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# **EXHIBIT** A



### **SIDE LABEL:**

# Supplement Facts

Serving Size: 1 capsule Servings per container: 30

Amount per capsule		% Daily Value
Apoaequorin	10 mg	†
† Daily Value not esta	blished.	

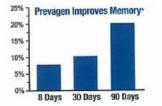
Other ingredients: white rice flour, cellulose, salt, magnesium stearate, acetic acid.

Manufactured & Distributed by Quincy Bioscience 301 S Westfield Road • Madison, WI 53717 Made without COMMON ALLERGENS Suggested use: Take 1 vegetarian capsule daily in the morning, with or without food.

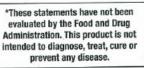
### **BACK LABEL:**

### **Clinically Tested**

In a computer assessed, doubleblinded, placebo controlled study, Prevagen® improved memory.\*



Originally discovered in jellyfish, Prevagen® is now made in a controlled scientific process. Developed by university researchers and scientists in Madison, Wisconsin.



# Prevagen

As we age, we lose proteins that support our brain.\* Prevagen® supplements these proteins during the natural process of aging.\*

Supports Healthy Brain Function\* only One Capsule per Day Safe & Clinically Tested

Prevagen® (apoaequorin) is clinically shown to help with mild memory problems associated with aging.\*

Prevagen® contains apoaequorin, a protein which uniquely supports critical brain functions.\* In clinical studies Prevagen® improved memory within 90 days.\*

### www.prevagen.com

Questions? Call 888.565.5385 or visit www.prevagen.com

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# **EXHIBIT B-1**

## Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 4 of 149

1	(	OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4		
5		
6	MATTER NO.	1523206
7		
8		
9	TITLE	QUINCY BIOSCIENCES HOLDING COMPANY,
10	INC.	
11		
12		
13	DATE	RECORDED: FEBRUARY 22, 2016
14		
15		TRANSCRIBED: MARCH 20, 2016
16		REVISED: APRIL 4, 2016
17		
18	PAGES	1 THROUGH 6
19		
20		
21		
22		
23		
24		PREVAGEN ADVERTISEMENT
25	2016-02-22	2 Prevagen TV Spot "Jellyfish Protein"

1	FEDERAL TRADE COMMI	SSION
2	INDEX	
3		
4	RECORDING:	PAGE:
5	Prevagen Advertisement	4
6		
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### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 6 of 149

1	FEDERAL TRAD	DE COMMISSION
2		
3	In the Matter of:	)
4	Quincy Bioscience Holding	) Matter No. 1523206
5	Company, Inc.	)
6		)
7		Date Unknown
8		
9		
10		
11	The following trans	cript was produced from a
12	digital recording provided to	For The Record, Inc. on
13	March 9, 2016.	
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### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 7 of 149

1	PROCEEDINGS
2	
3	PREVAGEN ADVERTISEMENT
4	ON SCREEN: Memory Improvement?
5	ANNOUNCER: Can a protein originally found in
6	the jellyfish improve your memory?
7	ON SCREEN: QUINCY BIOSCIENCE
8	Our Scientists Say "Yes!"
9	ANNOUNCER: Our scientists say yes.
10	ON SCREEN: Actor portrayal
11	Supports Healthy Brain Function*
12	These statements have not been evaluated by
13	the Food and Drug Administration. This product is not
14	intended to diagnose, treat, cure or prevent any
15	disease.
16	ANNOUNCER: Researchers have discovered a
17	protein that actually supports healthier brain function.
18	It's the breakthrough in a supplement called Prevagen.
19	ON SCREEN: Prevagen
20	Supplements Brain Proteins
21	ANNOUNCER: As we age, we lose proteins that
22	support our brain.
23	ON SCREEN: Prevagen Improves Memory
24	Chart
25	These statements have not been evaluated by

4

### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 8 of 149

1 the Food and Drug Administration. This product is not 2 intended to diagnose, treat, cure or prevent any 3 disease.

4	ANNOUNCER: Prevagen supplements these proteins
5	and has been clinically shown to improve memory.
6	ON SCREEN: Safe Effective
7	ANNOUNCER: It's safe and effective.
8	ON SCREEN: Available at Walgreens
9	CVS/pharmacy RITE AID
10	ANNOUNCER: For support of healthier brain
11	function, a sharper mind and clearer thinking, try
12	Prevagen for yourself today.
13	ON SCREEN: Prevagen is the #1 BRAIN HEALTH
14	Support Supplement in America
15	Available at Walgreens CVS/pharmacy RITE AID
16	(The recording was concluded.)
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### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 9 of 149

1	CERTIFICATION OF TYPIST
2	MATTER NUMBER: 1523206
3	CASE TITLE: QUINCY BIOSCIENCE HOLDING COMPANY, INC.
4	TAPING DATE: FEBRUARY 22, 2016
5	TRANSCRIPTION DATE: MARCH 20, 2016
6	REVISION DATE: APRIL 4, 2016
7	I HEREBY CERTIFY that the transcript contained
8	herein is a full and accurate transcript of the tapes
9	transcribed by me on the above cause before the FEDERAL
10	TRADE COMMISSION to the best of my knowledge and belief.
11	
12	DATED: APRIL 4, 2016
13	
14	
15	ELIZABETH M. FARRELL
16	
17	CERTIFICATION OF PROOFREADER
18	
19	I HEREBY CERTIFY that I proofread the transcript for
20	accuracy in spelling, hyphenation, punctuation and
21	format.
22	
23	
24	SARA J. VANCE

6

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# **EXHIBIT B-2**

# (Video exhibit submitted separately)

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# **EXHIBIT C**

Improve your memory : Prevagen is clinically shown to improve memory



## Improve your memory with Prevagen ®\*

### Prevagen can improve memory\*

Prevagen was tested in a large double-blind, placebo-controlled study using computers to assess brain performance. 218 adults over 40 years old participated in the three month study. Prevagen significantly improved learning and word recall.\*

Around the age of 40, our brain begins to need more cognitive support.\* Prevagen can improve memory within 90 days.\*

### Common examples where Prevagen may help

- Walk into a room and forget why.
- Spend extra time looking for car keys or purse.
- Trouble remembering names or faces.

These are everyday examples of normal memory challenges that can come with aging. Prevagen has been tested and shown to improve memory.\*

### Prevagen is a safe and effective supplement

Only Prevagen contains the patented ingredient apoaequorin, a unique protein originally obtained from a specific species of jellyfish called Aequorea victoria found in the Puget Sound. Apoaequorin is a protein our brains need for healthy function but is diminished in the aging process.

Prevagen is very safe and extremely well-tolerated. There are no known contraindications with any supplements or medications

### Make Memories Last a Lifetime

There's nothing more fulfilling than being at your mental best in order to enjoy every moment with friends and family. But that can be difficult for some of us due to normal, age-related memory loss.

Order Now



Serving Size: 1 Servings per co	capsule	
Amount per capsul	e	% Daily Value
Apoaequorin	10 mg	†

+ Daily Value not established.

Other ingredients: white rice flour, cellulose, salt, vegetable sourced magnesium stearate, acetic acid.

Manufactured & Distributed by Quincy Bioscience Holding Company, Inc. 301 S Westfield Road • Madison, WI 53717

Made without most common allergens (milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans)

Suggested use: Take 1 vegetarian capsule daily in the morning, with or without food.



### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 13 of 149 How does Prevagen® work?

Laboratory research has demonstrated that Prevagen® has powerful cell supporting activity by providing a protein originally found in jellyfish.

In aging, these proteins are depleted leaving brain cells vulnerable to damage. Prevagen® is made by Quincy Bioscience and was developed by scientists and University researchers in Madison, Wisconsin.





SHORTCUTS Home	COMMON QUESTIONS What is Prevagen?	MORE INFORMATION Contact	Sign up for the Memory Improvement Guide.
About Prevagen Research Prevagen Reviews	What are the most commonly reported benefits of Prevagen? How long will it take to feel	Terms of Use Privacy Policy Who we are	Email *
Apoaequorin	results?	Newsletter Sign Up	
Frequently Asked	Do you have research	Prevagen on Google+	Subscribe
Questions (FAQs)	supporting Prevagen?		
	ence 2015   All rights reserved.   Prevagen and product of Quincy Bioscience		

\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

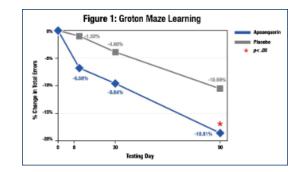
Case 1	.:17 - CV - 00124	Document 1	-1 Filed 01/0	9/17 Page 14	4 of 149	
Prevagen	About	Research	Reviews	Watch	Who We Are	Order

# View our research and studies on Prevagen®

### Prevagen® significantly improves memory\*



In a large three month randomized, double-blind, placebocontrolled study of participants over 40 years old who were experiencing some mild memory problems associated with aging, the Prevagen group significantly supported areas of cognitive function such as learning and word recall.\* The study was conducted on specific areas of cognitive function using a quantitative, computerized cognitive assessment tool.

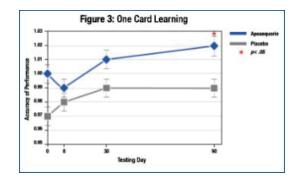


View the study

### Effects Of The Calcium Binding Protein Apoaequorin On Memory And Cognitive Function In Older Adults



A sample of 218 adults, aged 40 to 91 years, with self-reported memory concerns were randomly assigned to receive either apoaequorin or a matched placebo. The apoaequorin arm (10 mg oral) showed a statistically significant improvement in a number of different measures of cognitive function, including executive function, visual and verbal learning, and memory.\* Significant improvements were seen on a number of different tasks from the CogState Research Battery. Data was presented/published in 2011 at the ICAD/AAIC in Paris, France.



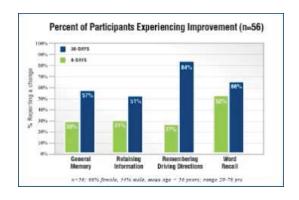
View the study

### Prevagen improves memory in a 90 day study\*



The Prevagen Memory Study was an open-label study of 56 generally healthy participants over a 90 day period measuring changes in overall cognition and general health. Changes in performance were measured via a standardized battery of questions. The results of the study show improved performance across all parameters.

View the study



Research : Most current research and studies on Prevagen®

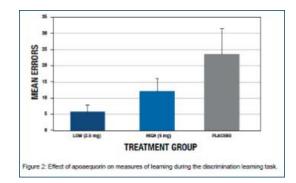
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### A Novel Mechanism for Cognitive Enhancement in Aged Dogs



A peer reviewed journal article related to the two canine clinical trials featuring apoaequorin's effect on cognition in aged beagles was accepted for publication by the Journal of Veterinary Behavior in 2014. This study examined the effectiveness of apoaequorin, a calcium buffering protein, in modifying cognitive decline in aged beagle dogs in two separate experiments.

View the study

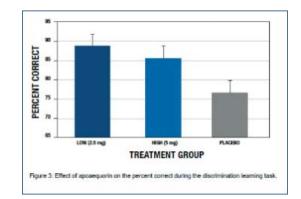


# Enhancement of Cognitive Function in Aged Canines with Apoaequorin\*



These results, suggest the calcium binding protein apoaequorin may have beneficial effects in treating cognitive dysfunction in aged beagle dogs. Initial data was previously presented/published in 2011 at the ICAD/AAIC in Paris, France.

View the study



### Safety Assessment Of Apoaequorin\*



Dosing in the study was the equivalent of 4,000 times the recommended daily amount of Prevagen 10mg and 2,000 times the recommended daily amount of Prevagen Extra Strength 20mg. In addition, apoaequorin achieved self-affirmed GRAS status (generally recognized as safe) after an independent panel of expert scientists concluded that apoaequorin is safe for use in food products.

View the study

### Safety Assessment Of The Calcium-Binding Protein, Apoaequorin\*



Apoaequorin is not expected to have any significant risk of allergic cross-reactivity for those who are allergic to known allergens. The results from the bioinformatics searches with the apoaequorin sequence show the protein is not a known allergen and not likely to cross-react with known allergens.

View the study

### Ongoing Reasearch Partnership



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Quincy Bioscience has had a long standing sponsored research agreement with the UWM Neuroscience department and the laboratory of Dr. James R. Moyer. The UWM lab has provided critical insight into the interaction between apoaequorin and hippocampal neurons in animal models. The lab has published and presented several papers at international neuroscience conferences related to apoaequorin and its functionality.

# **Protein Chemistry**

### Apoaequorin is capable of crossing the blood brain barrier (BBB) and the GI barrier

When cerebrospinal fluid (CSF) and blood plasma samples were taken from a population of dogs to which apoaequorin was orally administered, these samples showed quantifiable evidence that the supplement was present in the nervous and circulatory systems of the animals. Using a specially designed enzyme-linked immunosorbent assay (ELISA) linked to an electrochemiluminescent assay, it was also demonstrated that apoaequorin levels in dog CSF and plasma increased proportionately as a function of time. These data indicate that apoaequorin is capable of crossing the blood brain barrier and the gastrointestinal barrier via its presence in dog CSF and blood plasma, respectively.

# As we age, we lose about 85,000 brain cells each day.

### Aging and how Prevagen® can help

In the United States, 10,000 baby boomers turn 50 every day. And although a touch of gray hair can look distinguished, there are other age-related issues that may be unwanted, such as the mild memory problems associated with aging. Your brain is made up of many small cells, and controls everything you do. To stay healthy your brain contains proteins that support brain health.

As we age, the body's ability to naturally produce this protein slows down. When this happens you may start to experience difficulty with memory, focus and concentration. Prevagen helps support brain cells by supplementing the proteins with the patented ingredient apoaequorin and supports healthier brain function.\*

### Researchers have discovered a protein that actually supports healthy brain function\*

For many years, researchers have known that the human brain loses cells throughout our lives, part of the natural process of aging. In fact, we lose about 85,000 brain cells per day, that is one per second, over 31 million brain cells every year! This impacts every aspect of your life ... how you think and how you feel. Recently, scientists made a significant breakthrough in brain health with the discovery that apoaequorin can support healthy brain function, help you have a sharper mind and think clearer.\*

### Prevagen Supports:

### **Healthy Brain Function\***

Apoaequorin is in the same family of proteins as those found in humans, but it was originally discovered in one of nature's simplest organisms — the jellyfish.

### Sharper Mind\*

Now produced in a scientific process, researchers formulated this vital protein into a product called Prevagen®. Prevagen is clinically shown to help with mild memory problems associated with aging.\*

#### **Better Memory\***

#### Research : Most current research and studies on Prevagen®

Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 17 of 149 This type of protein is vital and found naturally in the human brain and nervous system. As we age we can't make enough of them to keep up with the brain's demands. Prevagen supplements these proteins during the natural process of aging to keep your brain healthy. Prevagen comes in an easy to swallow capsule. It has no significant side effects and will not interact with your current medication.

### **Clearer Thinking\***

Just how well does Prevagen work? In a computer assessed, double-blinded, placebo controlled study, Prevagen improved memory for most subjects within 90 days.\*





SHORTCUTS Home About Prevagen Research Prevagen Reviews Apoaequorin Frequently Asked Questions (FAQs)	COMMON QUESTIONS What is Prevagen? What are the most commonly reported benefits of Prevagen? How long will it take to feel results? Do you have research supporting Prevagen?	MORE INFORMATION Contact Terms of Use Privacy Policy Who we are Newsletter Sign Up Prevagen on Google+	Sign up for the Memory Improvement Guide. Email *
.,, 0	cience 2015   All rights reserved.   Prevagen and product of Quincy Bioscience nsin, USA 🧱		CCREDITED JSINESS Review

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Who We Are : The company behind Prevagen®



# Quincy Bioscience is a research-based biotechnology company

Quincy Bioscience is a biotechnology company based in Madison, Wisconsin focused on the discovery, development and commercialization of novel technologies to support cognitive function and other normal health challenges such as mild memory problems associated with aging.

Quincy Bioscience is set apart by its use of apoaequorin, a protein originally discovered in jellyfish, now patented by Quincy Bioscience for use in a variety of products to support cognitive function. Apoaequorin is manufactured in a cGMP compliant facility.

