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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

N.V.E., INC., Plaintiff, vs. O.T.C. DISTRIBUTION, INC. d/b/a OTCD, et als Defendants.	)	Civil Action No. 3-01CV1346-H **AFFIDAVIT OF ROBERT OCCHIFINTO**

I, Robert Occhifinto, of full age, certifies under penalty of perjury as follows:

1. I am the owner and President of N.V.E., Inc., plaintiff in the referenced matter (hereinafter "NVE"). I am fully familiar the facts set forth herein.

2. I make this Affidavit pursuant to the Court's Order dated January 27, 2003.

3. In August of 1998, NVE began producing, marketing and selling its "Yellow Jacket" product.

4. NVE has sold "Yellow Jacket" in the three different packages: a 100 capsule bottle, a 20 capsule bottle and a 3 capsule package.

5. The cost to manufacture each "Yellow Jacket" 100 capsule bottle is approximately $0.84635.

6. The cost to manufacture each "Yellow Jacket" 20 capsule bottle is approximately $0.2236.

7. The cost to manufacture each "Yellow Jacket" three capsule package is approximately

EXHIBIT 38