

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
In the Matter of)	CPSC Docket No. 12-2
)	
ZEN MAGNETS, LLC,)	
)	
Respondent.)	
_____)	

COMPLAINT COUNSEL’S NOTICE REGARDING RECORD AND EXHIBITS

Complaint Counsel hereby responds to the Commission’s September 19, 2016, Order Regarding Record and Exhibits.

In its Order, the Commission ordered Complaint Counsel to provide corrected URL links to exhibits CC-43 and CC-61. The correct links for these exhibits are:

CC-43 – Exploding Top Video at <https://www.youtube.com/watch?v=1xRoPmw1yCY>

CC-61 – Video of Zen Magnets Contest 14: Sphere Race Entry at

<https://www.youtube.com/watch?v=lmhXNPplGSc>

The Commission also ordered the parties to notify the Commission if the record is incomplete. Complaint Counsel submits that the record should include the following document, attached hereto as Exhibit 1, which was filed by the parties in Docket 12-2, but which does not appear in the docket:

- Stipulation of Counsel Regarding Images from the Web Site of Zen Magnets, LLC

This stipulation was filed by the parties and admitted by the Presiding Office at the hearing in this matter on December 18, 2014. *See* Transcript at 2760:12-22.

Complaint Counsel also submits that the Transcript and Attachment B of the Initial Decision erroneously identify Exhibits CC-30A-30E as Medical Records for Patient M and CC-31A-31C as Medical Records for Patient B. *See* Transcript at 530:9-18. Those Exhibits should be identified as follows:

- Exhibit CC-30A-30C – Medical Records for Patient M
- Exhibit CC-31A-31E – Medical Records for Patient B

Respectfully submitted,



Mary B. Murphy, Assistant General Counsel
Daniel R. Vice, Trial Attorney
Division of Compliance
Office of the General Counsel
U.S. Consumer Product Safety Commission
Bethesda, MD 20814
Tel: (301) 504-7809

Complaint Counsel for
U.S. Consumer Product Safety Commission

September 28, 2016

EXHIBIT 1

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
In the Matter of)	CPSC Docket No. 12-2
)	
ZEN MAGNETS, LLC,)	Hon. Dean C. Metry
)	Administrative Law Judge
Respondent.)	
)	
_____)	

STIPULATION OF COUNSEL REGARDING
IMAGES FROM THE WEB SITE OF ZEN MAGNETS, LLC

Complaint Counsel and Respondent hereby stipulate and agree that the documents attached to this stipulation are true and accurate images of pages from the website zenmagnets.com and related website, www.fatfreecartpro.com.

The pages attached as Exhibit A are true and accurate copies of: (i) the Zen Magnets splash or “entry” page, captured at <http://zenmagnets.com/>; (ii) product pages for the Zen Gift Set, captured at <http://zenmagnets.com/the-zen-gift-set/>; (iii) a “shopping cart” page showing the selection of a Zen Gift Set, copied from the zenmagnets.com web site; and (iv) a “checkout” page showing total charge of \$48.89, copied from the <https://www.fatfreecartpro.com> web site. All pages were accurate as of December 15, 2014.

The pages attached as Exhibit B are true and accurate copies of: (i) the Zen Magnets splash or “entry” page, captured at <http://zenmagnets.com/>; (ii) product pages for the Zen Gift Set, captured at <http://zenmagnets.com/the-zen-gift-set/>; (iii) a “shopping cart” page showing the selection of the Zen Gift Set, copied from the zenmagnets.com web site; and (iv) a “checkout” page showing total charge of \$48.89, copied from the <https://www.fatfreecartpro.com> web site. All pages were accurate as of December 17, 2014.

The pages attached as Exhibit C constitute a true and accurate copy of Zen Magnets' "Zen Gravy" subpage, captured at <http://zenmagnets.com/gravy/> and accurate as of the time of Shihan Qu's re-cross examination at the hearing of this proceeding on the morning of December 17, 2014.

The pages attached as Exhibit D constitute a true and accurate copy of Zen Magnets' "Zen Gravy" subpage, captured at <http://zenmagnets.com/gravy/> and accurate as of approximately 2 p.m. EST, December 17, 2014.

