
 UNITED STATES OF AMERICA  
 FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION  
 Emord & Associates PC  
 1800 Alexander Bell DR.  
 Suite 200  
 Reston VA 20191

4. MATERIAL WILL BE PRODUCED TO  
 Jonathan W. Emord

5. DATE AND TIME OF PRODUCTION OR INSPECTION  
 November 11, 2005 at 10:00 AM EST

6. SUBJECT OF PROCEEDING  
 In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED  
 Material as set forth in Schedule "A" attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

8. ADMINISTRATIVE LAW JUDGE  
 The Honorable Stephen J. McGuire  
 Federal Trade Commission  
 Washington, D.C. 20580

9. COUNSEL REQUESTING SUBPOENA  
 Jonathan W. Emord  
 Emord & Associates PC  
 1800 Alexander Bell DR.  
 Suite 200  
 Reston VA 20191  
 (202) 466-6937

DATE ISSUED  
 OCT 14 2005

SECRETARY'S SIGNATURE

### GENERAL INSTRUCTIONS

#### APPEARANCE

#### TRAVEL EXPENSES

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

SBC Internet Services, Inc.  
1701 Alma Drive  
Plano, TX 75075

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

**SCHEDULE "A" TO *SUBPOENA DUCES TECUM*  
DIRECTED TO SBC COMMUNICATIONS**

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 13, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to SBC Internet Services to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

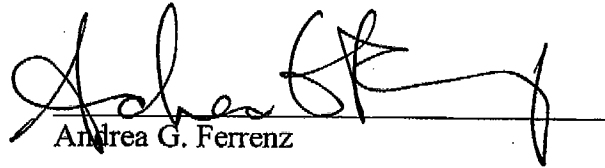
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Schneider National INC. 3101 South Packerland Drive Green Bay, WI 54306-2545</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

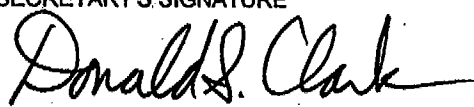
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191 (202) 466-6937</p>
---	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served. (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Schneider National Inc.  
3101 South Packerland Drive  
Green Bay, WI 54306-2545

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on January 17, 2005.
4. All documents identifying Users who accessed the FTC Website on the date identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to Schneider National Inc. to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

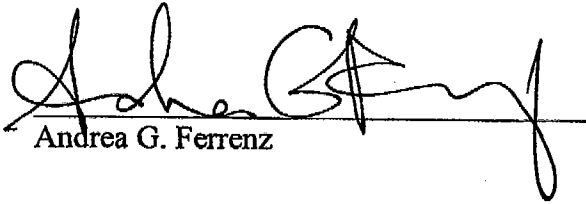
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>University of North Texas Computing and Information Technology Center Denton TX 76203-5398</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

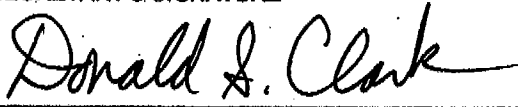
Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191 (202) 466-6937</p>
---	--

DATE ISSUED

OCT 14 2005

SECRETARY'S SIGNATURE



### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

University of North Texas  
Computing and Information  
Technology Center  
Denton TX 76203-5398

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
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- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 18, 2004.
4. All documents identifying Users who accessed the FTC Website on the date identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's

*Subpoena Duces Tecum* to University of North Texas to be served as follows:

one (1) electronic copy via email and one (1) paper copy by registered mail to the

following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

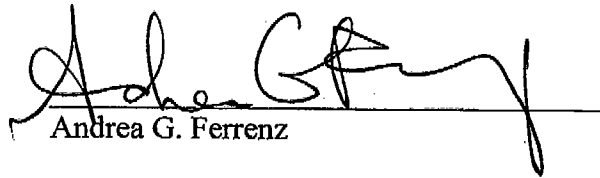
Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price

340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Verizon Communications Corporate Headquarters 1095 Avenue of the Americas New York, NY 10036</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

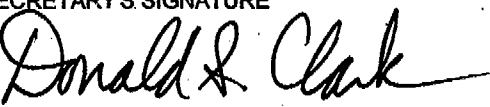
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #9 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>
---	--

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.



