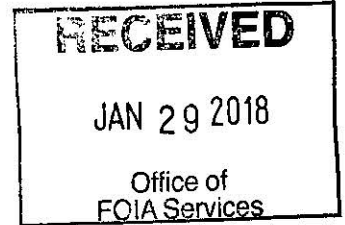


18-0296-E

foiapa

From: Mark Edwards <medwards@biosciadvisors.com>
Sent: Friday, January 26, 2018 8:10 PM
To: foiapa
Subject: FOIA Request



I would like to request access to Exhibit 10.2 to the 3/31/09 10-Q, as amended, filed by NovaBay Pharmaceuticals, Inc. on 8/4/2009. Confidential treatment was sought as to certain portions when initially filed with the Commission.

In the event that confidential treatment has not expired or has been extended, I further request that you send me the expiration date(s) from the relevant CT order(s) so I will know when I should resubmit my request.

I authorize up to \$61 in search and retrieval fees. Please send the exhibit(s) by PDF if possible.

Sincerely,

Mark

Mark G Edwards
Managing Director
Bioscience Advisors
2855 Mitchell Dr., Suite 103
Walnut Creek, CA 94598
medwards@biosciadvisors.com
925 954-1397



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

February 02, 2018

Mr. Mark G. Edwards
Bioscience Advisors
2855 Mitchell Dr., Suite 103
Walnut Creek, CA 94598

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 18-02196-E

Dear Mr. Edwards:

This letter is in response to your request, dated and received in this office on January 29, 2018, seeking access to Exhibit 10.2 to the Form 10-Q filed on August 4, 2009, by NovaBay Pharmaceuticals, Inc.

The Commission granted confidential treatment to Exhibit 10.2 to the Form 10-Q under Rule 24b-2 of the Securities and Exchange Act of 1934 through March 20, 2019. Since confidential treatment has not expired, we are providing the expiration date(s) from the relevant CT order(s) as requested.

If you have any questions, please contact me at rollinsc@sec.gov or (202) 551-8329. You may also contact me at foiapa@sec.gov or (202) 551-7900. You also have the right to seek assistance from a FOIA Public Liaison, Aaron Taylor at (202) 551-7900.

Sincerely,

A handwritten signature in black ink that reads "Carl Rollins".

Carl Rollins
FOIA Research Specialist