

Complaint

IN THE MATTER OF

**CARROT NEUROTECHNOLOGY, INC.,
ADAM GOLDBERG,
AND
AARON SEITZ**

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket No. C-4567; File No. 142 3132

Complaint, February 22, 2016 – Decision, February 22, 2016

This consent order addresses Carrot Neurotechnology, Inc.’s advertising for the Ulimeyes software application. The complaint alleges that the respondents violated Sections 5(a) and 12 of the Federal Trade Commission Act by representing that Ulimeyes substantially improves users’ vision. The consent order prohibits any representation about the health benefits, performance, efficacy, safety, or side effects of any product or service, unless it is non-misleading and supported by competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

Participants

For the *Commission*: Edward Glennon and Karen Mandel.

For the *Respondents*: James Kaminski and Stuart Sorkin,
Hughes Bentzen, PLLC.

COMPLAINT

The Federal Trade Commission, having reason to believe that Carrot Neurotechnology, Inc., a corporation, and Adam Goldberg and Aaron Seitz, individually and as owners and officers of the corporation (collectively, “Respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Carrot Neurotechnology, Inc. (“Carrot”) is a California corporation with its principal office or place of

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business at 3995 Prado De Las Frutas, Calabasas, California, 91302.

2. Respondent Adam Goldberg is an owner and officer of Carrot. Individually or in concert with others, he controlled, had the authority to control, or participated in the acts and practices of Carrot, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of Carrot.

3. Respondent Aaron Seitz is an owner and officer of Carrot. Individually or in concert with others, he controlled, had the authority to control, or participated in the acts and practices of Carrot, including the acts and practices alleged in this complaint. His principal office or place of business with regard to the acts and practices alleged in this complaint is the same as that of Carrot.

4. Respondents have advertised, labeled, offered for sale, sold, and distributed the Utimeyes software application to consumers. Utimeyes is for use on mobile devices running the iOS or Android operating systems and computers running the Mac or Windows operating systems. According to its website, www.ultimeyesvision.com, Utimeyes is “scientifically shown to improve vision.”

5. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

6. Utimeyes is a “device” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

7. First sold in 2012, Utimeyes is available for purchase and download over the Internet through the Utimeyes website and third party app stores such as the Apple App Store, Google Play Store, and Amazon Appstore. The retail cost of Utimeyes has ranged between \$5.99 and \$9.99. U.S. sales of Utimeyes from January 2012 through June 2015 totaled more than \$350,000.

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8. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for Utimeyes, including but not necessarily limited to the attached Exhibits A through I. These materials contain the following statements and depictions, among others:

a. Exhibit A, screen excerpts from Utimeyes website (March 12, 2014) and Exhibit A-1, full list of “Featured Links” extracted from Utimeyes website (March 13, 2014)

Turn Back The Clock On Your Vision

Reverse the effects of aging eyes. Why rely on reading glasses...and a flashlight to read restaurant menus when you don't have to. ULTIMEYES® delivers sharper vision without glasses and dramatically improves the ability to see in dim light.

Achieve Peak Athletic Performance

Improve on-field, on-court and on-track performance with ULTIMEYES®. Check out the articles below and find out what ULTIMEYES® is and what it is did for the UC Riverside baseball team.

ULTIMEYES® is an affordable, natural and simple-to-use interactive game scientifically designed to improve vision.

[. . .]

Featured Links [The website made the following and other representations in the form of hyperlinks to press releases and other media articles, most of which also quoted the individual Respondents.]

- Better baseball batting through brain science
- Apparently, Your Tablet Can Give You Super-Vision
- Better Batters Result from Brain-training Research
[. . .]
- Learning to see better in life and baseball [. . .]
- How To Improve Your Eyesight By Exercising The Brain With ‘Perceptual Learning’

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- Training Gives Baseball Players Superhuman Vision
- Study Reports Brain can be Trained to See Better [. . .]
- Screen time improves eye sight: study [. . .]
- High Tech Training Improves Vision [. . .]
- This App Trains You to See Farther [. . .]
- Using an iPad ‘boosts vision’: Half an hour a day can improve sight by up to a third [. . .]
- ULTIMEYES, an app that trains your brain and improves vision [. . .]
- The iPad Can Improve Eyesight [. . .]
- This Simple App Can Train Your Brain to Have 20/7.5 Vision [. . .]
- See Like a Big-League Slugger
- University of California Reports Findings That ULTIMEYES® Produces Better Vision and Real World Benefits – Published in Current Biology [. . .]
- UltimEyes iPad App Improves Your Vision by Training Your Brain
- Reverse the effects of aging eyes! ULTIMEYES® [. . .]
- Want To Improve Your Vision? 25 Minutes on this App Will Improve Your Vision By 31%
- A neuroscientist has just developed an app that, after repeated use, makes you see farther. Absolutely astonishing and 100% real. [. . .]

b. Exhibit B, screen excerpts from the Ultimeyes website (July 31, 2014) (Exhibit C, screen excerpts from the Ultimeyes website (Oct. 21, 2014), contains similar representations)

ULTIMEYES®

A simple-to-use interactive game scientifically shown to improve vision.

[Text appears with a depiction of 3 athletes and 3 executives looking at a series of 3 eye charts, the first blurry, the second more clear, and the third in focus.]

[. . .]

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The Science Behind ULTIMEYES®

ULTIMEYES® optimizes visual processing to reduce blurring. Proprietary algorithms monitor your performance and adapt to it, creating a customized session to ensure optimal progress.

Numerous scientific studies conducted over more than a decade support the principles upon which ULTIMEYES® was created.

ULTIMEYES® is the result of collaboration between Vision Science and Entertainment Software to improve how you see. ULTIMEYES® tailors itself to your unique abilities and is designed to improve visual acuity, contrast sensitivity and attention to yield an overall improvement of your vision. The patent-pending methods of perceptual learning established by Dr. Aaron Seitz, a renowned expert in the field of Perceptual Learning, combined with interactive gaming dynamics proven to engage players, produce high levels of continued focus and, in turn, produces results.

[. . .]

On average, participants in our monitored studies—conducted by University of California researchers—improved by two lines on the eye chart!

Contrast sensitivity, which is the visual skill that enables you to distinguish objects in dim light and against obscure backgrounds, increased dramatically among users in these studies.

[. . .]

Frequently Asked Questions

Click on any question to see its answer.

1. What benefits have ULTIMEYES® users experienced?

ULTIMEYES® users have experienced improvements in different areas of vision, including near vision, far vision, peripheral vision, and contrast sensitivity either monocularly (in one eye) or binocularly (in both eyes).

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2. What are the side effects of ULTIMEYES®?

There are no known side effects from ULTIMEYES®, except better vision.

3. How many ULTIMEYES® sessions are required to improve my vision?

Individuals will notice improvements at different rates. Our research shows that robust improvements in vision are found after completing 32 sessions with some of the individuals noticing some improvement in less than 16 sessions. For maximum benefits we recommend 4 ULTIMEYES® sessions per week, for 8 weeks.

c. Exhibit D, screen excerpt from the Apple App Store (Aug. 12, 2014) (Exhibits E and F, screen excerpts from the Google Play Store (Aug. 14, 2014) and the Amazon Appstore (Aug. 13, 2014), contain similar representations)

**Turn back the clock on your vision

**Lose your reading glasses and delay the need for them

**See better at night

**Read better in dim light

**Improve vision for sports and improved lifestyle

On average ULTIMEYES® clients who completed the ULTIMEYES® program can read two lines better on the Snellen eye chart and experience 100% increase in contrast sensitivity.

Anyone pursuing improved vision through natural means and mitigating the need for visual aids including glasses can benefit from ULTIMEYES®.

ULTIMEYES® works by causing brain plasticity, which is the brain's natural ability to adapt to the environment. What's break-through [sic] about ULTIMEYES® is that it activates brain plasticity to occur in the brain's visual processing center. The

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result is enhanced vision in a completely safe non-invasive and easy to use way.

ULTIMEYES® has been examined in many academic institutions including University of California Los Angeles, University of California Riverside, The Western School of Optometry and other non-academic institutions including law enforcement agencies and athletic organizations by people of all ages, genders and visual abilities. Results of some of these studies have been accepted and will be published by major scientific journals such as Vision Research and Current Biology.

ULTIMEYES® is simple to use. The road to better vision requires you to follow the on-screen prompts and complete four 25-minute sessions per week for a total of eight weeks. Although results vary from person to person many ULTIMEYES® users experience improvement in their vision after only 3 weeks...especially with reading and seeing in dim lighting.

- d. **Exhibit G, excerpts from video transcript, “Brain Training Makes Better Batters,” viewable on the Utimeyes YouTube channel at http://www.youtube.com/watch?v=8M_tVyVlrLQ (published Feb 23, 2014) and on the Amazon Appstore Utimeyes page (Exhibit F)**

AARON SEITZ, ASSOCIATE PROFESSOR, PSYCHOLOGY: There are, you know, over 100 million people worldwide who have serious vision problems that impact their lives. And, so, if we could use brain training to improve their vision, this has profound benefit to their lives. I decided that I wanted to try to create something which would have real-world impact.

[. . .]

JENNI DEVEAU, POSTDOCTORAL RESEARCHER, PSYCHOLOGY:

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We did a study with the 2013 UCR baseball team where we did vision assessments before their season started and then we conducted training. They came in to our lab. Because they are already started off [sic] with really good vision, we had to really challenge their vision. After the season was over, we had tons of baseball data and searched for the help of Dan Ozer to let us know what does all this mean, what can we do with all this.

DANIEL OZER, PROFESSOR, PSYCHOLOGY: I was able to look at the improvement of the players in terms of more hits, more base on balls, additional bases, and I put that information into a formula that was developed about thirty years ago by a man named Bill James whose methods have become famous in the book Moneyball and was able to see how many runs were created in addition to what you would expect if there had just been normal improvement.

AARON SEITZ: With Dan Ozer, we had discussed that, you know, if they won one extra game based upon this calculation, this would be huge.

DANIEL OZER: And then I placed that into the context of how many runs the UCR pitchers allowed and came up with this estimate of it made a difference of somewhere between four and five games. I was shocked. There has been a lot of interest in the last couple of decades, people with a very serious interest in statistics beginning to look at baseball data because it's runs and runs allowed that win and lose games.

[. . .]

JENNI DEVEAU: Many of the players, they described being able to see things in dimmer light conditions, being able to see the ball better, being able to hit the ball better. They had less strikeouts compared to the rest of the league and they had more runs created.

[. . .]

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TEXT ON SCREEN:

31% IMPROVEMENT IN VISION

4.4% FEWER STRIKEOUTS

41 MORE RUNS

4 TO 5 MORE WINS

[. . .]

AARON SEITZ: What I've been able to do is take my research that started looking at a very simple basic science problem and turn it into a game that anybody could play that has real-world benefits.

e. Exhibit H, Utimeyes Press Release (April 18, 2014)

ULTIMEYES

[. . .]

App Scientifically Shown to Improve Vision is Downloadable Now in the Apple App Store for the iPad and iPhone, and Android Phones via Google Play and Amazon's Appstore for Android

[. . .]

Carrot Neurotechnology, Inc. announced today that its popular vision-enhancing interactive game App, ULTIMEYES®, has launched for all iOS and Android platforms. Previously available only for the PC, Mac and iPad, anyone with an iPhone or Android device can now improve their vision...at home or on the go. Improve the clarity of your vision and ability to see in poor lighting, lessen the need for reading glasses, and improve vision for sports and other everyday activities for a better lifestyle. From athletes who want to sharpen their "perfect vision" to people who struggle with low vision issues, ULTIMEYES® has been scientifically shown to help increase vision capabilities via perceptual learning.

[. . .]

Though results vary from person to person, on average, ULTIMEYES® users that have participated in ULTIMEYES studies could read one or two lines better on the Snellen eye chart and experienced a 100% increase in contrast sensitivity. Studies have been conducted with high performance athletes, law

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enforcement agencies, and people of all ages, genders and vision capabilities.

[. . .]