**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*  
Verizon Communications  
Corporate Headquarters  
1095 Avenue of the Americas  
New York, NY 10036

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 17, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on January 10, 2005.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Verizon Communications to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

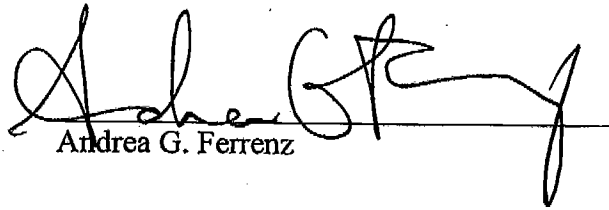
Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price



340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Verizon Internet Services, Inc. 1880 Campus Commons Drive Reston VA 20191</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

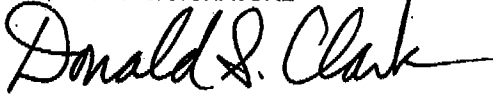
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule "A" attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Verizon Internet Services, Inc.  
1880 Campus Commons Drive  
Reston VA 20191  
.....

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the document(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 15, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Verizon Internet Services, Inc. to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

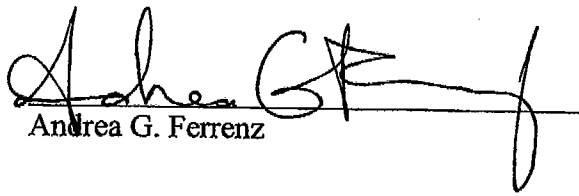
Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price



340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com

  
Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Verizon Trademar Services LLC 1320 North Court HOuse Road Arlington VA 22201</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
--	--

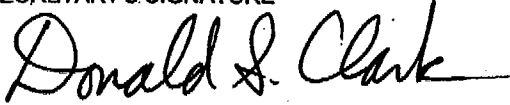
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

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<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>JONathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*  
Verizon Trademar Services LLC  
1320 North Courthouse Raod  
Arlington VA 22201  
.....

*on the person named herein on:*

October 21, 2005  
.....

(Month, day, and year)

Jonathan W. Emord  
.....

(Name of person making service)

Counsel for Corporate Respondents  
.....

(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 17, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

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1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Verizon Trademar Services LLC to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

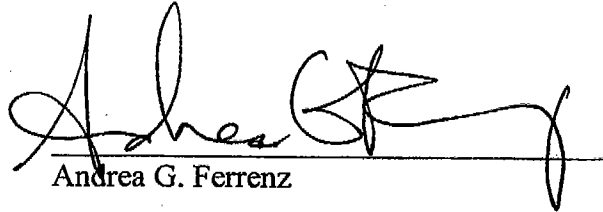
Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price



340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

1. TO  John Wang P.O. Box 52082 Palo Alto CA 94303	2. FROM  UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
--	---

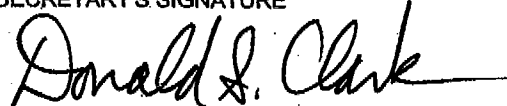
This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION  Emord & Associates PC 1800 Alexander Bell Dr Suite 200 Reston VA 20191	4. MATERIAL WILL BE PRODUCED TO JOnathan W. Emord  5. DATE AND TIME OF PRODUCTION OR INSPECTION November 11, 2005 at 10:00 AM EST
---	---

6. SUBJECT OF PROCEEDING  In the matter of Basic Research LLC, et al., Docket No. 9318
--

7. MATERIAL TO BE PRODUCED  Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.
--

8. ADMINISTRATIVE LAW JUDGE  The Honorable Stephen J. McGuire  Federal Trade Commission Washington, D.C. 20580	9. COUNSEL REQUESTING SUBPOENA JOnathan W. Emord Emord & Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191
---	---

DATE ISSUED  OCT 14 2005	SECRETARY'S SIGNATURE 
--------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

John Wang

P.O. Box 52082

Palo Alto CA 94303

*on the person named herein on:*

October 21, 2005

(Month, day, and year)

Jonathan W. Emord

(Name of person making service)

Counsel for Corporate Respondents

(Official title)

NOV 11 2005

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your employees', contractors', agents', or network users' ("Users") access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying Users who accessed the FTC Website.
3. All documents relating to Users' access to the FTC Website on December 12, 2004.
4. All documents identifying Users who accessed the FTC Website on the dates identified in paragraph 3 above.
5. All documents relating to Users' downloading of and/or access to the following file from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying Users who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to John Wang to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price



