IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LEONARD G. HOROWITZ,
Plaintiff,

vs.

Case No. 2:20-cv-00955-JLB-NPM

PFIZER INC., et al.,
Defendants.
_____/

PLAINTIFF'S OPPOSITION TO DEFENDANT SCHEIN's MOTION TO DISMISS

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Plaintiff, Dr. Leonard G Horowitz, hereby submits his opposition to Defendant Henry Schein's Motion to Dismiss the Complaint. Plaintiff meets the standards governing the form of a complaint contemplated by Federal Rule of Civil Procedure 8(a), this Court has subject matter jurisdiction in this matter, and the Complaint sufficiently alleges harm and damage to Plaintiff. Accordingly, Defendant Schein's Motion should be denied.

I. INTRODUCTION

Beginning in the 1980s to the present, the Department of Defense and its contractors began work on what is described as the "most dauting obstacle"—bridging the gap between biology and electronics. For decades, the scientific consensus was that this gap was insurmountable, given the "stark disparities between the two realms." Then (at an undisclosed time) the Defense Advance Research Projects Agency ("DARPA") "hit" upon the idea of using modified "nanogels" to conduct electricity through biologic tissue. This alleged DARPA derived science, provided renewed hope to a languishing "bioelectronic" industry, that a solution to bridge the gap between biology and electronics was indeed possible. (**Exhibit 1**)

With DARPA seed financing assured, University researchers and transnational corporations began work to develop the modified "hydrogel" industry (MHI). The World Economic Forum (WEF), as cheerleader, began publishing videos and white papers heralding the imminent integration of humans with intelligent machines, made possible by the emergence of DARPA's MHI. Proponents and critics agreed, being "human" would no longer be scientifically definable. This controversial biosynthesis was termed "transhumanism."

Plaintiff became aware of Defendants' transhumanist agenda in 2019, but his focus stayed on utilizing his religiously-inspired product, "Oxysilver™ with 528" for the benefit of humanity. Though Plaintiff became a target for vaccine industry invective, as a religious leader, a recognized expert on emerging diseases, and an outspoken critic on the misuse of vaccinations, it was not until late 2019 that Plaintiff began to understand the nature and the reason for Defendants' specific attacks on his products and his Judeo-Christian ministry.

Plaintiff had published at length on the use and abuse of bioelectronic frequencies. But it was not until 2019-2021 that Plaintiff realized Defendants were not only intending to misuse and disparage healing frequencies of sound and light, such as 528Hz/nm (i.e., a "key" frequency in bioelectronics and "intelligent design"), but intended to combine that misuse into vaccine hydrogels using nano-silver and structured water, as Horowitz had pioneered doing in 2006 through 2008.

Defendants' misuse of the Creator's "intelligent design" goes to the heart of Plaintiff's divinely-inspired works in health science and clinical care; and it now triggers Plaintiff's prophetic warning of what will occur if this technology is not deployed in service to humanity's free and natural sustainability.

Therefore, this lawsuit is Plaintiff's best effort to inform the Court how Defendants' actions have specifically injured his religious ministry, as well as to warn the

world how Defendants' godless approach to biosynthesis, if not curtailed, will have dire consequences.

II. STATEMENT OF FACTS

Beginning in the 1980s to the present, Plaintiff has written extensively, and lectured nationally and internationally on bioelectric therapies and their synergistic effects with "structured water" ("sH_2O") and nano-silver.

By 2008, this work led to Plaintiff's invention, manufacture, and worldwide distribution of "OxySilver^{TM} with 528" that pioneered a new paradigm in clinical care and commerce.

OxySilver^{TM} with 528 featured structurally-engineered water that was 'wetter' than most waters, meaning the water would carry and transmit to human cells more micronutrients, such as anti-microbial silver, as well as drugs when desired.

Moreover, Horowitz's decision to energize the sH_2O with expressly the 528Hz/nm frequency of sound and light to bio-energetically empower his remedies merged medicine and religion, biophysics and spirituality, challenging the pharmaceutical industry to invest heavily in similar research and developments beginning nearly a decade or more later.

Plaintiff's products arose from a millennial-long tradition of religious teaching and are proffered by Plaintiff (who is a Levitical Priest), based on his deep understanding of religious doctrine and the concomitant insight that understanding provides with respect to health products and services. The centrality of these religious teachings involve 'intelligent design,' nature's inherent (musical-mathematical) basis in structuring organic molecules and chemistry; Plaintiff's businesses, products, and practices. This fact is confirmed textually in the Tanakh, comprised of the Pentateuch (Torah), the Nevi'im (the Prophets), the Ketuvim (Writings), and in the Plaintiff's many published books.

Dozens of Plaintiff's scientific peer-reviewed publications have reached international audiences and several of his books have become trademarked best-sellers that have been quoted widely by such luminaries as President Obama's minister, Reverend Jeremiah Wright.

Plaintiff's "528 Radio Network", with more than a dozen stations broadcasting different genres of music transposed into the frequency of 528Hz, is enjoyed by a large and growing international audience. The free service (at 528Radio.com) is claimed to be "therapeutic" and advertises "OxySilver^{TM} with 528" as a "Holy Water." From Horowitz's Bible and scientific studies, the Plaintiff claims "528" is the "key of the house of David" (Isaiah 22:22; Rev. 3:6-8) to which King David tuned his "healing harp."

Contrary to naysayers and skeptics, leading drug industrialists, including Defendants Schein, Pfizer and Moderna, are increasingly researching and developing products (such as modified ag-hydrogel composites) which are based on the frequencies of sound and light to accomplish therapeutic outcomes, and compete directly against the Plaintiff's commercial interests. (See: **Exhibits 2 - 5**.)

Defendant Schein's CEO, Stanley Bergman, is personally aware of Plaintiff's religious beliefs, publications, and Plaintiff's novel bioelectronic products and health oriented educational services, since Plaintiff engaged in multiple conversations on this subject with Mr. Bergman, his company president, Jimmy Breslawski, and director of new product acquisitions and marketing, Gail Koenigsburg.

Plaintiff avers Defendant Bergman (Schein) determined to crush Plaintiff's alternative narrative in the healthcare industry, including bioelectronic (a.k.a., "biospiritual") alternatives to hydrogels and pharmaceuticals. Additionally, in order to maintain a secular (i.e. "scientific") marketing narrative, Schein, in concert with media partner Hearst, engaged in a series of preemptive attacks against Plaintiff personally, religiously, and commercially, resulting in the deprivation of Plaintiff's constitutional

right to the free exercise of his religion, including 'religious commerce' advancing the bioelectronic/biospiritual product OxySilver™ with 528.

These preemptive attacks by Schein and its partner, Hearst Media, are evidenced in:

1. *Global News* (Hearst's partner with owner Corus). The **Exhibit 6** article smeared Horowitz and his 528Hz frequency-based 'medicinal music' on May 13, 2018.

2. *Forbes* magazine, on December 10, 2016 attacked Plaintiff's religion and religious-based natural products were specifically identified and disparaged.[1] (**Exhibit 7**)

3. *WIRED* magazine (Conde Naste Health Pharma and joint-venturer with Hearst) on February 9, 2016 in which Defendants state their intention to infiltrate and disrupt Plaintiff's activities. (**Exhibit 8**)

4. *Popular Mechanics* (Hearst Media) attack on August 17, 2016 in which Plaintiff was disparaged ad hominem and OxySilver™ with 528 misrepresented. (**Exhibit 9**)

Defendants Schein and Hearst jointly operate Schein's Health Care Division, utilizing Schein's MicroMD® Patient Portal and Hearst's First DataBank ("FDB").(**Exhibit 10**)

[1] On December 10, 2016, Forbes revised and referenced Hearst's *Popular Mechanic*s feature article. Forbes embellished Hearst's coverage publishing that Horowitz is "trying to sell treatments that compete with existing treatments approved and supported by legitimate government agencies such as the Food and Drug Administration (FDA) and the scientific community." To the contrary, Horowitz draws from the scientific community to advance novel products that compete against pharmaceuticals. Forbes added, "Len Horowitz" "describes himself as the "King of Natural Healing." That is false. The Plaintiff has never described himself as the "King of Natural Healing." Horowitz has been described by others as the "King David of Natural Healing." Forbes intentionally deleted the reference to "King David" to deny Horowitz's religious identity, divert from Horowitz's 528 bio-electric "key of the house of David" musical revelations, and offend others leading the natural healing community. *Forbes* also disparaged, Horowitz "has been trying to sell an herbal cream that he claims will make skin cancer fall off your body in less than 3 weeks." That is false. The referenced product is a "black salve," not a cream. Further, the salve has been successfully used by health professionals internationally for more than a century to prompt immunological rejections of otherwise growing, potentially deadly, skin cancers. (See: **Exhibit 7**)

According to *Wikipedia*, FDB Hearst is integral to Schein's pharmacy dispensing, formulary management, drug pricing analysis, claims processing, computerized physician order entry (CPOE), electronic health records (EHR), electronic medical records (EMR), electronic prescribing (e-Prescribing), electronic medication administration records (EMAR), population health and telemedicine/telehealth. (https://en.wikipedia.org/wiki/First_Databank)

MicroMD, in combination with Hearst's FDB, provides the core functionality for Schein's data management division (Technology and Value Added Services) central to Schein's marketing of its bioelectronic products competitive with Plaintiff. (See: https://www.henryscheinsolutionshub.com/ product/micromd/)

In addition, according to Businesswire.com, both Schein (Cardinal Health Inc.) and Hearst Health Ventures worked in tandem to jointly finance Aver Inc. Aver's strategic patent for a simplified healthcare reimbursement process have provided Schein and its financial partner, Hearst Health Ventures, with the data platform capability to wrest market share from Plaintiff and similarly situated small and mid-market competitors.[2]

In this way, Defendant Schein, Hearst Media, and Galvani BioElectrics/Pfizer/GSK, (**Exhibits 1- 5**) through their interlocking agents and publications (*WIRED* magazine/Conde Nast/Hearst Media/Popular Mechanics/*Forbes*/Forbes Health Summit, inter alia, acted to: (a) hide their conspiracy in attacking Plaintiff; (b) represent as "novel" their approach to therapies featuring Plaintiff's pioneering work to develop and market bioelectronic nano-silver products featuring structured H_2O and (c) subvert Plaintiff's evolutionary "528" frequency water

[2] See: https://www.businesswire.com/news/home/20200109005738/en/Cox-Enterprises-Invests-in-Aver%E2%80%99s-27M-Series-C-to-Accelerate-Implementation-and-Execution-of-Value-based-and-Bundled-Payments-Programs

memory technology for their own nefarious purposes with respect to modified hydrogel composites *inter alia*.