Carrot Neurotechnology, Inc. develops and sells its patent pending integrated game program ULTIMEYES®, that delivers affordable, safe, and comprehensive vision improvement for sports, reading, driving, and relieving the need for traditional visual aids used for age-related eye conditions such as presbyopia and loss of contrast sensitivity.

f. Exhibit I, Ultimeyes Press Release (Feb. 17, 2014)

University of California Reports Findings That ULTIMEYES® Produces Better Vision and Real World Benefits – Published in Current Biology

A study conducted with UCR Baseball Team [sic] demonstrates that Carrot Neurotechnology Inc.'s interactive vision training game ULTIMEYES® produces improved vision and quantifiable real world benefits.

[. . .]

Carrot Neurotechnology, Inc. today announced that the peer-reviewed journal Current Biology published the results of a study entitled “Improved vision and on-field performance in baseball through perceptual learning,” in the February 17th issue, which demonstrates that improved vision resulting from Carrot Neurotechnology’s integrated interactive game program ULTIMEYES® yields improved vision with real world benefits. In this peer-reviewed journal, the researchers go on to say that the results of the study demonstrate the ability to deliver real world benefits across a broad range of activities ranging from athletics to more routine lifestyle activities such as reading, watching TV and driving.

The study was conducted by the University of California Riverside and the University of California Riverside baseball team prior to the 2013 season and

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included 37 players. As a result of using the integrated interactive game program visual acuity of the trained players increased 31% following use of the program and 7 of the players reached impressive 20/7.5 Snellen acuity. Contrast sensitivity function improved similarly in the trained players. Baseball players typically have excellent vision, so the extent of the improvement surprised the researchers. Players reported, “My eyes feel stronger”, “I can see the ball better while I’m hitting”, “I have greater peripheral vision. Easy to see further”, “I can tell a change in dim light and being able to distinguish lower contrasting things.”

Acuity is the sharpness of vision and contrast sensitivity is the ability to see details in low contrast such as seeing in dim light at night.

[. . .]

“This study reaffirms that our product delivers improved visual performance and confirms that these improvement transfer into practical real-world benefits. We’re encouraged and excited by the broad range of lifestyle benefits that many individuals who rely on vision including athletes but also those with normal vision and low vision going about their routine tasks,” said Adam Goldberg, CEO of Carrot Neurotechnology, Inc.

Count I

Deceptive Efficacy Claims

9. In connection with the advertising, promotion, offering for sale, or sale of Ultimeyes, Respondents have represented, directly or indirectly, expressly or by implication, that Ultimeyes substantially improves users’ vision, including that Ultimeyes:

- a. Improves the vision of users, including people of all ages, genders, and visual abilities;
- b. Improves vision with real world benefits, including benefits across a broad range of activities ranging from

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athletics to more routine lifestyle activities, such as reading, watching TV, and driving;

- c. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and
- d. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids.

10. The representations set forth in Paragraph 9 are false or misleading, or were not substantiated at the time the representations were made.

Count II
False Establishment Claims

11. In connection with the advertising, promotion, offering for sale, or sale of Ultimeyes, Respondents have represented, directly or indirectly, expressly or by implication, that scientific testing proves that Ultimeyes:

- a. Improves the vision of users, including people of all ages, genders, and visual abilities;
- b. Improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving;
- c. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and
- d. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light,

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and diminishing the need for glasses or other visual aids.

12. In fact, scientific testing does not prove that Utimeyes:

- a. Improves the vision of users, including people of all ages, genders, and visual abilities;
- b. Improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving;
- c. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and
- d. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids.

13. Therefore, the representations set forth in Paragraph 11 are false or misleading.

Count III

Deceptive Failure to Disclose Material Connections

14. In numerous instances in connection with the advertising, promotion, offering for sale, or sale of Utimeyes, Respondents have represented, directly or indirectly, expressly or by implication, that scientific research conducted by Respondent Seitz proves that Utimeyes improves vision.

15. In numerous instances in which Respondents have made the representation set forth in Paragraph 14 of this complaint, Respondents have failed to disclose, or have failed to disclose adequately, that Respondent Seitz co-owns and is the Chief Scientist of Respondent Carrot. These facts would be material to consumers in their purchase or use decisions regarding Utimeyes.

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16. Respondents' failure to disclose, or disclose adequately, the material information discussed in Paragraph 15, in light of the representation set forth in Paragraph 14, is a deceptive act or practice.

Violations of Sections 5 and 12

17. The acts and practices of Respondents as alleged in this complaint constitute deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this twenty-second day of February, 2016, has issued this Complaint against Respondents.

By the Commission.

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Exhibit A

- [Skip to main content.](#)
- [UltimEyes®](#)
- [Purchase](#)
- [Activate](#)
- [About](#)
 - [The Science](#)
 - [Benefits](#)
 - [Testimonials](#)
- [FAQ](#)
- [Contact](#)

UltimEyes®**Carrot Neurotechnologies**A yellow button with a black border and the text "Buy Now" in black.**\$5.99 for a limited time****Turn Back The Clock On Your Vision**

Reverse the effects of aging eyes. Why rely on reading glasses...and a flashlight to read restaurant menus when you don't have to. ULTIMEYES® delivers sharper vision without glasses and dramatically improves the ability to see in dim light.

**Achieve Peak Athletic Performance**

Improve on-field, on-court and on-track performance with ULTIMEYES®. Check out the articles below and find out what ULTIMEYES® is and what it is did for the UC Riverside baseball team.

ULTIMEYES® is an affordable, natural and simple-to-use interactive game scientifically designed to

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improve vision. [Learn More »](#)

Contact your Authorized Reseller or the ULTIMEYES® team at info@ultimeyesvision.com for more information about ULTIMEYES®

Featured Links

- [Better baseball batting through brain science](#)
- [Apparently, Your Tablet Can Give You Super-Vision](#)
- [Better Batters Result from Brain-training Research](#)
- [UC Riverside Baseball Players Gain Edge, Wins As Part Of Vision Study](#)
- [Learning to see better in life and baseball](#)
- [Vision and the Brain: Can we be Trained to See Better?](#)
- [How To Improve Your Eyesight By Exercising The Brain With 'Perceptual Learning'](#)
- [Training Gives Baseball Players Superhuman Vision](#)
- [Study Reports Brain can be Trained to See Better](#)

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Reverse the effects of aging eyes. Why rely on reading glasses...and a flashlight to read restaurant menus when you don't have to. ULTIMEYES® delivers sharper vision without glasses and dramatically improves the ability to see in dim light.

**Achieve Peak Athletic Performance**

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<http://ultimeyesvision.com/>

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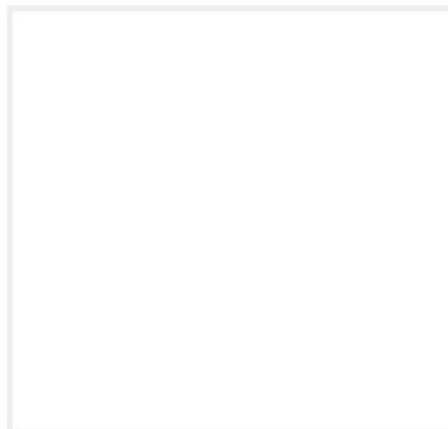
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ULTIMEYES® is an affordable, natural and simple-to-use interactive game scientifically designed to improve vision. [Learn More » \(about.php\)](#)

Contact your Authorized Reseller or the ULTIMEYES® team at info@ultimeyesvision.com (<mailto:info@ultimeyesvision.com>) for more information about ULTIMEYES®

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The Science Behind ULTIMEYES®

ULTIMEYES® optimizes visual processing to reduce blurring. Proprietary algorithms monitor your performance and adapt to it, creating a customized session to ensure optimal progress.

Numerous scientific studies conducted over more than a decade support the principles upon which ULTIMEYES® was created.

ULTIMEYES® is the result of collaboration between Vision Science and Entertainment Software to improve how you see. ULTIMEYES® tailors itself to your unique abilities and is designed to improve visual acuity, contrast sensitivity and attention to yield an overall improvement of your vision. The patent-pending methods of perceptual learning established by Dr. Aaron Seitz, a renowned expert in the field of Perceptual Learning, combined with interactive gaming dynamics proven to engage players, produce high levels of continued focus and, in turn, produces results.

How It Works

ULTIMEYES® strengthens how the brain processes the visual input from the eyes. Patent pending neuroplasticity technology synchronizes task reinforcement with the appropriate stimuli to improve brain plasticity and vision. ULTIMEYES® pairs this breakthrough science with popular game dynamics

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<http://ultimeyesvision.com/science.php>

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ULTIMEYES®

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that heighten levels of engagement and provide the positive reinforcement required to drive progress. In addition, combined audio and visual stimuli ensure that brain plasticity is maximized.

ULTIMEYES® is designed from the ground up to incorporate theory driven, and empirically supported, approaches to vision training into an entertaining video game, by incorporating already proven components along with:

- alerting and orienting cues (sounds spatially located with visual targets)
- training of executive attention (distractors progressively become more similar to tasks targets)
- tasks designed to help with sustained attention (exercises become progressively longer with time)

These approaches, such as multi-sensory stimuli, motivating tasks, and consistent reinforcement to the training stimuli as found in a well-designed video game, are our way of creating a positive outcome for the user.

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<http://ultimeyesvision.com/science.php>

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About ULTIMEYES®

ULTIMEYES® is a non-invasive interactive program designed specifically to improve vision by optimizing visual processing in just four simple 25-minute sessions per week for a total duration of eight weeks.

Our customers' performance of ULTIMEYES® is monitored by professional ULTIMEYES® vision coaches to ensure maximum effectiveness. Additionally, we make performance data of each session available to your eye-care provider so that he/she can monitor your progress as well.

On average, participants in our monitored studies—conducted by University of California researchers—improved by two lines on the eye chart!

Contrast sensitivity, which is the visual skill that enables you to distinguish objects in dim light and against obscure backgrounds, increased dramatically among users in these studies.

Read More

[The Science Behind ULTIMEYES® \(science.php\)](#)

[Proven Benefits \(science.php\)](#)

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<http://ultimeyesvision.com/about.php>

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Testimonials from Customers (testimonials.php)

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Frequently Asked Questions

Click on any question to see its answer.

1. What benefits have ULTIMEYES® users experienced?

100% of ULTIMEYES® users have experienced improvements in vision in at least one area, including near vision, far vision, peripheral vision, and contrast sensitivity either monocularly (in one eye) or binocularly (in both eyes).

2. What are the side effects of ULTIMEYES®?

There are no known side effects from ULTIMEYES®, except better vision.

3. How many ULTIMEYES® sessions are required to improve my vision?

Individuals will notice improvements at different rates. Our research shows that robust improvements in vision are found after completing 32 sessions with some of the individuals noticing some improvement in less than 16 sessions. For maximum benefits we recommend 4 ULTIMEYES® sessions per week, for 8 weeks.

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<http://ultimeyesvision.com/faq.php>

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4. Should I wear glasses when using ULTIMEYES®

Our advice is to use ULTIMEYES® under the viewing conditions that you want to perform best in. If you want to see better with prescription lenses then wear lenses, if you want to see how well you can see without lenses you can try without. For example, some people like to attempt activities without glasses or contacts (reading, getting by around the house, some photographers, etc) and ULTIMEYES® can help with this. However, please be aware that ULTIMEYES® does not correct the optics of your eyes. Thus your vision will be best with optical corrections (glasses, contacts, LASIK, etc) combined with brain training.

5. Do I have to use ULTIMEYES® from 2ft or 5ft?

Please use ULTIMEYES® from the same distance in each of your sessions because ULTIMEYES® keeps track of your visual abilities and if you use ULTIMEYES® from different distances each time then it will not provide the correct challenge. The 2ft (near) and 5ft (far) distances are standard recommendations, however, they do not change what stimuli you are shown and you are welcome to choose a different distance if you have a good reason for this. For example, ULTIMEYES® is best when you are using it under the conditions that are similar to the daily visual tasks that you want to engage in. Thus it is reasonable to pick a distance that is consistent with your desired reading distance, or the distance that you normally use your computer.

6. Why do my eyes feel like they got a work-out?

ULTIMEYES® exercises your vision in a way that may be different than you experience in daily life. Thus, just like the first time that you go to the gym, the first time that you use ULTIMEYES® your eyes may feel a bit tired. This experience typically goes away by your third session as your visual system adjusts to its new work-out routine.