The discovery and development of Apoaequorin in 1962 as a calcium signaler earned the scientists responsible the Nobel Prize in Chemistry in 2008. Quincy Bioscience is building on this work through its novel use of the protein. Apoaequorin achieved self-affirmed GRAS status (generally recognized as safe) after an independent panel of expert scientists concluded that apoaequorin is safe for use in food products.

Prevagen® is the company's flagship consumer brand containing apoaequorin which has shown in published studies to be safe and effective. A landmark double-blind and placebo-controlled trial demonstrated Prevagen improved short-term memory, learning, and delayed recall over 90 days.

As a result of the supplement's safety and effectiveness, Prevagen is now the number one selling brain support supplement in chain pharmacies across America according to Nielsen data (December, 2014).

In 2012, the first year of eligibility, Quincy Bioscience ranked #398 on the Inc. 500 list of fastest growing private companies in the United States.

### Prevagen is 100% manufactured in the United States

Apoaequorin is no longer extracted from the jellyfish. The protein can be grown in a controlled scientific process. The end result is the exact composition of apoaequorin without any of the heavy metal pollution that jellyfish may be exposed to in the ocean. Additionally, all phases of production are conducted in the state of Wisconsin.

Quincy Bioscience's Quality Assurance Department is fully compliant with current Good Manufacturing Practice (cGMP) standards as defined in federal code by 21 CFR 111. All batches are tested for purity, strength, and safety.



Prevagen is Made in the USA









DUANE reade



Quincy Bioscience – Madison, Wisconsin



Exhibit C (7)

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### SHORTCUTS

Home About Prevagen Research Prevagen Reviews Apoaequorin Frequently Asked Questions (FAQs)

### COMMON QUESTIONS

What is Prevagen? What are the most commonly reported benefits of Prevagen? How long will it take to feel results? Do you have research supporting Prevagen?

### MORE INFORMATION

Contact Terms of Use Privacy Policy Who we are Newsletter Sign Up Prevagen on Google+

# Sign up for the *Memory Improvement Guide*.

Email \*



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Made in Madison, Wisconsin, USA





\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Apoaequorin : The unique ingredient in Prevagen®



# Nobel prize in chemistry

Apoaequorin (Pronounced: ā-poe-ē-kwôr-ĭn) was first discovered in 1962 in glowing jellyfish. Turns out these proteins caused the jellyfish to glow when the proteins bound to calcium ions. We've learned a lot about how calcium functions in the body by using apoaequorin. The Princeton professor who discovered this protein and his colleagues who helped develop the research won the Nobel prize in 2008. Prevagen does not cause any glowing!



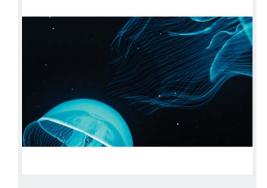
### Quincy Bioscience and Apoaequorin

Founded in June of 2004 and based in Madison, Wisconsin, Quincy Bioscience is a biotechnology company focused on the discovery, development, and commercialization of novel technologies to address cognitive issues and other age-related health challenges. The core technology of the company is the innovative application of the calcium-binding protein Apoaequorin. Using this cutting edge protein originally discovered in jellyfish in the early 1960's, the company focuses on alleviating the consequences of impaired calcium homeostasis (the imbalance of calcium ions) which can lead to mild memory loss associated with aging.

### From a Jellyfish

Apoaequorin originally comes from a species of jellyfish called Aequorea victoria — a bioluminescent organism with one of the simplest nervous systems. Quincy Bioscience is the first to utilize apoaequorin as a tool in the support of the brain in the human body.\* The Nobel Prize in Chemistry in 2008 was awarded to researchers Osamu Shimomura, Martin Chalfie, and Roger Y. Tsien who discovered the luminescent jellyfish protein and advanced its usefulness in science with the Nobel committee calling the discovering of the glowing protein, "has become one of the most important tools used in contemporary bioscience." Their discovery and advancement made the work at Quincy Bioscience possible.

More Information on Apoaequorin



- Jellyfish in Motion











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### SHORTCUTS

Home About Prevagen Research Prevagen Reviews Apoaequorin Frequently Asked Questions (FAQs)

### COMMON QUESTIONS

What is Prevagen? What are the most commonly reported benefits of Prevagen? How long will it take to feel results? Do you have research supporting Prevagen?

### MORE INFORMATION

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# Sign up for the *Memory Improvement Guide*.

Email \*



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Made in Madison, Wisconsin, USA





\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Frequently Asked Questions for Prevagen ®



# **Frequently Asked Questions about Prevagen**

Since Prevagen is a unique brain health supplement, we've provided answers to some of the most frequently asked questions you may have.

### What is Prevagen?

Prevagen (Pronounced: prev-uh-gen) is a new brain health supplement and functions unlike other brain or memory supplements.\* Prevagen's patented ingredient is a new use for a well-known protein called "apoaequorin" which was originally found in a certain species of jellyfish.

Prevagen has been clinically tested and shown to improve mild memory problems that occur in aging.\*

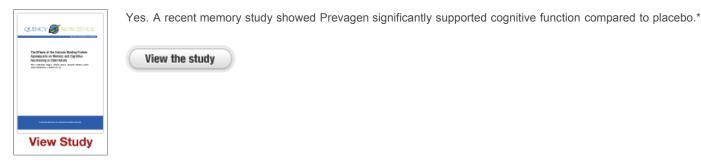
### What are the most commonly reported benefits of Prevagen?

- Improves absentmindedness\*
- Improves memory\*
- Helps with mild memory problems associated with aging\*

### How long will it take to feel results?

Daily use for 30-90 days is a reasonable length of time to experience results.

### Do you have research supporting Prevagen?



### Does Prevagen pass the gastrointestinal (GI)?

When cerebrospinal fluid (CSF) and blood plasma samples were taken from a population of dogs to which apoaequorin was orally administered, these samples showed quantifiable evidence that the supplement was present in the nervous and circulatory systems of the animals. Using a specially designed enzyme-linked immunosorbent assay (ELISA) linked to an electrochemiluminescent assay, it was also demonstrated that apoaequorin levels in dog CSF and plasma increased proportionately as a function of time. These data indicate that apoaequorin is capable of crossing the blood brain barrier and the gastrointestinal barrier (GI) via its presence in dog CSF and blood plasma, respectively

### Does Prevagen pass the blood brain barrier (BBB)?

Exhibit C (11)

### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 23 of 149

When cerebrospinal fluid (CSF) and blood plasma samples were taken from a population of dogs to which apoaequorin was orally administered, these samples showed quantifiable evidence that the supplement was present in the nervous and circulatory systems of the animals. Using a specially designed enzyme-linked immunosorbent assay (ELISA) linked to an electrochemiluminescent assay, it was also demonstrated that apoaequorin levels in dog CSF and plasma increased proportionately as a function of time. These data indicate that apoaequorin is capable of crossing the blood brain barrier (BBB) and the gastrointestinal barrier via its presence in dog CSF and blood plasma, respectively

### Can I take Prevagen with my current medication(s)?

While Prevagen has no known interactions it is always safe to talk with your doctor before beginning a new course of supplementation.

### Are there any side effects with Prevagen?

Prevagen is safe and well-tolerated. Apoaequorin, the main ingredient in Prevagen, has been deemed safe enough to be a food ingredient. Learn more about Prevagen safety by clicking here.

### Is Prevagen available in stores?

Prevagen is widely available at Walgreens, CVS, Rite Aid and local health food stores across America.

### I haven't heard of 'apoaequorin' before?

Researchers sure have! Apoaequorin (Pronounced: ā-poe-ē-kwôr-ĭn) was discovered in the early 1960's when scientists wondered why a certain species of jellyfish glowed in the Puget Sound (Washington state). They discovered that when the protein apoaequorin, contained in the jellyfish, bound to calcium, a light was emitted. Today, because of apoaequorin's long-history and safety, it is a preferred research tool. Don't worry though, glowing is not a side-effect with Prevagen!

### What is the role of jellyfish in Prevagen?

The main ingredient in Prevagen® is "apoaequorin", which was originally discovered in jellyfish.

Prevagen® is now made in a controlled scientific process developed by university researchers and scientists in Madison, Wisconsin.

### Are jellyfish harmed in the making of Prevagen?

No. The protein originally from the jellyfish is now grown in a safe and controlled manufacturing process.

### Does Prevagen contain any allergens?

Prevagen® is non-allergenic. The active ingredient "apoaequorin" is a protein from a jellyfish which is non-allergenic and interestingly, a jellyfish is not truly a fish. People with fish allergies need not worry. Also, Prevagen® is made with a vegetarian capsule and non-allergenic inactive ingredients, including a gluten-free rice flour filler.

### Should I continue to take my vitamin and mineral supplements with Prevagen?

Absolutely. Prevagen® is not meant to replace this type of supplementation. However, Prevagen® works in a manner unlike any other supplements to help protect brain cells. Prevagen® works in a complementary way to vitamin and mineral supplementation.

### What is CogState?

CogState is a widely used neuropsychological battery of computerized cognitive tests that are adaptation of standard neuropsychological tests. CogState's tasks were selected because they are brief, repeatable, have shown little or no practice effects, and have utility for repeated assessment of cognition in older adults.

Exhibit C (12)

Frequently Asked Questions for Prevagen ®

### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 24 of 149

### What are all the asterisks (\*) for?

The asterisk (\*) denotes the FDA disclaimer for dietary supplements. This statement or "disclaimer" is required by law (DSHEA) when a manufacturer makes a structure/function claim on a dietary supplement label. In general, these claims describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the body. The manufacturer is responsible for ensuring the accuracy and truthfulness of these claims; they are not approved by FDA. For this reason, the law says that if a dietary supplement label includes such a claim, it must state in a "disclaimer" that FDA has not evaluated this claim. The disclaimer must also state that this product is not intended to "diagnose, treat, cure or prevent any disease," because only a drug can legally make such a claim. For more information on dietary supplements, please visit www.fda.gov

### What is Prevagen Professional?

Developed exclusively for Healthcare Professionals by University researchers. Intended to help support a healthier brain, sharper mind and clearer thinking.\* Prevagen Professional is a brain health supplement developed exclusively for Healthcare Professionals by University researchers in Madison, WI.

Visit www.prevagenpro.com to learn more.

### What is Prevagen Extra Strength?

Prevagen Extra Strength® is the only brain health supplement containing the ingredient "apoaequorin", which has been shown to support brain cells.\*

Designed for enhanced results, Prevagen Extra Strength® contains twice the amount of apoaequorin as Prevagen.\*

First discovered in jellyfish, apoaequorin is now produced in a scientifically controlled process. Apoaequorin is similar to proteins found naturally in our brains and is able to supplement these proteins to support healthy brain function.\*

Visit www.prevagenes.com to learn more.





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Exhibit C (13)

Frequently Asked Questions for Prevagen ®



Safety of Prevagen - Prevagen



# Safety of Prevagen

Prevagen contains apoaequorin which has been shown to help improve memory in clinical studies. Apoaequorin is a protein that was originally discovered in jellyfish and now produced at our cGMP compliant and NSF certified facility in Wisconsin.

Safety studies conducted on the toxicity and allergenicity of apoaequorin show that apoaequorin is safe. In rats following subchronic administration of amounts up to 666.7mg per kilogram of body weight per day Apoaequorin preparation did not result in any mortality.<sup>1</sup> This was the maximum dosage that was tested. Researchers concluded,

"The administration of the Apoaequorin preparation did not result in any mortality. There were no further clinical or opthalmological signs, body weight, body weight gain, food consumption, food efficiency, clinical pathology, or histopathological changes attributable to administration of Apoaequorin."<sup>2</sup>

Dosing in the study was the equivalent of 4,000 times the recommended daily amount of Prevagen 10mg and 2,000 times the recommended daily amount of Prevagen Extra Strength 20mg. In addition, apoaequorin achieved self-affirmed GRAS status (generally recognized as safe) after an **independent panel of expert** scientists concluded that apoaequorin is safe for use in food products.

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29 A	Food and Chen	nical Toxicology
ELSEVIER In	nat homopaga; www.afa	evier.com/locate/loodcham.tos
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### References:

1. Marone, P.A., Bauter, M., Hofman-Hüther, H., and Moran, D. (2013). Safety assessment of Apoaequorin, a protein preparation: Subchronic toxicity study in rats. Food and Chemical Toxicology 57.

2. Marone, P.A., Bauter, M., Hofman-Hüther, H., and Moran, D. (2013). Toxicologic Evaluation of the Calcium Binding Protein Apoaequorin. Poster presented at the Society of Toxicology Annual Meeting, San Antonio, Texas.





Safety	of Prevagen	- Prevagen

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Made in Madison, Wisconsin, USA

ACCREDITED BUSINESS BBB. **Click for Review** 



\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Serving Size: 1 Servings per co	capsule	
Amount per capsul	e	% Daily Value
Apoaequorin	10 mg	+
, honodaouu	. sg	1

**Other ingredients:** white rice flour, cellulose, salt, vegetable sourced magnesium stearate, acetic acid.

### Manufactured & Distributed by

Quincy Bioscience Holding Company, Inc. 301 S Westfield Road • Madison, WI 53717

### Made without most common allergens

(milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans)

**Suggested use:** Take 1 vegetarian capsule daily in the morning, with or without food.



Prevager

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About Research Reviews Watch Who We Are

# Watch Prevagen Reviews

After over 15 years of research, we know Prevagen works to improve memory. But you don't have to take our word for it. On the following pages, you'll find Prevagen reviews from actual Prevagen users and hear how this brain health supplement, originally derived from a jellyfish, has helped them.

If you feel like you can relate to any of these people—whether you have trouble remembering names, or forget where you placed your keys—you may be experiencing age-related memory loss. This is a totally normal part of aging, but as you will see from watching these Prevagen reviews, you CAN take action to preserve your memories.

The personal experiences you'll find here are from actual Prevagen users. They are not

from employees, friends or any party where compensation was offered as an inducement for providing a favorable testimonial. These are real reviews from real people.



Read them here »



Share yours here »





### Mary remembers names better

I would say I probably noticed a difference within a month of taking Prevagen. That I was able to remember things better. And I wasn't as frustrated with myself, which was great.

See the full story See how Prevagen helped Watch the video Hear the story first hand



Order

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### Jim improved his memory\*

I had such a positive experience from Prevagen that I would urge anybody to at least try it and see if it'll work for them, because it sure helped me.

See the full story See how Prevagen helped Watch the video Hear the story first hand

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### "Why not try it?"

It was about 3 weeks when the product began to work for me, and it's just getting better. I think it's important to optimally age, there's no such thing as anti-aging, we're all going to age. But for me, this has been optimal.



Watch the video Hear the story first hand









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# **Read Prevagen Reviews**

After over 15 years of research, we know Prevagen works to improve memory. But you don't have to take our word for it. On the following pages, you'll find Prevagen reviews from actual Prevagen users and hear how this brain health supplement, originally derived from a jellyfish, has helped them.

If you feel like you can relate to any of these people-whether you have trouble remembering names, or forget where you placed your keys-you may be experiencing age-related memory loss. This is a totally normal part of aging, but as you will see from watching these Prevagen reviews, you CAN take action to preserve your memories.

The personal experiences you'll find here are from actual Prevagen users. They are not

from employees, friends or any party where compensation was offered as an inducement for providing a favorable testimonial. These are real reviews from real people.

Barbara is able to keep things in order

WATCH STORIES

View them here »

My name is Barbara and I'm 66-years-old. Before I was taking Prevagen, I would just forget things, and now since I've been taking Prevagen I may have forgotten one or two small things in that span of time. I'm finding that I have better retention and better memory, and I'm able to put things in order and keep them in order. And being blind, that's very important.

**SUBMIT YOURS** 

Share yours here »

I had my son here, he was unpacking a trunk that he was moving from one facility to the other and the trunk had been packed in the closet and locked for about two or three years. He said "Mom, I'm going to open your trunk now and see what's there," and I told him from left to right exactly what was in the trunk. He said, "How did you remember that?" I said, "Well, you know, I just know that kind of thing." When you're blind you have to have a good memory to begin with because you can't see where something is, you have to remember where you put it. Now I'm finding that I have recall.



**REVIEWS HOME** 

Go back here »

### Mark is able to remember better

My name is Mark. I live in Raleigh, North Carolina and I'm a computer operation analyst.