Respectfully submitted,



Mary B. Murphy, Complaint Counsel
Division of Compliance
Office of the General Counsel
U.S. Consumer Product Safety Commission Bethesda, MD 20814
Tel: (301) 504-7809 Complaint Counsel

**David
Japha**

Digitally signed by David Japha
DN: cn=David Japha, o=The
Law Offices of David C. Japha, P.
C., email=davidjapha@japhalaw.
com, c=US
Date: 2014.12.18 11:51:41 -07'00'

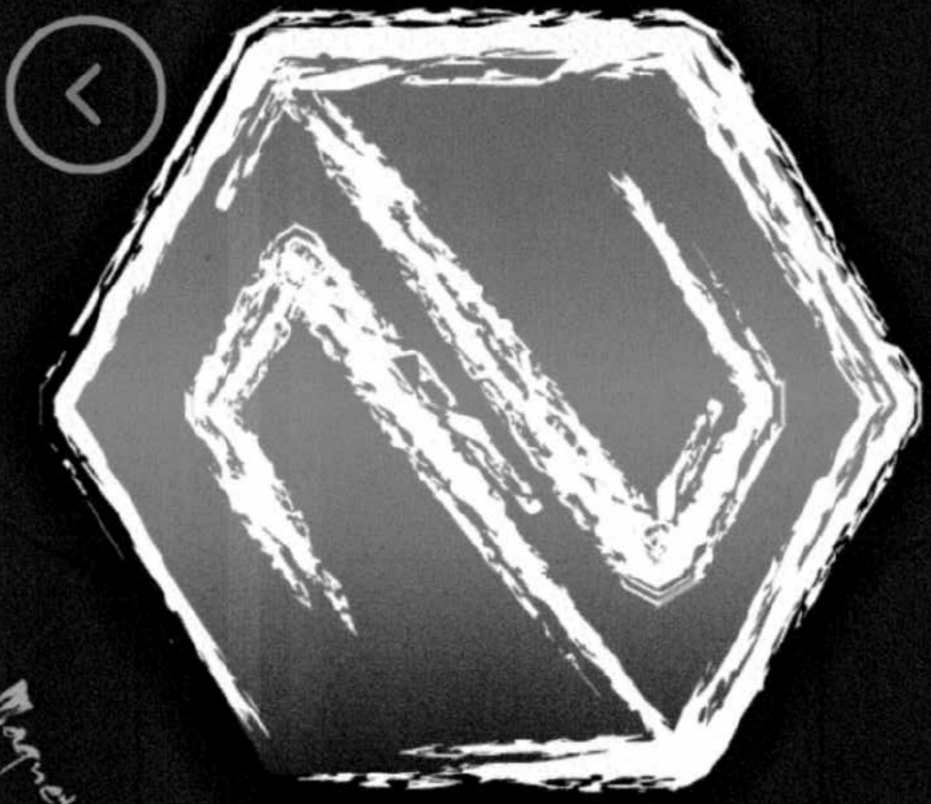
David C. Japha
The Law Offices of David C. Japha, P.C.
950 S. Cherry Street, Suite 912
Denver, CO 80246 davidjapha@japhalaw.com
Counsel for Respondent Zen Magnets

December 18, 2014

Exhibit A

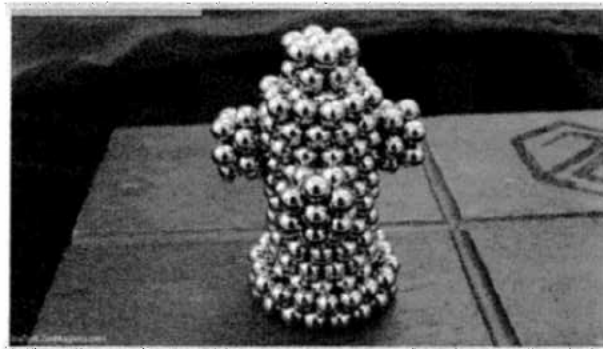


- [BUY](#)
- [GALLERY](#)
- [CONTEST](#)
- [RELATIONS](#)



ZenMagnets.com

The Zen Gift Set .