7. Can I use ULTIMEYES® in lieu of glasses or retinal surgery?

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ULTIMEYES®

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Some people might find that they don't require their glasses to do things that required their glasses before using ULTIMEYES®, however, this is dependent on each individual's visual capability, including but not limited to factors such as the optics of the eye. It's common for users of ULTIMEYES® to experience improved vision and diminished need for glasses following use, though they might still require glasses for some visual tasks.

8. I'm an athlete, can ULTIMEYES® improve my vision?

Competition requires being at your best. This includes not just physical but also mental abilities. To be at the best of your game, you need to optimize your vision. Some of the benefits to vision that ULTIMEYES® delivers are especially beneficial for athletes or anyone required to perform optimally in challenging dynamic environments. Distinguishing objects against confusing backgrounds such as a ball traveling in front of a crowd in and out of light, quick identification of threats in the periphery, and responding quickly and correctly to these kinds of circumstances are just a few of the visual benefits that athletes can benefit from. ULTIMEYES® is currently in use by athletes at all levels, including collegiate to professional, in both team sports like baseball and football, and individual sports like tennis and motorsports.

9. Why is ULTIMEYES® beneficial after LASIK or cataract surgery?

Visual correction surgery dramatically improves the visual function of the eyes, however, to achieve the very best results, the brain needs to be taught how best to work with your new eyes. ULTIMEYES® is a cutting edge brain-training program that stimulates brain plasticity and will enable your visual processing to adapt optimally to the change in your eyes following surgery. Using ULTIMEYES® will increase your ability to distinguish objects in greater detail.

10. How long is each ULTIMEYES® session?

Each ULTIMEYES® sessions lasts about 25 minutes.

11. How often should I use the ULTIMEYES® program?

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Page 4 of 6

For maximum benefits we recommend 4 ULTIMEYES® sessions per week, on separate days. Doing multiple ULTIMEYES® sessions on the same day may or may not provide extra benefits, and if you choose to do extra sessions on a given day please do not count them towards our recommended 32 session routine. Also we recommend against doing multiple sessions on the same day during your first week of training. Doing more than 4 sessions per week or more than 32 sessions may provide additional benefit. Research is still pending on how different schedules impacts the benefits that you may receive and our recommendations are based upon what has worked thus far in laboratory studies.

12. What happens if I quit a session early?

Quitting an ULTIMEYES® session early will not save any of your progress on your current session. The next time you open ULTIMEYES®, your last session will be restarted. We do not recommend quitting a session early, each session is only 25 minutes! There is a "pause" option, if you need a quick break.

13. Why is there a calibration at the beginning of each ULTIMEYES® session?

The calibration at the beginning of each ULTIMEYES® session assesses your visual abilities, and sets up the exercises to your appropriate level. It is very important to try your best at the calibration so your vision can improve.

14. What is the purpose of the assessments?

Assessments are provided on a periodic basis so that improvements can be measured and tracked. They also are used to determine your visual skills and the program presents additional visual challenges based upon your scores on the Contrast Sensitivity Assessment. We strongly recommend doing this when given the opportunity. Increased scores reflect improved vision. ULTIMEYES® keeps track of the scores so you can keep track of your improvement. Assessment 1 ('Landolt C') measures the visual skill required to read various size fonts at various levels of contrast, while

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ULTIMEYES®

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Assessment 2 (Contrast Sensitivity Function measurement) measures contrast sensitivity, which is the visual skill of distinguishing objects against a background.

15. Why is ULTIMEYES® becoming more challenging?

ULTIMEYES® adapts itself to your capabilities. In doing so it will set standards that you may find more challenging than previous sessions. This ensures that the program taps into your maximum capabilities, and is constantly working your brain. Don't get frustrated. It's part of our unique methods of improving your vision. Also, from a practical perspective, please make sure that your screen is free of dust and smudges, and that you keep the glare on your screen to an absolute minimum. It makes a big difference!

16. What are the target images?

These are called Gabor images. Studies have shown neurons in the early visual cortex of the brain respond close to optimally to Gabor patterns and these are widely considered to be the building blocks through which the brain constructs its visual perceptions. Training the brain with Gabors is a method of exercising the most basic functions of the visual system.

17. Why is there sound?

Part of our patent pending technology revolves around sound. We have found that making the user acoustically aware as well as visually aware of the target image enhances the interaction, thereby increasing brain functionality.

18. Do I need an Internet connection to use ULTIMEYES®?

You will need to be connected to the Internet to download the ULTIMEYES® program. You can run the ULTIMEYES® sessions without an Internet connection, however we recommend you are connected to the Internet at least once per week. This allows the ULTIMEYES® team to track your progress.

19. Who keeps track of my ULTIMEYES® progress?

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ULTIMEYES®

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After each ULTIMEYES® session, all data will be automatically uploaded to a database. Here the ULTIMEYES® team can see all session information, monitor your progress as well as provide support and coaching.

20. Who can I contact for help with the ULTIMEYES® program?

For any questions, concerns, or problems please email
help@ultimeyesvision.com (mailto:help@ultimeyesvision.com)

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Page 1 of 2

[ULTIMEYES® \(INDEX.PHP\)](#)[PURCHASE \(PURCHASE.PHP\)](#)[ACTIVATE \(ACTIVATE.PHP\)](#)[ABOUT \(ABOUT.PHP\)](#)[FAQ \(FAQ.PHP\)](#)[CONTACT \(CONTACT.PHP\)](#)[Buy Now](#)**\$5.99 for a limited time****Christina (daughter age 5)**

I am grateful for ULTIMEYES® for helping my daughter with her vision. I would be happy to recommend the program to anybody that needs it, it was very easy to use. Now my daughter's vision went back to normal.

Tina, Age 46

My eyes were getting weaker, and couldn't see my friends clearly over the dinner table. After using ULTIMEYES® for only a couple of weeks I began to see a difference. Less eye strain, and I could now see people clearly. Definitely noticed a difference and the eye chart test proved it!

Cora, Age 45

I did the program over a two month period and could read three lines better on an eye chart from twenty feet away! I found the program easy to use, and actually quite relaxing. Its not like a test, and would recommend it to anyone who wants to try to improve their eyesight.

Jeff, Age 41

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<http://ultimeyesvision.com/testimonials.php>

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As a photographer, I have always had a keen vision, until a while ago when I noticed I was having trouble focusing. It was worse for me at night, particularly while driving. I couldn't read the signs on the freeway or signs at cross streets. It had gotten to the point where I needed glasses. My vision was even worse within three feet. My optometrist recommended ULTIMEYES® as a possibility. I have been using ULTIMEYES® on my iMac from five feet away. The first thing I started noticing was that there were dirt marks on my walls in my house. Subtle—I didn't notice them before—but now I see them everywhere. I realized my ability to discern subtle changes in contrast had improved. I can also read text on the TV at a distance where that was difficult before. I have noticed, that I can read street signs and freeway signs without my driving glasses—that takes a lot of stress. When I went in for an evaluation at my optometrist's office, I was very pleased at testing out with a two-line improvement on my reading chart. In one eye I went from 20/50 to 20/30. I am very happy about this and am continuing with ULTIMEYES®, with a goal of getting both eyes to 20/20 at least... I am very happy with the results and highly recommend ULTIMEYES®.

Testimonials from Athletes

"My eyes feel stronger. They don't get tired as much."

"I can see the ball better while I am hitting."

"I have greater peripheral vision. Easy to see further."

"I can tell a change in dim light and being able to distinguish lower contrasting things."

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<http://ultimeyesvision.com/testimonials.php>

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Exhibit A-1**ULTIMEYES[®]**

"Today I had my first tangible proof of progress. I was actually able to see text on the screen of my cellphone at arm's length without using my glasses."

Peter R.

Now Available On



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UltimEyes®

Carrot Neurotechnologies

\$5.99 for a limited time

Turn Back The Clock On Your Vision

Reverse the effects of aging eyes. Why rely on reading glasses...and a flashlight to read restaurant menus when you don't have to. ULTIMEYES® delivers sharper vision without glasses and dramatically improves the ability to see in dim light.



Achieve Peak Athletic Performance

Improve on-field, on-court and on-track performance with ULTIMEYES®. Check out the articles below and find out what ULTIMEYES® is and what it is did for the UC Riverside baseball team.

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ULTIMEYES® is an affordable, natural and simple-to-use interactive game scientifically designed to improve vision. [Learn More »](#)

Contact your Authorized Reseller or the ULTIMEYES® team at info@ultimeyesvision.com for more information about ULTIMEYES®

Featured Links

- [Better baseball batting through brain science](#)
- [Apparently, Your Tablet Can Give You Super-Vision](#)
- [Better Batters Result from Brain-training Research](#)
- [UC Riverside Baseball Players Gain Edge, Wins As Part Of Vision Study](#)
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- [This Simple App Can Train Your Brain to Have 20/7.5 Vision](#)
- [The App that Trains You to See Farther... or Does It?](#)
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- [See Like a Big-League Slugger](#)
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- [Training with ULTIMEYES will improve visual acuity and contrast sensitivity allowing hitters to see things clearer and earlier](#)
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Exhibit B

ULTIMEYES® PURCHASE ACTIVATE ABOUT FAQ CONTACT

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ULTIMEYES®

A simple-to-use interactive game scientifically shown to improve vision.

\$5.99 for a limited time

Play

Available on Windows, Mac, iPad, iPhone and Android devices

"Improve on-field, on-court and on-track performance with ULTIMEYES®. Click to watch the video or read more to learn what ULTIMEYES® do for the UC Riverside baseball team."

Watch Video

Overview

"I'm reaching the end of week 2 and this morning I noticed how much easier it is to see that date on the calendar in my office hanging on a wall on the other side of the office. The numbers were much brighter and less blurry. After 2 weeks I can already see a difference and I'm very much excited to see the improvement after 8 weeks!"

Kabus V.

"Today I had my first tangible proof of progress. I was actually able to see text on the screen of my cellphone at arm's length without using my glasses."

Peter R.

FEATURED IN:

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ULTIMEYES®

A simple-to-use interactive game **scientifically shown** to improve vision.

\$5.99 for a limited time

Buy

Available on Windows, Mac, iPad, iPhone and Android devices.

The Science Behind ULTIMEYES®

ULTIMEYES® optimizes visual processing to reduce blurring. Proprietary algorithms monitor your performance and adapt to it, creating a customized session to ensure optimal progress.

Numerous scientific studies conducted over more than a decade support the principles upon which ULTIMEYES® was created.

ULTIMEYES® is the result of collaboration between Vision Science and Entertainment Software to improve how you see. ULTIMEYES® tailors itself to your unique abilities and is designed to improve visual acuity, contrast sensitivity and attention to yield an overall improvement of your vision. The patent-pending methods of perceptual learning established by Dr. Aaron Seltz, a renowned expert in the field of Perceptual Learning, combined with interactive gaming dynamics proven to engage players, produce high levels of continued focus and, in turn, produces results.

How It Works

ULTIMEYES® strengthens how the brain processes the visual input from the eyes. Patent pending neuroplasticity technology synchronizes task reinforcement with the appropriate stimuli to improve brain plasticity and vision. ULTIMEYES® pairs this breakthrough science with popular game dynamics that heighten levels of engagement and provide the positive reinforcement required to drive progress. In addition, combined audio and visual stimuli ensure that brain plasticity is maximized.

ULTIMEYES® is designed from the ground up to incorporate theory driven, and empirically supported, approaches to vision training into an entertaining video game, by incorporating already proven components along with:

- alerting and orienting cues (sounds spatially located with visual targets)
- training of executive attention (distractors progressively become more similar to tasks/targets)
- tasks designed to help with sustained attention (exercises become progressively longer with time)

These approaches, such as multi-sensory stimuli, motivating tasks, and consistent reinforcement to the training stimuli as found in a well-designed video game, are our way of creating a positive outcome for the user.

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ULTIMEYES® PURCHASE ACTIVATE ABOUT FAQ CONTACT

EXISTING USERS: [Click here to add a user](#)

Buy ULTIMEYES® now \$5.99 Discounted for a limited time

Available on Windows, Mac, iPad and Android devices.