The science of it sounded interesting . I certainly have noticed over the past few years that I've been less able to remember minor details from days ago and ever since I started using Prevagen, I can tell a huge difference in the amount of minor details of just remembering things and names and places from years ago.

### Colleen can add numbers quicker

My name is Colleen and I am 74 years old.

My husband and I both take Prevagen. At our age, we just decided that we would try it and see what happened. I think the changes from taking Prevagen were subtle. My husband and I did not really notice changes until more recently, maybe in the last six months.

I began to notice that I would remember where I put things. I would have memory recall easier and quicker. It just keeps getting better and more noticeable. My husband and I frequently play Yahtzee. You're adding a simple column of numbers, it's just simple math. I noticed that I was seeing combinations of numbers and being able to put them together and add them quicker. Even my husband noticed that I was adding my scores up quicker. It may seem a little thing, but it just kind of hit me. That is how much better it was.





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Prevage



*"I've been taking Prevagen for one year and it's really made a huge difference in my life."* 

– Marcia

"I very much have seen a difference with the use of Prevagen! I am delighted!"

- Greta

"I've been taking Prevagen for three months — I actually started noticing the benefits about seven days ago."

Ronald

#### Submit Your Prevagen Story

Do you have a story to share about how Prevagen has helped you or a loved one? We'd love to hear from you!

Name*	
Email*	
City/Town*	
State*	

How has Prevagen helped you?\*

If you would like a photo to accompany your story upload one here

Quincy Bioscience may use my story.

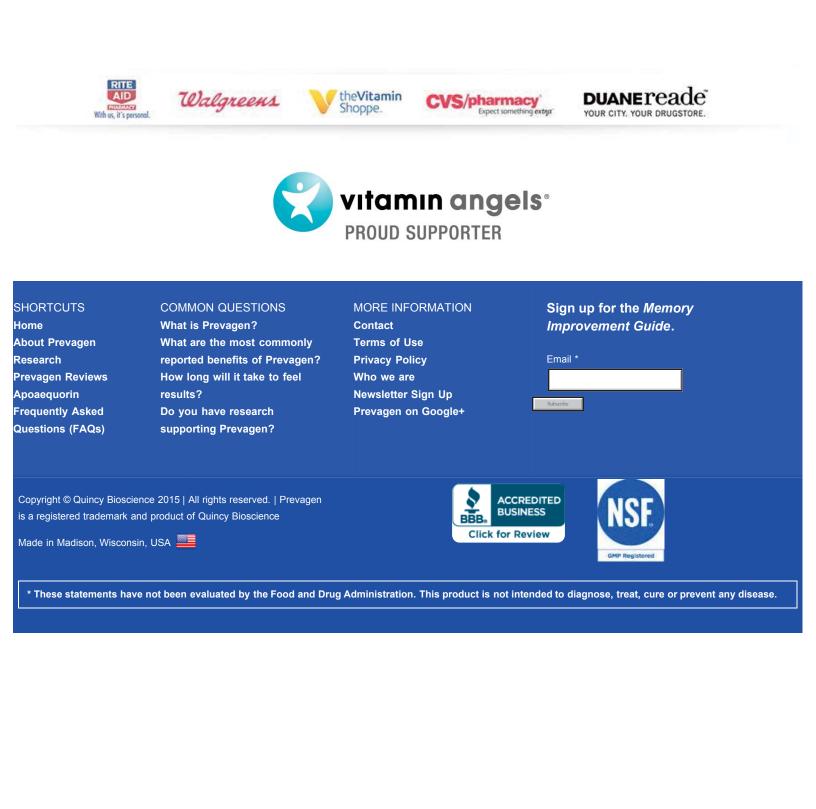
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# **Preferred Customer Plan**

The most convenient way to take Prevagen® will save you \$15.00 per month. Each bottle of Prevagen® is only \$44.95 plus \$5.95 S&P when you enroll in our Preferred Customer Plan. Comes with our 30-Day Money Back Guarantee.

Standard Shipping: \$5.95

\$44.95



Save \$15 each month!

Description

10 mg

ents: white rice flour, cellulose, sait road magnesium stearate, acetic ac ed & Distributed by ence Holding Company, Inc. ad Road • Madison, WI 53717 rt most common allergens

# **Product Description**

### About the Preferred Customer Plan:

By enrolling in our "Preferred Customer Plan" you will enjoy a savings of \$15 per month on Prevagen. With this plan your bottle(s) of Prevagen will automatically be delivered to your shipping address once per month and your credit card charged \$44.95 plus \$5.95 shipping and processing. Then 23 days after your initial order and every 30 days thereafter, as a member of the Preferred Customer Plan, you'll receive your monthly supply of Prevagen. If you choose to leave the Preferred Customer Plan, simply call our customer service line at 888-814-0814. No minimum time commitment is required. Customer Service hours are 8am to 7pm M-F CST.

**Related Products** 

# Prevagen – A One Month Supply

Prevagen® contains 30 vegetarian capsules and comes with our 30-Day 100% Money Back Guarantee.

Standard Shipping: \$5.95

Exhibit C (24)

Preferred Customer Plan - Prevagen



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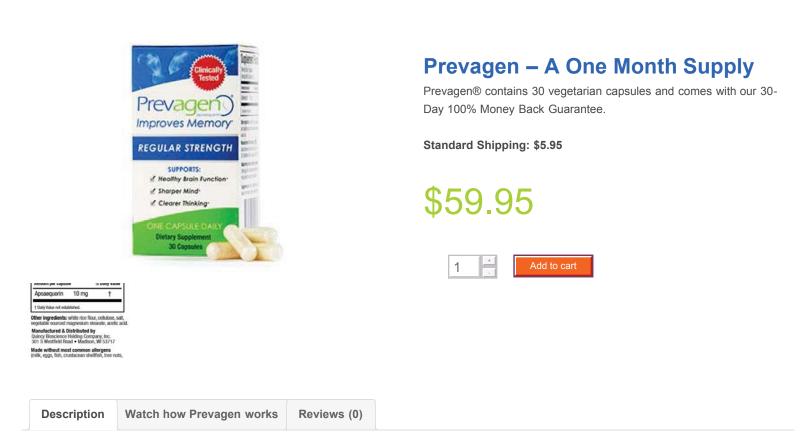
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### **Product Description**

A one month supply of Prevagen® contains 30 vegetarian capsules and comes with our 30-Day 100% Money Back Guarantee.

Directions: For best results take 1 vegetarian capsule daily, in the morning, with or without food.

Most commonly reported benefits are:

- Overall improved mental clarity\*
- Clearer thinking\*
- Better concentration\*
- Greater ability to focus\*

Safety and Tolerability: Prevagen contains no common allergen and is well-tolerated.

### Prevagen Improves Memory.\*

We all begin to experience a change in our memory and cognitive abilities as we age. Typically this starts in our forties. Each of us is unique and

Exhibit C (26)

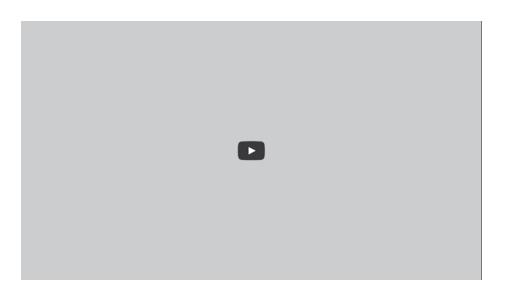
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this change is different for everyone. Normal age-related memory problems can be things like short and long term memory problems, to foggy thinking, and changing speed in how we process information.

#### Have you noticed any of these changes?

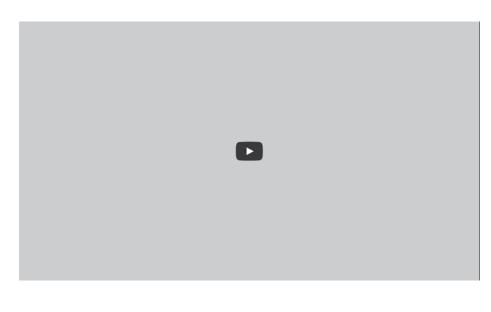
- Walking into a room and forgetting why?
- Problems remembering names and faces?
- Forgetting where you put things?
- Brain fatigue?
- A foggy feeling?

#### If so, watch this...



#### Jim got his memory back

"I initially heard about Prevagen from my neighbor. We happened to have a little card party that we get together occasionally. Some of the memory issues that I had were– like, did I take my pill? Have I set my alarm? Did I turn the water off, when I started the water to run in the sink? When I turned on the pot to boil water on the stove, do I remember it's there, or do I go off and watch television, or a computer?"



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#### "I am able to remember stuff other people don't..."

It was about three weeks when the product began to work for me, and it's just getting better. I think it's important to optimally age, and there's no such thing as anti-aging. We're all going to age. So for me, this has been optimal because I remember stuff other people don't. It's wonderful.

### How does Prevagen work?

Prevagen was tested in a large double-blind, placebo-controlled study using computers to assess brain performance. 218 adults over 40 years old participated in the three month study. Prevagen significantly improved learning, short-term memory, and word recall.

### Prevagen is a safe way to improve your memory\*

Developed by university researchers and scientists in Madison, WI, Prevagen has clinically shown to improve memory, focus and recall. Prevagen is very safe and extremely well-tolerated. Prevagen has no harmful side effects and there are no known contraindications with any supplements or medications.

\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

You may also like...



### Prevagen – Buy 2 Get 1 FREE

Buy 2 Get 1 FREE is our most popular item. This is a three month supply and comes with our 30-Day 100% Money Back Guarantee. *You save* \$59.95!

That works out to only \$39.96 per bottle!

Standard Shipping: \$9.95

\$119.90

#### Learn More



Save \$59.95!

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Buy 2 Get 1 FREE is our most popular item. This is a three month supply and comes with our 30-Day 100% Money Back Guarantee. *You save* \$59.95!

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Save \$59.95!

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### **Product Description**

Directions: For best results take 1 vegetarian capsule daily, in the morning, with or without food.

#### Most commonly reported benefits are:

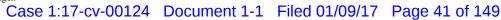
- Overall improved mental clarity\*
- Clearer thinking\*
- Better concentration\*
- Greater ability to focus\*

Safety and Tolerability: Prevagen contains no common allergen and is well-tolerated.

You may also like...

### Prevagen – Buy 4 Get 2 FREE

Now your friends and family can benefit from Prevagen® too! When you buy 4 bottles of Prevagen® you get 2 bottles FREE. Share them with a **Exhibit C (29)** 





loved one or keep them for yourself. Comes with our 30-Day 100% Money Back Guarantee. You save \$119.90!

That's only \$39.96 per bottle!

Standard Shipping: \$9.95

\$239.80

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Save \$119.90!

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### **Preferred Customer Plan**

The most convenient way to take Prevagen® will save you \$15.00 per month. Each bottle of Prevagen® is only \$44.95 plus \$5.95 S&P when you enroll in our Preferred Customer Plan. Comes with our 30-Day Money Back Guarantee.

Standard Shipping: \$5.95

\$44.95

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Save \$15 each month!

### Prevagen – A One Month Supply

Prevagen® contains 30 vegetarian capsules and comes with our 30-Day 100% Money Back Guarantee.

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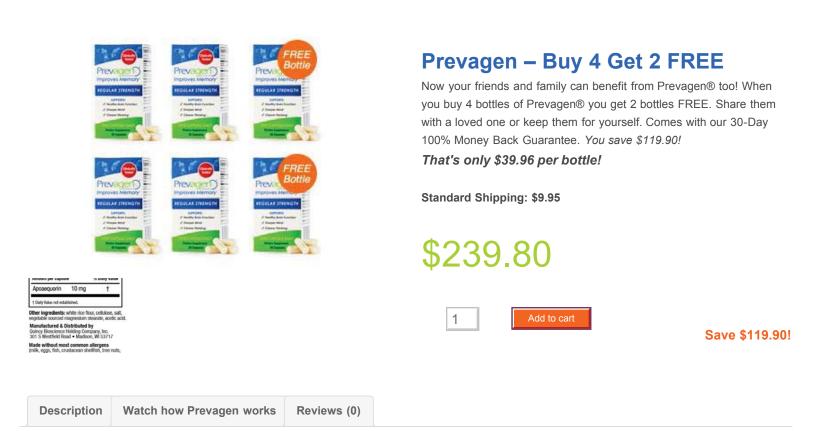


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### **Product Description**

Directions: For best results take 1 vegetarian capsule daily, in the morning, with or without food.

#### Most commonly reported benefits are:

- Overall improved mental clarity\*
- Clearer thinking\*
- Better concentration\*
- · Greater ability to focus\*

Safety and Tolerability: Prevagen contains no common allergen and is well-tolerated.

### Watch how Prevagen works

\$1551151151151151151151151151515151515

Brain Animation by Prevagen



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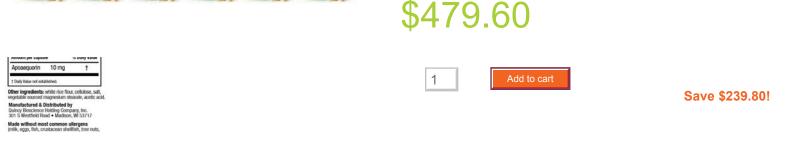


### Prevagen – Mega Memory Kit

Keep your brain cells healthy all year long with our best offer. When you purchase 8 bottles of Prevagen®, you receive 4 bottles FREE. That's a full year supply! *You save \$239.80!* 

That's only \$39.96 per bottle!

Standard Shipping: \$9.95



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### **Product Description**

**Directions:** For best results take 1 vegetarian capsule daily, in the morning, with or without food.

Most commonly reported benefits are:

- Overall improved mental clarity\*
- Clearer thinking\*
- Better concentration\*
- Greater ability to focus\*

Safety and Tolerability: Prevagen contains no common allergen and is well-tolerated.

### Watch how Prevagen works

Brain Animation by Prevagen



### Reviews

There are no reviews yet, would you like to submit yours?

### Be the first to review "Prevagen - Mega Memory Kit"

You must be logged in to post a comment.

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Standard Shipping: \$5.95

# \$44.95

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Save \$15 each month!



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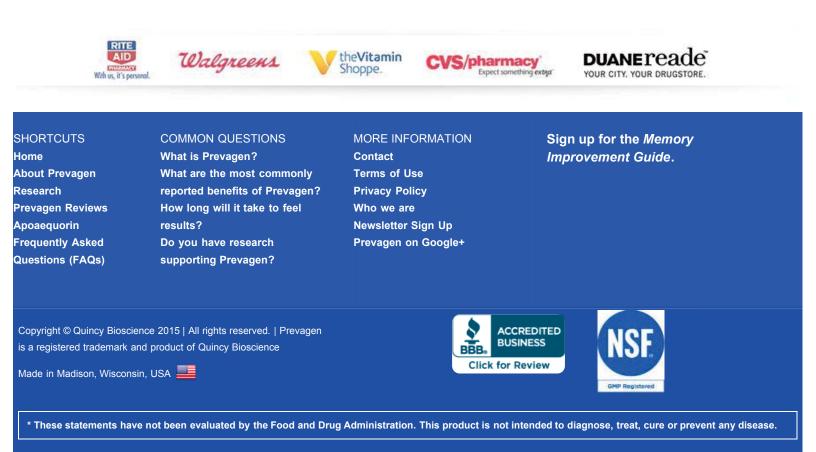
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\$59.95

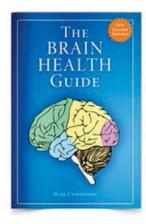
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### **Brain Health Guide**

The Brain Health Guide will help you learn more about memory fitness, the most up-to-date research, and the role calcium plays in the nervous system.

\$7.95

Description

### **Product Description**

The Brain Health Guide, your gold standard for brain health information, has received a major update.

The second edition is an inclusive source of brain health information, and now contains even more facts and tips that will assist you in reaching your health goals.

Brain Health Guide, 2nd edition includes:

- New clinical data
- Amazing testimonials
- Updated full-color graphs
- The science behind Prevagen
- History of Quincy Bioscience

In the new Brain Health Guide, you will receive information that is designed to help you lead a healthier life. The Brain Health Guide will help you learn more about memory fitness, the most up-to-date research, and the role calcium plays in the nervous system.