Plaintiff also alleges that based on his employment with Henry Schein, Schein, as well as Schein's Defendant partners, had personal knowledge of Plaintiff's businesses, knew Plaintiff's approach to ag-hydrogel modification was alternative to their own, and have engaged and continue to engage in a conspiracy utilizing the resources and inter-connections of the Pandemic Supply Chain Network to destroy Plaintiff's business reputation, religious practice, and livelihood. Defendants' published invectives, masquerading as objective reviews of Plaintiff's products, explicitly target Plaintiff's religious identity, doctrine, and commerce. (See footnote 1.)

It is Plaintiff's contention that Defendants' interference with Plaintiff's religious commerce was not due to Plaintiff's opposition to traditional vaccine platforms (as Plaintiff initially surmised), but for the purpose of marginalizing Plaintiff's alternative to silver-hydrogel technology. In this way, Defendants' conspired to minimize Plaintiff's ability to impact their carefully constructed narrative, regarding the benefits of novel biologics (the genetic gateway to transhumanism), which Defendants knew was made possible by their conversion of Plaintiff's 528-resonating silver-hydrosol technology. This interference with the Plaintiff's reputability, commercial viability, and Christian-science narrative was vitally important for their upcoming roll out of Defendants' bioelectric nano-silver products featuring likewise engineered H_2O. Defendants' use of hydrogel-infused modified water and silver, bioelectrically transmitting frequencies of sound and light energy, effectively converts the Plaintiff's discoveries and intellectual property into Defendants' pharmaceutical-bioenergetic narrative. (See **Exhibits 11 – 13.**)

It is unreasonable to dismiss these facts and conspiratorial scheme because Defendant Schein, for no less than 14-years, has been actively involved in the marketing and distribution of bioelectric medicine. (**Exhibits 2-3**) In 2006, the year Horowitz first

integrated OxySilver^{TM} (bonding structured water with nano-silver and 528 frequency technologies) to serve as an electro-chemical immune-boosting anti-oxidant, Defendant Schein entered into an exclusive contract with BioElectric Corp to distribute Acti-Patch, advertised by Schein as "Advanced Bio-Electric Healing Technology" that applies "pulsed electromagnetic field therapy." (See: **Exhibit 2**, SEC, Registration No. 555-136602, Dec. 6, 2006)

Schein is also the current distributor of BioWave, a neurostimulator for pain relief. (**Exhibit 3**)

Both Acti-Patch and BioWave are primitive versions of what Defendants are advancing with silver-impregnated hydrogels--technology that is based on Plaintiff's unique approach to silver–hydrosol composites for "soft [tissue] electronics". Hydrogel functionality is akin to OxySilver's impact in 528-bioelectric-field therapies leveraging specific frequencies of sound and light that resonate within the hydrated matrix, that then message cells to repair.

While Defendant Schein wishes to characterize the focus of this lawsuit as limited to Covid 19 vaccines, the RFRA, 42 USC 1983 and FUDPTA questions arise out from Plaintiff's 2000 copyright on the text *Healing Codes for the Biological Apocalypse* (TX0005256671/ 2000-08-09; **Exhibit 14**) largely responsible for this bioelectric technology, and Plaintiff's three decades of research, writing, and product developments relating to bioelectric fields and therapies using nano silver-water bonding.

Though Plaintiff admits that at this time, Plaintiff's market share presents little concern to Defendants, Plaintiff's characterization of Defendants' mis-guided approach to bioelectrics constitutes an imminent and material threat to Defendants. The Plaintiff's large and growing international audience threatens Defendants' Pandemic Supply Chain Network's plan for the future of medicine, (**Exhibit 15**) which envisions the transition from a systemic molecular approach to targeted bioelectronic hydrogels. (**Exhibits 11** and **12**)

Pursuant to Title 42 U.S.C. § 1983 (2000), as detailed below, the year before the NBSA was enacted, and subsequent research by Harvard's Charles Lieber and his protégés converted Horowitz's OxySilver bioelectric nano-technology to commercial hydrogel applications, Defendant Schein founded the Global Pandemic Supply Chain Network (PSCN), and became this enterprise's leading United States coordinator. (**Exhibit 15**)

PSCN is a traditional bio-defense public function, and its effective establishment and functioning within the territory of the United States required and continues to require Schein's entanglement and entwinement with the Federal Government and the United States Department of Defense. (**Exhibit 15**)

It is also noteworthy that among Defendants Moderna and Pfizer's benefactors is the U.S. Defense Department's Defense Advanced Research Projects Agency (DARPA), that operates to a large extent covertly, due to concerns for "National Security." Though Defendants Hearst/Schein's attacks against Plaintiff began in "FY2016," it was not until 2019 (two months before the revealing "Event 201" coronavirus predictive programming conference involving Schein) when DARPA announced its funding of Profusa's hydrogel biosensors to detect disease outbreaks. (**Exhibit 16**) That prompted Plaintiff to consider the National Biodefense Strategy Act (NBSA) of 2016's connections to Moderna's and Pfizer's key hydrogel nano-silver bioenergizing technology that is generally concealed from public discourse. (See **Exhibits 17, 18 and 19**)

This lacking scientific transparency extends to federally-indicted Harvard professor Lieber, who "knowingly and willfully made materially false, fictitious and fraudulent statements to DoD [and similarly to the NIH] in violation of 18 U.S.C. § 1001(a)(2)" according to his federal indictment. (See: Criminal Complaint in **Exhibit 17**). **Exhibits 12 and 13** evidence Lieber's main area of research and developments in the field of silver-impregnated hydrogels. (**Exhibit 18**) Lieber played a key role in

developing silver-water hydrogels made to "meld tiny electronics with the brain," explained *NPR*. (**Exhibit 19**)

NBSA also authorized the Defense Department to engage academics and private corporations to initiate media campaigns targeting religious group leaders and their followers espousing alternatives to pharmaceutical narratives considered to be among the leading "risks associated with major biological incidents." National Security is purportedly threatened by the untrusting public, and this distrust was prioritized to be neutralized, as exemplified by Horowitz's persecution. (See: **Exhibit 20**)

Thus, Plaintiff alleges it is Defendants' strategy to disparage and bankrupt Plaintiff by maligning his religiously-informed and bio-spiritually oriented products, so if by some chance Plaintiff tried to defend himself and his enterprise in federal court, he would need to do so *pro se*, where the chance of surviving a motion to dismiss would be infinitesimal.

III. FEDERAL SUBJECT MATTER JURISDICTION

The subject matter of this case involves federal questions per 28 USC 1331 as Defendant Schein, under color of law, interfered with Plaintiff's free exercise of his religious beliefs in contravention of the 1st Amendment of the United States Constitution. Defendant has also caused Plaintiff injury by disparaging his religion, his religious products, and religious commerce, in violation of RFRA, a federal statute.

Though this matter raises both state and federal issues, Plaintiff contends the hybrid law issue should be resolved in favor of federal jurisdiction, given Defendants' violations of Plaintiff's constitutional rights supersede Plaintiff's state claims. Additionally, the weight of federal authority is that when fairness dictates claims against federal actors they should be adjudicated in federal court.

The court may dismiss a complaint for lack of subject-matter jurisdiction only if "'it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim

which would entitle him to relief.'" *Empagran S.A. v. F. Hoffman-Laroche, Ltd.*, 315 F.3d 338, 343 (D.C. Cir. 2003) (quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)).

IV. FED. R. CIV. P. 8(a)(2)

Per Fed. R. Civ. P. 8(a)(2), Defendant Schein, in coordination with its partner and Co-Defendant Hearst Health,[3] and Conde Nast (*WIRED* magazine) published and continues to publish false disparaging information regarding Plaintiff's religious businesses and products. (See **Exhibit 8**) This public disparagement of Plaintiff, by Schein's partner Hearst Health, benefitting Schein's prospective bioelectronic hydrogel products (which competes for *mindshare* with Plaintiff's alternative), constitute violations of RFRA, 42 USC 1983 and FUDPTA and entitles Plaintiff to relief in this Article III court (42 U.S. Code CHAPTER 21B—RELIGIOUS FREEDOM RESTORATION, 42 U.S.C. § 1983, Unfair Trade Practices Act (FDUTPA), F.S. §§501.201 et seq.).

The Supreme Court has explained that a complaint need only "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Swierkiewicz v. Sorema* N.A., 534 U.S. 506, 512 (2002); accord *Atchison, Topeka & Santa Fe Ry. v. Buell*, 480 U.S. 557, 568 n.15 (1987) (under Federal Rule 8, claimant has "no duty to set out all of the relevant facts in his complaint"). "Specific facts are not necessary in a Complaint; instead, the statement need only 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" *Epos Tech.*, 636 F. Supp.2d 57, 63 (D.D.C. 2009) (quoting *Bell Atlantic v. Twombly*, 550 U.S. 544, 555 (2007)).

As courts throughout Florida have consistently held, Twombly and Iqbal do not change the fundamental analysis that a district court engages in and when ruling on a motion to dismiss, i.e., accepting all plausible allegations as true and determining whether the complaint contains a short and plain statement of the claim showing that the pleader

[3] Schein's partnership with Hearst Health is evidenced by **Exhibit 10**.

is entitled to relief. *Smith v. Wm. Wrigley Jr. Co*., 663 F.Supp.2d 1336, 1341 n. 3 (S.D. Fla. 2009).

The issue for consideration on a motion to dismiss is not whether the plaintiff will ultimately prevail, but "whether the claimant is entitled to offer evidence to support the claims." *Little v. City of North Miami*, 805 F.2d 962, 965 (11th Cir. 1986). If a defect can be cured by amendment, leave to amend should be freely granted. *Forman v. Davis,* 371 U.S. 178, 182 (1962); *Ferrell Law, P.A. v. Crescent Miami Center, LLP*, 313 Fed. Appx. 182, 186 (11th Cir. 2008); Fed. R. Civ. P. 15(a)(2) Thus, the Federal Rules embody "notice pleading" and require only a concise statement of the claim, rather than evidentiary facts.

