

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
v.)	Civ. No. 1:07-cv-01021-PLF
)	
WHOLE FOODS MARKET, INC.,)	
)	
-and-)	
)	
WILD OATS MARKETS, INC.,)	
)	
Defendants.)	

NOTICE OF APPEAL

Notice is hereby given that plaintiff the Federal Trade Commission appeals to the United States Court of Appeals for District of Columbia Circuit from an order of the United States District Court for the District of Columbia, entered August 16, 2007, denying plaintiff's motion for a preliminary injunction in the captioned proceeding.

Respectfully submitted,

August 17, 2007

/s/ Thomas H. Brock
THOMAS H. BROCK (D.C. Bar No. 939207)
MARILYN E. KERST (DC Bar No. 331769)
Attorneys for Plaintiff
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
(202) 326-2813 (direct dial)
(202) 326-2884 (facsimile)
tbrock@ftc.gov

EXHIBIT 1