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Ŭ	and product of Quincy Bioscience	BBB <sub>8</sub>	
Made in Madison, Wiscon	sin, USA 💻	Chief to	

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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### Prevagen 20mg – A One Month Supply

Prevagen® Extra Strength contains 30 vegetarian capsules and comes with our 30-Day 100% Money Back Guarantee.

Standard Shipping: \$5.95

\$69.95



Description

Apoaequorin 20 mg

† Daily Value not est

+

ts: white rice flour, cellu d by 🚪

### **Product Description**

Prevagen® Extra Strength is twice the strength of regular Prevagen but not twice the cost. Prevagen Extra Strength was designed to support healthy brain function, sharper mind and clearer thinking.

We all begin to experience a change in our memory and cognitive abilities as we age. Typically this starts in our forties. Each of us is unique and this change is different for everyone. Normal age-related memory problems can be things like short and long term memory problems, to foggy thinking, and changing speed in how we process information.

### Prevagen Improves Memory.\*

We all begin to experience a change in our memory and cognitive abilities as we age. Typically this starts in our forties. Each of us is unique and this change is different for everyone. Normal age-related memory problems can be things like short and long term memory problems, to foggy thinking, and changing speed in how we process information.

#### Have you noticed any of these changes?

- Walking into a room and forgetting why?
- Problems remembering names and faces?

Prevagen 20mg - A One Month Supply - Prevagen

#### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 50 of 149

- Forgetting where you put things?
- Brain fatigue?
- A foggy feeling?

#### If so, watch this...



#### Jim got his memory back

"I initially heard about Prevagen from my neighbor. We happened to have a little card party that we get together occasionally. Some of the memory issues that I had were– like, did I take my pill? Have I set my alarm? Did I turn the water off, when I started the water to run in the sink? When I turned on the pot to boil water on the stove, do I remember it's there, or do I go off and watch television, or a computer?"



#### "I am able to remember stuff other people don't..."

It was about three weeks when the product began to work for me, and it's just getting better. I think it's important to optimally age, and there's no such thing as anti-aging. We're all going to age. So for me, this has been optimal because I remember stuff other people don't. It's wonderful.

### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 51 of 149 How does Prevagen work?

Prevagen was tested in a large double-blind, placebo-controlled study using computers to assess brain performance. 218 adults over 40 years old participated in the three month study. Prevagen significantly improved learning, short-term memory, and word recall.

### Prevagen is a safe way to improve your memory\*

Developed by university researchers and scientists in Madison, WI, Prevagen has clinically shown to improve memory, focus and recall. Prevagen is very safe and extremely well-tolerated. Prevagen has no harmful side effects and there are no known contraindications with any supplements or medications.

\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

#### You may also like...



## Prevagen 20mg – Three Month

### Supply

Three Month Supply is our most popular item. This is a three month supply and comes with our 30-Day 100% Money Back Guarantee. *You save \$30.00!* 

That's only \$59.96 per bottle!

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Appageurin 20 mg † Appageurin 20 mg † 1 baly value not estateted. Dther ingredients: white rice flour, cellulose, active scale coursed magnesium stearate, acetic acid. Manufactured & Distributed by Suncy Bioscience Holding Company, Inc. DI S Westfield Bad - Madicion WI 55777

Save \$69.95!

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### **Product Description**

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### **Reviews**

There are no reviews yet, would you like to submit yours?

#### Be the first to review "Prevagen 20mg - Three Month Supply"

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**Related Products** 



### Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 54 of 149 Prevagen 20mg – A One Month

### Supply

Prevagen® Extra Strength contains 30 vegetarian capsules and comes with our 30-Day 100% Money Back Guarantee.

Standard Shipping: \$5.95

\$69.95

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table Value Total Carbohydrate 1 g <1%<sup>-1</sup> Apoaequorin 10 mg † <sup>-1</sup> Prener Daly Values are based on a 200 cakre det. 1 Daly Value net entationed. **Other inprodence**. Sorbiol, mannibol, natural mixed berry flavor, stenicir acid, vegetable sourced mangenesis Bostrahut, engls of Baurdactured & Distributed by See

Description	Watch how Prevagen works Reviews
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### **Product Description**

Directions: For best results take 1 chewable tablet daily, in the morning, with or without food.

#### Most commonly reported benefits are:

- Overall improved mental clarity\*
- Clearer thinking\*
- Better concentration\*
- Greater ability to focus\*

Safety and Tolerability: Prevagen contains no common allergen and is well-tolerated.

### Watch how Prevagen works

Brain Animation by Prevagen

Exhibit C (44)



There are no reviews yet, would you like to submit yours?

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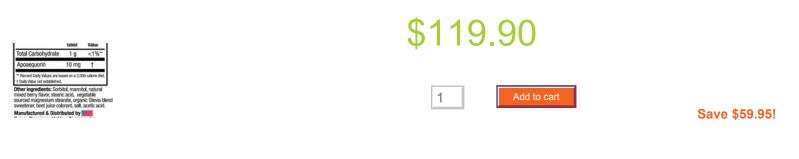


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- Better concentration\*
- Greater ability to focus\*

Safety and Tolerability: Prevagen contains no common allergen and is well-tolerated.

### Watch how Prevagen works

#### Brain Animation by Prevagen

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Reviews

There are no reviews yet, would you like to submit yours?

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# **EXHIBIT D**

# THE BRAIN HEALTH GUIDE

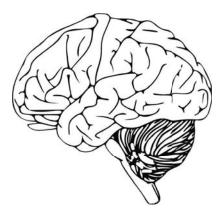
Mark Underwood

Exhibit D (1)

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# The BRAIN HEALTH Guide

FOURTH EDITION



Produced by Quincy Bioscience

PRVBHGE4V1

Exhibit D (2)

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The personal experiences related herein are from actual Prevagen<sup>®</sup> users and were received as a text, audio or video submission. They are not from employees, friends or any party where compensation was offered as an inducement for providing a personal experience with Prevagen<sup>®</sup>. The testimonials are displayed as received except for possible editing to correct grammar or spelling errors. Some may have been shortened if the original was lengthy or not appropriate for the general public.

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Exhibit D (4)

#### Foreword ~

Did you hear about the elderly woman who was pulled over for speeding? She explained to the young officer, "I had to hurry up before I forgot where I was going." Memory lapses like these can produce some amusing situations. We can laugh knowing that often "senior moments" are fairly harmless.

However, mild memory problems can also have consequences that negatively affect our lives.

The Brain Health Guide is a tool to help keep your brain as sharp as possible so that any memory lapses that do occur are the laughable kind.

Here's to good brain health!

### Prologue

Mark Underwood, Neuroscience Researcher, President and Co-Founder Quincy Bioscience

#### Exhibit D (6)

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The human brain is arguably the most fascinating part of the human body; in fact, the human being. It is the center of our experience during our short years on this planet and it is where you are you!

Thankfully, through all the years in which science has begun to unravel the mystery of the brain, we are beginning to have a far better idea of how the brain works than even 10 years ago. It was once taught in classrooms that the brain is an island, untouchable. We now have a clearer understanding of the tremendous impact our individual choices, positive or negative, can have on the function of our minds.

As we all know and recognize, there are countless new reports, articles, and other pronouncements about the latest theory or research breakthrough concerning our brain -- a constant cacophony of scientific facts laced with theories and opinions that are frankly bewildering to the average person.

Which path do I take? What should I do? We ask these questions, wishing only that we knew the way forward for ourselves and for our loved ones facing the frightening realities of a brain that is no longer working as it should, no longer working as we want it to.

It's been said the human brain, comprised of 100 billion neurons, is our final frontier to discover. Exploration and learning have been expanding at an accelerating pace. It is my hope that this guidebook can assist all who are seeking greater health from head to toe, by distilling much of the information that has been recently learned, to help make you a better you! 

### Chapter 1

#### America's State of Brain Health

"I am the wisest man alive, for I know one thing, and that is that I know nothing." -- Socrates

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There is good news and bad news when it comes to brain health. The good news is that people are living longer than any other time in history. Major nutritional and medical advancements have been made to help keep the body physically healthy. The bad news is we are seeing an unprecedented number of mild brain health issues affecting our families and our friends. When life spans were shorter, people simply were not living long enough to see the effects of natural brain aging that are common today. The problems with mild memory concerns in the United States are mainly due to the aging of our society. In the year 1900, the average life expectancy was 47 years. In the year 2012, life expectancy has risen to nearly 80 years. While this increase reflects positive improvements in health care, it has led to an increase in the wear and tear on our bodies, including our brains.

Scientists estimate we lose 85,000 brain cells per day; that is one per second, over 31 million brain cells every year! This leads not only to common occurrences like the misplacement of car keys and reading glasses, but difficulty



with management of our time and household tasks. A recent study by the Natural Marketing Institute ranked healthy mental function as the No. 1 health concern among those over 60 years old.

As we age, mild memory problems result in more than difficulty in remembering. They also lead to an inability to focus, pay attention or stay on task. With advancing age comes increasing stress that can affect the brain. The health of the brain is arguably the most important part of overall health because the brain controls all organ systems in the body.

Caring for the brain requires an understanding of its needs. The brain is a demanding organ. Despite comprising just two percent of the average adult body weight, the brain requires 20 percent of the body's energy and up to 25 percent of the heart's blood flow. In each of the 100 billion neurons in the **Exhibit D (9)** 

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brain are energy factories known as the mitochondria; the neuronal mitochondria turn glucose into chemical energy in the form of adenosine triphosphate (ATP). Feeding your brain the right nutrients becomes more important as we age.

#### Exhibit D (10)

### Chapter 9

### Jellyfish and the Nobel Prize... What's the Connection

"Old age is fifteen years older than I am." -- Oliver Wendell Holmes

**Exhibit D (11)**<sub>5</sub>

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In addition to nutrition and lifestyle changes to support your brain health the addition of key supplements can play a vital role in addressing specific functions in the brain. Here we will explain how the jellyfish and the Nobel Prize played a role in the discovery of a new tool that has researchers, physicians, and consumers excited about the prospects for better brain health in aging.

In 1961, a group of researchers from Princeton University

studied a specific species of jellyfish called *Aequorea victoria* to determine what caused them to glow. Led by Osamu Shimomura, Ph.D., they packed up their Plymouth station wagon and drove to Friday Harbor on San Juan Island near Seattle, Washington. A constant stream of glowing jellyfish floated by their laboratory each day.

They developed an extraction process and eventually obtained enough luminescent

fluid for study. The researchers discovered the cause of the glowing jellyfish was a specific protein.

Upon binding with calcium, this protein triggered a small amount of light. Initially, this was a great discovery of a novel aspect to this jellyfish species. Later, a technique to manufacture this protein without harvesting jellyfish was discovered, and a research purpose evolved from the jellyfish protein.

Researchers began using the protein in experiments. Under a microscope, they could track where calcium traveled in the body because of the glow that occurred when this protein bound to calcium -- a biological flashlight! This jellyfish protein allowed researchers to better understand the function of calcium in the body.

The pioneering discovery and the decades of research that followed led to a 2008 Nobel Prize in chemistry for Drs. Shimomura, Martin Chalfie, and Roger Y. Tsien.

Research conducted at the University of Wisconsin-Milwaukee 46 CRANTER 9 Exhibit D (12)

AEQUOREA VICTORIA



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in the early 2000s helped determine that the jellyfish protein, apoaequorin, could play a useful role in supporting brain performance in humans. This discovery resulted in the formation of Quincy Bioscience, a biotechnology company in Madison, Wis. that develops products and technologies based on apoaequorin to help support brain function in aging. The first product developed was Prevagen, a supplement that has demonstrated an ability to improve memory.\*

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# Chapter 10

WHAT IS PREVAGEN?

# "The years teach much which the days never knew." -- Ralph Waldo Emerson

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If you could help support the health of your brain, what kind of health impact would that have on the rest of your body?

How would thinking and decision-making abilities improve? Would the quality of your life improve also? Quincy Bioscience has seen first-hand how the daily use of Prevagen® has helped the lives of many people. (If you're eager to see how, jump ahead to Chapter 12.)



As we established earlier, when your brain is not functioning properly, everything in the body

can be affected, which in turn negatively affects your quality of life. In order to stay healthy, the brain has specific proteins which help support brain cell function. Like other physiological processes in normal aging, the brain's level of these proteins decreases as we grow older. In the progression of normal aging, signs of forgetfulness become more obvious in our 50s. What was once easy to recall, now takes a little longer to retrieve.

#### How often do these occur? You may want to ask a loved one to help you answer the questions!

1. Forget words you want to use in a conversation.

2. Set items down and then forget where you placed them.

3. Repeat tasks that you already completed previously.

4. Forget details of what you did or what happened to you yesterday.

5. Ask someone the same question twice or telling the same story.

## Prevagen may help you improve your memory.\*

## Breakthrough Brain Health Supplement\*

Prevagen is a safe and effective brain health supplement shown to improve memory.\* Prevagen supports brain function by using the protein apoaequorin to supplement the proteins that are diminished as we age.\* Supplementing with Prevagen

#### Case 1:17-cv-00124 Document 11 Document 11

has also shown to support the performance of the brain as demonstrated in cognitive testing. (More on this topic in the next chapter.)\*

More than ever, people are beginning to understand it's possible to support the health and function of your brain.\* The brain is not unlike other organs in the body, such as the heart, which is capable of improving its function even as you get older with good choices! Lifestyle adjustments such as daily 30-minute walks and diet changes like incorporating more fish (not fried!) into your week will make a difference.

Adding Prevagen to your brain health regimen promotes better brain function as you age.\* As time goes on, this reduction in naturally occurring proteins can gradually become more significant. Prevagen supplements these proteins that time takes away.\*

#### What is the Main Ingredient in Prevagen?

Prevagen contains only one main ingredient, apoaequorin. Other memory supplements contain vitamins,

minerals, and amino acids that can be obtained by eating a good diet.

Prevagen is the only supplement that contains the brain supporting power of apoaequorin.\*

Quincy Bioscience has been on the cutting edge of the research and the development of Prevagen for over 15 years. It has taken the



APOAEQUORIN MOLECULE

original research to its next logical level -- application. By supplementing our proteins with Prevagen, we may be able to support our brain function, as demonstrated in the research.\* The replenishment of these proteins supports healthy brain function, a sharper mind and clearer thinking.\*

#### Is Prevagen Safe?

Prevagen (apoaequorin) has been through extensive safety

Exhibit D (16)

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testing and passed with flying colors. Prevagen is safe and contains no common allergens.

As you know, apoaequorin is a protein that was originally discovered in jellyfish. The protein is now produced at our cGMP compliant and NSF certified facility in Wisconsin, which means strict procedures are followed to maintain the purity and potency of the protein when mixed in the final product.

Safety studies conducted on the toxicity and allergenicity of apoaequorin show that apoaequorin is safe. Following subchronic administration, in rats, the apoaequorin preparation did not result in any mortality. Researchers concluded,

"The administration of the apoaequorin preparation did not result in any mortality. There were no further clinical or opthalmological signs, body weight, body weight gain, food consumption, food efficiency, clinical pathology, or histopathological changes attributable to administration of apoaequorin."<sup>2</sup>

Dosing in the study was the equivalent of 4,000 times the recommended daily amount of Prevagen 10 mg and 2,000 times the recommended daily amount of Prevagen Extra Strength 20 mg. In addition, apoaequorin achieved self-affirmed GRAS status (generally recognized as safe) after an independent panel of expert scientists concluded that, "apoaequorin is safe for use in food products."

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Food and Chemical Toxicology. 2013 Jul;57:1-10

2. Marone, P.A., Bauter, M., Hofman-Hüther, H., and Moran, D. (2013).

Toxicologic Evaluation of the Calcium Binding Protein Apoaequorin. Poster presented at the Society of Toxicology Annual Meeting, San Antonio, Texas.

> Visit <u>www.freeonlinememorytest.com</u> to evaluate and track your memory.

# Chapter 11 The Latest Science

# "Wrinkles should merely indicate where smiles have been." -- Mark Twain

#### Case 1:17-cv-00124 Document 11 Document 11

Prevagen<sup>®</sup> was developed by scientists and University researchers in Madison, Wis. and has been put through rigorous scientific testing. In this chapter, a concise summary of this research will be discussed.

