

video from its United States' YouTube channel the day it was served with Biotech's lawsuit.¹

Second, Biotech also complained that at least one-third of the “before and after” photographs – twenty-three in all – on the “Real Results” section of Neora's website (www.neora.com/us/en/real-results) were not photos of results obtained by *Neora's* products, but were actually pictures of results achieved using products manufactured by Biotech with its patented NAE-8 *Nerium oleander* extraction method, *products that Neora no longer sells*. As with the 2019 Neora Firm Video, Neora pulled down this false advertising from its United States website the day after Biotech's lawsuit was filed.²

Finally, Biotech complained about doctored blog entries on Neora's blog, Neorablog.com, and false newspaper references and headlines on Neora's website, www.neora.com. Neora removed all of the identified materials from its United States website after Biotech filed its Complaint.

Neora's removal of these false advertisements and Neora's promise to not use these false advertisements in the future, in effect, constitutes the primary relief Biotech sought in its Complaint. Although Neora overstated its purportedly “complete” removal of offending false statements from all of its platforms, given its commitment to the Court to not engage in similar acts of false advertisements in the future, Biotech is willing to dismiss this proceeding without prejudice to give Neora the opportunity to finish removing its offending materials without further involvement from this Court. Biotech will continue to pursue its claims for these and other

¹Neora has not removed the 2019 Neora Firm video from *all* of its YouTube accounts. The video remains available on its Australian and New Zealand YouTube channel. <https://www.youtube.com/watch?v=HBOYrAk4kms&t=30s>

² Unfortunately, Neora was not as diligent with its international websites and offending “before and after” photographs continue to be displayed on Neora's websites for Canada, Hong King, Australia, New Zealand, Singapore, Mexico, and Columbia.

violations in arbitration, reserving the right to seek relief from this Court in the future, if it becomes necessary.

II.

NOTICE OF DISMISSAL

WHEREFORE, pursuant to FED. R. CIV. P. 41(a), Plaintiffs hereby DISMISS all of their claims in this matter against Defendant Neora WITHOUT PREJUDICE.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS
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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2019, I submitted the foregoing document to the Court's CM/ECF case management and electronic case filing system which automatically serves a copy on all counsel of record in this matter.

/s/ Jeremy R. Wilson
Jeremy R. Wilson