

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19986

<p>In the Matter of</p> <p>REACH Genetics, Inc.,</p> <p>Respondent.</p>
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DIVISION OF ENFORCEMENT’S MOTION FOR
DEFAULT AND BRIEF IN SUPPORT

The Division of Enforcement (“Division”), by counsel, pursuant to Commission Rules of Practice Rules 154(a) and 155(a)(2), respectfully moves the Securities and Exchange Commission (“Commission”) for an order entering a default against REACH Genetics, Inc. (CIK No. 0001657737) (“REACH” or “Respondent”) in this proceeding and ordering the revocation of the registration of each class of Respondent’s securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (“Exchange Act”).

Argument

On September 11, 2020, the Commission issued an Order Instituting Proceedings (“OIP”) against Respondent, which has securities registered with the Commission under Section 12(g) of the Exchange Act. The OIP alleges the Respondent is delinquent in filing its mandated periodic reports. Because Respondent failed to answer or otherwise respond to the OIP, the Division now seeks entry of an order finding Respondent to be in default in this proceeding.

Commission Rule of Practice 220(b) states that where an answer is required to be filed by rule or order, the respondent “shall do so within 20 days after service upon the respondent of the order instituting proceedings” unless a different period is provided by rule or order. Here, the OIP requires “an Answer [to be filed] to the allegations contained in this Order within ten (10) days after service of this Order.” OIP at IV. Commission Rule of Practice 160(a) provides that Saturdays, Sundays and Federal legal holidays are to be counted as part of the 10 day period, and Commission Rule of Practice 160(b) extends that time by three days if service is made by mail.

The Declaration of Victor Tabak to Assist Secretary with Record of Service (attached hereto as Exhibit A) (“Tabak Declaration”) establishes that on September 15, 2020, REACH was served with the OIP by Priority Mail Express delivery at the address provided in REACH’s last EDGAR filing with the Commission, in accordance with Commission Rule of Practice 141(a)(2)(ii). REACH’s answer to the OIP was due by September 28, 2020. However, REACH has neither filed an answer nor made any other response to the OIP in this proceeding.

Respondent is delinquent in its filings with the Commission and has been delinquent for over three years. In addition, Respondent’s failure to answer supports revocation of the registration of each class of Respondent’s securities. Accordingly, the Division moves for an order, pursuant to Rule 155(a)(2), finding REACH to be in default in this proceeding and ordering that the registration of each class of its securities registered pursuant to Exchange Act Section 12 be revoked.

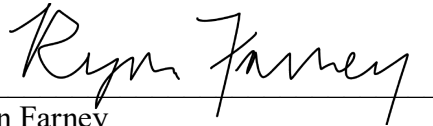
Conclusion

For the reasons set forth above, the Division respectfully requests that the Commission:

1) grant the Division's Motion; 2) enter an order of default against REACH; and 3) revoke the registration of each class of REACH's securities registered pursuant to Section 12 of the Exchange Act.

Dated: April 2, 2021

Respectfully submitted,



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Email: farneyr@sec.gov

COUNSEL FOR
DIVISION OF ENFORCEMENT

CERTIFICATE OF SERVICE

I hereby certify that the Division of Enforcement's Motion for Default and Brief in Support was filed with the Securities and Exchange Commission, Office of the Secretary, 100 F Street NE, Washington, DC 20549, and that a true and correct copy of the foregoing has been served on this 2nd day of April, 2021, on the following persons entitled to notice:

By UPS:
REACH Genetics, Inc.
4800 Baseline Road
Unit E104-#345
Boulder, CO 80303



Ryan Farney

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DECLARATION OF VICTOR TABAK
TO ASSIST SECRETARY WITH RECORD OF SERVICE

VICTOR TABAK, pursuant to 28 U.S.C. § 1746, declares:


1. I am a Senior Counsel with the Division of Enforcement (“Division”) of the Securities and Exchange Commission, and co-counsel for the Division in the captioned administrative proceeding. I am submitting this Declaration to assist the Secretary in maintaining a record of service on the respondent in the captioned proceeding pursuant to Rule 141(a)(3).

2. The Office of the Secretary provided me with the U.S. Priority Mail Express tracking number for the copy of the Order Instituting Proceedings (“OIP”) mailed by the Secretary to the respondent in this proceeding. I input the tracking number into the U.S. Postal Service’s (“USPS’s”) package tracking system on its Internet website located at www.usps.com, and printed out the tracking confirmation in order to obtain confirmation of the delivery or attempted delivery of the OIP on the respondent. A true copy of the tracking confirmation for the respondent is attached as Exhibit 1, hereto. Rule

141(a)(2)(ii) provides that service on a corporation or entity may be obtained by confirmation of attempted delivery on the most recent address shown on the entity's most recent filing with the Commission.

3. The Secretary mailed the OIP to respondent REACH Genetics, Inc., CIK 0001657737 ("REACH"), via Priority Mail Express, Tracking No. EJ435622868, to the address shown on its most recent EDGAR filing at 4800 Baseline Road, Unit E104-#345, Boulder, CO 80303. This address is taken from REACH's last filing with the Commission, which was a Form 8-K filed with the Commission on July 3, 2018. The USPS tracking system confirms that the package was delivered on September 15, 2020. *See Exhibit 1 at page 1.*

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 30, 2020.



Victor Tabak

Track Another Package +

Tracking Number: EJ435622868US

Remove X

Your item was delivered at 11:29 am on September 15, 2020 in BOULDER, CO 80303. Waiver of signature was exercised at time of delivery.

Delivered

September 15, 2020 at 11:29 am
Delivered
BOULDER, CO 80303

Get Updates v

Text & Email Updates



Proof of Delivery



Tracking History



September 15, 2020, 11:29 am

Delivered
BOULDER, CO 80303

Your item was delivered at 11:29 am on September 15, 2020 in BOULDER, CO 80303. Waiver of signature was exercised at time of delivery.

September 15, 2020, 9:51 am

Arrived at Po t Office
BOULDER, CO 80301

September 15, 2020, 8:37 am

Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

September 15, 2020, 7:31 am

Arrived at USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

September 14, 2020, 11:14 pm

Departed USPS Regional Facility
LINTHICUM HEIGHTS MD DISTRIBUTION CENTER

September 14, 2020, 8:20 pm

Arrived at USPS Regional Facility
LINTHICUM HEIGHTS MD DISTRIBUTION CENTER

Product Information



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FAQs