#### AGING AND PREVAGEN

It is clear when looking at the aging demographics in the United States that supporting brain cell function needs to be a top priority. Beginning Jan. 1, 2011, the oldest members of the baby boomer generation turned 65 years old. Since that day, and every day for the next 19 years, 10,000 baby boomers will celebrate their 65th birthday. Gray hair may look distinguished, but other consequences of aging may not be as appreciated, such as mild memory problems.\*

The supporting research behind Prevagen suggests that those who are experiencing the beginnings of normal age-related mild memory problems, as well as those who are not yet affected by memory lapses, can benefit from Prevagen.\*

#### PREVAGEN IMPROVES MEMORY\*

In 2010, Quincy Bioscience set out to build on the strong evidence that had been gathered on ability of apoaequorin

to improve memory.\* The Madison Memory Study was launched with an ambitious goal to recruit over 200 people into a computer-based trial. The participants were to have mild memory concerns but be undiagnosed with any type of memory disorder. Participants enrolled in the study were evaluated at various time points using a set of timed computer tasks.



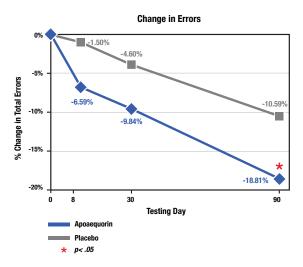
The goal of the Madison Memory Study was to measure Prevagen's ability to improve brain function using computer software in people experiencing normal age-related mild memory difficulties.\* Cogstate Ltd., the world's leading

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cognitive testing software company, provided the testing protocol, which is the specific plan for how the study was to be conducted. Computers were used in this setting to objectively measure changes in cognition.

Prevagen Reduces Errors\*



In 90 days, the Prevagen group significantly reduced the number of errors that were made compared to placebo in the Groton Maze. This task measures executive function, learning and memory.

The trial enrolled participants assigned to either Prevagen or placebo for ninety days. Neither the people in the study, nor the researchers, knew which capsule the participants were taking. This is known as a randomized, double-blind, placebocontrolled study -- the gold standard for measuring the effect of a compound.

A total of 218 adults ages 40 to 91 years, were tested at predetermined one-month time intervals and changes on specific assessments of cognitive function were measured at various time points during the study. The final results of the study were very encouraging. The data showed that people taking Prevagen had statistically significant improvement in several areas of memory compared to baseline and to placebo.\* The

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> > **Exhibit D** (21)<sub>55</sub>

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Prevagen group improved their scores in executive function, learning, memory, and word recall.\*

The Prevagen group improved their scores in executive function, learning, memory, and word recall.\*

#### Let's take a look at these areas of cognitive function more closely:

#### SHORT-TERM MEMORY

Quick question... What is on your mental to do list, right now? Can you recall each task? The simplest definition of short-term memory is the state of being currently aware of something and creating an action around it. Like making and holding in your mind a small handful of "to-dos." Or preparing a short list of prioritized tasks -- and remembering to refer to it as you work through your day. Short-term memory is used when meeting someone new, while reading a book, and during conversation.

A fleeting thing, short-term memories are information that exits quickly from your mind unless you make an attempt to keep it on file. If you repeat an action, you're storing (or restoring) it mentally, providing greater meaning and association.

Short-term memory was measured in the Madison Memory Study using the "One Card Learning Task," which measures a participant's ability to identify and compile information on short-term memory.

The One Card Learning task, sort of a sophisticated version of the childhood card game Concentration, observes and analyzes a subject's short-term memory skills. Participants taking Prevagen scored highest -- another indication it was supporting brain function. From making your way through that small list of daily responsibilities, to communicating effectively, short-term memory is a life-strengthener.

#### **EXECUTIVE FUNCTION**

Have you ever made a plan? You used your executive function,

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which loosely means your brain's ability to put an order to the things in your world. You use it to do things like setting goals and priorities, and identifying what to accomplish during our day.

Executive function is an extremely important function of the brain. Should it falter, tasks become more difficult. One of the tests in the Madison Memory Study is the Groton Maze Learning Test (GML), used to measure participants' executive function. Looking at a tile-like grid on a computer screen, subjects repeatedly learn to work their way through a "maze" that takes them from an identified start to a marked ending. Errors are expected, but if executive function is present, each time it's taken, mistakes are fewer. Participants taking Prevagen showed an almost double decrease in errors over a specific time than those on the placebo.

So if setting goals or prioritization is a problem for you, that's likely a normal problem associated with aging. Results from the Madison Memory Study suggest you try one capsule of Prevagen per day. Employing this regimen might then serve you better in situations such as making plans, formulating a todo list, and accomplishing your goals.

#### DELAYED RECALL

We exercise the function of delayed recall constantly. Have you ever thought of something you wanted to accomplish at a later point in time? Maybe you just read of a great vacation destination, and want to remember it next summer.

Simple as it sounds, the ability to recall is one of the basic and most important processes of memory. But the act of recollection can be a tough chore. One way to discover an individual's level of acuity in conjuring up the recent past is to test their cognitive function. Part of the Madison Memory Study does just that.

A critical part of the study is the Groton Maze Recall Test (GMR). It asks participants to reproduce the maze-like pathway



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(remember the tile grid?) they were introduced to during the earlier, learning task phase. Subjects taking Prevagen performed excellently – with a dramatic 29 percent reduction in errors over the 90-day study. Compare this to the placebo group which only showed a 4.4 percent improvement, and you have a compelling reason to take Prevagen!

Our almost constant need for being able to recall someone or something is what makes it so essential. If Prevagen aids in helping you zip through a maze of tiles on a computer screen, chances are it'll help in other ways too. You'll know the next time you try to think of the name of someone who figures in your thoughts. If it comes to you quickly, then everything's clicking.

#### A LIFE OF QUALITY

Have you ever heard something, and it made an impression on you? That is verbal learning. The act of remembering is primal. And the ability to summon information previously heard or seen is at our core. Being able to recall (and repeat) something that occurred earlier gives our lives greater meaning and purpose.

An example might be experiencing something someone said -- words from a colleague or an actor in a film. Those words -- anything from something profound and memorable to a joke, made an impression. You wanted to remember what you had just heard so you could relate it to others. Still another example might be hearing of a new book, and wanting to recall its title so you could later find out more. Both exhibit verbal learning, an essential brain activity that helps us retain information.

When the International Shopping Recall List Test was presented in the Madison Memory Study, a short shopping list was read aloud to subjects three times in succession with the participants given the chance to repeat what they could remember from the list after each time. Then the other tests were taken. When completed, testers asked each subject to recall verbally what

> \*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

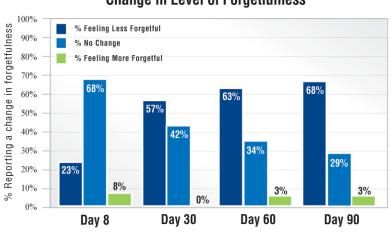
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was on the shopping list. The results were significant. Over the 90-day run of the study, subjects within a normal cognitive range and those with mild to moderate impairment fared well. Both groups had taken Prevagen during the three-month study period.

While little in this world is perfect, research, executed properly, uncovers ways that can improve the quality of our lives as we age. And being able to remember and repeat something verbally to others is an example of that quality.

In the Madison Memory Study, the Prevagen arm significantly improved all of the above mentioned areas. For more about the study, see the appendix.

In an earlier trial, the Prevagen Quality of Life Study tracked generally healthy participants over a 90-day period measuring changes in overall cognition, quality of sleep, energy, mood, and general health. Changes in performance were measured, through self-assessment, utilizing a standardized battery of questions. Prevagen was taken daily by 56 participants. The study showed a statistically significant improvement in memory



#### Change in Level of Forgetfulness\*

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Exhibit D (25)

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after 30 days. 57 percent of participants reported improvement in general memory, 51 percent in retaining information, 84 percent in remembering driving directions and 66 percent in word recall.\*

The combination of these trials has given Quincy Bioscience, as well as tens of thousands of satisfied consumers, the confidence to say Prevagen can support healthy brain function, sharper mind, and clearer thinking!\*

> Visit <u>www.freeonlinememorytest.com</u> to evaluate and track your memory.

# Chapter 12 What People Are Saying

"From birth to age 18, a girl needs good parents. From 18 to 35, she needs good looks. From 35 to 55, she needs a good personality. From 55 on, she needs good cash." -- Sophie Tucker

Exhibit D (27)

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Since the availability of Prevagen<sup>®</sup> in the fall of 2007, several hundred testimonials have been received from customers and physicians related to the benefits that people experience. Not all people have the same results in the same period of time. Here are a few of our most recent stories, in their own words...

#### FROM THE HEALTHCARE PROVIDERS:

**66** When people are experiencing the start of memory problems such as having difficulty remembering why they walked from one room to the next, I suggest they take Prevagen."

~ Henry Matick, M.D., Matick Neurology Clinic

**66** "Thanks to Prevagen my memory, and worries about those 'frightening' moments have fairly significantly improved, and have been telling all, both young and older, about Prevagen supplement ... the response has been very positive."

~ Thomas G. Morelli, M.D.

**66** "Prevagen is my first choice supplement. My patients say that Prevagen also helps them to think clearly and be more effective in their daily lives."

~ Sarah Amy Thorson, Licensed Acupuncturist

#### HE FEELS LIKE HIMSELF AGAIN

#### Jim

"I initially heard about Prevagen from my neighbor. We

happened to have a little card party that we get together occasionally. Some of the memory issues that I had were: Did I take my pill? Have I set my alarm? Did I turn the water off when I started the water to run in the sink? When I



Exhibit D (28)

Chapter 12

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turned on the pot to boil water on the stove, do I remember it's there, or do I go off and watch television, or a computer? Before I started taking Prevagen, I was concerned about my memory.

Prevagen has given me the ability to feel actually getting back to what I would consider normal for me. And that's very comforting for me. It relieves a lot of stress. Whether it works on everybody, I don't know, but I had such a positive experience from it that I would urge anybody to at least try it and see if it'll work for you, because it sure helped me."

#### She Recommends Prevagen

#### Ginny M.

"Because of family history I called and asked if they were

having some kind of a program that I would qualify for. With Prevagen I think I became sharper. And I think that with Prevagen my memory is better. When I take Prevagen I have a tendency to remember lists better. My recall is better. As far as where I have to go,



even if I have it on my calendar, I don't have to look at the calendar. The recall is much clearer.

I absolutely would recommend Prevagen to my friends, absolutely, especially if they're my age and older. I think I've seen improvement in myself since I started using it, and I would definitely recommend Prevagen to my friends and family. I would really encourage them to use Prevagen for three or four months, initially, and to keep going, because I think the longer you use it the more progress you see in your memory and your energy."



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#### She Has Better Memory

#### Sue B.

"I don't think you really know that you're forgetting things.

And we have a tendency to try to cover

it. Since I've been on Prevagen, I don't have that kind of problem with stuff anymore. In fact, everyone says to me, how do you remember that stuff? Are you a private detective or something? It really does work well. It was about



three weeks when the product began to work for me, and it's just getting better. I think it's important to optimally age, because there's no such thing as anti-aging. We're all going to age. So for me, this has been optimal because I remember stuff other people don't. It's wonderful."

#### HERE ARE A FEW MORE GREAT PREVAGEN STORIES. ENJOY!

"I got Prevagen originally for my mother and for myself. I started using the product, and I also saw excellent results with my mother. She had been having problems remembering little things. It was not severe, but it was just little day-today things that she would forget. Within two months, her memory vastly improved. She was remembering things that I couldn't remember. Her personality perked up. Prevagen does improve your memory. I didn't realize at the time I was having trouble recalling words, but things became easier to recall. There wasn't any effort there. I was able to do things quicker. I mean, as far as paying bills, reading books, I was picking up more information and being able to process it quicker."

#### ~ Donna F., Baton Rouge LA

"I started having problems and it really concerned me, so I figured Prevagen sounded like a good deal. So I tried it and I noticed an improvement within the first two weeks. I have noticed a marked improvement in my overall memory. I

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can recall facts that before I know I couldn't recall. They just come to the forefront in my brain. My memory has definitely improved. I can recall facts and names of people. I firmly believe Prevagen has made a difference in my life; without a shadow of a doubt."

#### ~ Herbert L., Great View WA

"I'm very handy, and I would try to do things around the house. I would measure the door opening, come back, measure my cut and go take it back and it would be wrong. My memory and concentration was terrible. I started taking the Prevagen and I would say within a week it turned my life completely around. My day now with taking Prevagen, I'm up at seven fifteen to seven thirty and I go all day. I have so much drive and my mind is so clear, it's incredible. I just can't say enough good stuff about Prevagen."

#### ~ William B., Union Bridge MD

"Remembering names is very important in my job. After I had taken Prevagen for two to three weeks, I started seeing a change, and I've been on it ever since. I find that my memory of names is much better than it was before. When I'm in conversations with customers on particular products that I sell, I find that I retain knowledge of the product better than what I had in the past. It has been a tremendous help with my product line and me.

Anybody that's contemplating taking Prevagen, I'd highly recommend the product, simply because I've seen the results with myself, my daughter, my wife and now my mom, which is the biggest testimony of all."

~ Michael B., Lafayette LA

Read more Prevagen comments submitted to us at <u>www.prevagenreview.com</u>

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Exhibit D (31)

# Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 93 of 149 BARBARA IS ABLE TO KEEP THINGS IN ORDER

"My name is Barbara and I'm 66 years old. Before I was taking Prevagen, I would just forget things, and now since I've been taking Prevagen I may have forgotten one or two small things in that span of time. I'm finding that I have better retention and better memory, and I'm able to put things in order and keep them in order. And being blind, that's very important.

I had my son here, he was unpacking a trunk that he was moving from one facility to the other and the trunk had been packed in the closet and locked for about two or three years. He said 'Mom, I'm going to open your trunk now and see what's there,' and I told him from left to right exactly what was in the trunk. He said, 'How did you remember that?' I said, 'Well, you know, I just know that kind of thing.' When you're blind you have to have a good memory to begin with because you can't see where something is, you have to remember where you put it. Now I'm finding that I have recall."

#### MARK IS ABLE TO REMEMBER BETTER

"My name is Mark M. I live in Raleigh, N.C., and I'm a computer operation analyst. The science of Prevagen sounded interesting. I certainly have noticed over the past few years that I've been less able to remember minor details from days ago and ever since I started using Prevagen, I can tell a huge difference in the amount of minor details of just remembering things and names and places from years ago."

#### COLLEEN CAN ADD NUMBERS QUICKER

"My name is Colleen Sue G. and I am 74 years old. My husband and I both take Prevagen. At our age, we just decided that we would try it and see what happened. I think the changes from taking Prevagen were subtle. My husband and I did not really notice changes until more recently, maybe in the last six months.

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I began to notice that I would remember where I put things. I would have memory recall easier and quicker. It just keeps getting better and more noticeable. My husband and I frequently play Yahtzee. You're adding a simple column of numbers, it's just simple math. I noticed that I was seeing combinations of numbers and being able to put them together and add them quicker. Even my husband noticed that I was adding my scores up quicker. It may seem a little thing, but it just kind of hit me. That is how much better it was."

#### JO P. WON'T GO WITHOUT PREVAGEN AGAIN

"My name is Jo P. and I'm a ministry assistant at a local church and I'm 62 years old. I live in Louisiana. I could definitely tell the difference. A lot of my short-term memory just seemed like it was starting to come back to me, simple little daily tasks, forgot my keys or whatever... Just thoroughly satisfied with the product.

The money crunch came, and your product was one of the ones that I had to let go and I won't do that again, because I had been off of it for like three or four months and all of the old ways came back and it's like, 'hmm, nope, not for me. I'll crunch someplace else.' I would encourage them wholeheartedly, you know, to at least give the product a try because it was so helpful in my life that I would love to pass it onto others."