Accordingly, Defendant's Motion would be considered properly filed only "where a plaintiff's complaint is 'unintelligab[le] (sic),' not where a complaint suffers for 'lack of detail.'" *Epos Tech*., 636 F. Supp. 2d at 63 (citations omitted). The simplified notice pleading standard relies on liberal discovery rules and summary judgment motions to define disputed facts and to dispose of unmeritorious claims. See *Swierkiewicz,* 534 U.S. at 512. Indeed, courts have found that if the information sought by the motion is obtainable through discovery, the motion should be denied. See, e.g., *Towers Tenant Ass'n v. Towers Ltd. P'ship*, 563 F. Supp. 566, 569 (D.D.C. 1983) (denying motion for a more definite statement because details such as "dates, times, names and places" are "the central object of discovery, and need not be pleaded").

V. SCHEIN IS A STATE ACTOR ACTING UNDER COLOR OF LAW

As introduced above, Defendant Schein is a state actor based on the 'three exceptions' to the 'State Action Doctrine.' Those exceptions are *public function, entanglement,* and *entwinement.* (*Milner v. Plukerbert,* Supreme Court of the United

States, No. 17-874, Brief for Respondent, January 31, 2020.) These three exceptions justify treating the Defendant as the government itself, in this particular instance.

To reiterate, Defendant Schein, beginning in 2015, founded the Global Pandemic Supply Chain Network (PSCN) at the WEF, and is this enterprise's leading United States coordinator. PSCN is a traditional bio-defense public function, and its effective establishment and functioning within the territory of the United States, required and continues to require, Schein's entanglement and entwinement with the Federal Government and the United States Department of Defense. (**Exhibits 15** and **16**)

Quoting in relevant part a Businesswire press release sourced by Schein:

> The PSCN, co-founded by Henry Schein, is a public-private initiative that brings together the private sector and global organizations – including the World Health Organization, World Economic Forum, the United Nations World Food Programme, the World Bank, the U.S. Centers for Disease Control, UNICEF, and approximately 60 health care manufacturers and suppliers – to embrace . . . operational coordination for health care products to more effectively match global demand with global supply. . . . enabling the sharing of information and facilitating the ability of key stakeholders to navigate together the supply chain challenges caused by global pandemics. (**Exhibit 21**)

Defendant thus acts under color of law; and while acting under color of law, deprived Plaintiff of his constitutional right to the free exercise of his religion and religious commerce in competing bio-defense oriented products and services.

"Under the Color of State Law" in 42 U.S.C. section 1983 Title 42 U.S.C. liability is imposed on every person who, under the color of a statute, ordinance, or regulation, causes the deprivation of another's federally protected right. 42 U.S.C. § 1983 (2000).

Acting with the "authority of [the] state" applies to both governmental entities and private parties acting in concert with state officers to deprive another of their constitutionally guaranteed liberty. See 14 C.J.S. Civil Rights § 30 (2007).

The Supreme Court noted that the determination of whether conduct is private or amounts to "state action" is not an easy question and there is no singular fact that is a

"necessary condition.., for finding state action." The important inquiry, therefore, is the interplay of the government and private actions in light of the particular facts of a case. *Gilmore v. City of Montgomery*, 417 U.S. 556, 573 (1974) (citing *Burton v. Wilmington Parking Auth*., 365 U.S. 715, 725 (1961)).

VI. SCHEIN AND HEARST CONSPIRED TO SUBSTANTIALLY BURDEN PLAINTIFF'S FREE EXERCISE

Plaintiff alleges the existence of a conspiracy involving Schein and Hearst as co-conspiring state actors, and with other Defendants as parties to that conspiracy, that deprived Plaintiff's free exercise of religion.

"In order to prevail on a conspiracy claim under § 1983, a Plaintiff also asserts that persons acting under color of state law conspired to deprive him of a federally protected right."; *Marchese v. Umstead*, 110 F. Supp. 2d 361, 371 (E.D. Pa. 2000) ("To state a section 1983 conspiracy claim, a plaintiff must allege: (1) the existence of a conspiracy involving state action; and (2) a depravation [sic] of civil rights in furtherance of the conspiracy by a party to the conspiracy."); see also *Avery, Rudovsky & Blum*,7 Instructions 12:31, 12:32, 17 12:33, & 12:43 (providing suggested instructions regarding a Section 1983 conspiracy claim).

A. FREE EXERCISE CLAUSE

The Free Exercise Clause provides that "Congress shall make no law . . . prohibiting the free exercise [of religion]."

"'[I]f the purpose or effect of a law is to impede the observance of one or all religions or is to discriminate invidiously between religions, that law is constitutionally invalid even though the burden may be characterized as being only indirect.'" *Sherbert v. Verner* 374 U.S. 398 (1963)

B. RFRA

(a) IN GENERAL

Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

Accordingly, RFRA provides that the "[g]overnment shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability," unless the government demonstrates a "compelling governmental interest" and uses the "least restrictive means" of furthering that interest. 42 U.S.C. § 2000bb-1(a),(b); *Holy Land Found. for Relief and Dev. v. 9 Ashcroft*, 333 F.3d 156, 166-68 (D.C. Cir. 2003).

To establish a prima facie case under RFRA, a plaintiff must show that the government action "has placed a substantial burden on the observation of a central religious belief or practice." *Henderson v. Kennedy*, 253 F.3d 12, 17 (D.C. Cir. 2001) (recognizing that "'substantial burden' in RFRA is what the Supreme Court had in mind in its pre-Smith opinion in Jimmy Swaggart Ministries v. Bd. of Equalization, 493 U.S. 378, 384-85 (1990)").

1. Substantial Burden

Defendant Schein with Hearst, and their agents, acting in concert and under color of law, explicitly identified and targeted Plaintiff by name and specifically maligned Plaintiff's businesses, products, and religious beliefs in their national publications. Defendants actions, designed to attack Plaintiff's OxySilver™ with 528 frequency (an alternative approach to bioelectronic medicine) substantially burdened the central tenant of Plaintiff's religious belief and practice.

Defendant Schein/Hearst's intent to individually target and harm Plaintiff's OxySilver™ with 528HZ frequency is evidenced by:

1. An article in *Forbes Magazine*, published on December 10, 2016, that is linked to Hearst's *Popular Mechanics* article in which Plaintiff's religious products were specifically identified and disparaged.[4]

2. *WIRED Magazine* (on February 9, 2016 Defendant Hearst/Schein agent, "Researcher" Collin McRoberts of Stratfor Intelligence (aka "Shadow CIA") (https://www.huffingtonpost.ca/2013/12/15/stratfor-canadian-government_n_4449505.html published his intention to infiltrate and disrupt Plaintiff's activities. (**Exhibit 5**) *WIRED* owner's Conde Naste is in partnership with Hearst Media via PubWorX.

3. *Popular Mechanics* (Hearst Media) attack on August 17, 2016 in which Plaintiff was disparaged ad hominem with an anti-Semitic slur. (**Exhibit 6**)

4. *Global News* (Hearst Canadian partner) smearing of Horowitz and his 528Hz frequency-based 'medicinal music' on May 13, 2018. (**Exhibit 7**)

2. Defendants' Damaging Actions have been Continuous and are Ongoing.

Under the Religious Freedom Reform Act ("RFRA"), general laws burdening broadly-defined religious exercises must be: (1) supported by government's compelling interests; and (2) furthered through least restrictive means.

[4] Forbes Magazine's partnership in the Defendants' public/private enterprise is evidenced by **Exhibits 3 and 4**. Forbes falsely and disparagingly published on December 10, 2016, in an article titled, "Are Chiropractors Backing The Anti-Vaccine Movement?," that: "**Len Horowitz:** who describes himself as the "King of Natural Healing" and has been trying to sell an herbal cream that he claims will make skin cancer fall off your body in less than 3 weeks." Forbes linked this alleged libel to Hearst's *Popular Mechanics* feature article similarly disparaging Plaintiff, his Jewish identity, and his frequency-based religious commerce. (**Exhibit 3**)

Defendants Schein and Hearst cannot demonstrate any compelling state interest for their actions, nor can they justify those actions as the least restrictive method of mitigating some perceived harm from Plaintiff's religiously-inspired products. 42 U.S.C. § 1983

To state a claim under 42 U.S.C. § 1983, a plaintiff must establish two essential elements: (1) the conduct complained of was committed by a person acting under color of state law; and (2) the conduct deprived a person of rights, privileges, or immunities secured by the Constitution or laws of the United States. See *Blanton v. Griel Mem'l Psychiatric Hosp*., 758 F.2d 1540, 1542 (11th Cir. 1985). Plaintiffs here allege both elements.

VII. UNFAIR TRADE PRACTICES ACT (FDUTPA), F.S. §§501.201 et seq.

Defendant Schein subjected the Plaintiff to deceptive acts and unfair trade practices. There is causation between such acts or practices and the Plaintiff's damages. Plaintiff suffered actual damages with loss of health products' sales and disparaged religious commerce.

Defendants Schein's and Hearst's deceptive acts and unfair practices in violation of FDUTPA are ongoing and continuous and are being conducted with the intent to cause commercial injury to Plaintiff's businesses and goodwill in Florida, as the Defendants' violations have caused. These injuries include damage to business reputation and quantifiable loss of sales of "Oxysilver™ with 528" and other "528Hz/nm" product sales and services administered by the Plaintiff or his agents.

A. IRREPARABLE HARM TO PLAINTIFF

Plaintiff seeks relief to enjoin irreparable harm to his businesses, his reputation, and his free exercise of religion, caused by Schein in coordination with Defendant Hearst

by and through their ongoing and continuing public disparagement of Plaintiff's businesses, products and reputation.

B. PLAINTIFF CLAIMS NOT PREEMPTED BY FEDERAL LAW

Plaintiff brings his claims under RFRA, 42 USC 1983 and FDUTPA based on injuries he sustained personally to his religiously-inspired businesses, practices, and products (OxySilver™ and '528 frequency therapeutics,' inter alia).