340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>WilTel Communications Group Inc. One Technology Center Tulsa, OK 74103</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>JONathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>Friday November 11, 2005 at 10:00 AM EST</p>
--	---

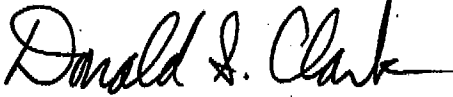
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Documents as set forth in Schedule "A" attached hereto. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #9 above and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Dr. Suite 200 Reston VA 20191 (202) 466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

Wiltel Communications Group Inc.  
One Technology Center  
Tulsa OK 74103  
.....

*on the person named herein on:*

October 21, 2005  
(Month, day, and year)

Jonathann W. Emord  
(Name of person making service)

Counsel for Corporate Respondents  
(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the document(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your users' or subscribers' access to the U.S. Federal Trade Commission's ("FTC") website located at the URL <http://www.ftc.gov> (the "FTC Website").
2. All documents identifying users and/or subscribers who accessed the FTC Website.
3. All documents relating to your users' and/or subscribers' access to the FTC Website on December 12, 2004.
4. All documents identifying users and/or subscribers who accessed the FTC Website on the date identified in paragraph 3 above.

5. All documents relating to your users' and/or subscribers' downloading of and/or access to the following file from the FTC Website:  
041206ccmocompeldocmaterialsexhibq-w.pdf.

6. All documents identifying users and/or subscribers who downloaded and/or accessed the file identified in paragraph 5 above from the FTC Website.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

---

<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to WilTel Communications Group Inc. to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

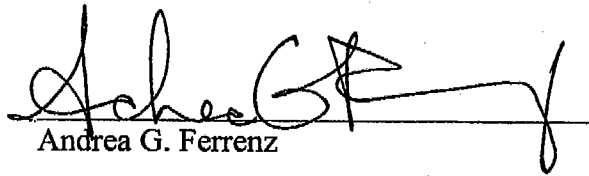
Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price



340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com

  
Andrea G. Ferrenz



# SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

<p>1. TO</p> <p>Yahoo! Inc. 701 First Avenue Sunnyvale, CA 94089</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION OR INSPECTION</p> <p>Emord &amp; Associates PC 1800 Alexander Bell Drive Suite 200 Reston, VA 20191</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Jonathan W. Emord</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION OR INSPECTION</p> <p>November 11, 2005 at 10:00 AM EST</p>
---	--

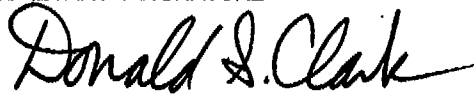
6. SUBJECT OF PROCEEDING

In the matter of Basic Research LLC, et al., Docket No. 9318

7. MATERIAL TO BE PRODUCED

Material as set forth in Schedule A attached. In lieu of production at the above place, responsive material may be returned by certified mail or private courier on or before 11/11/2005 to counsel identified in #4 and meeting the requirements in Exhibit A attached.

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable Stephen J. McGuire</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL REQUESTING SUBPOENA</p> <p>Jonathan W. Emord Emord &amp; Associates PC 1800 Alexander Bell Drive Suite 200 Reston, VA 20191 (202)466-6937</p>
---	---

<p>DATE ISSUED</p> <p>OCT 14 2005</p>	<p>SECRETARY'S SIGNATURE</p> 
---------------------------------------	--

### GENERAL INSTRUCTIONS

#### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

#### MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

#### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

.....  
Yahoo! Inc.  
.....  
701 First Avenue  
.....  
Sunnyvale, CA 94089  
.....  
.....

*on the person named herein on:*

October 21, 2005  
.....  
(Month, day, and year)

Jonathan W. Emord  
.....  
(Name of person making service)

Counsel for Corporate Respondents  
.....  
(Official title)