#### TRUDY LIKES PREVAGEN BEST

"My name is Trudy and I live in Salt Lake City, Utah. I am 44 years old and I am the mother of three children. I thought I had heard that Prevagen promotes healthy brain function. I thought that it would be a great product to try to maybe help stimulate some of my forgetfulness. I would say that trying Prevagen is definitely, definitely worth it and just there are so many different products out there that you can try and I've tried so many of them that I think there's nothing to lose by trying Prevagen."



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#### LINDA AND HER MOM ARE REMEMBERING BETTER

"My name is Linda J. and my mother's name is Ginny T. We live in Dayton, Texas, she's been taking the Prevagen. She's 85 years old, lives in her own home, takes care of herself.

The Prevagen has helped her tremendously; we could see major, major differences as how bright and quick she was with her thinking. She's no longer in this fog that she was in; she's come out of that.

I also take it too. I mean, it's helping me. It's helping me keep my mind clear and straight. I can tell a lot of difference in my thinking and remembering things myself. But the main thing is my mom seems to be coming around to her old self and when I call her in the morning to check on her, and she is just bright and just in the world now instead of just not remembering anything that I ask her to do. She's just getting better and better and we're just so excited to see what this is going to do for her in the long-term."

> Read more Prevagen comments submitted to us at <u>www.prevagenreview.com</u>

# **E***PILOGUE*

Researchers Discover "A Gift From The Sea"

Mark Underwood, President and Co-Founder Quincy Bioscience

Exhibit D (35)

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One evening in the campus library back in the middle of the 1990's, I came across a very interesting article in a scientific publication. It stopped me in my tracks. It said that an Australian swimmer who had been stung by a jellyfish suddenly developed neurological symptoms. This really piqued my interest.

How could the jellyfish have this poison inside of it, without suffering from any effects? Could what was in the jellyfish help to support humans, specifically our brains, in the same way as the jellyfish? This sounded a lot like the snake and its venom – why doesn't the snake get killed by its own bite?

The brain and how it works became a topic of interest to me at a young age because I was forced to face what happens when the brain doesn't work. A family history of memory problems has led me to a lifelong study of the brain and how we can help to keep it working.

In college, as a student at the University of Wisconsin at Milwaukee, I focused my studies on neurochemistry and neuropsychology. What I found was really exciting. Extensive research on a rare species of jellyfish had been done. This jellyfish had amazing properties – a protein produced in its body gave the jellyfish its ability to glow in the dark.

This jellyfish protein is part of a class of proteins called calciumbinding proteins. We have plenty of these calcium-binding proteins in our bodies in our teens, 20s and 30s, but they begin to diminish in the human brain as we age. We can now supplement the decline of our naturally occurring proteins with the protein that was discovered in the jellyfish. It is amazing that the jellyfish, one of the simplest creatures on Earth, could help the health of most complex creature on Earth. Who would ever have imagined that such a powerful protein was locked inside of a jellyfish?!

Epilogue

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The uncovering of this potential has led to years of further study and research. Together with Mike Beaman, my business partner, we have developed a way for this unique jellyfish technology to be used for supporting the brain.\*

Our team has made our health, especially the health of our most important organ, the brain, our main focus.

I hope that people will find the connection between our brain health and these unique sea creatures that glow in the dark to be as fascinating as I do. My goal is to help as many people as we can through the further development of Prevagen, by educating people on brain health, and by providing the public with a supplement that has been shown to work and is safe and scientifically sound.

Today I live in Madison, Wis., with my beautiful wife and our two lovely daughters. I feel great knowing that this work could help many other families keep their memories and change their lives.

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# The BRAIN HEALTH Guide



#### What's inside The Brain Health Guide?

The brain controls everything you do, walking, talking, thinking, sleeping and of course your memory. This book is a resource to help guide you to better brain health. \*

#### About the author

Mark Underwood is a neuroscience researcher having co-authored several published papers in peer-reviewed scientific literature. Mark is also a co-founder and President of Quincy Bioscience, an Inc. 500 recognized fasted growing company which focuses on the discovery and development and of novel technologies to support cognitive function and other age-related health challenges.



We hope the information in this guide will help support healthy brain function, sharper mind and clearer thinking.\*

\*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

MSRP \$7.95

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UPC Barcode 894047001089

Exhibit D (38)

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# **EXHIBIT E-1**

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1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
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5		
6	MATTER NO.	1523206
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8		
9	TITLE	QUINCY BIOSCIENCES HOLDING COMPANY,
10	INC.	
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12		
13	DATE	RECORDED: DATE UNKNOWN
14		
15		TRANSCRIBED: MARCH 20, 2016
16		REVISED: JUNE 24, 2016
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18	PAGES	1 THROUGH 46
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24		THE BETTER MEMORY SHOW
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1	FEDERAL TRADE COMMISSIC	N
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1	FEDERAL TRAD	E COMMISSION
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4	Quincy Bioscience Holding	) Matter No. 1523206
5	Company, Inc.	)
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11	The following trans	cript was produced from a
12	digital recording provided to	For The Record, Inc. on
13	March 9, 2016.	
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1 PROCEEDINGS 2 3 THE BETTER MEMORY SHOW 4 ANNOUNCER: Only on GSN 5 ON SCREEN: GSN ON SCREEN: ANY CLAIMS OR REPRESENTATIONS MADE 6 7 IN THE FOLLOWING INFOMERCIAL PROGRAMMING ARE THE SOLE 8 RESPONSIBILITY OF, AND MADE SOLELY ON BEHALF OF, THE 9 ADVERTISER AND DO CONSTITUTE CLAIMS, REPRESENTATIONS OR 10 AN ENDORSEMENT OF THE PRODUCT BY GSN. 11 ON SCREEN: The program you are watching is a paid advertisement for Prevagen. 12 13 \*These statements have not been evaluated by 14 the Food and Drug Administration. This product is not 15 intended to diagnose, treat, cure or prevent any disease. 16 ANNOUNCER: You're watching the Better Memory 17 Show, hosted by Teri Barr with special quest, Mark Underwood. We will be discussing practical ways to 18 19 improve your memory and we will be giving you tips to 20 support your brain. 21 The program you are watching is a paid 22 advertisement for Prevagen. 23 The statements made in today's program have not 24 been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or 25

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1	prevent any disease.
2	(Music playing)
3	ON SCREEN: The Better Memory Show
4	Featuring Teri Barr
5	Television Investigative Journalist
6	With Special Guest
7	Mark Underwood
8	Neuroscientist, Author
9	Introducing a Health Breakthrough
10	Discovered Protein from a Jellyfish
11	Clearer Thinking
12	Multitasking
13	"It's just easier"
14	Awakening
15	Exciting
16	Motivating
17	The Better Memory Show
18	ON SCREEN: Teri Barr
19	Television Investigative Journalist
20	TERI BARR: Hello, I'm Teri Barr. I've been a
21	writer and television investigative journalist for more
22	than 20 years, reporting on stories that can dramatically
23	impact your health and well-being and the health of the
24	people in your life you love and care about.
25	Now, several years ago, I came across a story

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1 about a company doing some research on the brain, and I 2 wanted to share this with you. They discovered a protein 3 in jellyfish and they thought it might have the ability 4 to support your brain and improve your memory. 5 So, our special guest today is going to share 6 with us exactly how this gift from the sea holds the key 7 to improving normal age-related memory problems and so much more. I'm happy to have with us today Mark 8 9 Underwood. He is a neuroscientist. He is also an author 10 and has been featured in media all across the country 11 talking about this discovery. And he also has a very 12 special personal story to share. 13 Mark, thank you for joining us today. 14 ON SCREEN: Mark Underwood 15 President of Quincy Bioscience, Neuroscientist, 16 Author 17 MARK UNDERWOOD: Well, thank you, Teri. Memory 18 problems are a big issue. 19 TERI BARR: Right. 20 MARK UNDERWOOD: As the baby boomers continue 21 to age, we see more and more people that are struggling with day-to-day activities. They might become forgetful 22 23 and lose their car keys or their cell phone, but 24 certainly, you know, even some of us, well, we might walk into a room and forget where we're going --25

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1

TERI BARR: Mm-hmm.

2 MARK UNDERWOOD: -- or we're rummaging through 3 the refrigerator and we forget what we're up to. Our 4 research has shed some new light on how to improve these 5 mild memory issues and, hopefully, it will be helpful for 6 all those that are out there watching us today to learn 7 more about how the brain works, how it changes with the 8 aging process and, specifically, how we can use that 9 unique protein found in the jellyfish to help our brains, well, get a little better, help our memory improve, and 10 11 that's offering a lot of hope to people, those that have 12 already been using Prevagen for some time, to help them 13 with their day-to-day lives and make it a little bit 14 easier.

15 TERI BARR: And I don't want to make light of, you know, you saying people lose their keys, forget why 16 they're in a room. Is this a problem? Is it happening? 17 MARK UNDERWOOD: It is a big problem. I mean, 18 19 it can affect your family life, it can affect your work 20 life. All that started with a little change that happens inside of our brain as we age. So, we're going to 21 22 describe that and dig into that and talk about how we can 23 offer hope for people that don't want to be absent-24 minded.

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25
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TERI BARR: Mm-hmm.

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1 MARK UNDERWOOD: The people that want to have a 2 better, healthier brain and not being absent-minded and 3 forgetful. 4 TERI BARR: Well, you mentioned protein and 5 jellyfish. 6 MARK UNDERWOOD: Mm-hmm. 7 TERI BARR: How does that all work together? MARK UNDERWOOD: Well, the protein that we've 8 9 incorporated as the main ingredient in our product, 10 Prevagen, was originally discovered back in the 1960s. 11 And it has a unique ability to help the jellyfish nervous system work properly. And I came across some research 12 13 that led me to believe that that protein might help as we 14 age. 15 ON SCREEN: Garland Hall 16 University of Wisconsin - Milwaukee 17 MARK UNDERWOOD: And, so, I started in college in the 1990s working on this project to see if the 18 19 jellyfish protein could transition to be able to help people like you and I. I originally became interested 20 because of a curiosity I had about how healthy brains 21 22 work and because of my own family history. 23 So, I studied neurochemistry and studied how 24 the brain works and it really was a great blessing to come across this idea --25