WINDOWS & MAC

Step #1
Select a username

User Name

Your username will be linked to the ULTIMEYES® database so that we can help you track your vision improvement over time.

Step #2
Enter your contact info:

First Name

Last Name

Email Address

Verify Email Address

Step #3
Choose a payment method:

IPHONE and IPAD

Click to buy

OR~

If you're on your computer go to the App Store on your iPhone or iPad and buy: ULTIMEYES®

AVAILABLE NOW!

ANDROID

Click to buy

And

OR~

If you're on your computer or phone, go to the App Store on your Android Device and buy: ULTIMEYES®

AVAILABLE NOW!

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ULTIMEYES®

A simple-to-use interactive game **scientifically shown** to improve vision.

Congratulations on your purchase of ULTIMEYES®

You are **one step closer to better vision**. ULTIMEYES® is a noninvasive computer program that is specifically designed to improve your vision with our simple and comprehensive technology that delivers results in a fun rewarding way.

Click to Activate ULTIMEYES® Now!

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 A simple-to-use interactive game **scientifically shown** to improve vision.
\$5.99 for a limited time
[Easy](#)
Available on Windows, Mac, iPad, iPhone and Android devices.

About ULTIMEYES®

ULTIMEYES® is a non-invasive interactive program designed specifically to improve vision by optimizing visual processing in just four simple 25-minute sessions per week for a total duration of eight weeks.

Our customers' performance of ULTIMEYES® is monitored by professional ULTIMEYES® vision coaches to ensure maximum effectiveness. Additionally, we make performance data of each session available to your eye-care provider so that he/she can monitor your progress as well.

On average, participants in our monitored studies—conducted by University of California researchers—improved by two lines on the eye chart!

Contrast sensitivity, which is the visual skill that enables you to distinguish objects in dim light and against obscure backgrounds, increased dramatically among users in these studies.

Read More

[The Science Behind ULTIMEYES®](#)
[Testimonials from Customers](#)

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Available on Windows, Mac, iPad, iPhone and Android devices.

**Frequently Asked Questions**

Click on any question to see its answer.

1. What benefits have ULTIMEYES® users experienced?

ULTIMEYES® users have experienced improvements in different areas of vision, including near vision, far vision, peripheral vision, and contrast sensitivity either monocularly (in one eye) or binocularly (in both eyes).

2. What are the side effects of ULTIMEYES®?

There are no known side effects from ULTIMEYES®, except better vision.

3. How many ULTIMEYES® sessions are required to improve my vision?

Individuals will notice improvements at different rates. Our research shows that robust improvements in vision are found after completing 32 sessions with some of the individuals noticing some improvement in less than 16 sessions. For maximum benefits we recommend 4 ULTIMEYES® sessions per week, for 8 weeks.

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15. Why is ULTIMEYES® becoming more challenging?

ULTIMEYES® adapts itself to your capabilities. In doing so it will set standards that you may find more challenging than previous sessions. This ensures that the program taps into your maximum capabilities, and is constantly working your brain. Don't get frustrated. It's part of our unique methods of improving your vision. Also, from a practical perspective, please make sure that your screen is free of dust and smudges, and that you keep the glare on your screen to an absolute minimum. It makes a big difference!

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16. What are the target images?

These are called Gabor images. Studies have shown neurons in the early visual cortex of the brain respond close to optimally to Gabor patterns and these are widely considered to be the building blocks through which the brain constructs its visual perceptions. Training the brain with Gabors is a method of exercising the most basic functions of the visual system.

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ULTIMEYES®
A simple-to-use interactive
game [scientifically shown](#) to
improve vision.
\$5.99 for a limited time
[Buy](#)
Available on Windows, Mac, iPad,
iPhone and Android devices.

General Inquiries

For more information about ULTIMEYES®,
contact info@ultimeyesvision.com

Address

Carrot Neurotechnology, Inc.
23679 Calabasas Rd, Suite 706
Calabasas, CA 91302-1502

Authorized Dealers

Interested in becoming an Authorized
ULTIMEYES® dealer? Contact us at
dealer@ultimeyesvision.com

Problems Purchasing?

If you are having problems purchasing
ULTIMEYES® or using a product activation
code, email help@ultimeyesvision.com

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ULTIMEYES®

A simple-to-use interactive game scientifically shown to improve vision.

\$5.99 for a limited time

BUY

Available on Windows, Mac, iPad, iPhone and Android devices.

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Testimonials from Athletes

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"I can see the ball better while I am hitting."

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"I can tell a change in dim light and being able to distinguish lower contrasting things."

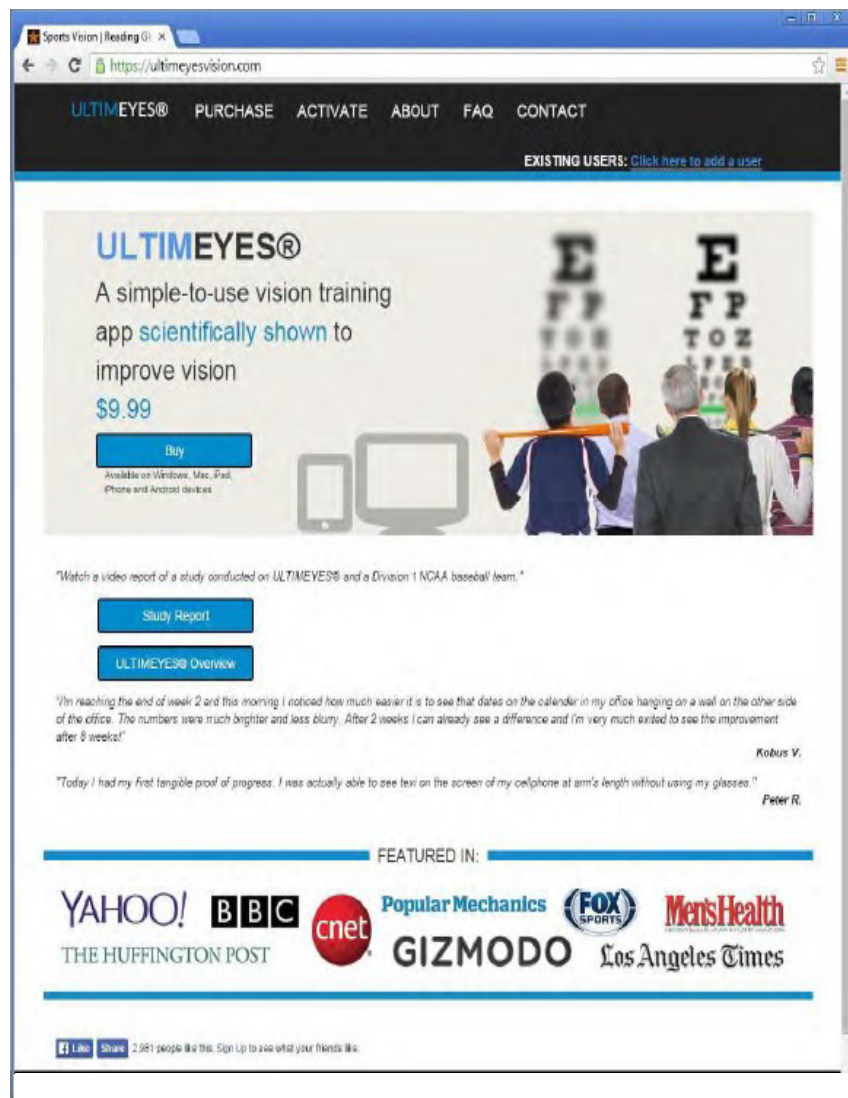
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Buy **ULTIMEYES®** now **\$9.99**

Discounted for a limited time

Available on Windows, Mac, iPad and Android devices.

WINDOWS & MAC



Step #1

Select a username

Your username will be linked to the ULTIMEYES® database so that we can help you track your vision improvement over time.

Step #2

Enter your contact info:

Step #3

Choose a payment method:

Check out with  PAY WITH CREDIT CARD

(U.S. only)

IPHONE and IPAD

Click to buy



OR~

If you're on your computer go to the App Store on your iPhone or iPad and buy: ULTIMEYES®

AVAILABLE NOW!

ANDROID

Click to buy



And



OR~

If you're on your computer or phone, go to the App Store on your Android Device and buy: ULTIMEYES®

AVAILABLE NOW!

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Exh. C, Page 2

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ULTIMEYES®

A simple-to-use vision training app **scientifically shown** to improve vision

\$9.99

[Buy](#)

Available on Windows, Mac, iPad, iPhone and Android devices.

About ULTIMEYES®

ULTIMEYES® is a non-invasive interactive program designed specifically to improve vision by optimizing visual processing in just four simple 25-minute sessions per week for a total duration of eight weeks.

Our customers' performance of ULTIMEYES® is monitored by professional ULTIMEYES® vision coaches to ensure maximum effectiveness. Additionally, we make performance data of each session available to your eye-care provider so that he/she can monitor your progress as well.

On average, participants in our monitored studies—conducted by University of California researchers—Improved by two lines on the eye chart!

Contrast sensitivity, which is the visual skill that enables you to distinguish objects in dim light and against obscure backgrounds, increased dramatically among users in these studies.

Read More

[The Science Behind ULTIMEYES®](#)

[Testimonials from Customers](#)

[Our Privacy Policy](#)

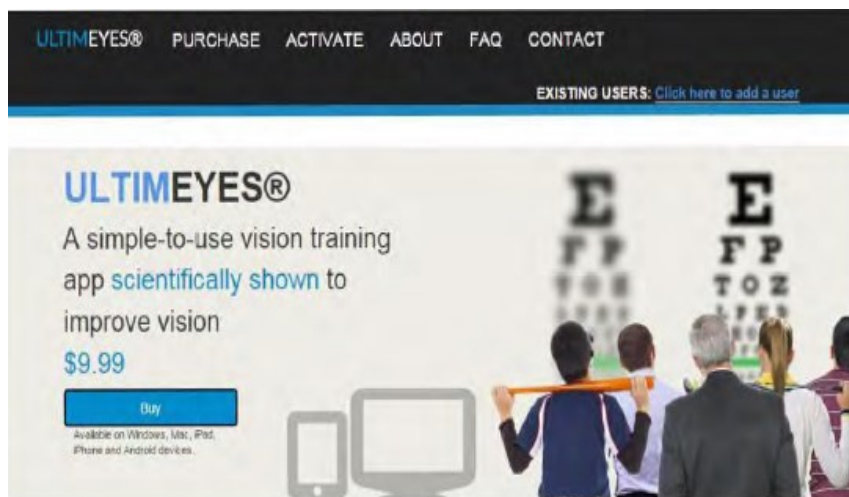
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The Science Behind ULTIMEYES®

ULTIMEYES® optimizes visual processing to reduce blurring. Proprietary algorithms monitor your performance and adapt to it, creating a customized session to ensure optimal progress.

Numerous scientific studies conducted over more than a decade support the principles upon which ULTIMEYES® was created.

ULTIMEYES® is the result of collaboration between Vision Science and Entertainment. Software to improve how you see. ULTIMEYES® tailors itself to your unique abilities and is designed to improve visual acuity, contrast sensitivity and attention to yield an overall improvement of your vision. The patent-pending methods of perceptual learning established by Dr. Aaron Seitz, a renowned expert in the field of Perceptual Learning, combined with interactive gaming dynamics proven to engage players, produce high levels of continued focus and, in turn, produces results.

How It Works

ULTIMEYES® strengthens how the brain processes the visual input from the eyes. Patent pending neuroplasticity technology synchronizes task reinforcement with the appropriate stimuli to improve brain plasticity and vision. ULTIMEYES® pairs this breakthrough science with popular game dynamics that heighten levels of engagement and provide the positive reinforcement required to drive progress. In addition, combined audio and visual stimuli ensure that brain plasticity is maximized.

ULTIMEYES® is designed from the ground up to incorporate theory driven, and empirically supported, approaches to vision training into an entertaining video game, by incorporating already proven components along with:

Exh. C, Page 4

Complaint

- alerting and orienting cues (sounds spatially located with visual targets)
- training of executive attention (distractors progressively become more similar to tasks targets)
- tasks designed to help with sustained attention (exercises become progressively longer with time)

These approaches, such as multi-sensory stimuli, motivating tasks, and consistent reinforcement to the training stimuli as found in a well-designed video game, are our way of creating a positive outcome for the user.

