



April 1, 2009

Mr. Jim Caldwell  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington DC 20460-0001

Subject: Follow-up to letter of March 17, 2008 regarding Kino Bay Inc. Counterfeit

Dear Mr. Caldwell,

Attached hereto you will find a copy of letter that we have sent to Mr. Yong Kim President of Kino Bay, Inc. of Los Angeles to cease and desist distributing a counterfeit product that he is calling FPE Fuel Performance Enhancer which is our product US EPA registration 2011-20009.

I am in possession of a 2 ounce bottle identical in presentation to our original presentation but clearly a substitute formula as already tested, not only is the actual content testing completely different from our formulation which you have on file with our registration, but further proof the manner in which it is package.

I know that the original 16 ounce bottle photograph that I sent to you was prepared for him by a company in New Jersey (Iris Industries) that bought a completely different product from me under the guises of selling to the New York Police Department when what she did was repackage for Mr. Kim.

The website [www.alibaba.com](http://www.alibaba.com) has already removed Kino Bay Inc. references to the FPE Fuel Performance Enhancer from their website (copy of their notice attached) and in the US they are marketing under the following web site [www.bestfpe.com/Enabout.html](http://www.bestfpe.com/Enabout.html) and they are using our B&A EPA Registration and Joint US/Canadian Departments of Defense Certifications as a marketing tool at [www.bestfpe.com/EnProductzs.asp](http://www.bestfpe.com/EnProductzs.asp).

It is extremely disconcerting that this product may find its way into the marketplace, not just into the Chinese market as the production is done in the US.

A copy of this letter will also be forwarded to the Customs and Border Protection Department, and to the United States International Trade Commission as instructed by the Port of Los Angeles Police Department of Homeland Security, as well the FBI as this counterfeiting classify as criminal counterfeiting, piracy, and other federal crimes by crossing state lines, and the Hamilton New Jersey Police Department.

Respectfully,

A handwritten signature in black ink, appearing to read 'David J. Barberis', is written in a cursive style.

David J. Barberis

Cc: Mr. Jose Solar – US EPA  
Mr. Robert Tallent – US EPA  
Law Offices of Ross & Matthews PC

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