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1
                 TERI BARR: Mm-hmm.
                MARK UNDERWOOD: -- to use this natural
 2
 3
      solution that's now safe, it's effective, and it's
      helping hundreds of thousands of people across the
 4
 5
      country improve their memory, get over their absent-
 6
      mindedness.
 7
                 TERI BARR: I want to ask you, I know there's a
 8
      Nobel Prize involved in this.
 9
                ON SCREEN: *Nobel Prize was not awarded to
      Quincy Bioscience.
10
11
                MARK UNDERWOOD: Mm-hmm.
12
                TERI BARR: Did that help support you in
13
      knowing this is real, this is --
14
                MARK UNDERWOOD: Well, there was a lot of
15
      research done on the protein for different
16
      applications --
17
                TERI BARR: Mm-hmm.
                MARK UNDERWOOD: -- and that's specifically
18
19
      what the group won the Nobel Prize in chemistry for in
20
      2008. It was able to be used as a scientific research
21
      tool.
22
                 TERI BARR: Now, you talk about research.
23
                MARK UNDERWOOD: Mm-hmm.
24
                 TERI BARR: Is there something you have to
      support how good this sounds to be?
25
```

## Case 1:17-cv-00124 Document 1-1 Filed 01/09/17 Page 110 of 149

1	MARK UNDERWOOD: Yes, safety research, making
2	sure that there's, of course, no problems or no safety
3	concern taking Prevagen.
4	TERI BARR: Right.
5	MARK UNDERWOOD: Secondly, university and
6	laboratory research of how the protein works. But, most
7	importantly, are the human clinical trials.
8	TERI BARR: Okay.
9	MARK UNDERWOOD: A large double blind,
10	placebo-controlled trial that we completed that showed
11	great efficacy for Prevagen, showing statistically
12	significant improvements in word recall, in executive
13	function, and also in short-term memory.
14	ON SCREEN: Word Recall
15	Executive Function
16	Short-term Memory
17	TERI BARR: Hmm.
18	MARK UNDERWOOD: And those are three things
19	that we'll detail a little bit more later.
20	TERI BARR: It sounds great. What about
21	feedback from real people actually trying this?
22	MARK UNDERWOOD: Well, that certainly
23	complements the research very well.
24	TERI BARR: Okay.
25	MARK UNDERWOOD: Because the people that take

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1 Prevagen, they're able to call back and give us feedback 2 and say, you know what, I feel sharper, I feel that my 3 thinking is more clear, I feel a little bit younger. And that's very, you know, subjective --4 5 TERI BARR: Mm-hmm. MARK UNDERWOOD: -- to how they're experiencing 6 7 and how it's working in their life, but it lines up very 8 nice with the objective clinical study results that we 9 have that show that Prevagen works. And it doesn't take a very long time. 10 11 ON SCREEN: In a clinical trial participants showed improvement in memory in 90 days. 12 13 Results published in peer reviewed journal in 14 July 2011. 15 MARK UNDERWOOD: In the clinical trial, we were 16 showing those benefits after the first month and those continued to improve after the second and third months. 17 18 TERI BARR: So, quickly, you feel research, the 19 real word from people --20 MARK UNDERWOOD: Mm-hmm. TERI BARR: -- using this, this indicates 21 22 you've got --23 MARK UNDERWOOD: That's right. 24 TERI BARR: -- something good to give people. MARK UNDERWOOD: Absolutely. And we're very 25

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1 blessed to be able to share what we've learned. 2 TERI BARR: Okav. 3 MARK UNDERWOOD: We think it's fantastic that right there in nature is something pretty simple --4 5 TERI BARR: Mm-hmm. 6 MARK UNDERWOOD: -- that can help make a big 7 change in our lives, solve a big problem that we have and really deal with something that, for a lot of us, can be 8 9 very embarrassing. 10 TERI BARR: Absolutely. Thank you, Mark. 11 We'll talk with you again in just a little bit. 12 ON SCREEN: Grab a pen and paper 13 TERI BARR: In the meantime, though, we're 14 going to invite people to grab a pen and a piece of paper 15 because we have some important information to share with 16 you. We'll share it throughout the show, but grab that 17 pen and paper, have it handy, and watch for this 18 important information. 19 ON SCREEN: In a clinical trial participants 20 showed improvement in memory in 90 days. 21 Kristine A. 22 Prevagen User 23 KRISTINE A.: When I first heard about 24 Prevagen, I was skeptical. I mean, there are -- so many products present so many claims, so, you know, you kind 25

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1 of take it with a grain of salt and I really wasn't sure 2 about the results that I would get. I was really 3 skeptical about it when I began. 4 ON SCREEN: In a clinical trial participants 5 showed improvement in memory in 90 days. 6 Sue B. 7 Memory Study Participant 8 SUE: Now, since I've been on Prevagen, I don't 9 have that kind of problem with stuff anymore. In fact, 10 everyone says to me, how do you remember that stuff? Are 11 you a private detective or something? It really does 12 work. 13 ON SCREEN: In a clinical trial participants 14 showed improvement in memory in 90 days. Kristine A. 15 16 Prevagen User 17 KRISTINE A.: I really started to notice that I 18 just am not as forgetful. I know where my keys are. 19 ANNOUNCER: Do you ever walk into a room and 20 forget what you're doing? Do you ever forget where you 21 put your glasses, your cell phone or car keys? If so, you might be struggling with mild memory problems 22 23 associated with aging. 24 ON SCREEN: Supports: 25 Healthy Brain Function

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1 Improve Memory ANNOUNCER: Today, we're talking about 2 3 Prevagen, a brain health supplement designed to support healthy brain function and improved memory. Supported by 4 5 a large clinical trial --6 ON SCREEN: Learning 7 Short-term Memory 8 Word Recall ANNOUNCER: -- Prevagen has been shown to 9 10 improve learning, short-term memory and word recall. 11 ON SCREEN: Safe Effective Easy to take 12 ONCE DAILY 13 ANNOUNCER: Prevagen is safe, effective and 14 easy to take. Just one capsule each morning. The only 15 supplement with the ingredient originally discovered in 16 jellyfish that is specifically designed to support brain 17 health and improve memory. 18 ON SCREEN: Support Brain Health and Improve 19 Memory 20 ANNOUNCER: Proteins decline in the natural 21 process of aging and Prevagen can supplement these vital 22 proteins to support a healthy brain and a sharper memory. 23 ON SCREEN: Buy 2 Bottles & Get 3rd FREE 24 Call Now 888-928-1928 Toll Free 25

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1	ANNOUNCER: Call now, toll-free and you'll
2	qualify to receive a free bottle of Prevagen when you buy
3	two. That's right, buy two bottles of Prevagen and get
4	the third bottle absolutely free. That's a three-month
5	supply of Prevagen available with this exclusive offer.
6	ON SCREEN: FREE Shipping & Processing
7	Third Edition
8	Latest Clinical Data
9	To Improve Your Memory
10	CALL NOW! 888-928-1928
11	Toll Free
12	ANNOUNCER: Call in the next ten minutes and
13	you'll receive free shipping and processing and a free
14	copy of the Brain Health Guide. This third edition of
15	the Brain Health Guide contains the latest clinical data
16	to improve your memory.
17	ON SCREEN: CALL TODAY!
18	FREE BOTTLE
19	*When You Buy 2 Bottles
20	Buy 2 Bottles & Get 3rd FREE
21	FREE Shipping & Processing!
22	CALL NOW! 888-928-1928
23	Toll Free
24	ANNOUNCER: If you call today, you will receive
25	a free bottle of Prevagen. Just buy two and get the

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1	third bottle free. That's right, buy two and get the
2	third bottle free and call within the next ten minutes
3	and get free shipping and processing and the free Brain
4	Health Guide.
5	ON SCREEN: \$150 VALUE
6	FREE
7	CALL NOW! 888-928-1928
8	TOLL FREE
9	ANNOUNCER: Also, if you call today, you will
10	receive a free membership to our online brain training
11	program personalized to help your memory. This program
12	will help exercise your brain with fun and challenging
13	memory games. You can even see how your scores compare
14	to others. This is normally a \$150 value, but is free
15	right now with your order.
16	ON SCREEN: FREE Shipping and Processing
17	ASK ABOUT OUR SENIOR DISCOUNT
18	CALL NOW! 888-928-1928
19	Toll Free
20	ANNOUNCER: Our polite and helpful operators
21	are standing by waiting to talk with you now.
22	Prevagen comes with a 30-day money back
23	guarantee. Call now and don't forget to ask about our
24	senior discount.
25	TERI BARR: If you're just joining us, we are

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1 talking today with author and neuroscientist, Mark 2 Underwood, about a breakthrough formula. 3 ON SCREEN: Mark Underwood President of Quincy Bioscience, Neuroscientist, 4 5 Author 6 TERI BARR: It's called Prevagen, and it comes 7 from a protein originally found in jellyfish. It's a 8 protein used to supplement our brains for optimal health. 9 ON SCREEN: Memory Declines with Age chart 10 TERI BARR: As a normal part of aging, we 11 experience mild problems with our memory, and that's what 12 we are concentrating on today. 13 MARK UNDERWOOD: The benefits are best 14 displayed of Prevagen in people's own words because 15 everyone needs to use their brain for different things. 16 TERI BARR: Right. 17 MARK UNDERWOOD: They might have a different job, they might be in school. Maybe they're taking care 18 19 of their home and -- you know, we're always shuttling our 20 kids around, soccer practice and things like that. I 21 think it's best to see it in people's own words. So, 22 we've got a little clip here to show. 23 ON SCREEN: In a clinical trial participants 24 showed improvement in memory in 90 days. 25 Mary M.

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1	Memory Study Participant
2	MARY M.: It's kind of an emotional thing and
3	you're embarrassed because you can't remember the
4	simplest things for just, you know, five minutes that you
5	plan to do or wanted to do. And to get that back is
6	it's just such a great feeling.
7	ON SCREEN: For more testimonials, go to
8	PrevagenReviews.com
9	TERI BARR: Mark, interesting to listen to what
10	she has to say.
11	MARK UNDERWOOD: Mm-hmm.
12	TERI BARR: But is that really the norm?
13	MARK UNDERWOOD: Well, everyone has a slightly
14	different way that Prevagen works for them in terms of
15	what they observe in their life. Sometimes people see
16	that their memory improves first.
17	TERI BARR: Mm-hmm.
18	MARK UNDERWOOD: Sometimes people notice it's a
19	little bit more like focus or attentiveness. You know,
20	if you're not focusing and you're not paying attention,
21	you're not going to have anything to remember.
22	TERI BARR: Right.
23	MARK UNDERWOOD: So, the brain really works in
24	concert. We see the support of the brain happening from
25	Prevagen in a very generalized way.

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1	TERI BARR: Okay.
2	MARK UNDERWOOD: It's getting a protein that's
3	vital for your brain to work back in its place. That's
4	really what it's doing.
5	ON SCREEN: In a clinical trial participants
6	showed improvement in memory in 90 days
7	MARK UNDERWOOD: And the benefits are, you
8	know, similar, but slightly different for everyone that
9	uses it. And some people, they see the benefit in two
10	weeks, and some people, it might be two months. It's
11	hard to say why that is. We're at different ages.
12	TERI BARR: Mm-hmm.
13	MARK UNDERWOOD: We have different levels of
14	health. But the key is that the majority of people see
15	the benefit of Prevagen very quickly.
16	TERI BARR: What are doctors saying? Are they
17	actually talking about Prevagen?
18	MARK UNDERWOOD: Well, they are. They see the
19	you know, the proof's in the pudding. They see their
20	clients come in and they've got a benefit and,
21	oftentimes, that means they go and recommend it to more
22	and more people with the same issue.
23	TERI BARR: And what about safety, other
24	supplements, other medications?
25	MARK UNDERWOOD: It's safe to take with other

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1	medications or supplements, but, overall, it's a very
2	safe compound. We've done extensive safety testing and
3	we've got hundreds of thousands of Prevagen users across
4	the country, so
5	TERI BARR: Is there anything else like this?
6	ON SCREEN: Call To Order
7	888-928-1928
8	MARK UNDERWOOD: Well, it's really unique.
9	TERI BARR: Mm-hmm.
10	MARK UNDERWOOD: It works different than other
11	supplements for the brain.
12	ON SCREEN: Proteins Decline with Age chart
13	MARK UNDERWOOD: We have plenty of this protein
14	in our teens and twenties and thirties, but it declines
15	after age 40, and that's why we see that occasional
16	memory loss.
17	ON SCREEN: Call Now To Order
18	888-928-1928
19	MARK UNDERWOOD: That's why we see that age-
20	related change that we can't quite put our finger on.
21	TERI BARR: Right.
22	MARK UNDERWOOD: But can be substantial for
23	people.
24	TERI BARR: Okay, thank you, Mark. And, again,
25	grab that pen and paper and you're going to get this

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1 important information. Jot it down. We'll be right 2 back. ON SCREEN: Sue H. 3 Prevagen User 4 SUE H.: When I first heard about Prevagen from 5 my neighbor, Jan, I hoped that it would help my middle-6 aged memory become a little clearer. At work, I 7 multitask all day long and I would find myself standing over somewhere wondering, why did I come back here. I 8 9 find that a lot less now. 10 Since I started taking Prevagen, I feel like 11 I'm able to stay on task without wavering off and doing 12 three different things, multitasking. I can stay on task 13 and finish my project and it's just easier. 14 We see probably 60 patients in our office a 15 day. The doctor asked several of us if we remembered 16 this certain patient and I was the only one that could come up with her name. They think I'm amazing. 17 Thev 18 just are amazed at my memory at work. 19 I would tell my friends and relatives that 20 Prevagen is great. I'd recommend it to all of them no matter what age just because of the benefits that I have 21

22 seen in my focus and memory.

ANNOUNCER: Do you ever walk into a room and forget what you're doing? Do you ever forget where you put your glasses, your cell phone or car keys? If so,

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1 you might be struggling with mild memory problems

2 associated with aging.

3	ON SCREEN: Supports:
4	Healthy Brain Function
5	Improve Memory
6	ANNOUNCER: Today, we're talking about
7	Prevagen, a brain health supplement designed to support
8	healthy brain function and improved memory. Supported by
9	a large clinical trial
10	ON SCREEN: Learning
11	Short-term Memory
12	Word Recall
13	ANNOUNCER: Prevagen has been shown to
14	improve learning, short-term memory and word recall.
15	ON SCREEN: Safe Effective Easy to take
16	ONCE DAILY
17	ANNOUNCER: Prevagen is safe, effective and
18	easy to take. Just one capsule each morning. The only
19	supplement with the ingredient originally discovered in
20	jellyfish that is specifically designed to support brain
21	health and improve memory.
22	ON SCREEN: Support Brain Health and Improve
23	Memory
24	ANNOUNCER: Proteins decline in the natural
25	process of aging and Prevagen can supplement these vital

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1	proteins to support a healthy brain and a sharper memory.
2	ON SCREEN: Buy 2 Bottles & Get 3rd FREE
3	Call Now 888-928-1928
4	Toll Free
5	ANNOUNCER: Call now, toll-free and you'll
6	qualify to receive a free bottle of Prevagen when you buy
7	two. That's right, buy two bottles of Prevagen and get
8	the third bottle absolutely free. That's a three-month
9	supply of Prevagen available with this exclusive offer.
10	ON SCREEN: FREE Shipping & Processing
11	Third Edition
12	Latest Clinical Data
13	To Improve Your Memory
14	CALL NOW! 888-928-1928
15	Toll Free
16	ANNOUNCER: Call in the next ten minutes and
17	you'll receive free shipping and processing and a free
18	copy of the Brain Health Guide. This third edition of
19	the Brain Health Guide contains the latest clinical data
20	to improve your memory.
21	ON SCREEN: CALL TODAY!
22	FREE BOTTLE
23	*When You Buy 2 Bottles
24	But 2 Bottles & Get 3rd FREE
25	FREE Shipping & Processing!

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1	CALL NOW! 888-928-1928
2	Toll Free
3	ANNOUNCER: If you call today, you will receive
4	a free bottle of Prevagen. Just buy two and get the
5	third bottle free. That's right, buy two and get the
6	third bottle free and call within the next ten minutes
7	and get free shipping and processing and the free Brain
8	Health Guide.
9	ON SCREEN: \$150 VALUE
10	FREE
11	CALL NOW! 888-928-1928
12	TOLL FREE
13	ANNOUNCER: Also, if you call today, you will
14	receive a free membership to our online brain training
15	program personalized to help your memory. This program
16	will help exercise your brain with fun and challenging
17	memory games. You can even see how your scores compare
18	to others. This is normally a \$150 value, but is free
19	right now with your order.
20	ON SCREEN: FREE Shipping and Processing
21	ASK ABOUT OUR SENIOR DISCOUNT
22	CALL NOW! 888-928-1928
23	Toll Free
24	ANNOUNCER: Our polite and helpful operators
25	are standing by waiting to talk with you now.

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```
1
                Prevagen comes with a 30-day money back
 2
      guarantee. Call now and don't forget to ask about our
 3
      senior discount.
 4
 5
                TERI BARR: Welcome back. I'm Teri Barr, along
      with Mark Underwood. We're talking about Prevagen.
 6
 7
                Mark, for those who have not been with us
 8
      throughout this program, please explain what is Prevagen,
 9
      where did it come from.
10
                ON SCREEN: Mark Underwood
11
                President of Quincy Bioscience, Neuroscientist,
12
      Author
13
                MARK UNDERWOOD: Well, Prevagen is a supplement
14
      that's specifically designed to help people that are
15
      concerned with age-related memory loss.
16
                TERI BARR: Mm-hmm.
17
                MARK UNDERWOOD: And there's a lot of us out
18
      there. We might lose our car keys or our cell phone, we
19
      might leave our kids at soccer practice. I mean, I can't
20
      tell you the embarrassment.
21
                TERI BARR: We can all relate to that.
22
                MARK UNDERWOOD: Yeah. There's a lot of things
23
      that can happen. The key for Prevagen is to help the
24
      brain be supported so that you're sharper and clearer --
      have more clear thinking.
25
```