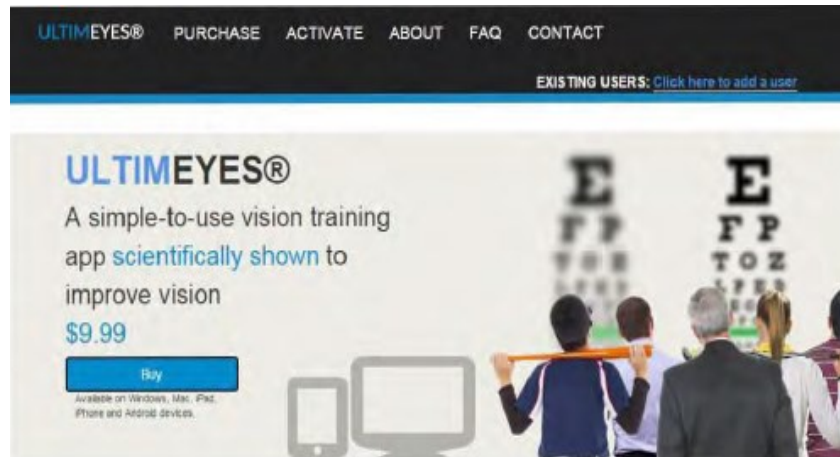
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Frequently Asked Questions

Click on any question to see its answer.

1. What benefits have ULTIMEYES® users experienced?

ULTIMEYES® users have experienced improvements in different areas of vision, including near vision, far vision, peripheral vision, and contrast sensitivity either monocularly (in one eye) or binocularly (in both eyes).

2. What are the side effects of ULTIMEYES®?

There are no known side effects from ULTIMEYES®, except better vision.

3. How many ULTIMEYES® sessions are required to improve my vision?

Individuals will notice improvements at different rates. Our research shows that robust improvements in vision are found after completing 32 sessions with some of the individuals noticing some improvement in less than 16 sessions. For maximum benefits we recommend 4 ULTIMEYES® sessions per week, for 8 weeks.

4. Should I wear glasses when using ULTIMEYES®?

Our advice is to use ULTIMEYES® under the viewing conditions that you want to perform best in. If you want to see better with prescription lenses then wear lenses, if you want to see how well you can see without lenses you can try without. For example, some people like to attempt activities without glasses or contacts (reading, getting by around the house, some photographers, etc) and ULTIMEYES® can help with this. However, please be aware that ULTIMEYES® does not correct the optics of your eyes. Thus your vision will be best with optical corrections (glasses, contacts, LASIK, etc) combined with brain training.

5. Do I have to use ULTIMEYES® from 2ft or 5ft?

Please use ULTIMEYES® from the same distance in each of your sessions because ULTIMEYES® keeps track of your visual abilities and if you use ULTIMEYES® from different distances each time then it will not provide the correct challenge. The 2ft (near) and 5ft (far) distances are standard recommendations, however, they do not

Exh. C, Page 8

Complaint

change what stimuli you are shown and you are welcome to choose a different distance if you have a good reason for this. For example, ULTIMEYES® is best when you are using it under the conditions that are similar to the daily visual tasks that you want to engage in. Thus it is reasonable to pick a distance that is consistent with your desired reading distance, or the distance that you normally use your computer.

6. Why do my eyes feel like they got a work-out?

ULTIMEYES® exercises your vision in a way that may be different than you experience in daily life. Thus, just like the first time that you go to the gym, the first time that you use ULTIMEYES® your eyes may feel a bit tired. This experience typically goes away by your third session as your visual system adjusts to its new work-out routine.

7. Can I use ULTIMEYES® in lieu of glasses or retinal surgery?

Some people might find that they don't require their glasses to do things that required their glasses before using ULTIMEYES®, however, this is dependent on each individual's visual capability, including but not limited to factors such as the optics of the eye. It's common for users of ULTIMEYES® to experience improved vision and diminished need for glasses following use, though they might still require glasses for some visual tasks.

8. I'm an athlete, can ULTIMEYES® improve my vision?

Competition requires being at your best. This includes not just physical but also mental abilities. To be at the best of your game, you need to optimize your vision. Some of the benefits to vision that ULTIMEYES® delivers are especially beneficial for athletes or anyone required to perform optimally in challenging dynamic environments. Distinguishing objects against confusing backgrounds such as a ball traveling in front of a crowd in and out of light, quick identification of threats in the periphery, and responding quickly and correctly to these kinds of circumstances are just a few of the visual benefits that athletes can benefit from. ULTIMEYES® is currently in use by athletes at all levels, including collegiate to professional, in both team sports like baseball and football, and individual sports like tennis and motorsports.

9. Why is ULTIMEYES® beneficial after LASIK or cataract surgery?

Visual correction surgery dramatically improves the visual function of the eyes, however, to achieve the very best results, the brain needs to be taught how best to work with your new eyes. ULTIMEYES® is a cutting edge brain-training program that stimulates brain plasticity and will enable your visual processing to adapt optimally to the change in your eyes following surgery. Using ULTIMEYES® will increase your ability to distinguish objects in greater detail.

10. How long is each ULTIMEYES® session?

Each ULTIMEYES® sessions lasts about 25 minutes.

11. How often should I use the ULTIMEYES® program?

For maximum benefits we recommend 4 ULTIMEYES® sessions per week, on separate days. Doing multiple ULTIMEYES® sessions on the same day may or may not provide extra benefits, and if you choose to do extra sessions on a given day please do not count them towards our recommended 32 session routine. Also we recommend against doing multiple sessions on the same day during your first week of training. Doing more than 4 sessions per week or more than 32 sessions may provide additional benefit. Research is still pending on how different schedules

Complaint

impacts the benefits that you may receive and our recommendations are based upon what has worked thus far in laboratory studies.

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EXISTING USERS: [Click here to add a user](#)

The banner features the ULTIMEYES® logo in blue and black. Below the logo, the text reads: "A simple-to-use vision training app scientifically shown to improve vision". The price "\$9.99" is displayed in blue. A blue "Buy" button is present, with small text below it stating "Available on Windows, Mac, iPad, iPhone and Android devices". To the right of the text, there is an illustration of a smartphone and a laptop. Further right, a group of four people (two men and two women) are shown from behind, looking at two large eye charts that display various letters and symbols. One person is holding a wooden stick horizontally across the charts.

General Inquiries
For more information about ULTIMEYES®, contact info@ultimeyesvision.com

Address
Carrot Neurotechnology, Inc.
23679 Calabasas Rd. Suite 796
Calabasas, CA 91302-1502

Authorized Dealers
Interested in becoming an Authorized ULTIMEYES® dealer? Contact us at dealer@ultimeyesvision.com

Support
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EXISTING USERS: [Click here to add a user](#)

For Existing ULTIMEYES® Users Only

Share ULTIMEYES on your device with additional users for \$4.99

Please fill out the following form. All fields are required.

New User's First Name:

New User's Last Name:

New User's Email:

New User Name:

Enter the username of the person that you are adding to ULTIMEYES®.

Your License Key:

Choose payment option:

PayPal

-- Or --

PAY WITH CREDIT CARD
(U.S. only)

\$4.99 for a limited time.

Please make sure that your device is supported

[Click Here](#)

Download links (Mac, PC, iPad) and license are sent after purchase

Like

Share

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Exhibit D

ULTIMEYES
Carol Neuroscience, Inc.

Download
The app is optimized for both iPhone and iPad

Rating: 4.5 (122)

LINKS
Developer Website

Description
ULTIMEYES is not compatible with first Gen iPad or first Gen iPhone.
"Turn back the clock on your vision."
"Use your reading glasses and they'll be right for them."
"Read better in dim light."
"Improve vision for sports and improved lifestyle."
On average, ULTIMEYES clients who completed the ULTIMEYES program can read two lines better on the Snellen eye chart and experience 100% increase in contrast sensitivity. Anyone pursuing improved vision through natural means and embracing the need for visual aids embracing glasses can benefit from ULTIMEYES.
ULTIMEYES works by causing brain plasticity which is the brain's natural ability to adapt to the environment. What's break through about ULTIMEYES is that it activates brain plasticity to occur in the brain's visual processing center. The result is enhanced vision in a completely safe, non-invasive and easy to use way.
ULTIMEYES has been examined in many academic institutions including University of California Los Angeles, University of California Riverside, The University of California, Irvine, and other prestigious institutions. ULTIMEYES has been examined in many academic institutions including University of California Los Angeles, University of California Riverside, The University of California, Irvine, and other prestigious institutions. ULTIMEYES has been examined in many academic institutions including University of California Los Angeles, University of California Riverside, The University of California, Irvine, and other prestigious institutions.
ULTIMEYES is simple to use. The read to better vision requires you to follow the on-screen prompts and complete four 20-minute sessions per week for a total of eight weeks. Although results vary from person to person many ULTIMEYES users experience improvement in their vision after only 3 weeks—especially with reading and seeing in dim lighting.
After completing the recommended regimen the improved vision lasts without regular use of ULTIMEYES. Since ULTIMEYES does not require you to use ULTIMEYES whenever you'd like in order to maintain and "boost-up" your vision at any time such as before and during baseball season or when you want to see that your vision is doing just fine.

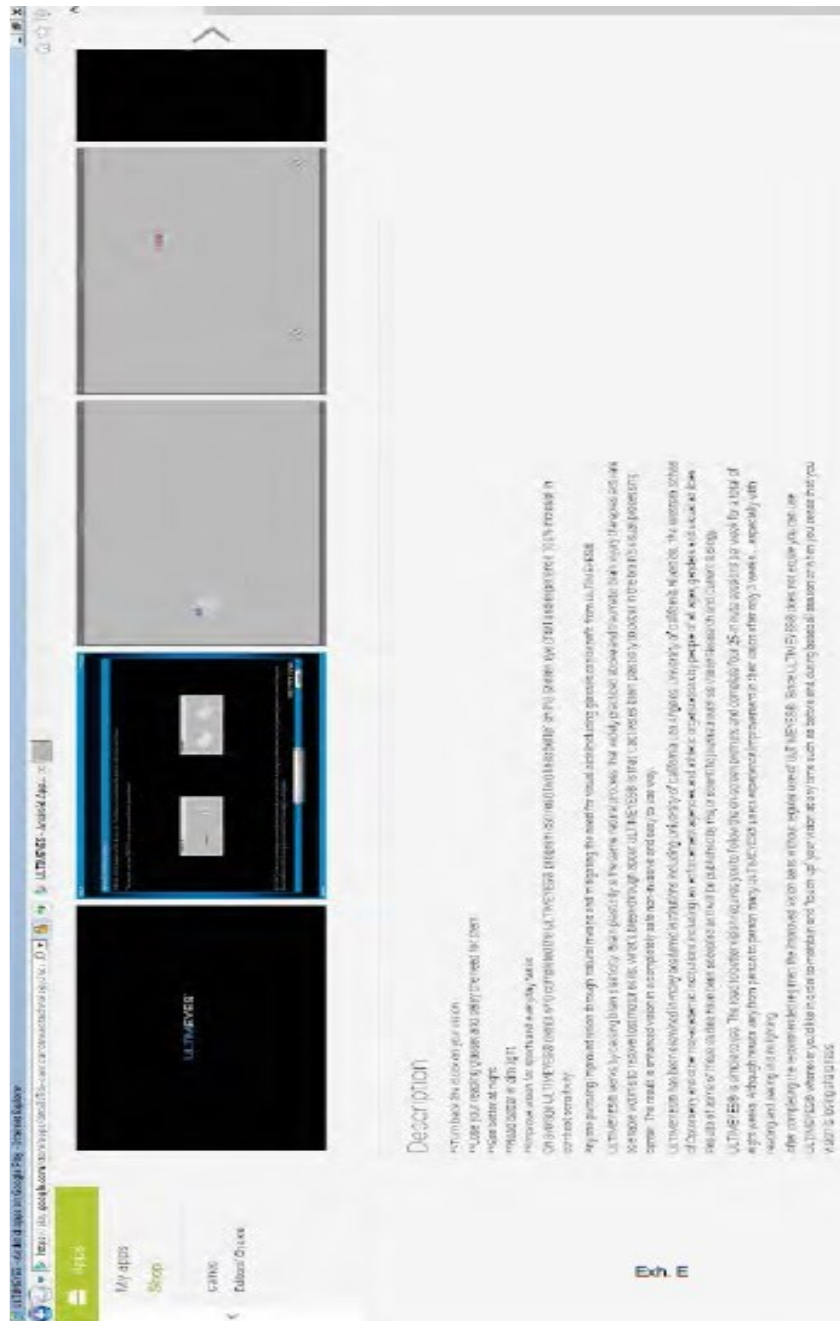
Screenshots

Three screenshots are displayed horizontally. The first screenshot shows a 'RATE ACTIVITY LEVEL' screen with a progress bar and a 'START' button. The second screenshot shows a 'SCORING' screen with a grid of numbers and a 'FAIL' indicator. The third screenshot shows the 'ULTIMEYES' logo on a black background.

