bioAffinity TECHNOLOGIES

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VIA EMAIL

July 30, 2026

Vanessa A. Countryman, Secretary
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090
CountrymanV@SEC.GOV

Re: Notice of Intention to Petition for Review of Action Taken Pursuant to Delegated Authority

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt a New Continued Listing Requirement, Securities Exchange Act Release No. 34-105971 (July 22, 2026)

File No. SR-NASDAQ-2026-004

Dear Ms. Countryman:

On behalf of bioAffinity Technologies, Inc., I submit this letter pursuant to Rule 430(b)(1) of the Commission's Rules of Practice, 17 CFR 201.430(b)(1), as written notice of bioAffinity Technologies' intention to petition for review of the *Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt a New Continued Listing Requirement*, Exchange Act Release No. 105971, File No. SR-NASDAQ-2026-004 ("Approval Order").

The Division of Trading and Markets issued the Approval Order pursuant to delegated authority under 17 CFR 200.30-3(a)(12) on July 22, 2026. This notice is being timely filed within 5 days of that action (extended to 7 days under Rule 160(a), 17 CFR 201.160(a), due to intervening weekend days).

bioAffinity Technologies is a person aggrieved by the Approval Order. The undersigned, Maria Zannes, is the President and Chief Executive Officer of bioAffinity Technologies. Upon and following the effectiveness of the Approval order, it has come to my attention that the Nasdaq website does not publish actual real-time information on the market cap (or MVLS) of the companies for which quotes can be viewed. This information is also different from what Yahoo Finance, Google Finance or other sources post. In all cases, this information is showing a MVLS that is lower that the real information. Thus, it is difficult to understand and I believe that it is likely harmful that the Exchange is able maintain a website that publishes information that is not accurate and upon which people may be relying when they trade securities while issuers are held to a different standard.[1] As a result, we have checked and updated the data with Nasdaq on a real-time basis. However, due to an apparent flood of activity and filings of this nature, there is now a weeks-long back-up at Nasdaq of processing this information internally. Accordingly, we believe that the implementation of this Approval Order may be causing irreparable harm to bioAffinity Technologies.

Under Rule 431(e), 17 C.F.R. 201.431(e), the filing of this notice automatically stays the Approval Order unless and until the Commission orders otherwise.

bioAffinity Technologies will file its petition for review separately and in accordance with Rule 430(b)(2) and Rule 160(a).

bioAffinity Technologies is also providing notice of this filing to counsel for The Nasdaq Stock Market LLC.

Respectfully submitted,

Maria Zannes

Maria Zannes
President and Chief Executive Officer
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cc: John Zecca, EVP and Chief Legal Officer, The Nasdaq Stock Market
Richard A. Friedman Sheppard, Mullin, Richter & Hampton LLP

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[1] Apparently, the Nasdaq website is fed its data from other sources that only update based upon the filing of periodic (and perhaps some other) reports. Thus, the information possibly may not update for a full quarter while an issuer can be delisted under the Approval Order in 30 business days. Interestingly, at the same time, Nasdaq Listings Qualifications has indicted that they maintain their own internal (non-published) data on shares outstanding for issuers and that they do their own internal calculation on the MVLS of each of the companies listed.