## INSTRUCTIONS

- 1) Unless otherwise specified, the time period covered by a numbered request shall not be limited and all documents responsive to the numbered request, regardless of dates or time periods involved, should be provided.
- 2) A complete copy of each document should be submitted even if only a portion of the document is within the terms of the numbered request. The document shall not be edited, cut or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.
- 3) All information submitted shall be clearly and precisely identified as to the numbered request(s) to which it is responsive. Pages in the submission should be numbered consecutively, and each page should be marked with a unique "Bates" document tracking number.
- 4) Documents covered by these numbered requests are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity, including attorneys, accountants, directors, officers and employees.
- 5) Documents that may be responsive to more than one numbered request need not be submitted more than once. However, your response should indicate, for each document submitted, each numbered request to which the document is responsive. Identification shall be by the Bates number if the documents(s) were so numbered when submitted or by author and subject matter if not so numbered.
- 6) If any of the documentary materials requested in these numbered requests are available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the documents involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print the information in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.
- 7) All objections to these numbered requests, or to any individual request, must be raised in the initial response or otherwise waived.
- 8) If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld. For each item withheld, the schedule should state: (a) the item's type, title, specific subject matter and date; (b) the names, addresses, positions and organizations of all authors or recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

## SCHEDULE "A"

Please produce the original or copies of the following documents (the term "documents" shall include all records, books of account, worksheets, checks, instructions, specifications, manuals, reports, books, periodicals, pamphlets, publications, raw and refined data, memoranda, graphs, drawings, notes, lab books, advertisements, lists, studies, meeting minutes, working papers, transcripts, magnetic tapes or discs, punch cards, computer printouts, letters, correspondence, agreements, drafts of agreements, telegrams, electronic mail (e-mail), drafts, proposals, employee records, customer records, log files, recommendations, and any other data recorded in readable and/or retrievable form, whether typed, handwritten, reproduced, magnetically recorded, coded, or in any other way made readable or retrievable):

1. All documents relating to your company's access to the U.S. Federal Trade Commission's ("FTC") website, URL [www.ftc.gov](http://www.ftc.gov) ("FTC Website").

2. All documents identifying employees, officers, directors, contractors and/or other agents (collectively, "Users") who accessed the FTC Website.

3. All documents relating to Users' access to the FTC Website on January 28, 2005; February 11, 2005; and February 16, 2005.

4. All documents identifying Users who accessed the FTC Website on January 28, 2005; February 11, 2005; and February 16, 2005.

5. All documents relating to Users' downloading of and/or access to the following files from the FTC Website: 041206ccmocompeldocmaterialsexhibq-w.pdf, 050131exhib011.pdf, 050131exhib015.pdf, 050131exhib036.pdf, 050131exhib042.pdf.

6. All documents identifying Users who downloaded and/or accessed the files identified in paragraph 5 above from the FTC Website.

7. All information maintained in your company's databases relating in any way to the files from the FTC Website identified in paragraph 5 above.

## EXHIBIT A

### INSTRUCTIONS FOR COMPLIANCE BY DELIVERY OF DOCUMENTS

If documents are delivered by hand, overnight delivery service, certified mail, or any other means your response shall be accompanied by an affidavit, executed by you, that provides:

1. The names, addresses, positions, and organizations of all persons whose files were searched and all persons who participated in or supervised the collection of the documents<sup>1</sup>, and a brief description of the nature of the work that each person performed in connection with collecting the documents.
2. A statement that the search was complete and that all responsive documents are being produced.
3. A statement as to whether the documents were made and kept in the course of your regularly conducted business, and whether it was your regular practice to make and keep such documents.
4. A statement as to whether any document called for by the subpoena has been misplaced, lost, or destroyed. If any document has been misplaced, lost or destroyed, identify: type of document; the date (or approximate date) of the document; subject matter of the document; all persons to whom it was addressed, circulated, or shown; its date of destruction, or when it was lost or misplaced; the reason it was destroyed, lost, or misplaced; and the custodian of the document on the date of its destruction loss or misplacement.

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<sup>1</sup> "Document" and "documents" as used in this exhibit are defined in this subpoena's Schedule A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2005 I caused Respondent's  
*Subpoena Duces Tecum* to Yahoo! Inc. to be served as follows:  
one (1) electronic copy via email and one (1) paper copy by registered mail to the  
following persons:

Lemuel W. Dowdy  
Edwin Rodriguez  
Laureen Kapin  
Joshua S. Millard  
Laura Schneider  
Walter C. Gross III  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Suite NJ-2122  
Washington, D.C. 20580  
Email: ldowdy@FTC.gov  
erodriguez@FTC.gov  
lkapin@ftc.gov  
jmillard@ftc.gov  
lschneider@ftc.gov  
wgross@ftc.gov

