

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 89709 / August 28, 2020

Admin. Proc. File No. 3-19940

In the Matter of
RISING BIOSCIENCES, INC.

ORDER REQUESTING ADDITIONAL WRITTEN SUBMISSIONS

On August 25, 2020, the Commission issued an order pursuant to Section 12(k) of the Securities Exchange Act of 1934 suspending trading in the securities of Rising Biosciences, Inc. (“RBII”) (CUSIP No. 76761W108) for the period from 9:30 a.m. EDT on August 25, 2020, through 11:59 p.m. EDT on September 8, 2020 (the “Trading Suspension Order”).¹ The Trading Suspension Order stated that it appeared to the Commission that a suspension of trading was required due to “questions regarding the accuracy and adequacy of information in the marketplace” about RBII.² The Trading Suspension Order further stated that the “questions relate, in part, to statements in April 16, 2020 and July 17, 2020 press releases in which RBII suggested that some of the products it claims to have launched in response to COVID-19, including Oxithymol, the Oxi Thyme system, and/or their ingredients, are approved by the CDC or registered with the EPA.”³ The Commission was therefore “of the opinion that the public interest and the protection of investors require a suspension of trading.”⁴

On August 27, 2020, RBII filed a petition to terminate the trading suspension. In accordance with Rule of Practice 550(b), additional written submissions are requested.⁵

Accordingly, IT IS ORDERED that the parties file submissions as follows:

¹ *Rising Biosciences, Inc.*, Exchange Act Release No. 89646, 2020 WL 5038565 (Aug. 25, 2020).

² *Id.* at *1.

³ *Id.*

⁴ *Id.*

⁵ 17 C.F.R. § 201.550(b).

- By September 8, 2020, the Division of Enforcement shall file all the information that was before the Commission at the time of the Trading Suspension Order's issuance.⁶
- By September 22, 2020, RBII shall file an opening brief, which is not to exceed 8,000 words.
- By October 6, 2020, the Division shall file an answering brief, which is not to exceed 8,000 words.
- By October 20, 2020, RBII may file an optional reply brief, which is not to exceed 3,000 words.

Any evidentiary materials, such as supporting affidavits or declarations, shall be attached to the briefs, which must contain specific citations to the evidence relied upon. Although appropriately the subject of official notice,⁷ the Commission also requests that the parties provide a copy of any guidance document, policy statement, or other government record relied upon to establish the requirements of any applicable legal regime. No briefs in addition to those specified in this order may be filed without leave of the Commission.⁸

Pursuant to Rule of Practice 180(c), a party's failure to file a brief or to comply with this order may result in the Commission's determination of the matter at issue against that party, a finding of waiver, dismissal of the proceeding, or such other sanction as the Commission finds appropriate.⁹

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁶ See 15 U.S.C. § 78l(k)(5). The Division need not disclose privileged legal analysis or sensitive information about the staff's investigative methods.

⁷ See Rule of Practice 323, 17 C.F.R. § 201.323.

⁸ The briefs shall conform to Rule of Practice 450(b)-(d), with respect to content and length limitations, 17 C.F.R. § 201.450(b)-(d), except as modified in this order. Attention is also called to Rules of Practice 150-153, 17 C.F.R. §§ 201.150-153, and the Commission's March 18, 2020 order regarding the filing and service of papers in administrative proceedings. *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>. We note that RBII has agreed to waive paper service of all opinions and orders and accept service electronically.

⁹ 17 C.F.R. § 201.180(c).