

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 86465 / July 24, 2019

Admin. Proc. File No. 3-19250

In the Matter of
UPPER STREET MARKETING, INC.

ORDER REQUESTING ADDITIONAL WRITTEN SUBMISSIONS

On June 27, 2019, the Commission issued an order pursuant to Section 12(k) of the Securities Exchange Act of 1934 suspending trading in the securities of Upper Street Marketing, Inc. (“UPPR”), through July 12, 2019 (the “Trading Suspension Order”).¹ The Commission stated that questions had arisen “regarding the accuracy and adequacy of information in the marketplace about, among other things: (1) public statements by UPPR dated May 8, 2019 and May 23, 2019, concerning \$10.55 million worth of financing for UPPR; (2) public statements by UPPR dated April 30, 2019 and May 23, 2019, denying its retention of an investor relations firm while it appears there is possible promotional activity taking place on behalf of UPPR; and (3) inadequate statements, since at least November 2018 concerning a possible private offering of at least \$3 million dollars in UPPR’s common stock.”² Therefore, the Commission was “of the opinion that the public interest and the protection of investors require a suspension of trading.”³

On July 12, 2019, UPPR filed a petition to terminate the trading suspension. In accordance with Rule of Practice 550(b), additional written submissions are requested.⁴

¹ *Upper St. Mktg., Inc.*, Exchange Act Release No. 86228, 2019 WL 2718284 (June 27, 2019).

² *Id.* at *1.

³ *Id.*

⁴ 17 C.F.R. § 201.550(b).

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

- By August 7, 2019, the Division of Enforcement shall file all the information that was before the Commission at the time of the Trading Suspension Order's issuance.⁵
- By August 21, 2019, UPPR shall file an opening brief, which is not to exceed 8,000 words.
- By September 4, 2019, the Division shall file an answering brief, which is not to exceed 8,000 words.
- By September 11, 2019, UPPR 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. No briefs in addition to those specified in this order may be filed without leave of the Commission.⁶

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.⁷

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

Vanessa A. Countryman
Secretary

⁵ 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.

⁶ The briefs shall conform to Rules of Practice 150-153, with respect to service, filing, and form, and Rule of Practice 450(b)-(d), with respect to content and length limitations, except as modified in this order. 17 C.F.R. §§ 201.150-153, 201.450(b)-(d).

⁷ 17 C.F.R. § 201.180(c).