Exh. D

Complaint

Exhibit E



[illegible]

Complaint

Exhibit G

1 OFFICIAL TRANSCRIPT PROCEEDING
2 FEDERAL TRADE COMMISSION
3
4
5
6 MATTER NO. 1423132
7
8
9 TITLE CARROT NEUROTECHNOLOGY, INC.
10 (ULTIMEYES)
11
12
13 DATE RECORDED: FEBRUARY 23, 2014
14
15 TRANSCRIBED: OCTOBER 28, 2014
16
17
18 PAGES 1 THROUGH 8
19
20
21
22
23
24 BRAIN TRAINING MAKES BETTER BATTERS
25 YOUTUBE VIDEO

Exh. G

Complaint

2

1	FEDERAL TRADE COMMISSION	
2	I N D E X	
3		
4	RECORDING:	PAGE:
5	Brain Training Makes Better Batters	4
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Complaint

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1 FEDERAL TRADE COMMISSION

2

3 In the Matter of:)

4 Carrot Neurotechnology, Inc.,) Matter No. 1423132

5 (Ultimeyes))

6 -----)

7 February 23, 2014

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11 The following transcript was produced from a
12 digital file provided to For The Record, Inc. on October
13 22, 2014.

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Exh. G

Complaint

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1 P R O C E E D I N G S
2 - - - - -
3 BRAIN TRAINING MAKES BETTER BATTERS - YOUTUBE VIDEO
4 ON SCREEN: University of California
5 UC RIVERSIDE
6 www.ucr.edu
7 ON SCREEN: AARON SEITZ
8 Associate Professor, Psychology
9 AARON SEITZ: There are, you know, over 100
10 million people worldwide who have serious vision problems
11 that impact their lives. And, so, if we could use brain
12 training to improve their vision, this has profound
13 benefit to their lives. I decided that I wanted to try
14 to create something which would have real-world impact.
15 ON SCREEN: DOUG SMITH
16 Head Coach, UCR Baseball
17 DOUG SMITH: In Major League Baseball, the
18 vision training has really become a prevalent thing.
19 ON SCREEN: JENNI DEVEAU
20 Postdoctoral Researcher, Psychology
21 JENNI DEVEAU: We did a study with the 2013 UCR
22 baseball team where we did vision assessments before
23 their season started and then we conducted training.
24 They came in to our lab. Because they are already
25 started off with really good vision, we had to really

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1 challenge their vision.

2 After the season was over, we had tons of
3 baseball data and searched for the help of Dan Ozer to
4 let us know what does all this mean, what can we do with
5 all this.

6 ON SCREEN: DANIEL OZER

7 Professor, Psychology

8 DANIEL OZER: I was able to look at the
9 improvement of the players in terms of more hits, more
10 base on balls, additional bases, and I put that
11 information into a formula that was developed about
12 thirty years ago by a man named Bill James whose methods
13 have become famous in the book Moneyball and was able to
14 see how many runs were created in addition to what you
15 would expect if there had just been normal improvement.

16 AARON SEITZ: With Dan Ozer, we had discussed
17 that, you know, if they won one extra game based upon
18 this calculation, this would be huge.

19 DANIEL OZER: And then I placed that into the
20 context of how many runs the UCR pitchers allowed and
21 came up with this estimate of it made a difference of
22 somewhere between four and five games. I was shocked.
23 There has been a lot of interest in the last couple of
24 decades, people with a very serious interest in
25 statistics beginning to look at baseball data because

Exh. G

Complaint

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1 it's runs and runs allowed that win and lose games.

2 DOUG SMITH: From an offensive standpoint, I
3 think our strike zone judgment has got better. Any time
4 we can get in that situation, our on-base percentage is
5 going to go up, all because we have the ability to lay
6 off a pitch because we see it just a little bit more
7 clearly.

8 JENNI DEVEAU: Many of the players, they
9 described being able to see things in dimmer light
10 conditions, being able to see the ball better, being able
11 to hit the ball better. They had less strikeouts
12 compared to the rest of the league and they had more runs
13 created.

14 DOUG SMITH: In our game, the margin of error
15 is so small that any edge we get can take us over the
16 top.

17 ON SCREEN: 31% IMPROVEMENT IN VISION
18 4.4% FEWER STRIKEOUTS
19 41 MORE RUNS
20 4 TO 5 MORE WINS

21 AARON SEITZ: The key idea is that you're not
22 changing how the eyes were; you're making the brain more
23 efficient at processing the information from the eyes.

24 DANIEL OZER: It made a difference of somewhere
25 between four and five games, and there will be lots of

Exh. G

Complaint

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1 baseball players interested in getting this training.

2 AARON SEITZ: What I've been able to do is take
3 my research that started looking at a very simple basic
4 science problem and turn it into a game that anybody
5 could play that has real-world benefits.

6 ON SCREEN: For more information

7 UCRTODAY.UCR.EDU

8 (The video recording was concluded.)

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Complaint

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1 C E R T I F I C A T I O N O F T Y P I S T

2

3 MATTER NUMBER: 1423132

4 CASE TITLE: CARROT NEUROTECHNOLOGY, INC. (ULTIMEYES)

5 TAPING DATE: FEBRUARY 23, 2014

6 TRANSCRIPTION DATE: OCTOBER 28, 2014

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: OCTOBER 28, 2014

14

15

16 ELIZABETH M. FARRELL

17

18 C E R T I F I C A T I O N O F P R O O F R E A D E R

19

20 I HEREBY CERTIFY that I proofread the transcript for
21 accuracy in spelling, hyphenation, punctuation and
22 format.

23

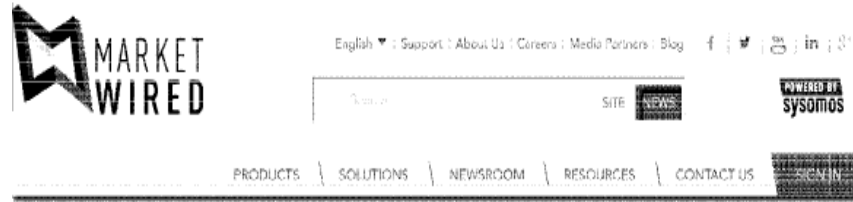
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25 SARA J. VANCE

Exh. G

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Exhibit H



ULTIMEYES



April 18, 2014 09:00 ET

Chart-Topping ULTIMEYES® App Now Available for iPhone and Android Devices

App Scientifically Shown to Improve Vision is Downloadable Now in the Apple App Store for the iPad and iPhone, and Android Phones via Google Play and Amazon's Appstore for Android

LOS ANGELES, CA--(Marketwired - April 18, 2014) - Carrot Neurotechnology, Inc. announced today that its popular vision-enhancing interactive game App, ULTIMEYES®, has launched for all iOS and Android platforms. Previously available only for the PC, Mac and iPad, anyone with an iPhone or Android device can now improve their vision...at home or on the go. Improve the clarity of your vision and ability to see in poor lighting, lessen the need for reading glasses, and improve vision for sports and other everyday activities for a better lifestyle. From athletes who want to sharpen their "perfect vision" to people who struggle with low vision issues, ULTIMEYES® has been scientifically shown to help increase vision capabilities via perceptual learning.

"We are excited to bring the ULTIMEYES® App to mobile users around the world. We have received an enormous amount of positive feedback from users who are experiencing better vision, with some noticing improvement in as little as three weeks," said Adam Goldberg, CEO of Carrot Neurotechnology, Inc. "We want everyone with access to a PC/Mac, Android and Apple device to be able to benefit from this easy-to-use app that works as a competitive and fun game."

"Having worked with professional teams and individual athletes on vision training for the past 41 years, I'm always looking for new tools to add to my regimen when trying to give the pros an edge," said Dr. Bill Harrison, O.D. of SlowtheGameDown in Laguna Beach, CA. "When I heard about the results that the UC Riverside baseball program had with ULTIMEYES, we reviewed it and decided to add it to our sports vision program."

The most notable study¹ was conducted by the University of California, Riverside in collaboration with the UCR Highlanders baseball team. On average, the visual acuity increased 31%, with seven of the players' vision improving to 20/7.5 using a standard Snellen chart. Normal vision using the Snellen chart is 20/20. The improved vision resulted in batting performance strikeouts decreasing 4.4% and increasing the number of runs created. Using Bill James² formula for runs created, the researchers calculated that the team created 41 more runs, resulting in 4 to 5 additional wins for the season. Looking at other standard measures of offensive performance (Batting Average, Slugging Percentage, On Base Percentage, Walks, and Strike Outs), in every case UCR's year-over-year improvements were substantially greater (at least 3X) than the rest of the league.

ULTIMEYES® is an easy-to-use integrated app that uses a series of special game-like exercises that

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Complaint

stimulate brain plasticity to make visual processing more efficient. Brain plasticity is the brain's mechanism that allows us to acquire new skills or improve upon the ones we already have, including vision. The program should be used four times per week for eight weeks, and each session is only 25 minutes long. Though results vary from person to person, on average, ULTIMEYES® users that have participated in ULTIMEYES studies could read one or two lines better on the Snellen eye chart and experienced a 100% increase in contrast sensitivity. Studies have been conducted with high performance athletes, law enforcement agencies, and people of all ages, genders and vision capabilities. Additional studies looking at other vision-related issues and applications are already underway. For more information on ULTIMEYES® please visit www.ultimeyesvision.com and www.youtube.com/ultimeyes.

About Carrot Neurotechnology, Inc.

Carrot Neurotechnology, Inc. is a private company founded by neuroscientists and video-game professionals, and is focused on developing new perceptual learning mechanisms that deliver improved vision and an enhanced lifestyle. Carrot Neurotechnology, Inc. develops and sells its patent pending integrated game program, ULTIMEYES®, that delivers affordable, safe, and comprehensive vision improvement for sports, reading, driving, and relieving the need for traditional visual aids used for age related eye conditions such as presbyopia and loss of contrast sensitivity.

¹ The study was published by the peer-reviewed journal, Current Biology - February, 2014.

² Bill James' methods for baseball statistics and analysis were made famous in the movie Moneyball.

<http://www.amazon.com/ULTIMEYES>
<https://play.google.com/ULTIMEYES>
<http://appstore.com/ULTIMEYES>
www.ultimeyesvision.com

CONTACT INFORMATION

Ryh-Ming Poon
PR@Ultimeyesvision.com



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Exhibit I



University of California Reports Findings That ULTIMEYES® Produces Better Vision and Real World Benefits – Published in Current Biology

A study conducted with UCR Baseball Team demonstrates that Carrot Neurotechnology Inc.'s interactive vision training game ULTIMEYES® produces improved vision and quantifiable real world benefits.

Calabasas, CA (PRWEB) February 17, 2014

Carrot Neurotechnology, Inc. today announced that the peer-reviewed journal Current Biology published the results of a study entitled "Improved vision and on-field performance in baseball through perceptual learning," in the February 17th issue, which demonstrates that improved vision resulting from Carrot Neurotechnology's integrated interactive game program ULTIMEYES® yields improved vision with real world benefits. In this peer-reviewed journal, the researchers go on to say that the results of the study demonstrate the ability to deliver real world benefits across a broad range of activities ranging from athletics to more routine lifestyle activities such as reading, watching TV and driving.