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1
                TERI BARR: Mm-hmm.
 2
                MARK UNDERWOOD: It was originally -- the main
 3
      ingredient was originally discovered in a jellyfish about
      50 years ago.
 4
 5
                TERI BARR: Okay. Now, talking about the
      research, pretty substantial, not just five or ten people
 6
 7
      who took part.
 8
                ON SCREEN: Memory Clinical Trial
 9
                218 Participants
                Double Blinded
10
                Placebo Controlled
11
12
                90 Day Study
13
                MARK UNDERWOOD: Oh, no, our largest clinical
14
     trial had 218 participants.
15
                TERI BARR: Okay.
16
                MARK UNDERWOOD: And it's a double-blinded,
      placebo-controlled trial, which means they don't know
17
      what they're taking and we don't know what they're
18
19
      taking.
20
                TERI BARR: Mm-hmm.
21
                MARK UNDERWOOD: And they were in the trial for
22
      a course of 90 days.
23
                TERI BARR: Wow.
24
                MARK UNDERWOOD: And their cognitive function,
25
    their brain's abilities were measured with a computer
```

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device that allows to see if the questions were correct 1 2 or incorrect. It measures the timing of the response 3 down to the millisecond. 4 ON SCREEN: People on Prevagen 5 Better Word Recall 6 Better Short-term Memory 7 Executive Function 8 MARK UNDERWOOD: People on Prevagen had better 9 word recall. They had better short-term memory and they had better executive function. Your executive function 10 11 is how you think about complex ideas and how you solve 12 problems. You take a big problem, you break it up into 13 little parts and you sort of fold it back up together. 14 People that took Prevagen in this clinical 15 trial were able to do that much more successfully than 16 those that were on placebo. 17 ON SCREEN: Prevagen has been shown to improve 18 short-term memory. 19 MARK UNDERWOOD: Short-term memory, people were 20 able to remember things they had just been exposed to. You know how sometimes you lose your train of thought or 21 22 you lose your words when you're in a conversation --23 TERI BARR: Unfortunately, yes. 24 MARK UNDERWOOD: Improving that was 25 demonstrated in what we showed with short-term memory in

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that clinical trial. And, finally, the word recall 1 2 test --3 TERI BARR: Mm-hmm. 4 MARK UNDERWOOD: -- basically, it's a list of 5 grocery items. Can you remember more items that are on a 6 list? And that's a common task or list-related function 7 that we do every single day. 8 TERI BARR: Mm-hmm. 9 MARK UNDERWOOD: That was the biggest problem I had. My wife would call me near the end of the day --10 11 this is pre-Prevagen -- tell me what to get at the 12 grocery store. 13 TERI BARR: Mm-hmm. 14 MARK UNDERWOOD: I'd have to grab a note pad 15 and write it all down. Then I started taking Prevagen --16 this is years back for me -- and I could just listen and 17 remember and bring home the right stuff. 18 TERI BARR: Okay. MARK UNDERWOOD: So, for me, that was one of 19 20 the more convincing things to say, well, wow --21 ON SCREEN: Make life easier with Prevagen 22 MARK UNDERWOOD: -- that's really making a 23 difference. It makes life a little easier. And, of course, that translates into what you do for a living and 24 25 what you do with your social life or how fun you are at a

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1 dinner party. And I think that's important because we 2 want to stay sharp and clear and focused for all the fun 3 stuff in life. 4 TERI BARR: Mm-hmm. 5 MARK UNDERWOOD: And, of course, we have the drudgery of some things that we have to do and we have to 6 7 do well at. Prevagen gives us the confidence that we can 8 perform those things better, also. TERI BARR: Right, pretty important, yeah. 9 And, of course, to back up everything you're talking 10 11 about, you also brought in this big book of testimonials. 12 MARK UNDERWOOD: Right. 13 ON SCREEN: For more testimonials go to 14 PrevagenReviews.com 15 TERI BARR: Thousands of testimonials. Very 16 heavy. But we -- we took a look through and paged 17 through, and I actually found one I like and I can relate. So --18 19 MARK UNDERWOOD: Sure. 20 TERI BARR: -- I want to share this with you 21 and sort of get your reaction to it. It says, she's 73, 22 her husband's 77, and she goes on to say, we've been 23 taking Prevagen for many months and I'm thankful for it. 24 ON SCREEN: Call to Order 888-928-1928 25

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1	TERI BARR: My husband is a rancher and he is
2	thinking about, you know, being on the job, but his
3	thinking is getting sharper all the time and making
4	quicker decisions. Now, again, he's 77. So, it's like
5	he is functioning on a whole new level. He's just
6	clicking right along, she says.
7	MARK UNDERWOOD: Mm-hmm.
8	ON SCREEN: In a clinical trial participants
9	showed improvement in memory in 90 days
10	Buy 2 Get 3rd FREE
11	TERI BARR: Prevagen is making his thoughts
12	quick and they don't feel so far apart. And I appreciate
13	the product is how she ends it. This is from Kay in
14	Oklahoma. How do you feel when you hear that?
15	MARK UNDERWOOD: I think it's great because you
16	see a lovely lady that sees the improvement in her
17	husband.
18	TERI BARR: Right.
19	MARK UNDERWOOD: And that's the greatest thing
20	about Prevagen is the impact it makes on families.
21	ON SCREEN: Call to Order
22	888-928-1928
23	MARK UNDERWOOD: And the fact that you can see
24	a change in someone else that you know, she probably
25	knows what he used to be like

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1 TERI BARR: Yeah. 2 MARK UNDERWOOD: -- before Prevagen. 3 TERI BARR: Mm-hmm. 4 MARK UNDERWOOD: And she's real thankful to see 5 the changes. And in the context of everyone's life, they 6 have a different story of what Prevagen has meant to 7 their family, and that's the most interesting thing to me 8 about what Prevagen's doing for people. 9 TERI BARR: Why would you say anyone should try it? 10 11 MARK UNDERWOOD: Everyone's got a different 12 reason. 13 ON SCREEN: Did you know you can also try 14 Prevagen Extra Strength? 15 MARK UNDERWOOD: So, the motivation to be 16 better is now possible with Prevagen --17 TERI BARR: Mm-hmm. 18 MARK UNDERWOOD: -- because really before there 19 wasn't much hope that was out there in terms of 20 addressing these memory issues. You'd just sort of say, well, I used to be able to do that. 21 22 TERI BARR: Right. 23 MARK UNDERWOOD: Well, now with Prevagen, you 24 are able to do that. 25 TERI BARR: Right. And why should we have to

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1 feel like, oh, this is normal and okay. 2 MARK UNDERWOOD: That's exactly right. 3 TERI BARR: Okay, Mark, thank you very much. 4 We'll be right back. 5 ON SCREEN: Angelo A. 6 Prevagen User 7 ANGELO A: Prevagen is awakening, exciting, 8 motivating. One of the best things I've ever taken in my 9 life. 10 ON SCREEN: Jim P. 11 Memory Study Participant 12 JIM P: Whether it works on everybody, I don't 13 know, but it -- I had such a positive experience from it, 14 that I would urge anybody to at least try it and see if 15 it will work for you because it sure helped me. 16 ANNOUNCER: Do you ever walk into a room and 17 forget what you're doing? Do you ever forget where you 18 put your glasses, your cell phone or car keys? If so, 19 you might be struggling with mild memory problems 20 associated with aging. 21 ON SCREEN: Supports: 22 Healthy Brain Function 23 Improve Memory 24 ANNOUNCER: Today, we're talking about Prevagen, a brain health supplement designed to support 25

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1 healthy brain function and improved memory. Supported by 2 a large clinical trial --3 ON SCREEN: Learning 4 Short-term Memory 5 Word Recall ANNOUNCER: -- Prevagen has been shown to 6 7 improve learning, short-term memory and word recall. 8 ON SCREEN: Safe Effective Easy to take 9 ONCE DAILY 10 ANNOUNCER: Prevagen is safe, effective and 11 easy to take. Just one capsule each morning. The only 12 supplement with the ingredient originally discovered in 13 jellyfish that is specifically designed to support brain 14 health and improve memory. 15 ON SCREEN: Support Brain Health and Improve 16 Memory 17 ANNOUNCER: Proteins decline in the natural 18 process of aging and Prevagen can supplement these vital 19 proteins to support a healthy brain and a sharper memory. 20 ON SCREEN: Buy 2 Bottles & Get 3rd FREE 21 Call Now 888-928-1928 22 Toll Free 23 ANNOUNCER: Call now, toll-free and you'll 24 qualify to receive a free bottle of Prevagen when you buy two. That's right, buy two bottles of Prevagen and get 25

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1	the third bottle absolutely free. That's a three-month
2	supply of Prevagen available with this exclusive offer.
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23	third bottle free. That's right, buy two and get the
24	third bottle free and call within the next ten minutes
25	and get free shipping and processing and the free Brain

1 Health Guide. 2 ON SCREEN: \$150 VALUE 3 FREE CALL NOW! 888-928-1928 4 5 TOLL FREE 6 ANNOUNCER: Also, if you call today, you will 7 receive a free membership to our online brain training 8 program personalized to help your memory. This program 9 will help exercise your brain with fun and challenging memory games. You can even see how your scores compare 10 11 to others. This is normally a \$150 value, but is free 12 right now with your order. 13 ON SCREEN: FREE Shipping and Processing 14 ASK ABOUT OUR SENIOR DISCOUNT CALL NOW! 888-928-1928 15 16 Toll Free 17 ANNOUNCER: Our polite and helpful operators 18 are standing by waiting to talk with you now. 19 Prevagen comes with a 30-day money back 20 guarantee. Call now and don't forget to ask about our 21 senior discount. 22 ON SCREEN: Teri Barr 23 Television Investigative Journalist 24 TERI BARR: Welcome back. As I said earlier in 25 this show, I met Mark through a story that we were

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1	considering doing. And once we looked into Prevagen, we
2	did decide to do it as a news story.
3	MARK UNDERWOOD: Mm-hmm.
4	TERI BARR: But I have to tell you, Mark, at
5	the beginning, I was pretty skeptical. How did you get
6	me past that?
7	MARK UNDERWOOD: Well, I mean, I remember you
8	came up to our first offices
9	TERI BARR: Yeah.
10	MARK UNDERWOOD: and you also looked a
11	little bit around the lab and got to meet people. And I
12	think I think basically as you sort of saw more about
13	what we were doing, you were like, this sort of makes
14	sense, you know.
15	TERI BARR: Mm-hmm.
16	MARK UNDERWOOD: And maybe you're better to
17	answer that question than myself. What why did you
18	start thinking this was unique?
19	TERI BARR: I think we're all hopeful.
20	MARK UNDERWOOD: Mm-hmm.
21	TERI BARR: So, that idea that you can support
22	your brain's health, I think, was very interesting to me.
23	Plus I had not heard about something being done
24	MARK UNDERWOOD: Right.
25	TERI BARR: like this before.

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1 MARK UNDERWOOD: What was neat is there's been 2 a lot of interest in this protein for different 3 applications --4 TERI BARR: Mm-hmm. 5 MARK UNDERWOOD: -- and we've been able to 6 explore it to see how it works as a health supplement. I 7 believe when you visited us, I don't believe Prevagen 8 existed yet. 9 TERI BARR: No, the name was not --MARK UNDERWOOD: That's right. You met us back 10 11 when we were just in the research and development side of 12 things. 13 TERI BARR: Yes. 14 MARK UNDERWOOD: And I think for so many 15 products that are out there, they don't have a lot of R&D 16 that goes into their development. 17 TERI BARR: Mm-hmm. 18 MARK UNDERWOOD: But we've done a lot of 19 extensive safety testing, we've done testing that shows 20 that it's non-allergenic, we've done testing to show that, of course, this works in certain animal models to 21 22 provide benefits. 23 TERI BARR: Mm-hmm. 24 MARK UNDERWOOD: And we've shown in human clinical trials that it makes a difference in memory. 25

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```
1
                TERI BARR: Right.
 2
                MARK UNDERWOOD: And those results are
 3
      confirmed in our clinical studies with the statistics
      that have been run on this data set that we've collected.
 4
 5
      We've been able to present this at an international
 6
      conference --
 7
                TERI BARR: Yeah.
 8
                MARK UNDERWOOD: -- and it's been published.
 9
      And, so, it's out there for the world to see. Most
10
      people that are experts in the field of brain health look
11
      at the results and they're pretty impressed, because
12
      compared to other compounds that are out there --
13
                ON SCREEN: Call to Order
14
                888-928-1928
15
                MARK UNDERWOOD: -- and there's so many, this
16
      one has shown the most promise to really help address
17
      memory issues. But the benefits are there and the safety
18
      is there. So, you have really nothing to lose or risk in
19
      trying it.
20
                TERI BARR: Mm-hmm. I think what also really
      got my interest was when you shared your personal story.
21
                MARK UNDERWOOD: Well, I mean, it's a real
22
23
      story. I became interested in neurochemistry in college,
      partly because I was curious about how a healthy brain
24
      works and partly because of my own family history. And
25
```

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1	what I learned is that inside the brain, these proteins
2	are really important to help support your brain health.
3	I sort of think of the brain like a light bulb.
4	Prevagen helps to support your brain by supplementing a
5	protein that's very important for memory. It really
6	lights up when you turn it on. And if you think of
7	Prevagen like electricity in this analogy, you can
8	improve memory by supplementing the protein.
9	It's been a long path, a long journey to get
10	from the beginning to where we are today. But, now, with
11	Prevagen, it's the most popular
12	ON SCREEN: Prevagen is the
13	#1 Brain Health Support Supplement
14	in America
15	Available at:
16	CVS pharmacy RITE AID Walgreens
17	theVitamin Shoppe
18	According to A.C. Nielsen Data For 52 Week
19	Period Ending 12/22/12
20	MARK UNDERWOOD: selling brain health
21	supplement in pharmacies. It's now been tested through
22	clinical trials and it's safe. We're very excited that
23	that means a difference for people's individual lives.
24	TERI BARR: Yes, and you must be pleased and
25	also a little proud.

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1 MARK UNDERWOOD: Well, we've been very blessed 2 to have this opportunity. 3 TERI BARR: Yeah. 4 MARK UNDERWOOD: And the things that we've 5 learned in our company, we've got great researchers and 6 scientists and a great team that's helped pull this all 7 together to help other people, and that's really our 8 goal, is to help serve their health needs to whatever 9 level we can. We have a complete money-back guarantee 10 on --11 TERI BARR: Mm-hmm. 12 MARK UNDERWOOD: -- Prevagen. And we want to 13 be able to make as much impact on people's lives as 14 possible. 15 TERI BARR: Very good. Thank you, Mark, for 16 sharing that. We'll be right back. 17 ON SCREEN: In a clinical trial participants 18 showed improvement in memory in 90 days 19 Neon R. 20 Memory Study Participant NEON R.: You know, one of the things that's 21 22 very embarrassing to me and stressful is not being able 23 to remember people's names or what happened or what did we do the other day or whatever. So, the good thing 24 about Prevagen is that now I'm actually able to remember 25

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1	people's names. So, for example, when I'm in the
2	kitchen, then I'm able to say I'm doing a recipe, I
3	can remember what I put in last, so I don't put twice as
4	much or not any of a particular ingredient. So, it's
5	that sort of it's the little everyday things that I
6	think are really helpful.
7	ON SCREEN: *In a clinical trial participants
8	showed improvement in memory in 90 days
9	Sue B.
10	Memory Study Participant
11	SUE B.: It was about three weeks when the
12	product began to work for me. And it's just getting
13	better. It's just getting better.
14	I think it's important to optimally age, and
15	there's no such thing as anti-aging. We're all going to
16	age. So, for me, this has been optimum because I
17	remember stuff other people don't. It's wonderful.
18	ON SCREEN: Kristine A.
19	Prevagen User
20	KRISTINE A: I would spend so much time looking
21	for things like that. And, again, I just would assume
22	that that was just a part of aging, that that was just
23	something I'd have to accept, okay, I'm forgetting where
24	things are occasionally or I go into a room and I'm
25	wondering, you know, why am I here. But I find that

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1 that's not happening to me now.

2	ANNOUNCER: Do you ever walk into a room and
3	forget what you're doing? Do you ever forget where you
4	put your glasses, your cell phone or car keys? If so,
5	you might be struggling with mild memory problems
6	associated with aging.
7	ON SCREEN: Supports:
8	Healthy Brain Function
9	Improve Memory
10	ANNOUNCER: Today, we're talking about
11	Prevagen, a brain health supplement designed to support
12	healthy brain function and improved memory. Supported by
13	a large clinical trial
14	ON SCREEN: Learning
15	Short-term Memory
16	Word Recall
17	ANNOUNCER: Prevagen has been shown to
18	improve learning, short-term memory and word recall.
19	ON SCREEN: Safe Effective Easy to take
20	ONCE DAILY
21	ANNOUNCER: Prevagen is safe, effective and
22	easy to take. Just one capsule each morning. The only
23	supplement with the ingredient originally discovered in
24	jellyfish that is specifically designed to support brain
25	health and improve memory.

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1 ON SCREEN: Support Brain Health and Improve 2 Memorv 3 ANNOUNCER: Proteins decline in the natural 4 process of aging and Prevagen can supplement these vital 5 proteins to support a healthy brain and a sharper memory. 6 ON SCREEN: Buy 2 Bottles & Get 3rd FREE 7 Call Now 888-928-1928 8 Toll Free 9 ANNOUNCER: Call now, toll-free and you'll qualify to receive a free bottle of Prevagen when you buy 10 11 two. That's right, buy two bottles of Prevagen and get 12 the third bottle absolutely free. That's a three-month 13 supply of Prevagen available with this exclusive offer. 14 ON SCREEN: FREE Shipping & Processing 15 Third Edition 16 Latest Clinical Data 17 To Improve Your Memory 18 CALL NOW! 888-928-1928 19 Toll Free 20 ANNOUNCER: Call in the next ten minutes and you'll receive free shipping and processing and a free 21 copy of the Brain Health Guide. This third edition of 22 23 the Brain Health Guide contains the latest clinical data 24 to improve your memory. 25 ON SCREEN: CALL TODAY!

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1 FREE BOTTLE 2 \*When You Buy 2 Bottles 3 Buy 2 Bottles & Get 3rd FREE 4 FREE Shipping & Processing! 5 CALL NOW! 888-928-1928 Toll Free 6 7 ANNOUNCER: If you call today, you will receive 8 a free bottle of Prevagen. Just buy two and get the 9 third bottle free. That's right, buy two and get the 10 third bottle free and call within the next ten minutes 11 and get free shipping and processing and the free Brain Health Guide. 12 13 ON SCREEN: \$150 VALUE 14 FREE 15 CALL NOW! 888-928-1928 16 TOLL FREE 17 ANNOUNCER: Also, if you call today, you will 18 receive a free membership to our online brain training 19 program personalized to help your memory. This program 20 will help exercise your brain with fun and challenging 21 memory games. You can even see how your scores compare 22 to others. This is normally a \$150 value, but is free 23 right now with your order. 24 ON SCREEN: FREE Shipping and Processing 25 ASK ABOUT OUR SENIOR DISCOUNT

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1	CALL NOW! 888-928-1928
2	Toll Free
3	ANNOUNCER: Our polite and helpful operators
4	are standing by waiting to talk with you now.
5	Prevagen comes with a 30-day money back
6	guarantee. Call now and don't forget to ask about our
7	senior discount.
8	ON SCREEN: The program you are watching is a
9	paid advertisement for Prevagen.
10	*These statements have not been evaluated by
11	the Food and Drug Administration. This product is not
12	intended to diagnose, treat, cure or prevent any disease.
13	ANNOUNCER: You've been watching the Better
14	Memory Show. The program you've watched is a paid
15	advertisement for Prevagen.
16	The statements made in today's program have not
17	been evaluated by the Food and Drug Administration. This
18	product is not intended to diagnose, treat, cure or
19	prevent any disease.
20	(The recording was concluded.)
21	
22	
23	
24	
25	

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1	CERTIFICATION OF TYPIST
2	MATTER NUMBER: 1523206
3	CASE TITLE: QUINCY BIOSCIENCE HOLDING COMPANY, INC.
4	TAPING DATE: DATE UNKNOWN
5	TRANSCRIPTION DATE: MARCH 20, 2016
6	REVISION DATE: JUNE 24, 2016
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: JUNE 24, 2016
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	SARA J. VANCE

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# **EXHIBIT E-2**

## (Video exhibit submitted separately)

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## **EXHIBIT** F

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