Zen Gift Set: 216 Zen Magnets, 8 Spares, Sliding Bamboo Box, Semi PVC Card, Velvet Sack, Steel Platform, Cloth and Guide.

\$38.24

USPS Priority Shipping
minimum
Free for 2 or
more sets.
Ships within 24
Business Days
Satisfaction
Guaranteed.

[ADD TO CART](#)

[VIEW CART](#)

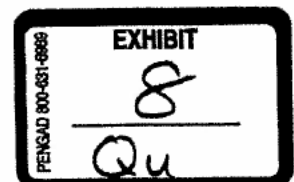


Click to enlarge

The re-imagined Zen Gift Set includes everything that is included with the Zen Booster Set, and also:

- A laser etched stainless steel building platform
- A delicately prismatic microfiber cloth
- A brimful guide of magnet sphere methods

Newly enclosed in a matte coated sliding bamboo box. Aesthetic inspiration aplenty. A meaningful gift leaves a lasting impression.



Even if your only intention is to squeeze your frustration through your fingers, you will find a cluster of 216 Zen magnets to be a worthy companion, with the ideal harmony of resistance and weight. Knead them hard for a settling hand massage. Invitingly cold after a period of non-use.

A chain can be wrapped and rolled into sheets and rings. Sheets and rings can be connected and compounded to basic particles: polyhedrons, polygons, and even more complex 2D sheets. Stir some originality into the blend, mix in some creativity, saturate with spatial awareness and tactile technique, and add a dash of inspiration. What you end up with will never fail to surprise you and impress others. The 2D world deserves some attention too: there are millions of unique snowflake patterns, and Zen magnets are terrific for refrigerator art.

As a good habit, compose back into a 6 layer hexagon for storage. The poles will mostly cancel and potential for magnetic interference is minimal. This way your credit cards and harddrives will be safe in the same pocket. Not that organization requires an excuse.

As a chain of chromed magnetic beads, 216 Zen Magnets will measure over a meter long, and routinely attract more compliments than their precious competitors in the realm of self adornment.

Screen clipping taken: 7/3/2014 11:15 AM

<http://zenmagnets.com/the-zen-gift-set/>

Close



YOUR SHOPPING CART

No.	Item	Remove	Quantity	Amount (USD)
1.	Zen Gift Set: 216 Zen Magnets, 6 Spares, Sliding Bamboo Box, .5mm PVC Card, Velvet Sack, Steel Platform, Cloth and Guide.		1	42.24

Shipping: **USPS PRIORITY (6.65)** ▼

Total: 48.89

Ship to Country **United States** ▼

ZIP/Postal Code Update Cart after entering

Discount Code Update Cart after entering

[Update Cart](#)
[Continue Shopping](#)

Checkout:





Billing Information

First Name: *

Last Name: *

Email: *

Company Name (optional):

Country: ▼ *

Address: *

City: *

State/Province/Region: ▼ *

ZIP/Postal Code: (Leave blank, if your Country doesn't have ZIP/Postal Codes)

Phone (optional):

Card Type: ▼ *

Card Number: *

Card Expiration Date: ▼ ▼ *

Card ID (CVV2/CID) Number: *

[What is Card ID?]

Shipping Information

Check if same as above:

First Name: *

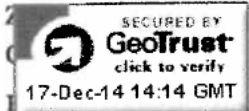
Last Name: *

Company Name (optional):