The study was conducted by the University of California Riverside and the University of California Riverside baseball team prior to the 2013 season and included 37 players. As a result of using the integrated interactive game program visual acuity of the trained players increased 31% following use of the program and 7 of the players reached impressive 20/7.5 Snellen acuity. Contrast sensitivity function improved similarly in the trained players. Baseball players typically have excellent vision, so the extent of the improvement surprised the researchers. Players reported, "My eyes feel stronger", "I can see the ball better while I'm hitting", "I have greater peripheral vision. Easy to see further", "I can tell a change in dim light and being able to distinguish lower contrasting things."

Acuity is the sharpness of vision and contrast sensitivity is the ability to see details in low contrast such as seeing in dim light at night.

Testing ULTIMEYES® in baseball players enabled analysis of real world performance, in this case batting performance. The study demonstrated that trained players delivered better on-field performance than before use of the program including 4.4% fewer strikeouts, generated 41 more runs to achieve 4 to 5 more wins. UCR's year-over-year improvements were at least three times greater than the rest of the league in batting average, slugging percentage, on-base percentage, walks and strikeouts, the researchers determined.

UCR's Head Baseball Coach Doug Smith said, "I didn't think we would see as much of an improvement as we did. Our guys stopped swinging at some pitches and started hitting at others. Their average strikeout total went down and batting went up."

"This study reaffirms that our product delivers improved visual performance and confirms that these improvement transfer into practical real-world benefits. We're encouraged and excited by the broad range of lifestyle benefits that many individuals who rely on vision including athletes but also those with normal vision and low vision going about their routine tasks," said Adam Goldberg, CEO of Carrot Neurotechnology, Inc.

The publication is available now at: <http://www.cell.com/current-biology/>

Video summary available at: <http://youtu.be/EKbbF66cyqI>.

ULTIMEYES® is currently available for Microsoft Windows, Mac OSX and iPad and will soon be available on Android tablets. For more information about ULTIMEYES®, visit ultimeyesvision.com.

About Carrot Neurotechnology, Inc.

Carrot Neurotechnology, Inc. is a private company founded by cognitive neuroscientists, vision scientists, and former video-game executives focused on developing new perceptual learning mechanisms that deliver improved vision and enhanced lifestyle. Carrot Neurotechnology, Inc. develops and sells its patent pending integrated game program ULTIMEYES® that delivers affordable safe comprehensive vision improvement for sports, reading, driving and relieving need for traditional visual aids used for age-related eye conditions such as presbyopia and loss of contrast sensitivity.

About Current Biology

Cell Press is committed to improving scientific communication through the publication of exciting research and reviews. As we introduce publications and expand our online content to serve our growing audience, our mission remains to publish and develop journals that deliver the highest possible intellectual rigor, promote community trust, and are widely disseminated. Cell Press primary research journals include the flagship journal Cell. For more information, please visit <http://www.cell.com>.

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Complaint

About University of California, Riverside

The University of California, Riverside (<http://www.ucr.edu>) is a doctoral research university, a living laboratory for groundbreaking exploration of issues critical to Inland Southern California, the state and communities around the world. Reflecting California's diverse culture, UCR's enrollment has exceeded 21,000 students. The campus opened a medical school in 2013 and has reached the heart of the Coachella Valley by way of the UCR Palm Desert Center. The campus has an annual statewide economic impact of more than \$1 billion. A broadcast studio with fiber cable to the AT&T Hollywood hub is available for live or taped interviews. UCR also has ISDN for radio interviews. To learn more, call (951) UCR-NEWS.

Contact Information

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Carrot Neurotechnology, Inc.
<http://multimediasession.com>
+1 310 210-4338

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Decision and Order

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof and the respondents having been furnished thereafter with a copy of a draft complaint that the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the respondents with violation of the Federal Trade Commission Act, 15 U.S.C. § 45 *et seq.*; and

The respondents, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order (“consent agreement”) that includes: a statement that the respondents neither admit nor deny any of the allegations in the draft complaint except as specifically stated in the consent agreement; an admission by the respondents of facts necessary to establish jurisdiction for purposes of this action; and waivers and other provisions as required by the Commission’s Rules; and

The Commission having thereafter considered the matter and having determined that it has reason to believe that the respondents have violated the Federal Trade Commission Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such consent agreement on the public record for a period of 30 days, and having duly considered the comments filed thereafter by interested persons pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, now in further conformity with the procedure prescribed in Commission Rule 2.34, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Carrot Neurotechnology, Inc. (“Carrot”) is a California corporation with its principal office or place of business at 3995 Prado De Las Frutas, Calabasas, California, 91302.
2. Respondent Adam Goldberg is an owner and officer of Carrot. Individually or in concert with others, he

Decision and Order

formulates, directs, or controls the policies, acts, and practices of the corporation.

3. Respondent Aaron Seitz is an owner and officer of Carrot. Individually or in concert with others, he formulates, directs, or controls the policies, acts, and practices of the corporation.
4. The Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER**DEFINITIONS**

For purposes of this order, the following definitions shall apply:

- A. Unless otherwise specified, “Respondents” shall mean Carrot Neurotechnology, Inc., a corporation, its successors and assigns and its officers; Adam Goldberg, individually and as an officer of the corporation; Aaron Seitz, individually and as an officer of the corporation; and each of the above’s agents, representatives, and employees.
- B. “Clearly and conspicuously” shall mean that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
 1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the

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communication even if the representation requiring the disclosure is made through only one means.

2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.
3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
5. On a product label, the disclosure must be presented on the principal display panel.
6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears.
7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.

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- C. “Close proximity” shall mean that the disclosure is very near the triggering representation. In an interactive electronic medium (such as a mobile app or other computer program), a visual disclosure that cannot be viewed at the same time and in the same viewable area as the triggering representation, on the technology used by ordinary consumers, is not in close proximity. A disclosure made through a hyperlink, pop-up, interstitial, or other similar technique is not in close proximity to the triggering representation. A disclosure made on a different printed page than the triggering representation is not in close proximity.
- D. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
- E. “Covered Product or Service” shall mean any Device, as defined below, or any program or service that is:
1. intended for use in the diagnosis of disease or other condition, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals; or intended to affect the structure or any function of the body of man or other animals; and
 2. which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.
- F. “Device” shall mean, as defined in Section 15 of the FTC Act, 15 U.S.C. § 55, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is:
1. recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them;

Decision and Order

2. intended for use in the diagnosis of disease or other condition, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals; or
3. intended to affect the structure or any function of the body of man or other animals; and

which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

- G. “Endorsement” shall mean, as defined in 16 C.F.R. § 255.0(b), any advertising message (including verbal statements, demonstrations, or depictions of the name, signature, likeness or other identifying personal characteristics of an individual or the name or seal of an organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the endorser and may be an individual, group, or institution.
- H. “Material connection” shall mean any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers.
- I. “Person” shall mean a natural person, an organization, or another legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.
- J. “Reliably Reported,” for a human clinical test or study (“test”), shall mean a report of the test has been published in a peer-reviewed journal, and such

Decision and Order

published report provides sufficient information about the test for experts in the relevant field to assess the reliability of the results.

- K. The term “including” in this order shall mean “including without limitation.”
- L. The terms “and” and “or” in this order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

I.

IT IS ORDERED that Respondents, directly or through any corporation, subsidiary, division, or other means, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product or Service, including, but not limited to, Ultimeyes, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of a name, endorsement, depiction, or illustration, that the Covered Product or Service improves users’ vision, including that the Covered Product or Service:

- A. Improves the vision of users, including people of all ages, genders, and visual abilities;
- B. Improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving;
- C. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and
- D. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users’ ability to read in dim light,

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and diminishing the need for glasses or other visual aids,

unless the representation is non-misleading and, at the time of making such representation, Respondents possess and rely upon competent and reliable scientific evidence to substantiate that the representation is true. For purposes of this Part, competent and reliable scientific evidence shall consist of human clinical testing of the Covered Product or Service that is sufficient in quality and quantity, based on standards generally accepted by experts in the relevant field, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. Such testing shall (1) be randomized, double-blind, and adequately controlled; and (2) be conducted by researchers qualified by training and experience to conduct such testing. In addition, all underlying or supporting data and documents generally accepted by experts in the relevant field as relevant to an assessment of such testing as set forth in Part III must be available for inspection and production to the Commission.

II.

IT IS FURTHER ORDERED that Respondents, directly or through any corporation, subsidiary, division, or other means, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product or Service in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of a name, endorsement, depiction, or illustration, any representation, other than representations covered under Part I of this order, about the health benefits, performance, efficacy, safety, or side effects of any Covered Product or Service, unless the representation is non-misleading, and, at the time of making such representation, Respondents possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. For purposes of this Part, competent and reliable scientific evidence means tests, analyses,

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research, or studies (A) that have been conducted and evaluated in an objective manner by qualified persons; (B) that are generally accepted in the profession to yield accurate and reliable results; and (C) when they are human clinical tests or studies, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as set forth in Part III are available for inspection and production to the Commission.

III.

IT IS FURTHER ORDERED that, with regard to any human clinical test or study (“test”) upon which Respondents rely to substantiate any claim covered by Parts I or II of this order, Respondents shall secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, including, but not necessarily limited to:

- A. All protocols and protocol amendments, reports, articles, write-ups, or other accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or any other person not employed by the research entity;
- B. All documents referring or relating to recruitment; randomization; instructions, including oral instructions, to participants; and participant compliance;
- C. Documents sufficient to identify all test participants, including any participants who did not complete the test, and all communications with any participants relating to the test; all raw data collected from participants enrolled in the test, including any participants who did not complete the test; source documents for such data; any data dictionaries; and any case report forms;
- D. All documents referring or relating to any statistical analysis of any test data, including, but not limited to,

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any pretest analysis, intent-to-treat analysis, or between-group analysis performed on any test data; and

- E. All documents referring or relating to the sponsorship of the test, including all contracts and communications between any sponsor and the test's researchers.

Provided, however, the preceding preservation requirement shall not apply to a Reliably Reported test, unless the test was conducted, controlled, or sponsored, in whole or in part (1) by Respondents, or by any person or entity affiliated with or acting on behalf of Respondents, including officers, agents, representatives, and employees, or by any other person or entity in active concert or participation with Respondents, or (2) by Respondents' programmers, manufacturers, or suppliers of any component of the Covered Product or Service.

For any test conducted, controlled, or sponsored, in whole or in part, by Respondents, Respondents must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of any personal information collected from or about participants. These procedures shall be documented in writing and shall contain administrative, technical, and physical safeguards appropriate to Respondents' size and complexity, the nature and scope of Respondents' activities, and the sensitivity of the personal information collected from or about the participants.

IV.

IT IS FURTHER ORDERED that Respondents, directly or through any corporation, subsidiary, division, or other means, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, program, or service in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, including through the use of a name, endorsement, depiction, or illustration:

- A. The existence, contents, validity, results, conclusions, or interpretations of any test, study, or research; or

Decision and Order

- B. That any benefits of such product, program, or service are scientifically proven.

V.

IT IS FURTHER ORDERED that Respondents, directly or through any corporation, subsidiary, division, or other means, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, program, or service in or affecting commerce, shall disclose, clearly and conspicuously, and in close proximity to the triggering representation:

- A. For any representation that any test, study, or research supports any claims about the product, program, or service, all material connections with any person that has conducted, authored, or participated in the test, study, or research; and
- B. For any endorsement of such product, program, or service, all material connections between the person providing the endorsement and Respondents or any other person manufacturing, labeling, advertising, promoting, offering for sale, selling, or distributing such product, program, or service.

VI.

IT IS FURTHER ORDERED that:

- A. Respondents shall pay to the Commission \$150,000, which Respondents have stipulated their undersigned counsel holds in escrow for no purpose other than payment to the Commission.
- B. Such payment shall be made within 8 days of the effective date of this order by electronic funds transfer in accordance with instructions provided by a representative of the Commission.

