

ACUPATH LABORATORIES, INC.  
28 South Terminal Drive  
Plainview, New York 11803

2520060621135

06 JAN -6 AM 11:03

December 23, 2005

Secretary of Labor  
Top-Hat Plan Exemption  
Employee Benefits Security Administration  
Room N-1513  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Re: Acupath Laboratories, Inc. Nonqualified Deferred Compensation Plan

Dear Secretary:


Pursuant to Section 2520.104-23 of the Department of Labor's Regulations, this letter will serve as notice that, with respect to the Acupath Laboratories, Inc. Nonqualified Deferred Compensation Plan (the "Plan"), the undersigned intends to use the alternative form of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (ERISA), which alternative form of compliance is provided in the aforesaid Regulations Section.

Pursuant to Regulations Section 2520 104-23(b), the following information is provided:

1. Name and Address of Employer: Acupath Laboratories, Inc.  
28 South Terminal Drive  
Plainview, New York 11803
2. Employer's Employer Identification Number: 11-3272376
3. The Employer hereby declares that it maintains the Plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.
4. The number of employees in such Plan is 1.

Pursuant to Regulations Section 2520.104-23(b)(2), the Employer will provide Plan documents, if any, to the Secretary of Labor upon request as required by Section 104(a)(1) of ERISA.

Very truly yours,  
ACUPATH LABORATORIES, INC.

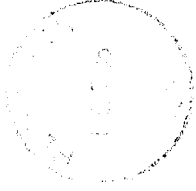
By:   
Sharon Fox, President

**CERTIFIED MAIL™**

**ADVANCED DERMATOLOGY PC**  
CENTER FOR LASER & COSMETIC SURGERY  
58-47 188TH STREET  
FRESH MEADOWS, N.Y. 11365  
Address Service Requested



7005 0390 0002 9035 0155



RETURN RECEIPT REQUESTED

Secretary of Labor  
TOP-HAT Plan Exemption  
EMPLOYEE BENEFITS SECURITY ADMIN.  
RM: N-1513  
US. DEPT. OF LABOR  
300 CONSTITUTION AVE. N.W.  
WASHINGTON, D.C. 20210



RETURN RECEIPT REQUESTED