Address: *

City: *

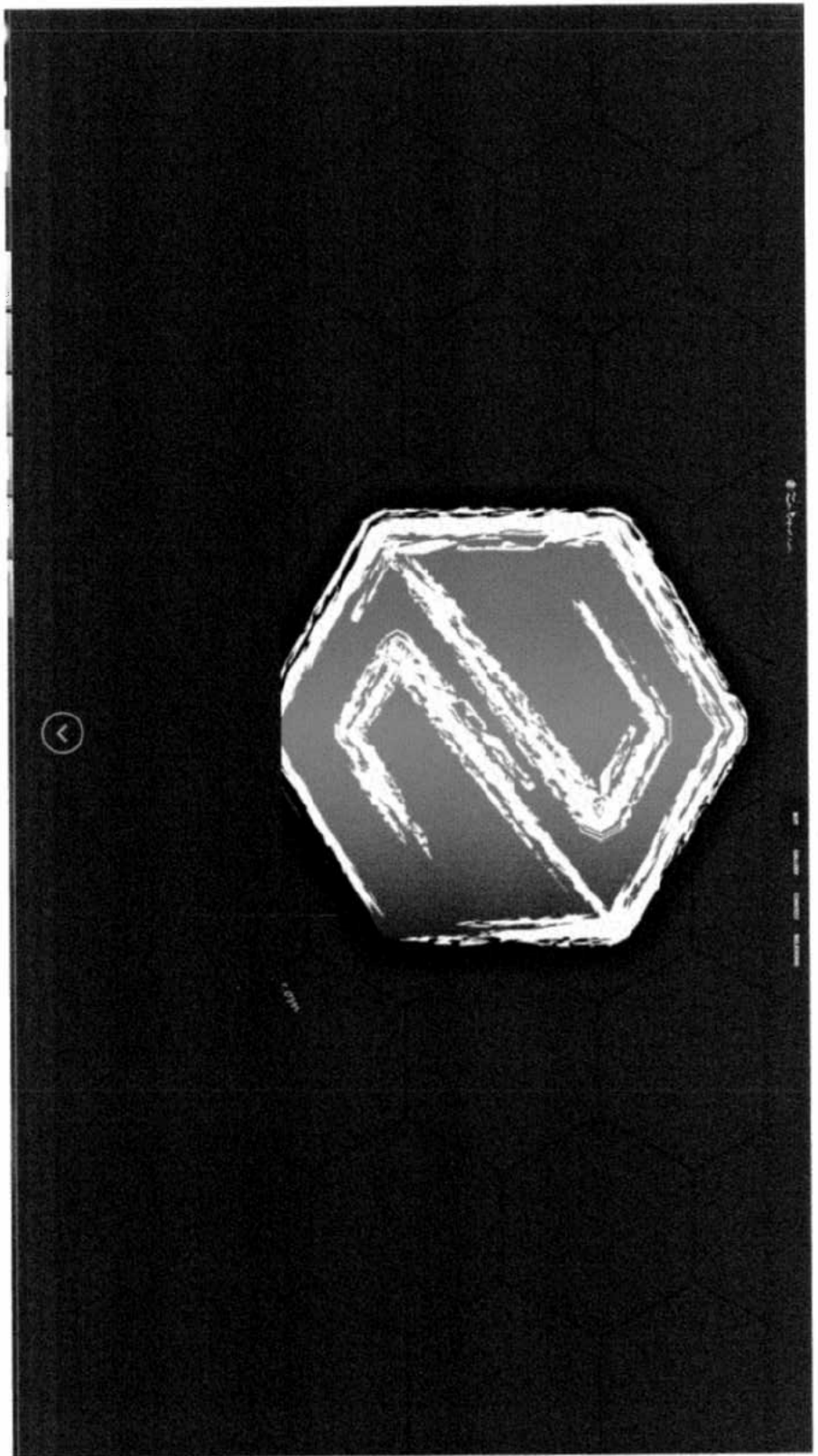
State/Province/Region:



Sign-up for product updates and newsletter.

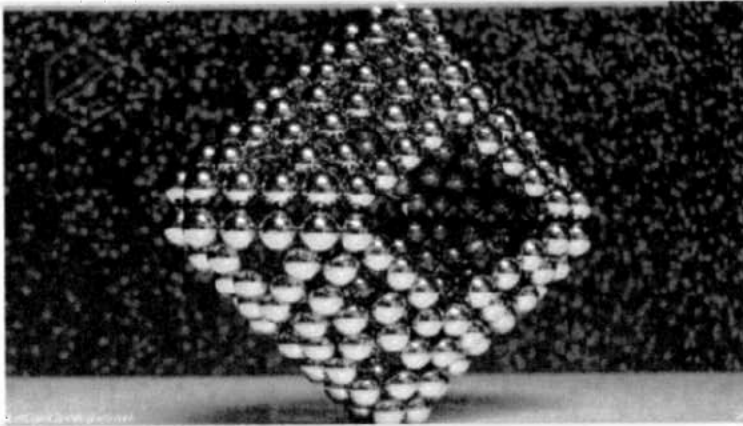
CHARGE MY CARD 48.89 USD or pay with 

Exhibit B



The Zen Gift Set .