VIII. STATUTE OF LIMITATIONS

At some point, after Schein, as well as co-Defendants Pfizer (aka GSK), Moderna and Hearst Health (in partnership with WIRED/Conde Nast Health (PubWorX)) became aware that Plaintiff's unique solution to bridging the gap between biology and electronics was the most viable option, Defendants began the development of their own products. Though Schein/Hearst, as well as the other Defendants, publicly mocked Plaintiff's products and ideational approach to ag- bioelectronic hydro therapy, it was not until 2019 that Plaintiff first became aware of Defendants' intent to integrate Plaintiff's technology into their products. It was only at this time, in the context of Defendants' publicly announced intent to use Plaintiff's ideational approach to link electronics to biology, that Defendants' actual malice, in falsely disparaging Plaintiff's body of work, became actionable.

IX. CONCLUSION

If Plaintiff's theories were simply irrational frivolous diatribe, as Defendants claim, why do they continue to attack him and his products by name in their major publications?

If Plaintiff's beliefs and practices could be so easily dismissed as "conspiracy theory," why have dozens of peer-reviewed scientific review panels accepted the Plaintiff's works for publication?

Moreover, if Plaintiff's pioneering water science discoveries, bioelectric theories, and clinical therapies enabled by frequency-emitting technologies (such as OxySilver™ with 528), are "fringe," "unfounded," and risky to the public, why are Defendant Schein and its partners developing similar products and services emulating Horowitz's original published discoveries?[5],[6]

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[5] Researchers at the Massachusetts Institute of Technology ("MIT") are working to confirm Plaintiff Horowitz's unique approach of combining silver-oxygen in water (OxySilver™) and "hydrogels" to administer 'frequency therapeutics.' This will enable researchers to "discover" the interface between biology and electronics, "blurring the boundary between humans and machines." See: Yuk H, Lu B and Zhao X. Hydrogel bioelectronics, In: *Chemical Society Reviews*: 6; 2019. This express purpose has been stated succinctly by Schein's PSCN founding partner Klaus Schwab, President of the World Economic Forum ("WEF").

[6] The Science: Bioelectronic interfacing with the human body including electrical stimulation and recording of neural activities is the basis of the rapidly-growing field of neuroscience and bioengineering, diagnostics, therapeutics, and wearable and implantable devices.

Owing to intrinsic dissimilarities between soft, wet, and living biological tissues and rigid, dry, and synthetic electronic systems, the development of more compatible, effective, and stable interfaces between these two different realms has been one of the most daunting challenges in science and technology.

Recently, hydrogels have emerged as a promising material candidate for the next-generation bioelectronic interfaces, due to their similarities to biological tissues and versatility in electrical, mechanical, and biofunctional engineering. In this review, we discuss (i) the fundamental mechanisms of tissue–electrode interactions, (ii) hydrogels' unique advantages in bioelectrical interfacing with the human body, (iii) the recent progress in hydrogel developments for bioelectronics, and (iv) rational guidelines for the design of future hydrogel bioelectronics. Advances in hydrogel bioelectronics will usher unprecedented opportunities toward ever-close integration of biology and electronics, potentially blurring the boundary between humans and machines.

To avoid the undesirable trade-off between mechanical and electrical properties in metal–hydrogel composites, metallic fillers are typically introduced in the form of nanoscale particles or fibers.[104,105] For example, silver nanowires (AgNWs) have been successfully incorporated into the poly(acrylamide) hydrogel to form highly flexible micropatterned electrode arrays[104] (Fig. 10A). The conductive silver provides superior electrical conductivity, and nanoscale interactions between highly flexible AgNWs and hydrogel polymer networks allow great flexibility and low mechanical modulus comparable to the original poly(acrylamide) hydrogel.[104]

In short, Plaintiff's Complaint complies with the pleading requirements of the Federal Rules of Civil Procedure, Rule 8(a), and provides Defendants fair notice of the charges against them and the grounds therefor. Discovery and argument will add further detail later.

Additionally, Plaintiff has sufficiently alleged harm, and this Court, as stated herein, has subject matter jurisdiction.

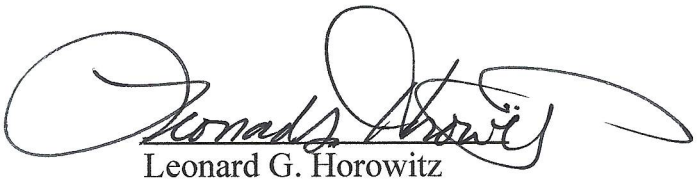
Finally, pro se Plaintiff is willing, should the Court find it necessary, to amend his Complaint in order to express these claims more succinctly and identify all actors and their connections with greater specificity. Plaintiff admits his Complaint is complex, but this complexity is not due to any fault of Plaintiff, but is the responsibility of Defendants', who have expertly hid their intentions and the object of their machinations. In fairness, Plaintiff pleads that this Court not reward Defendants for their inequity, by dismissing this Complaint and denying Plaintiff due process for the harm he has suffered.

Accordingly, for the reasons set forth herein, Plaintiff respectfully requests that the Court deny Defendant Schein's Motion to Dismiss the Complaint.

Respectfully submitted.

DATED: March 29, 2021

/s Leonard G. Horowitz
Plaintiff, pro se



Leonard G. Horowitz

DECLARATION OF LEONARD G. HOROWITZ

I, LEONARD G. HOROWITZ, under pain of perjury of law, do hereby state and declare as follows:

1) I am an individual over the age of twenty-one (21) years, a resident of Lee County in the State of Florida.
2) I declare that the facts and dates stated in this Opposition filing to Defendant Henry Schein, Inc.'s Motion to Dismiss are accurate to the best of my knowledge and belief; and if called to testify before this Court on these matters, I shall do so competently.
3) I also declare that the attached evidentiary Exhibits 1 thru 21 are true and correct copies of the original documents in my possession.

Respectfully submitted.

DATED: March 29, 2021

/s Leonard G. Horowitz
Plaintiff, pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March 2021, I filed a true and correct copy of the foregoing "Plaintiff's Opposition to Schein's Motion to Dismiss" including Exhibits 1 thru 21, with the Court's Clerk for customary E-filing. I further certify that I served by E-Mail a copy of the filed document to the following participant(s):

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HONORABLE JUDGE JOHN BADALAMENTI
HONORABLE MAGISTRATE NICHOLAS MIZELL
United States District Court
for the Middle District of Florida
Ft. Myers Division U.S. Courthouse & Federal Building
2110 First St, Fort Myers, FL 33901
T: 239-461-2000

Leonard G. Horowitz, pro se

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LEONARD G. HOROWITZ,
Plaintiff,

vs. Case No. 2:20-cv-00955-JLB-NPM

PFIZER INC., et al.,
Defendants.
_____/

EXHIBITS LIST FOR PLAINTIFF'S OPPOSITION TO DEFENDANT SCHEIN's MOTION TO DISMISS

EXHIBIT 1 –DARPA press release evidencing federal financing of bioelectronic hydrogels in health science, including mRNA vaccine developments by Moderna and Pfizer, published Feb. 6, 2019.

EXHIBIT 2 –Schein BioElectronics Distribution Agreement, SEC Registration No. 333-136602, filed Dec. 6, 2006.

EXHIBIT 3 –Schein advertisement of BioWavePRO Neurostimulator, March 28, 2021.

EXHIBIT 4 –Schein vaccine maker, Pfizer parent, Glaxo-Smith-Klein ("GSK") press release, heralding "GSK and Verily [Life Sciences (formerly Google Life Sciences), an Alphabet company] to establish Galvanai Bioelectronics – a new company dedicated to the development of bioelectronic medicines, August 1, 2016.

EXHIBIT 5 –Press release: Frequency Therapeutics company started by Pfizer former CEO, March 31, 2017.

EXHIBIT 6 –Hearst/Corus *Global News* article smears 528Hz and industry pioneer Horowitz, published May 13, 2018.

EXHIBIT 7 –*Forbes*/Hearst article smears Horowitz, products, and religious convictions, published Dec. 10, 2016.

EXHIBIT 8 –*WIRED*/Hearst article written by McChrystal Group agent and self-proclaimed infiltrator at "Conspiracy-sea conference", Colin McRoberts, Feb. 9, 2016, smearing the assemblage including Horowitz et. al.

EXHIBIT 9 –Hearst *Popular Mechanics* article smears Horowitz, his religious identity, 528 industry, and OxySilver's falsified ingredients, published Sept. 20, 2016.

EXHIBIT 10 –Schein prospectus heralding partnership with Hearst Health Network, First Data Bank, Inc. in MicroMD, copyrighted 2020.

EXHIBIT 11 –Ohm Y, et. al. An electrically conductive silver-polyacrylamide-alginate hydrogel composite for soft electronics. *Nature Electronics* 4: March 2021, 185-192.

EXHIBIT 12 –Harvard-led group, Korevaar, et. al. Non-equilibrium signal integration in hydrogels. *Nature Communications*, March 2020. (Explains similar nano-bioelectric functionality between hydrogels and OxySilver^{TM} with 528 frequency.)

EXHIBIT 13 –Harvard bioelectronics expert, Dr. Charles Lieber, identified by his protégé, Dr. Jiang, "with a focus on the design and application of nanoscale materials and nanoelectronic devices." Dated Nov. 15, 2019.

EXHIBIT 14 –Plaintiff's Copyright on *Healing Codes for the Biological Apocalypse*, August 9, 2000; Registration No. TX0005256671.

EXHIBIT 15–United Nations World Food Program article heralding Henry Schein's key activity in "Innovative Supply Chain Information Platform [to] Help Prepare for the Next Pandemic." News Release, March 28, 2021.

EXHIBIT 16–Press Release by Profusa, Inc. Profusa and partners receive DARPA award to speed detection of disease outbreaks. Aug. 8, 2019.

EXHIBIT 17 –*U.S. v Charles Lieber*, sealed Criminal Complaint by Affidavit of Robert Plumb, FBI Special Agent. Case No. 20-mj-2158-MBB; filed January 27, 2020, concealing bioelectric hydrogel nano-silver/water neuroscience technology transferred to China's Wuhan Lab officials.

