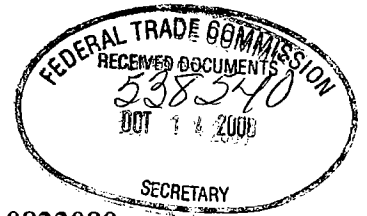


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



0823080

COMMISSIONERS: William E. Kovacic, Chairman
Pamela Jones Harbour
Jon Leibowitz
J. Thomas Rosch

PUBLIC

In the Matter of

GEMTRONICS, INC.,
a corporation, and

WILLIAM H. ISELY,
individually and as the owner
of Gemtronics, Inc.

DOCKET NO. 9330

ANSWER TO COMPLAINT

COME NOW the Respondents, GEMTRONICS, INC., a corporation and WILLIAM H. ISELY, individually, by and through undersigned counsel, and in response to the Complaint on file in the above captioned matter allege and state as follows:

FIRST DEFENSE

The Federal Trade Commission's Complaint fails to state any claim upon which relief can be granted.

SECOND DEFENSE

Respondents plead that to the extent a party committed acts or omissions which violate the Federal Trade Commission Act as alleged in the Complaint, said acts and omissions were committed by a party other than the Respondents.

THIRD DEFENSE

1. Respondents admit the allegation contained in Paragraph 1 of the Complaint. Respondents further state that as the organizer of Gemtronics, Inc. ("Gemtronics"), William H. Isely ("Isely") formed Gemtronics. Respondents further state that the Articles of Incorporation for Gemtronics speak for themselves. Respondents further state that Gemtronics has remained an inactive corporation since its inception. Respondents state that Gemtronics has no shareholder or board members and has never been activated. Moreover, Gemtronics has never conducted any business or entered into any contracts. Respondents further state that Gemtronics has never obtained a federal tax identification number and has never filed taxes.

2. Respondents deny all allegations contained in Paragraph 2 of the Complaint. Respondents incorporate herein by reference their response to Paragraph 1 of the Complaint. Respondents admit that Isely's home address is 964 Walnut Creek, Franklin, North Carolina 28734.
3. Respondent Gemtronics denies all allegations contained in Paragraph 3 of the Complaint. Respondent Isely admits that he has offered for sale, sold and distributed the herbal product, RAAX11. Respondent Isely admits that he has offered for sale, sold and distributed the product RAAX11 through the Internet website www.our-agaricus.com. However, the Federal Trade Commission has not alleged in its Complaint that the Internet website www.our-agaricus.com is the offending website. Respondent Isely denies that he promoted, or disseminated or caused to be disseminated any advertisements for RAAX11 through the Internet website www.our-agaricus.com or in any other way that violates any provisions of the Federal Trade Commission Act. Respondent Isely admits that the "product label" and Sections 12 and 15 of the Federal Trade Commission Act speak for themselves. Respondent Isely denies all remaining allegations within Paragraph 3 of the Complaint.
4. Respondents deny the allegations contained in Paragraph 4 of the Complaint.
5. Respondents deny the allegations contained in Paragraph 5 of the Complaint. Respondents further state that Exhibits A through D attached to the Complaint and the Internet website www.agaricus.net speak for themselves. Respondents further state that they have forever lacked the authority or ability to disseminate any information or alter the content of the alleged offending website www.agaricus.net. Respondent Isely further states that through his investigations, he has attempted to determine the identity of the owner and who controls the content of the website www.agaricus.net. However, Respondent Isely has been denied access to that information by the owner of the web hosting company. However, upon information and belief, Respondents state that a third party, not named in this action, disseminated or caused to be disseminated advertisements through the alleged offending Internet Website www.agaricus.net. Upon information and belief, Respondents state that a Brazilian company, operating under the name Takesun do Brasil, and its agents and/or other individuals caused the alleged offending website to be formed, and have forever possessed the authority, exclusive of the Respondents, to securely and exclusively control all content disseminated on the alleged offending website.
6. Respondents deny the allegations contained in Paragraph 6 of the Complaint. Respondents incorporate herein by reference their response to Paragraph 5 of the Complaint.
7. Respondents deny the allegations contained in Paragraph 7 of the Complaint.
8. Respondents deny the allegations contained in Paragraph 8 of the Complaint. Respondents incorporate herein by reference their response to Paragraph 5 of the Complaint.
9. Respondents deny the allegations contained in Paragraph 9 of the Complaint. Respondents incorporate herein by reference their response to Paragraph 5 of the Complaint.
10. Respondents deny the allegations contained in Paragraph 10 of the Complaint. Respondents incorporate herein by reference their response to Paragraph 5 of the Complaint.

11. Respondents deny the allegations contained in Paragraph 11 of the Complaint. Respondents incorporate herein by reference their response to Paragraph 5 of the Complaint.

RESERVATION AND NON-WAIVER

Respondents reserve the right to assert any additional and further defenses as may be revealed by additional information received or as may be warranted by discovery.

WHEREFORE, Respondents pray, based on the above response to the Complaint on file herein, that the Complaint be dismissed and that Respondents be awarded reasonable attorney fees and costs expended in defense of these proceedings.

This the 10th day of October, 2008.

LAW OFFICE OF
MATTHEW I. VAN HORN, PLLC

By

MATTHEW I. VAN HORN

N. C. Bar No. 26166

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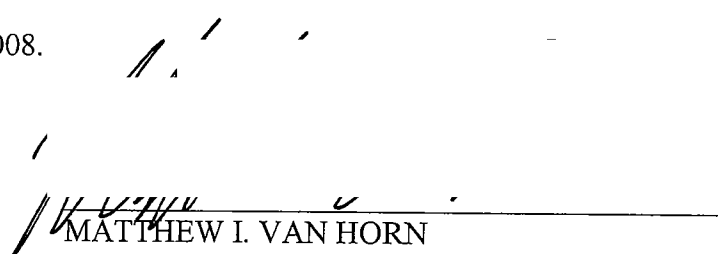
Attorney for Respondents

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this **ANSWER TO COMPLAINT** in the above entitled action upon all other parties to this cause by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, properly addressed to the attorney or attorneys for the parties as listed below.

Ms. Barbara E. Bolton
Federal Trade Commission
Suite 1500
225 Peachtree Street, N.E.
Atlanta, GA 30303

This the 10th day of October, 2008.



MATTHEW I. VAN HORN