Comment:

The 12 months was to provide a safe harbor for companies and auditors and an acknowledgement of the lack of a crystal ball. The 12 months did not limit the view of future events, only provided a minimum parameter of required proof.

Under this new definition all start-up biotech companies will be "subject to a going concern" as all will be dependent of future clinical and subsequent financing success – none of which can be quantified, probability accurately determined or audited.

The issue of the future is already covered by the "Risk Factors" "M D & A" and other disclosure requirements of the SEC as well as contingent liability and fair value accounting literature.

Going concern is intent with a reasonable period - 12 months of time - of financial viability, to allow the planned, unknown and uncertain to have the ability to occur. It was not intended as a far reaching evaluation of the business model of the Company but rather a immediate recognition of a lack of the ability to survive long enough for alternative strategies to present themselves.

Les Taeger