EXHIBIT 18 –Tian B and Lieber CM. Synthetic nanoelectronic probes for biological cells and tissue. *Annu Rev Anal Chem* (Palo Alto Calif.) 2013; 6:31-51.

EXHIBIT 19 – Brumfiel G. Harvard Professor's Arrest Raises Questions About Scientific Openness. *NPR*, February 19, 2020.

EXHIBIT 20 – Hinchliffe T. DARPA to 'exploit social media, messaging and blog data' to track geopolitical influence campaigns. *The Sociable*, Oct. 30, 2020.

EXHIBIT 21 – Press release by Henry Schein, Inc. Henry Schein named to Fortune Magazine's 'Change the World' list. *Businesswire*, Sept. 21, 2020.

Defense Advanced Research Projects Agency Intelligent Healing for Complex Wounds

Intelligent Healing for Complex Wounds

A bioelectronic interface could speed the body's natural healing processes to deliver faster recovery from wounds with fewer complications

OUTREACH@DARPA.MIL
2/6/2019

Blast injuries, burns, and other wounds experienced by warfighters often catastrophically damage their bones, skin, and nerves, resulting in months to years of recovery for the most severe injuries and often returning imperfect results. This long and limited healing process means prolonged pain and hardship for the patient, and a drop in readiness for the military. However, DARPA believes that recent advances in biosensors, actuators, and artificial intelligence could be extended and integrated to dramatically improve tissue regeneration. To achieve this, the new Bioelectronics for Tissue Regeneration (BETR) program asks researchers to develop bioelectronics that closely track the progress of the wound and then stimulate healing processes in real time to optimize tissue repair and regeneration.

Exhibit 1

Paul Sheehan, the BETR program manager, described his vision for the technology as "not just personalized medicine, but dynamic, adaptive, and precise human therapies" that adjust to the wound state moment by moment to provide greater resilience to wounded warfighters.

"Wounds are living environments and the conditions change quickly as cells and tissues communicate and attempt to repair," Sheehan said. "An ideal treatment would sense, process, and respond to these changes in the wound state and intervene to correct and speed recovery. For example, we anticipate interventions that modulate immune response, recruit necessary cell types to the wound, or direct how stem cells differentiate to expedite healing."

The envisioned BETR technology would represent a sharp break from traditional wound treatments, and even from other emerging technologies to facilitate recovery, most of which are passive in nature.

Under current medical practice, physicians provide the conditions and time for the body to either heal itself when tissues have regenerative capacity or to accept and heal around direct transplants. Most people are familiar with interventions that include casts to stabilize broken bones or transplants of healthy ligaments or organs from donors to replace tissues that do not regenerate.

Passive approaches often result in slow healing, incomplete healing with scarring, or, in some unfortunate cases, no healing at all. Blast injuries in particular seem to scramble the healing processes; 23 percent of them will not fully close. Moreover, research shows that in nearly two thirds of military trauma cases — a rate far higher than with civilian trauma injuries — these patients suffer abnormal bone growth in their soft tissue due to a condition known as heterotopic ossification, a painful experience that can greatly limit future mobility.

Although recent experimental treatments offer some hope for expedited recovery, many of these new approaches remain static in nature. For instance, some "smart" bandages emit a continuous weak electric field or locally deliver drugs. Alternatively, hydrogel scaffolds laced with a drug can recruit stem cells, while decellularized tissue re-seeded with donor cells from the patient help avoid rejection by the host's immune system. These newer approaches may indeed encourage growth of otherwise non-regenerative tissue, but because they do not adapt to the changing state of a wound, their impact is limited.

"To understand the importance of adaptive treatments that respond to the wound state, consider the case of antibiotic ointments," Sheehan explained. "People use antibiotics to treat simple cuts, and they help if the wound is infected. However, completely wiping out the natural microbiota can impair healing. Thus, without feedback, antibiotics can become counterproductive."

Recent technologies have begun to close the loop between sensing and intervention, looking for signs of infection such as changes in pH level or temperature to trigger treatment. To date, however, these systems have been limited to monitoring changes induced by bacteria. For BETR, DARPA intends to use any available signal, be it optical, biochemical, bioelectronic, or mechanical, to directly monitor the body's physiological processes and then to stimulate them to bring them under control, thereby speeding healing or avoiding scarring or other forms of abnormal healing.

By the conclusion of the four-year BETR program, DARPA expects researchers to demonstrate a closed-loop, adaptive system that includes sensors to assess wound state and track the body's complex

responses to interventions; biological actuators that transmit appropriate biochemical and biophysical signals precisely over space and time to influence healing; and adaptive learning approaches to process data, build models, and determine interventions. To succeed, the BETR system must yield faster healing of recalcitrant wounds, superior scar-free healing, and/or the ability to redirect abnormally healing wounds toward a more salutary pathway.

DARPA anticipates that successful teams will include expertise in bioelectronics, artificial intelligence, biosensors, tissue engineering, and cellular regeneration. Further, DARPA encourages proposals that address healing following osseointegration surgery, which is often necessary to support the use of advanced prosthetics by wounded warfighters.

DARPA will host a Proposers Day on March 1, 2019 in Arlington, Virginia, to provide more information to researchers interested in submitting a proposal for funding. Additional information is available at https://go.usa.gov/xENCQ. A forthcoming Broad Agency Announcement, to be posted to the Federal Business Opportunities website, will include full details of the program.

TAGS

| Artificial Intelligence | Health | Injury | Med-Devices | Sensors |

SIMILARLY TAGGED CONTENT

New Generation of Intelligent Bio-Interfaces Could Overcome Aspects of Spinal Cord Injury
Bioelectronics for Tissue Regeneration
Biological Technologies
Detect It with Gene Editing Technologies (DIGET) Proposers Day
Gene Editors Could Find New Use as Rapid Detectors of Pathogenic Threats

IMAGES

BETR program

SB-2/A 1 bioelectsb2a.htm FORM SB-2/A

As filed with the Securities and Exchange Commission on December 6, 2006
Registration No. 333- 136602

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM SB-2/A

(AMENDMENT NO. 3)

REGISTRATION STATEMENT
UNDER
THE SECURITIES ACT OF 1933

BioElectronics Corporation

(Name of Small Business Issuer in Its Charter)

Maryland	**3845**	**52-2278149**
(State or Other Jurisdiction of Incorporation or Organization)	(Primary Standard Industrial Classification Code Number)	(I.R.S. Employer Identification No.)

401 Rosemont Avenue, 3rd Floor
Rosenstock Hall
Frederick, Maryland 21701
(301) 644-3906
(Address and Telephone Number of Principal Executive Offices)

Andrew J. Whelan, President
BioElectronics Corporation
4539 Metropolitan Court
Frederick, Maryland 21704
(301) 644-3906
(Name, address and telephone number of agent for service)

Copies to:
Robert S. Matlin, Esq.
Uche D. Ndumele, Esq.
Kirkpatrick & Lockhart Nicholson Graham
599 Lexington Avenue
New York, New York 10022-6030
Telephone: (212) 536-3900 Facsimile: (212) 536-3901

Approximate Date of Commencement of Proposed Sale to the Public: From time to time after this Registration Statement becomes effective.

If any of the securities being registered on this Form are to be offered on a delayed or continuous basis pursuant to Rule 415 under the Securities Act, check the following box. ☑

Exhibit 2

The information in this prospectus is not complete and may be changed. We may not sell these securities until the registration statement filed with the Securities and Exchange Commission is effective. This prospectus is not an offer to sell these securities and it is not soliciting an offer to buy these securities in any jurisdiction where the offer or sale is not permitted.

Prospectus

Subject to Completion, Dated December 6, 2006

23,182,889 Shares of Common Stock

BioElectronics
Makers of Drug Free, Anti-Inflammatory Patches

Makers of Drug Free, Anti-Inflammatory Patches

This prospectus relates to the resale of up to 23,182,889 shares of common stock (the "Common Stock"), of which 10,451,389 shares are issuable upon the conversion of promissory notes of BioElectronics Corporation (the "Company") and includes 166,667 shares for accrued interest and 249,999 shares for liquidated damages, 3,420,000 shares listed in connection with the Company's April 2005 Private Placement Offering, and 9,311,500 shares of Common Stock issuable upon the exercise of warrants of the Company by certain selling stockholders identified in this prospectus (the "Offering"). All of these shares, when sold, will be sold by these selling stockholders. The selling stockholders may sell their Common Stock from time to time at prevailing market prices. We will not receive any proceeds from the sale of the shares of Common Stock by the selling stockholders.

Bid and ask prices for our Common Stock are quoted from broker dealers on the Pink Sheets. The Company's symbol is "BIEL. OTC:PK."

See "Risk Factors" beginning on page 7 for risks of an investment in the securities offered by this prospectus, which you should consider before you purchase any shares.

Neither the Securities and Exchange Commission nor any state securities commission has approved or disapproved of the securities or passed upon the accuracy or adequacy of this prospectus. Any representation to the contrary is a criminal offense.

The date of this prospectus is _____, 2006

The clinical effectiveness of the product has been well established. Testing performed at the Bioelectromagnetics Research Laboratory at the State University of New York has shown that ActiPatch Therapy provides an adequate dosage of electromagnetic energy for the treatment of soft tissue, and that its power at the skin level is equivalent to that of traditional high-power devices. The power level is six to nine orders of magnitude higher than that which is required to show a biological effect. It also demonstrated that the cumulative effect of continuous delivery provides greater therapeutic benefit than sporadic treatments.