Decision and Order

- C. Respondents relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this order and may not seek the return of any assets.
- D. The facts alleged in the complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission to enforce its rights to any payment pursuant to this order, such as a nondischargeability complaint in any bankruptcy case.
- E. The facts alleged in the complaint establish all elements necessary to sustain an action by or on behalf of the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this order will have collateral estoppel effect for such purposes.
- F. All money paid to the Commission pursuant to this order may be deposited into a fund administered by the Commission or its designee to be used for relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other relief (including consumer information remedies) as it determines to be reasonably related to Respondents' practices alleged in the complaint. Any money not used is to be deposited to the U.S. Treasury. Respondents have no right to challenge any activities pursuant to this Part.
- G. In the event of default on any obligation to make payment under this order, interest, computed as if pursuant to 28 U.S.C. § 1961(a), shall accrue from the date of default to the date of payment. In the event such default continues for 10 days beyond the date that

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payment is due, the entire amount will immediately become due and payable.

- H. Each day of nonpayment is a violation through continuing failure to obey or neglect to obey a final order of the Commission and thus will be deemed a separate offense and violation for which a civil penalty shall accrue.
- I. Respondents acknowledge that their Taxpayer Identification Numbers (Social Security or Employer Identification Numbers), which Respondents have previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this order, in accordance with 31 U.S.C. § 7701.

VII.

IT IS FURTHER ORDERED that Respondents must directly or indirectly provide sufficient customer information, including sufficient identification of all resellers, to enable the Commission to efficiently administer consumer redress to all purchasers of Ultimeyes. If a representative of the Commission requests in writing any information related to redress, Respondents must provide it, in the form prescribed by the Commission representative, within 14 days.

VIII.

IT IS FURTHER ORDERED that Respondent Carrot Neurotechnology, Inc. and its successors and assigns, and Respondents Adam Goldberg and Aaron Seitz shall, for 5 years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;

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- B. All materials that were relied upon in disseminating the representation;
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and
- D. All acknowledgements of receipt of this order obtained pursuant to Part IX.

IX.

IT IS FURTHER ORDERED that Respondent Carrot Neurotechnology, Inc. and its successors and assigns, and Respondents Adam Goldberg and Aaron Seitz shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within 30 days after the date of service of this order, and to future personnel within 30 days after the person assumes such position or responsibilities.

X.

IT IS FURTHER ORDERED that Respondent Carrot Neurotechnology, Inc. and its successors and assigns, and Respondents Adam Goldberg and Aaron Seitz shall notify the Commission at least 30 days prior to any change in the corporation that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition;

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or a change in the corporate name or address. *Provided, however,* that, with respect to any proposed change in the corporation about which Respondents learn less than 30 days prior to the date such action is to take place, Respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to Debrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580. The subject line must begin: *In re Carrot Neurotechnology, Inc.*

XI.

IT IS FURTHER ORDERED that Respondent Carrot Neurotechnology, Inc. and its successors and assigns, and Respondents Adam Goldberg and Aaron Seitz, within 60 days after the date of service of this order, each shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within 10 days of receipt of written notice from a representative of the Commission, they shall submit additional true and accurate written reports. Unless otherwise directed by a representative of the Commission in writing, these reports shall be emailed to Debrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580. The subject line must begin: *In re Carrot Neurotechnology, Inc.*

XII.

This order will terminate on February 22, 2036, or 20 years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

Analysis to Aid Public Comment

- A. Any Part in this order that terminates in less than 20 years;
- B. This order's application to any Respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the Respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

ANALYSIS OF CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a consent order as to Carrot Neurotechnology, Inc., Adam Goldberg, and Aaron Seitz (hereafter "respondents").

The proposed consent order ("order") has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the order and the comments received, and will decide whether it should withdraw the order or make it final.

Analysis to Aid Public Comment

This matter involves the respondents' advertising for the Ultimeyes software application. The Commission's complaint alleges that the respondents violated Sections 5(a) and 12 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a), 52, by representing, either falsely or without adequate substantiation, that Ultimeyes substantially improves users' vision, including that it: improves the vision of users, including people of all ages, genders, and visual abilities; improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving; improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids. The complaint also alleges that the respondents violated Sections 5(a) and 12 by making the false or misleading representation that scientific testing proves that Ultimeyes improves vision in the above ways.

The order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. The order applies to marketing claims for any Covered Product or Service, defined as any Device within the meaning of Sections 12 and 15 of the FTC Act, 15 U.S.C. §§ 52, 55, or any program or service that is: (1) intended for use in the diagnosis of disease or other condition, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals; or (2) intended to affect the structure or any function of the body of man or other animals; and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes. As additional fencing-in relief, the order requires the respondents to follow appropriate recordkeeping and compliance reporting requirements, as well as document preservation requirements for human clinical studies that it conducts or sponsors on any Covered Product or Service.

Analysis to Aid Public Comment

Part I prohibits any representation that a Covered Product or Service improves users' vision, unless it is non-misleading and supported by competent and reliable scientific evidence. Such evidence must consist of human clinical testing of the Covered Product or Service that is sufficient in quality and quantity, based on standards generally accepted by experts in the relevant field, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. Such testing shall (1) be randomized, double-blind, and adequately controlled; and (2) be conducted by researchers qualified by training and experience to conduct such testing. In addition, the respondents must maintain all underlying or supporting data that experts in the relevant field generally would accept as relevant to an assessment of such testing.

Part II prohibits any representation about the health benefits, performance, efficacy, safety, or side effects of any Covered Product or Service, unless it is non-misleading and supported by competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. For purposes of this Part, competent and reliable scientific evidence means tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons; and that are generally accepted in the profession to yield accurate and reliable results. When that evidence consists of human clinical tests or studies, the respondents must maintain all underlying or supporting data and documents that experts in the relevant field generally would accept as relevant to an assessment of such testing.

Part III, triggered when the human clinical testing requirement in Parts I or II applies, requires the respondents to secure and preserve all underlying or supporting data and documents generally accepted by experts in the relevant field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test's researchers. There is an exception for a "Reliably Reported" test, defined as a test that is published in a peer-reviewed journal and that was not conducted, controlled, or

Analysis to Aid Public Comment

sponsored by any respondent or by any supplier of the respondents. Also, the published report must provide sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Part IV prohibits the respondents from misrepresenting, including through the use of a name, endorsement, depiction, or illustration, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, or that any benefits of a product, program, or service are scientifically proven.

Part V requires the respondents to disclose, when triggered by certain representations as to scientific support or endorsements in connection with the advertisement or sale of any product, program, or service, any material connections to any person that has conducted, authored, or participated in any test, study, or research of the product, program, or service; and all material connections between a person providing an endorsement and respondents or any other person manufacturing, labeling, advertising, promoting, offering for sale, selling, or distributing such product, program, or service.

Part VI provides the respondents will pay an equitable monetary payment of \$150,000 and contains other provisions related to the payment.

Part VII requires the respondents to provide sufficient customer information to administer redress.

Part VIII contains recordkeeping requirements for advertisements and substantiation relevant to representations covered by Parts I through III, as well as order acknowledgments covered by Part IX.

Parts IX through XI require the respondents to deliver a copy of the order to officers, employees, and representatives having managerial responsibilities with respect to the order's subject matter, notify the Commission of changes in corporate structure that might affect compliance obligations, and file compliance reports with the Commission.

Concurring Statement

Part XII provides that, with exceptions, the order will terminate in twenty years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order's terms in any way.

**Concurring Statement of Commissioner Maureen K.
Ohlhausen**

On September 17, 2015, the Commission issued an administrative complaint and accepted a proposed administrative consent agreement with Carrot Neurotechnology, Inc., regarding allegedly false and unsubstantiated vision improvement claims for Ultimeyes, a video game app.¹ The Commission subsequently published a description of the consent agreement package in the Federal Register, seeking public comment.² The Commission received seventy-seven comments, including many from experts and researchers in the relevant field of perceptual learning.

The Commission now votes to issue the consent agreement without modification and to address commenter concerns in a responsive letter. I concur, but write separately to emphasize our response to one particular set of concerns raised by commenters.

1 In the Matter of Carrot Neurotechnology, Inc., FTC File No. 1423132 (Sept. 17, 2015).

2 Carrot Neurotechnology, Inc., Analysis of Proposed Consent Order To Aid Public Comment, 80 Fed. Reg. 57614 (Sept. 24, 2015), <https://www.federalregister.gov/articles/2015/09/24/2015-24220/carrot-neuro-technology-inc-analysis-of-proposed-consent-order-to-aid-public-comment#h-4>. All public comments on this matter are available at <https://www.ftc.gov/policy/public-comments/initiative-625>.

Concurring Statement

Part I of the consent agreement requires that Carrot substantiate any future vision improvement claims through testing that is “double-blinded.”³ Many commenters expressed concern about this blinding requirement.⁴ For example, one commenter explained that “[i]n perceptual experiments it is impossible to produce an intervention to which the participant is ‘blinded’ in the way that a pill or a cream can appear to be identical regardless of whether or not the active ingredient is present.”⁵ Another noted that it is difficult to control for a test subject’s expectations “for learning from behavioral training techniques where a person is actively engaged with learning materials that they are aware of.”⁶ Still another argued that so-called “placebo” effects are mental changes that are relevant to perceptual and cognitive learning.⁷

These are legitimate concerns about the apparent rigidity of the agreement’s blinding requirement.⁸ However, the blinding requirement already is context-sensitive and flexible – more so than the commenters may realize. As our letter to commenters properly explains, the blinding requirement is flexible because

3 Consent Agreement at 5.

4 See, e.g., Comments of Russell Cohen Hoffing (Sept. 17, 2015); Comments of Tony Simon (Sept. 17, 2015); Comments of C. Shawn Green (Sept. 17, 2015); Comments of Esther Gonzalez (Oct. 8, 2015); Comments of Daphne Bavelier (Oct. 14, 2015).

5 Comments of Frederick Gallun (Oct. 4, 2015). See also Comments of Daniel Polley (Oct. 17, 2015); Comments of Kyrstel R. Huxlin, PhD, at 1 (Oct. 2, 2015); Comments of Lori Holt (Oct. 5, 2015); Comments of Krish Sathian (Oct. 19, 2015).

6 Comments of Whyte (Sept. 21, 2015).

7 Comments of Stanley Klien (Oct. 18, 2015). See also Comments of Hans Strasburger (Oct. 6, 2015).

8 Indeed, the D.C. Circuit has found that “rigid remedial rules” could deny consumers “useful, truthful information about products with a demonstrated capacity to treat or prevent serious disease.” *POM Wonderful, LLC, v. FTC*, 777 F.3d 478, 502-03 (D.C. Cir. 2015). In that case, the court upheld a substantiation standard that required double-blinding “whenever feasible.” *Id.* at 500-503.

Concurring Statement

“[w]hat constitutes appropriate blinding and controls ... may differ depending on the nature of the intervention and other circumstances.”⁹ The letter also provides examples of practices that may constitute adequate blinding in this context.

It might be more straightforward if the agreement itself explained the blinding requirement’s flexibility. However, I believe our letter to commenters adequately explains the Commission’s position on double-blinding in this case. Therefore, I concur.

⁹ Letter at 3.

Complaint

IN THE MATTER OF

MACHINIMA, INC.CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket No. C-4569; File No. 142 3090
Complaint, March 16, 2016 – Decision, March 16, 2016

This consent order addresses Machinima, Inc.’s failure to make appropriate disclosures about content relating to video games and gaming culture via a multi-channel network on YouTube.com. The complaint alleges that Respondent’s influencers did not disclose that Respondent offered compensation to the influencers in exchange for creating and uploading the videos as part of the advertising campaign. The complaint further alleges that Respondent’s influencers’ videos did not reflect the independent opinions of impartial video game enthusiasts. The consent order requires Respondent to clearly and prominently disclose in any Influencer Campaign a material connection, if one exists, between the Endorser and the advertiser whose product is being endorsed.

Participants

For the *Commission*: Julie Mayer, Richard McKewen, and Connor Shively.

For the *Respondent*: Linda Goldstein, Manatt, Phelps & Phillips, LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Machinima, Inc., a corporation (“Respondent”), has violated provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is a Delaware corporation with its principal office or place of business at 8441 Santa Monica Blvd, West Hollywood, CA 90069.