Zen Magnets are not children's toys, and may cause fatal intestinal pinching if swallowed. Read warnings and keep away from face. Don't leave them around animals, or children who don't understand this.



Zen Gift Set: 216 Zen Magnets, 6 Spools,
Sliding Bamboo Box, 3mm PVC Coated
Velvet Sack, Steel Hairpins, Cloth and
Guide.

\$42.24

100% Priority shipping in January
with free gift 216 Zen Magnets
for your purchase of this set
at a special customer price

[Add to Cart](#)

[View Cart](#)

Stock Status
Monday 10:00 AM - 10:00 PM EST
216 Zen Magnets - 6 Spools - 3mm PVC Coated
Steel - Available for \$20 - 10:00 AM - 10:00 PM EST
www.seabob.com



[Click to enlarge](#)

The re-imagined Zen Gift Set includes everything that is included with the Zen Booster Set, and also:

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- A delicately prismatic microfiber cloth
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A chain can be wrapped and rolled into sheets and rings. Sheets and rings can be connected and compounded to basic particles: polyhedrons, polygons, and even more complex 2D sheets. Stir some originality into the blend, mix in some creativity, saturate with spatial awareness and tactile technique, and add a dash of inspiration. What you end up with will never fail to surprise you and impress others. The 2D world deserves some attention too: there are millions of unique snowflake patterns, and Zen magnets are terrific for refrigerator art.

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As a chain of chromed magnetic beads, 216 Zen Magnets will measure over a meter long, and routinely attract more compliments than their precious competitors in the realm of self adornment.

Close



YOUR SHOPPING CART

No.	Item	Remove	Quantity	Amount (USD)
L.	Zen Gift Set: 216 Zen Magnets, 6 Spares, Sliding Bamboo Box, .5mm PVC Card, Velvet Sack, Steel Platform, Cloth and Guide.	<input type="checkbox"/>	1	42.24

Shipping: **USPS PRIORITY (6.65)** ▼
Total: 48.89

Ship to Country

ZIP/Postal Code Update Cart after entering

Discount Code Update Cart after entering

Checkout:  
Fast, easy, secure. Pay with Credit Card



Billing Information

First Name: *

Last Name: *

Email: *

Company Name (optional):

Country: United States ▼ *

Address: *

City: *

State/Province/Region: MARYLAND ▼ *

ZIP/Postal Code: 20814 (Leave blank, if your Country doesn't have ZIP/Postal Codes)

Phone (optional):

Card Type: Visa ▼ *

Card Number: *

Card Expiration Date: ▼ ▼ *

Card ID (CVV2/CID) Number: *

[\[What is Card ID?\]](#)

Shipping Information

Check if same as above:

First Name: *

Last Name: *

Company Name (optional):

Address: *

City: *

State/Province/Region: MARYLAND

ZIP/Postal Code: 20814

Country: United States

Phone (optional):



Sign-up for product updates and newsletter.

CHARGE MY CARD 48.89 USD or pay with 



Exhibit C

Gravy .



Zip-up Emblem Hoodie

The ultrasimple, unisex, Zen Magnets emblem hoodie. Made from air jet yarn of a 50/50 Cotton Poly blend. Double-needle reinforced pocket, cuff stitching, and a YKK metal zipper that is more dependable than any non-YKK zipper.

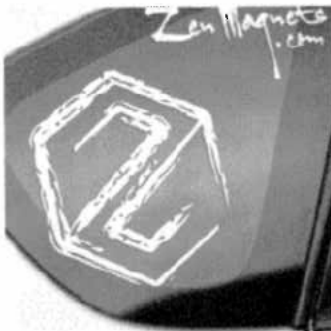
[Additional Information](#)



Spare Zen Magnets

Spare Zens, for replacing damaged, dirty and lost magnets. Flat \$ shipping and one PVC card included. 20 cents per magnet, select quantities.