Clinical Trials

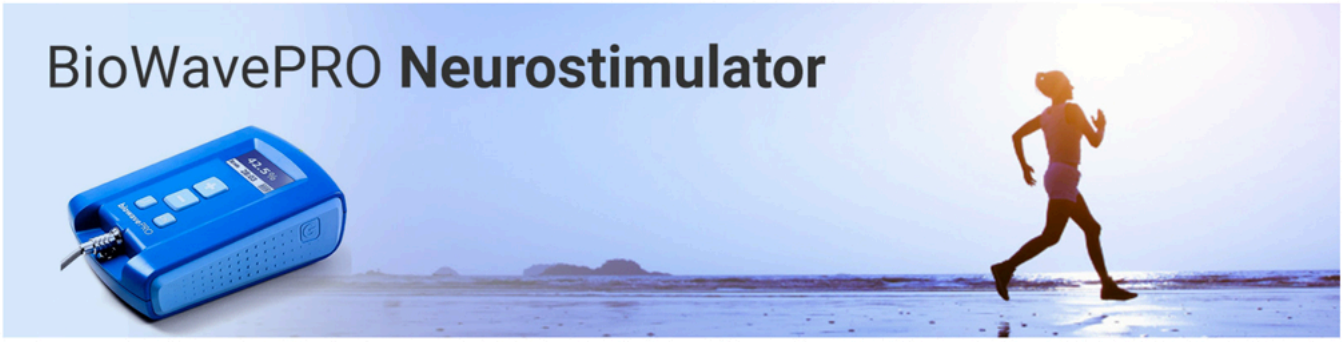
In 2006, the Company and the Lahey Clinic jointly announced a three-year program to study the effects of ActiPatch Therapy on a variety of soft tissue injuries and related medical conditions. The internationally renowned Lahey Clinic of Boston, whose faculty is affiliated with the Medical Schools of Harvard and Tufts, has committed to initiating a number of double-blind clinical studies on ActiPatch Therapy in the areas of plastic surgery, orthopedics and chronic wound care. Results from these clinical trials will be submitted to the United States Food and Drug Administration (the "FDA") for expanded indications for the use of ActiPatch Therapy.

Significant Strategic Marketing Relationships Recently Established

The Company, on December 4, 2003 signed an exclusive three-year supply and distribution agreement with Byron Medical, Inc. ("Byron") a subsidiary of Mentor Corporation (NYSE:MNT), a large supplier of medical products worldwide, to cover marketing of ActiPatch Therapy products to plastic surgeons worldwide. For the six months ended September 30, 2006 sales to Byron were approximately $97,000. The Byron Medical agreement is dated December 4, 2003. Byron is a wholly owned subsidiary of Mentor Corp., Santa Barbara, California. Mentor has announced that it intends to shut down its Byron Medical operations. The Company is negotiating with a major medical supplies distributor to market and sell its products to plastic and other surgeons. Should the Company not secure new distributors sales could be significantly impacted.

In July 2005, the Company announced an agreement with MaxMed Technologies ("MaxMed"), maker of the PedAlign ™ ("PedAlign") brand of custom orthotics products. The new wearable and disposable ActiPatch Therapy will be available as an insert into the PedAlign product as a unique offering to providers that order PedAlign custom orthotic products. At the present time the Company is not doing a significant amount of business with MaxMed.

In November 2005, the Company announced a partnership with Profoot, Inc. ("Profoot") for distribution of the ActiPatch Therapy product in Canada. The product will be available at prominent retail stores throughout Canada. Profoot is America's second largest brand of consumer foot care products and the brand is available at tens of thousands of mass-retail outlets in Canada, the U.S. and 20 other countries. The Company has also entered into a distribution agreement with Virginia-based Medical Sales Professionals, Inc (MSP). MSP sells and distributes medical supplies to professional and college sports teams and health care providers. Currently, ActiPatch Therapy is used by 14 professional sports teams. The Company does not expect significant sales volume from the professional or college market segment. In September 2006 the Company signed a Sales Agent Agreement with Extremity Solutions & Seacoast Surgical, of Attleboro, Massachusetts. Extremity Solutions & Seacoast Surgical will sell the ActiPatch product in six New England states and in October 2006 announced that Henry Schein, Inc., the largest provider of healthcare products and services to office-based practitioners in the North American and European markets has agreed to sell and distribute ActiPatch(TM). The amount of sales from these two companies has not been determined. Additionally, the Company is in the early stages of negotiations with other companies to distribute our products. However, there is no assurance that distribution agreements will be finalized.



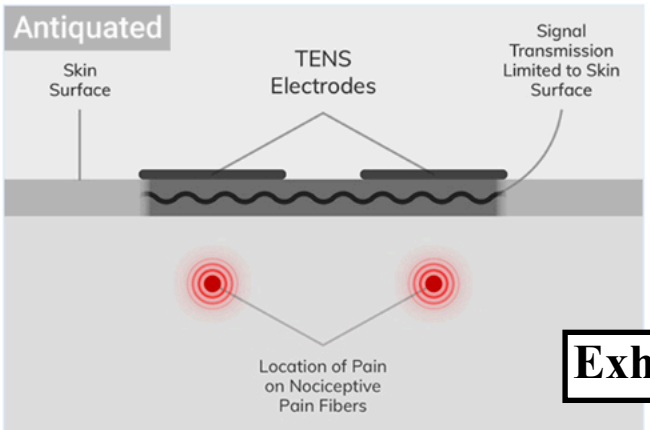
Relieve Your Athletes' Pain with Smarter Pain-Blocking Technology from the BioWavePRO Neurostimulator

The BioWavePRO neurostimulator uses a unique signal-mixing technology to deliver electrical signals through the skin directly to nerves for inhibiting pain transmission and improving function.

Clinical studies have shown that BioWavePRO with noninvasive electrodes can be used to reduce pain and improve function including increased range of motion, decreased stiffness, and reduction of muscle spasm for up to 24 hours following a single 30-minute treatment.

An Improvement over TENS

BioWavePRO's non-opioid, FDA-cleared, VA-prescribed, professional athlete-trusted, patented approach to chronic and acute pain relief that goes beyond old-fashioned transcutaneous electrical nerve stimulation (TENS) technology.



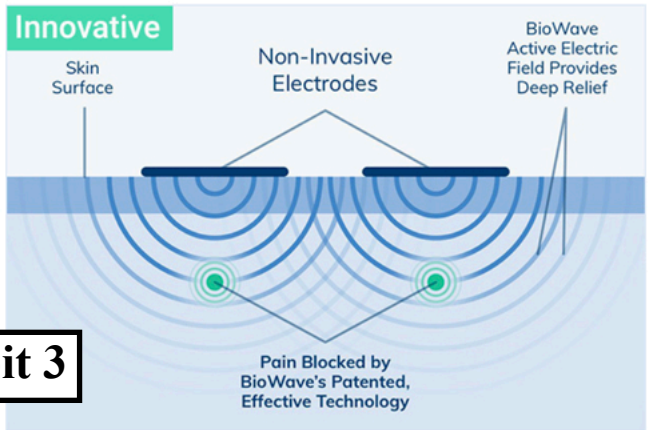


Exhibit 3

TENS Transcutaneous Electrical Nerve Stimulation

Transmits stimulation across the surface of skin which may act as a distraction to pain (gate control theory)

BioWave Subcutaneous Electrical Nerve Stimulation

Transmits stimulation beneath the surface of skin directly to nociceptive fibers blocking the transmission of pain signals to the

GSK logo linking to the homepage

01 August 2016

GSK and Verily to establish Galvani Bioelectronics – a new company dedicated to the development of bioelectronic medicines

Leaders in healthcare and technology to harness electrical signals in the body to treat chronic disease

GSK (LSE/NYSE: GSK) today announced an agreement with Verily Life Sciences LLC (formerly Google Life Sciences), an Alphabet company, to form Galvani Bioelectronics to enable the research, development and commercialisation of bioelectronic medicines. GSK will hold a 55% equity interest in the new jointly owned company and Verily will hold 45%.

Galvani Bioelectronics will be headquartered in the UK, with the parent companies contributing existing intellectual property rights[1] and an investment of up to £540 million over seven years, subject to successful completion of various discovery and development milestones.

Exhibit 4

Bioelectronic medicine is a relatively new scientific field that aims to tackle a wide range of chronic diseases using miniaturised, implantable devices that can modify electrical signals that pass along nerves in the body, including irregular or altered impulses that occur in many illnesses. GSK has been active in this field since 2012 and believes certain chronic conditions such as arthritis, diabetes and asthma could potentially be treated using these devices.

The agreement to establish Galvani Bioelectronics represents an important next step in GSK's bioelectronics research. The new company will bring together GSK's world class drug discovery and development expertise and deep understanding of disease biology with Verily's world leading technical expertise in the miniaturisation of low power electronics, device development, data analytics and software development for clinical applications. Initial work will centre on establishing clinical proofs of principle in inflammatory, metabolic and endocrine disorders, including type 2 diabetes, where substantial evidence already exists in animal models; and developing associated miniaturised, precision devices.

Moncef Slaoui, GSK's Chairman of Global Vaccines, who was instrumental in establishing GSK's investments in the field of bioelectronics, will chair the board of the new company. He said:

"Many of the processes of the human body are controlled by electrical signals firing between the nervous system and the body's organs, which may become distorted in many chronic diseases. Bioelectronic medicine's vision is to employ the latest advances in biology and technology to interpret this electrical conversation and to correct the irregular patterns found in disease states, using miniaturised devices attached to individual nerves. If successful, this approach offers the potential for a new therapeutic modality alongside traditional medicines and vaccines.

"This agreement with Verily to establish Galvani Bioelectronics signals a crucial step forward in GSK's bioelectronics journey, bringing together health and tech to realise a shared vision of miniaturised, precision electrical therapies. Together, we can rapidly accelerate the pace of progress in this exciting field, to develop innovative medicines that truly speak the electrical language of the body."

Brian Otis, Verily's Chief Technology Officer, said: "This is an ambitious collaboration allowing GSK and Verily to combine forces and have a huge impact on an emerging field. Bioelectronic medicine is a new area of therapeutic exploration, and we know that success will require the confluence of deep disease biology expertise and new highly miniaturised technologies.

"This partnership provides an opportunity to further Verily's mission by deploying our focused expertise in low power, miniaturised therapeutics and our data analytics engine to potentially address many disease areas with greater precision with the goal of improving outcomes."

Galvani Bioelectronics will be headquartered within GSK's global R&D centre at Stevenage in the UK, with a second research hub at Verily's facilities in South San Francisco. It will initially employ around 30 expert scientists, engineers and clinicians, and will fund and integrate a broad range of collaborations with both parent companies, academia and other R&D companies. GSK and Verily believe this collaborative way of working will rapidly accelerate the development of bioelectronic medicines.