Stephen E. Nagin  
Nagin, Gallop & Figueredo, P.A.  
3225 Aviation Avenue  
Third Floor  
Miami, FL 33133-4741  
Email: snagin@ngf-law.com

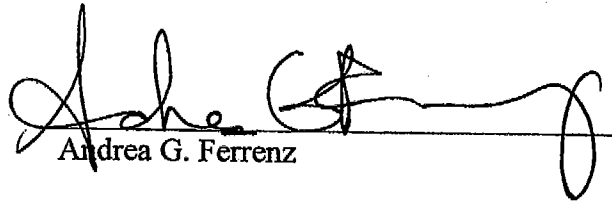
Richard D. Burbidge  
Burbidge & Mitchell  
215 South State Street  
Suite 920  
Salt Lake City, UT 84111  
Email: rburbidge@burbidgeandmitchell.com

Ronald F. Price  
Peters Scofield Price



340 Broadway Center  
111 East Broadway  
Salt Lake City UT 84111  
Email: rfp@psplawyers.com

Mitchell K. Friedlander  
c/o Compliance Department  
5742 West Harold Gatty Drive  
Salt Lake City, UT 84116  
Email: mkf555@msn.com



Andrea G. Ferrenz

# **EXHIBIT B**

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

**In the Matter of**

**BASIC RESEARCH, L.L.C.,  
A.G. WATERHOUSE, L.L.C.,  
KLEIN-BECKER usa, L.L.C.,  
NUTRASPORT, L.L.C.,  
SOVAGE DERMALOGIC  
LABORATORIES, L.L.C.  
BAN, L.L.C.,  
DENNIS GAY,  
DANIEL B. MOWREY, and  
MITCHELL K. FRIEDLANDER,**

**Respondents.**

**Docket No. 9318**

**PUBLIC DOCUMENT**

**RESPONDENTS' INITIAL DISCLOSURES**

Pursuant to RULE OF PRACTICE 3.31 (b), Respondents Basic Research, L.L.C., A.G. Waterhouse, L.L.C., Klein-Becker usa, L.L.C., NutraSport, L.L.C., Sovage Dermalogic Laboratories, L.L.C. and Ban, L.L.C., through undersigned counsel, make their Initial Disclosures.

1. Individuals likely to have discoverable information relevant to the allegations of the Commission's complaint, to the proposed relief, or to the defenses of the respondent.

Dennis Gay  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116

Mitchell Friedlander  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116

Daniel Mowrey, Ph.D.  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116

Carla Fobbs  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116

Nathalie Chevreau, Ph.D.  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116

Gina Gay  
5742 West Harold Gatty Drive  
Salt Lake City, Utah 84116

Stephen Nagin  
3225 Aviation Ave. – 3<sup>rd</sup> Floor  
Miami, FL 33133-4741  
(305) 854-5353

Patton Boggs  
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Denver, CO 80264

Martin Hahn  
HOGAN & HARTSON  
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Washington, DC 20004

Kellie Andrews  
Committee on Energy & Commerce  
316 Ford Building  
Washington, D.C. 20515

David Nelson  
Address Unknown

Andrea Levine  
NAD  
70 West 36<sup>th</sup> Street  
New York, NY 10018

David Mallen  
NAD  
70 West 36<sup>th</sup> Street  
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Walter Gross  
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Joshua S. Millard  
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Washington, D.C. 20580

Richard Cleland  
Bureau of Consumer Protection  
Federal Trade Commission  
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Washington, D.C. 20580

Timothy J. Muris  
Federal Trade Commission  
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Mozelle W. Thompson  
Federal Trade Commission  
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Orson Swindle  
Federal Trade Commission  
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Pamela Jones Harbour  
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Federal Trade Commission  
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101-0032, Japan

C. Livieri  
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F. Novazi  
Address Unknown

R. Lorini  
Address Unknown

C.M. Colker  
Address Unknown

D.S. Kalman  
Address Unknown

A. Minsh  
Address Unknown

P.A. Daly  
Address Unknown

D.R. Krieger  
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A.G. Dullo  
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J.B. Young  
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D. DeWitt  
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M. Garavito  
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J. Antonio  
Address Unknown

D. Allison  
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E. Boozer  
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A. Astrup  
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Frank L. Greenway, M.D.  
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H. Williman  
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P. Walde  
Address Unknown