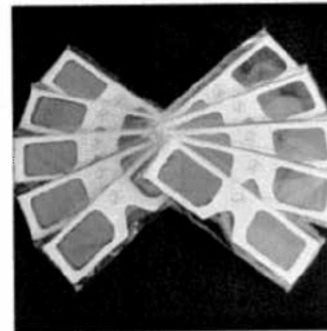
[Add to Cart](#)



Stickers

Coming soon... Vinyl stickers of the Zen Hex Emblem, and ZenMagnets.com logo, in multiple sizes. To be notified, select the "labs" interest on our newsletter subscription form.

[Notify Me](#)

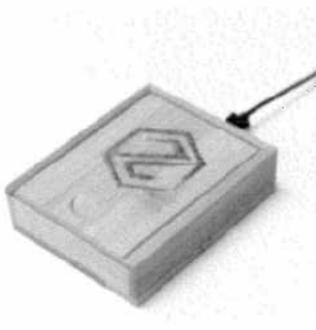


10pc 3D Glasses

We're actually one of the biggest distributors of Red/Cyan 3D glasses in the US. Over 40,000 sold, and more given away. Click add to cart to get two pairs for free.

[Additional Information](#)

[External Purchases](#)



Qi Phone Charger

Single coil wireless inductive charging station, built into our bamboo box. Compatible with most Qi-enabled devices. Compatible with most Nexus phones, LG G2, G3, etc. To be notified, select "labs" interest.

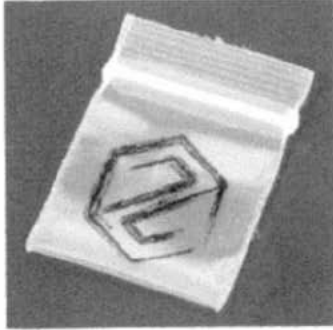
[Notify Me](#)



1/4" DSLR Mic Riser

This 1/4" riser mounts an H1 (or other) mic onto a DSLR hotshoe. Originally designed for our own use, it is now manufactured on our rapid prototyping out of white ABS plastic.

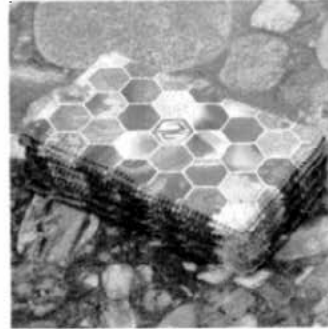
[External Purchases](#)



100pc 1x1in Logo Baggies

Small resealable bags, originally intended to hold Zen Spares. Each 1"x1" baggie holds approximately 3ml of dry content. Sold at cost as a promotion.

[Notify Me](#)



100pc Microfiber cloths

100 Microfiber cleaning cloths: same ones that are provided to Mandala set owners. Great for cleaning magnets, electronics, glass, and sensitive surfaces.

[Notify Me](#)

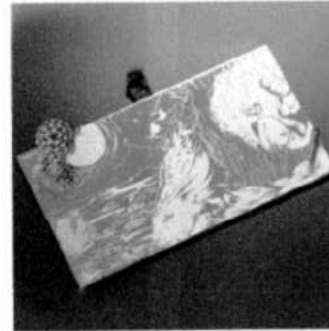


Zen Camera Stabilizer

A counterbalanced mobile camera stabilizer, functionally comparable to the Merlin Steadicam for a portion of the cost. Currently discontinued.

[Additional Information](#)

[Notify Me](#)



Large Building Platform

The Stainless Steel Building Platform that comes with Mandala Sets. 430 Stainless Steel, padded soft red velvet base and Custom laser engraved.

[External Purchases](#)



Small Building Platform

Previously only available in Gift Sets, we've got extras available for purchase. 430 Stainless Steel, 2 1/4" by 3 3/4" dimensions, and laser engraved.

[Notify Me](#)

STOCK STATUS

Mandala and Gift Zen now restocked. Gift Zens available in Colorado locally. Oversize Zens Available for \$20. All colors of Neoballs available at Neoballs.com.