Kris Famm, GSK's Vice President of Bioelectronics R&D, has been appointed President of the new company. Famm has pioneered work in both large and small molecule drug discovery and worked for a decade developing and delivering R&D strategy with a recurring focus on emerging

technologies. He has co-designed and led GSK's exploration of bioelectronics. A seven-member board, chaired by Moncef Slaoui, will also be appointed and will include Andrew Conrad, CEO of Verily. The new company will be fully consolidated in GSK's financial statements.

This agreement is subject to customary closing conditions (including requisite antitrust approvals) and is expected to close before the end of 2016.

GSK and bioelectronics

Since 2012, a dedicated team of scientists at GSK has been researching the potential of bioelectronic medicines. In that time, the company has established a leadership position in the field, including creating a global network of around 50 research collaborations and investing $50m in a dedicated bioelectronics venture capital fund. Through these collaborations and investments, GSK has seen encouraging proof of principles in animal models in a range of diseases. It believes the first bioelectronic medicines could be ready for approval within the next decade.

For further information visit GSK's bioelectronics media resource centre http://www.gsk.com/en-gb/media/resource-centre/bioelectronics/

The history of Galvani

Galvani Bioelectronics is named after Luigi Aloisio Galvani, an 18th century Italian scientist, physician and philosopher, who was one of the first to explore the field of bioelectricity. In 1780, he made the pivotal discovery that the muscles of a frog's legs twitched when he touched the sciatic nerve with two pieces of metal, leading him to propose the theory of bioelectricity. Galvani's discovery, while disputed by many of his peers, paved the way for

the modern study of electrophysiology and neuroscience – two fields that are key to the development of bioelectronic medicines.

GSK – one of the world's leading research-based pharmaceutical and healthcare companies – is committed to improving the quality of human life by enabling people to do more, feel better and live longer. For further information please visit www.gsk.com/about-us/.

Cautionary statement regarding forward-looking statements
GSK cautions investors that any forward-looking statements or projections made by GSK, including those made in this announcement, are subject to risks and uncertainties that may cause actual results to differ materially from those projected. Such factors include, but are not limited to, those described under Item 3.D 'Risk factors' in the company's Annual Report on Form 20-F for 2015.

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[1] Given the early stage nature of these assets, these currently have no carrying value.

FREQUENCY THERAPEUTICS

Former Pfizer President of R&D Joins Biotech Startup, Frequency Therapeutics

March 31, 2017 HHTM

John LaMattina, PhD

WOBURN, MASSACHUSSETTS — Frequency Therapeutics, a biotech firm developing drugs to re-create sensory cells in the inner ear, announced the appointment of John LaMattina, PhD, as a member of its Scientific Advisory Board and Senior Advisor to the CEO.

According to the company's press release, Dr. LaMattina is the former President of Pfizer Gobal Research and Development and Senior Vice President of Pfizer, Inc. During his tenure at Pfizer, the company discovered and developed many innovative and highly successful new drugs, including: Zoloft, Chantix, Lyrica, and many others.

About Frequency Therapeutics

Frequency Therapeutics is a leader in the development of medicines designed to activate progenitor cells within the body to treat degenerative diseases. The Company's progenitor cell activation (PCA) approach stimulates progenitor cells to create functional tissue with the aim of developing disease modifying therapies. The Company's lead product candidate, FX-322, is designed to regenerate auditory hair cells to restore hearing function. In a FX-322 Phase 1/2 study, statistically significant and clinically meaningful improvements in key measures of hearing function in patients with sensorineural hearing loss were observed. FX-322 is being evaluated in multiple ongoing clinical studies in patients with sensorineural hearing loss. The Company also is evaluating additional diseases where its PCA approach could create functional tissue, including in a pre-clinical program in multiple sclerosis.

Headquartered in Woburn, Mass., Frequency has an ex-U.S. license and collaboration agreement with Astellas Pharma Inc. for FX-322, as well as additional collaboration and licensing agreements with academic and nonprofit research organizations including Massachusetts Eye and Ear, Mass General Brigham and the Massachusetts Institute of Technology, The Scripps Research Institute and Cambridge Enterprises Limited, Cambridge University, UK. . For more information, visit www.frequencytx.com and follow Frequency on Twitter @Frequencytx.

Exhibit 5

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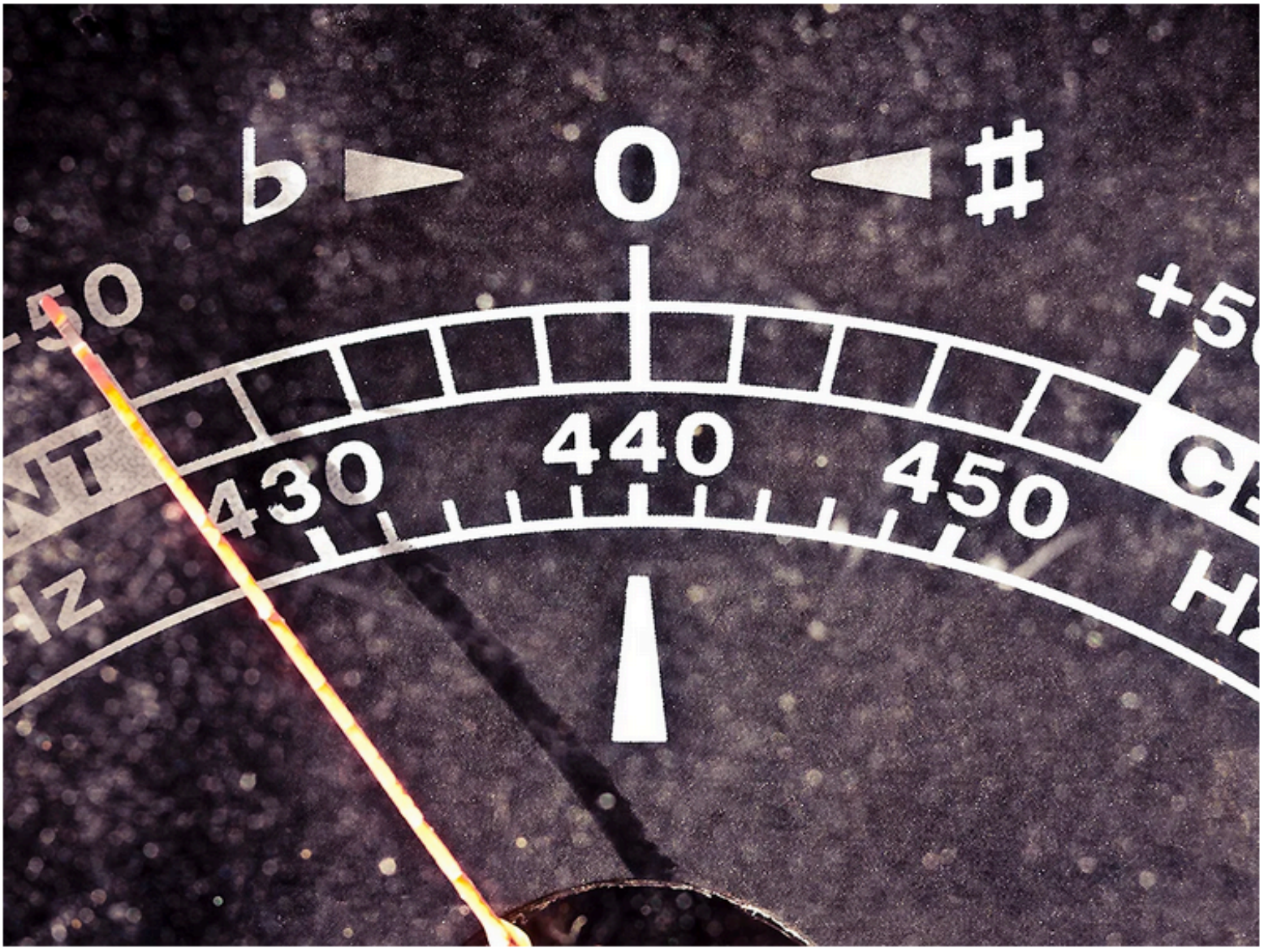
COMMENTARY

The great 440 Hz conspiracy, and why all of our music is wrong: Alan Cross

By Alan Cross · Global News
Posted May 13, 2018 9:00 am

Exhibit 6



A vintage plastic guitar tuner measures 440 Hz. **Getty Images**

-A A+

Gather 'round, kids. Those of you with tinfoil hats may wish to ensure that they're fitted snuggly. What I'm about to tell you will shake your faith in all the music you've heard in your life.

If you look down the right paths, it becomes clear that governments and various security apparatuses have used music to control us using music. All the music of the West that's based on the standard 12-tone scale is used for the management of crowds as well as thought control.

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Let's begin with some music theory.

If musical performances were to sound the same the world over, some standardization was required. As early as 1885, the Music Commission of the Italian Government declared that all instruments and orchestras should use a tuning fork that vibrated at 440 Hz, which was different from the original standard of 435 Hz and the competing 432 Hz used in France.

In 1917, the American Federation of Musicians endorsed the Italians, followed by a further push for 440 Hz in the 1940s.

In 1953, a worldwide agreement was signed. Signatories declared that middle "A" on the piano be forevermore tuned to exactly 440 Hz. This frequency became the standard ISO-16 reference for tuning all musical instruments based on the chromatic scale, the one most often used for music in the West. All the other notes are tuned in standard mathematical ratios leading to and from 440 Hz.

This tone standard is now universally accepted, which is why a piano in Toronto sounds exactly the same as a piano in China.

Weirdly, no one can say for sure why this frequency was chosen in the first place. In fact, there those among us who vehemently disagree with this standard. In fact, they consider the 440 Hz middle “A” to be an abomination against nature.

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Adherents to this theory claim that a more “natural” frequency for middle “A” is 438 Hz. Others believe that the correct middle “A” is 432 Hz (also known as Verdi’s A) because it has “a pure tone of math fundamental to nature” and is “mathematically consistent with the patterns of the universe, vibrating with Phi, the Golden Ratio. They point to how this pitch can be connected to everything from nautilus shells to the works of the ancients, including the construction of the Great Pyramid.

Furthermore, 432 Hz resonates with 8 Hz (the Schumann Resonance), the documented fundamental electromagnetic “beat” of Earth. It just *feels* better.

Research says that music tuned from this frequency is easier to listen to, brighter, clearer, and contains more inherent dynamic range. As a result, music with this tuning need not be played at higher volumes and thus reduces the risk of hearing damage.

