

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of

BASIC RESEARCH, LLC, et al.

DOCKET: 9318

Public Document

**RESPONDENTS' MOTION TO SUBMIT REPLY TO
COMPLAINT COUNSEL'S OPPOSITION TO
RESPONDENTS' MOTION FOR A MORE DEFINITE STATEMENT**

Basic Research, LLC, A.G. Waterhouse, LLC, Klein-Becker USA, LLC, Nutrasport, LLC, Söavage Dermalogic Laboratories, LLC, Ban, LLC, Dennis Gay, and Daniel B. Mowrey, Ph.D, (collectively "Respondents")¹, pursuant to 16 C.F.R. §3.22(c), file this Motion to Submit a Reply to Complaint Counsel's Opposition to Respondents' Motion for a More Definite Statement, and in support state as follows:

On July 8, 2004 Complaint Counsel filed their Opposition to Respondent's Motion for More Definite Statement ("Opposition"). The Opposition advanced several arguments to support the propriety of the Administrative Complaint, including the contention that it is in compliance with the requirements of 16 C.F.R. 3.11, and that the term "reasonable basis" is well-defined through judicial authority and otherwise. Respondents respectfully request permission to reply to these arguments.

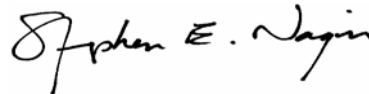
Respondents recognize that, pursuant to 16 C.F.R. §3.22(c), "[t]he moving party shall have no right to reply, except as permitted by the Administrative Law Judge..." Respondents believe that the instant Opposition raises new issues, particularly with respect to the definition of the term "reasonable basis." Respondents believe their Reply will assist the Administrative Law

¹ This filing is submitted on behalf of all Respondents except for Mitchell K. Friedlander, who is representing himself *pro se*. It is undersigned counsel's understanding that Mr. Friedlander joins in with this filing.

Judge concerning the new issues as well as provide the appropriate backdrop against which to consider all the arguments presented.

Accordingly, Respondents respectfully request that the Administrative Law Judge to take into consideration the substance of Respondents' Reply to Complaint Counsel's Opposition to Respondents' Motion for More Definite Statement prior to ruling on Respondents' Motion for More Definite Statement.

Respectfully submitted,
Attorney for Respondents,



Dated: July 13, 2004

By: _____

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UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

PROPOSED

In the Matter of

BASIC RESEARCH, LLC, et al.
_____ /

DOCKET: 9318

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**ORDER GRANTING RESPONDENTS'
MOTION FOR LEAVE TO FILE
REPLY TO OPPOSITION BY COMPLAINT COUNSEL
TO RESPONDENTS' MOTION FOR A MORE DEFINITE STATEMENT**

This matter is before the Administrative Law Judge on Respondents' Motion for leave to file a Reply to Complaint Counsels' Opposition to Respondents' Motion for a more definite statement. Respondents' motion asserts that the Opposition raises new issues, particularly with respect to the definition of the term "reasonable basis." Respondents state that they believe their Reply "will assist the Administrative Law Judge concerning the new issues as well as provide the appropriate backdrop against which to consider all the arguments presented."

The Administrative Law Judge accepts Respondents' statements and by this Order GRANTS the Motion for leave to file a Reply, in which Mr. Friedlander, *pro se*, joins in.

D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room H-106
600 Pennsylvania Avenue N.W.
Washington, D.C. 20580

All Counsel of Record
Mr. Mitchell K. Friedlander, *pro se*

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Motion for Leave to File was provided to the following parties this 13th day of July, 2004 as follows:

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

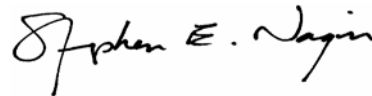
(2) One (1) electronic copy via e-mail attachment in Adobe® “.pdf” format to the **Secretary** of the FTC at Secretary@ftc.gov;

(3) Two (2) copies by hand delivery to **Administrative Law Judge D. Michael Chappell**, Federal Trade Commission, Room H-106, 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** [LKAPIN@ftc.gov], **Walter C. Gross** [WGROSS@ftc.gov], **Joshua S. Millard** [JMILLARD@ftc.gov], **Robin Richardson** [RRICHARDSON@ftc.gov], and **Laura Schneider** [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 each via United States Postal Service, separately, to each **Respondent** c/o the Compliance Department, Basic Research, LLC, 5742 West Harold Gatty Drive, Salt Lake City, Utah 84116.



CERTIFICATION FOR ELECTRONIC FILING

I HEREBY CERTIFY that this electronic version is a true and correct copy of the original document being filed this same day of July 13, 2004 via hand delivery with the Office of the Secretary, Room H-159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.