You're still reading this?

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First Name

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- Contests
- Legal Battle
- Being our lab rats (Beta Products, Experiments, Job/Collab opportunities, Special Sales)

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Westword Cover Story
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12/17/2014

Best viewed with Firefox or Chrome

Gravy | Zen Magnets

We Will Fight Until The End

August 4, 2014

1847 points on reddit. Zen Magnets is now the last surviving magnet sphere company still selling, standing, and fighting in the United States.

Buckyballs settled their lawsuit months ago. And news of Magnicube's settlement comes today. They're both out of the fight. We're at a critical crossroads between two options. Behind Door #1: Shutdown & Stop-sales. This makes the [...]

RE: Your letter requesting us to shut down

August 2, 2012

1687 points on reddit. If you would like to help stop the magnet prohibition, please go to savemagnets.com. 8/1/12

RE: Your letter requesting us to shut down. Dear CPSC, It's unusual for a response to the CPSC to be open and transparent to the world. But these are unusual circumstances indeed. Let me start by reminding the [...]

Exhibit D



BUY GALLERY CONTEST RELATIONS

Gravy .

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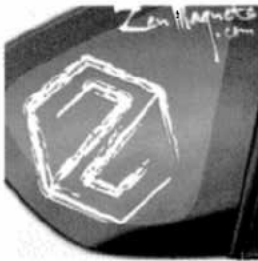
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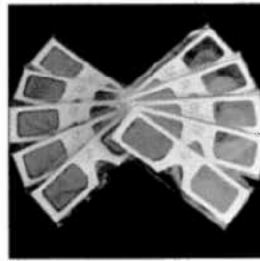
[Add to Cart](#)



Stickers

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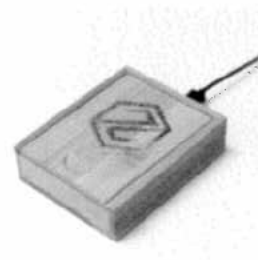


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[External Purchase](#)



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Single coil wireless inductive charging station, built into our bamboo box. Compatible with most Qi enabled devices. Compatible with most Nexus phones, LG G2, G3, etc. To be notified, select "labs" interest.

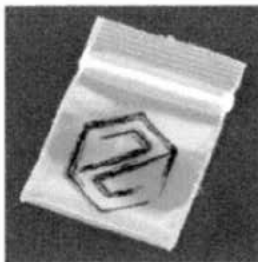
[Notify Me](#)



1/4" DSLR Mic Riser

This 1/4" riser mounts an R1 (or R46) onto a DSLR hotshoe. Originally designed for our own use, and manufactured on our rapid prototyper out of white ABS plastic.

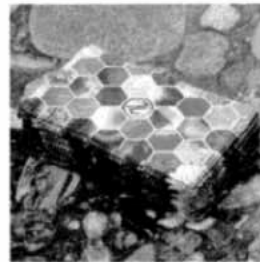
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[Notify Me](#)



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[Additional Information](#)

[Notify Me](#)



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The Stainless Steel Building Platform that comes with Mandala Sets. 18.2cm x 10.2cm building area, 430 Stainless Steel, padded soft red wolver bottom, and Custom laser engraved art.

[External Purchase](#)



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Email Address *

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EASTER EGG COLLECTION

The Epidemiology Elephant Flagship Video Contest. Savemagnets.com
Westword Cover Story
Art.ZenMagnets.com Your move, Buckyball... Magnetspheres.com
Newsletter Archive

CERTIFICATE OF SERVICE

I hereby certify that I have provided on this date, September 28, 2016, Complaint Counsel's Notice Regarding Record and Exhibits:

Original and five copies by hand delivery to the Secretary of the U.S. Consumer Product Safety Commission: Todd A. Stevenson.

One copy by electronic mail and common carrier to counsel for Respondent Zen Magnets, LLC:

David C. Japha, Esq.
Levin Jacobson Japha, P.C.
950 S. Cherry Street, Ste. 912
Denver, CO 80246
(303) 504-4242
davidj@ljjlaw.com

Daniel Vice