The more radical among middle “A” haters insist that the true frequency should be 528 Hz because it’s a “digital bio-holographic precipitation crystallization [and] miraculous manifestation of diving frequency vibrations.” I have no idea what that means.

Here’s where the conspiracy comes in. There is allegedly something sinister and evil about 440 Hz. It is said that the Rockefeller Foundation had an interest in making sure the United States adopted the 440 Hz standard in 1935 as part of a “war on consciousness” leading to “musical cult control.”

Without going too far down this rat hole, this theory says that tuning all music to 440 Hz turns it into a military weapon.

I quote from one of the many online articles on the subject: “The monopolization of the music industry features this imposed frequency that is ‘herding’ populations into greater aggression, psychosocial agitation, and emotional distress predisposing people to physical illnesses and financial impositions profiting the agents, agencies, and companies engaged in the monopoly.”

READ MORE: Carrie Underwood goes into detail about facial injury in 1st TV interview since accident

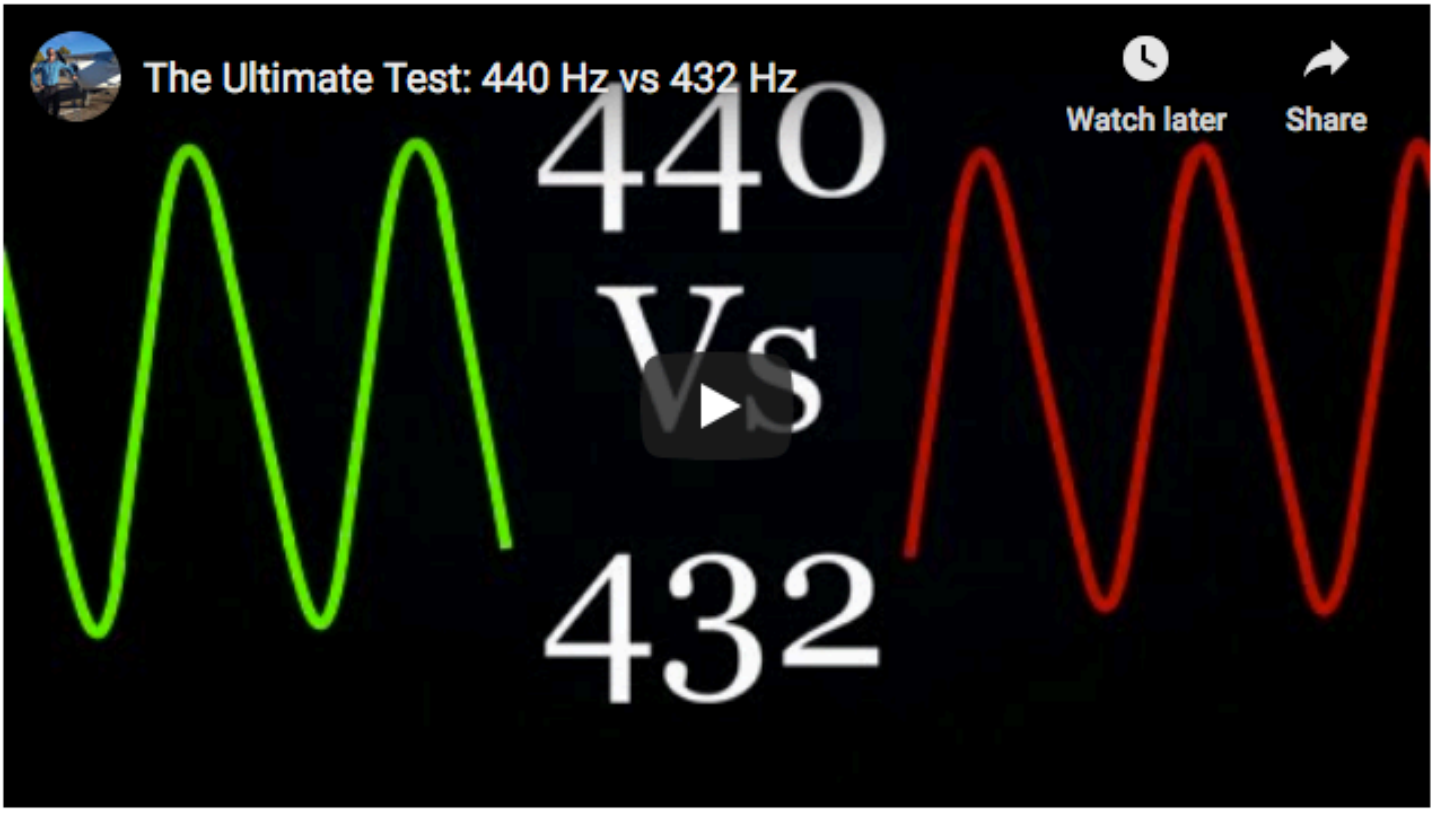
Whoa.

Going a little deeper, we end up at the doorstep of the Nazis. It is said that propaganda minister Joseph Goebbels insisted that on 440 Hz tuning in Germany because he believed it made people think and feel in specific ways, making them "a prisoner of a certain consciousness." And if you're trying to mobilize the population for Der Fuhrer, that's exactly what you want, right?

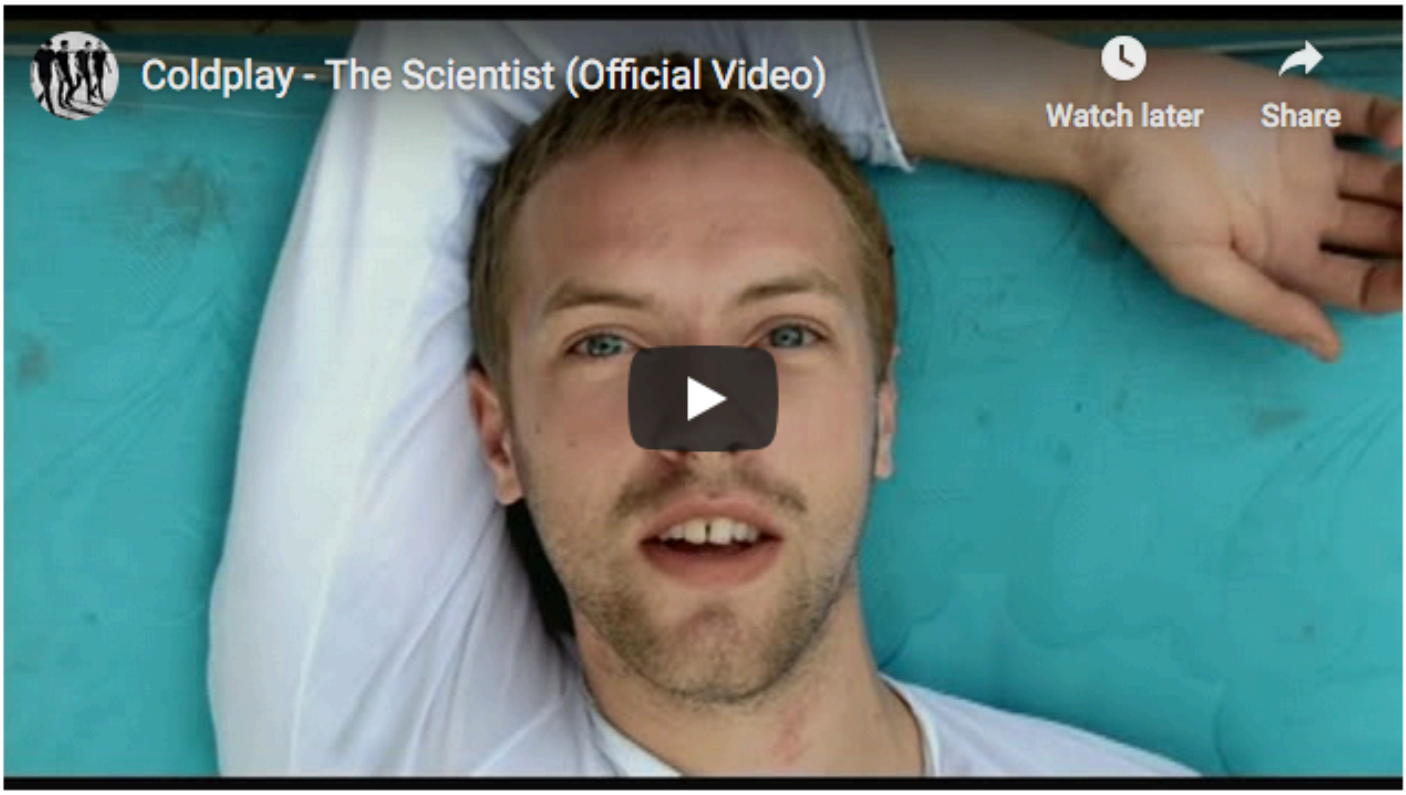
There's more from the Tinfoil Headphones crowd: "The powers that be are successfully lowering the vibrations of not only the young generation but the rest of us as well. These destructive frequencies entrain the thoughts towards disruption, disharmony, and disunity. Additionally, they also stimulate the controlling organ of the body — the brain — into disharmonious resonance, which ultimately creates disease and war."

There's something to think about the next time you pop in some earbuds. Does listening to music make you feel more warlike and diseased?

Let's test it out with this video.



Got that? Now try another experiment. Here are two versions of Coldplay's "The Scientist," starting with the standard version from their 2002 album, *A Rush of Blood to the Head*.



Any feelings of war or disease yet?

Now listen to this. It's a version of the same song that's been tuned down to the supposedly more natural frequency of 432 Hz. Can you feel a difference?

I've also been told that the different effects these frequencies have on our chakras. Songs tuned to 440 Hz work on the third eye chakra (the "thinking") while 432 Hz stimulates the heart chakra (the "feeling"). Therefore, 432 Hz music increases the spiritual development of the listener. It may even have healing properties.

There are numerous organizations advocating a universal switch to 432 Hz, but that would involve upsetting worldwide standards, not to mention the construction and re-tuning of millions of musical instruments. Nice idea, but it ain't gonna happen.

If that idea stressed you out, please meditate on this special 432 Hz music.

Alan Cross is a broadcaster with 102.1 the Edge and a commentator for Global News.

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