P.L. Luisi  
Address Unknown

A. Gazzaniga  
Address Unknown

F. Stroppolo  
Address Unknown

David Heber  
Address Unknown

DermPharm  
A Division of DermTech International  
15222-B Avenue of Science  
San Diego, California 92128  
(858) 618-1328


2. A copy of, or a description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the respondent(s) that are relevant to the allegations of the Commission's Complaint, to the proposed relief sought, or to the defenses of the respondent(s):

- a. Challenged Product advertisements – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- b. Substantiation for Challenged Product advertisements – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116



- c. Formulation of Challenged Products – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- d. Structure and inter-relationships among corporate respondents – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- e. Customer correspondence and inquiries relating to the Challenged Products – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- f. Packaging and Promotional Material for the Challenged Products – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- g. Customer Returns of the Challenged Products – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- h. Testing of the Challenged Products – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116
- i. Consumer Surveys re Challenged Products – 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116

Respectfully submitted,



---

Jeffrey D. Feldman  
Gregory L. Hillyer  
FELDMANGALE, P.A.  
Miami Center – 19<sup>th</sup> Floor  
201 S. Biscayne Blvd.  
Miami, FL 33131  
*Counsel for Respondents A.G.  
Waterhouse, L.L.C., Basic Research,  
L.L.C., Klein-Becker, usa, L.L.C.,  
Nutraspourt, L.L.C., Sovage  
Dermalogic Laboratories, L.L.C.,  
and BAN, L.L.C.*

## CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2004, I caused to be served the Respondents Basic Research, L.L.C., A.G. Waterhouse, L.L.C., Klein-Becker usa, L.L.C., NutraSport, L.L.C., Sovage Dermalogic Laboratories, L.L.C. and Ban, L.L.C. **INITIAL DISCLOSURES** as follows:

(1) One (1) original and one (1) copy by Federal Express to Donald S. Clark, Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;

(2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the Secretary of the FTC at [Secretary@ftc.gov](mailto:Secretary@ftc.gov);

(3) Two (2) copies by U.S. Postal Service to Administrative Law Judge Stephen J. McGuire, Federal Trade Commission, Room H-104, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580;

(4) One (1) copy via e-mail attachment in Adobe® “.pdf” format to Commission Complaint Counsel, Laureen Kapin, Joshua S. Millard, and Laura Schneider, all care of [lkapin@ftc.gov](mailto:lkapin@ftc.gov), [jmillard@ftc.gov](mailto:jmillard@ftc.gov); [rrichardson@ftc.gov](mailto:rrichardson@ftc.gov); [lschneider@ftc.gov](mailto:lschneider@ftc.gov) with one (1) paper courtesy copy via U. S. Postal Service to Laureen Kapin, Bureau of Consumer Protection, Federal Trade Commission, Suite NJ-2122, 600 Pennsylvania Avenue, N.W., Washington, D.C., 20580;

(5) One (1) copy via U. S. Postal Service to Elaine Kolish, Associate Director in the Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580

(6) One (1) copy via United States Postal Service to Stephen Nagin, Esq., Nagin Gallop & Figueredo, 3225 Aviation Avenue, Suite 301, Miami, Florida 33131.

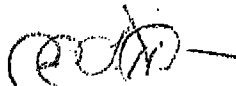
(7) One (1) copy via United States Postal Service to Richard Burbidge, Esq., Jefferson W. Gross, Esq. and Andrew J. Dymek, Esq., Burbidge & Mitchell, 215 South State Street, Suite 920, Salt Lake City, Utah 84111, Counsel for Dennis Gay.

(8) One (1) copy via United States Postal Service to Ronald F. Price, Esq., Peters Scofield Price, A Professional Corporation, 340 Broadway Centre, 111 East Broadway, Salt Lake City, Utah 84111, Counsel for Daniel B. Mowrey.

(9) One (1) copy via United States Postal Service to Mitchell K. Friedlander, 5742 West Harold Gatty Drive, Salt Lake City, Utah 84111, Pro Se.

**CERTIFICATION FOR ELECTRONIC FILING**

I HEREBY CERTIFY that the electronic version of the foregoing is a true and correct copy of the original document being filed this same day of August 10th, 2004 via Federal Express with the Donald S. Clark, Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.



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Gregory L. Hillyer