

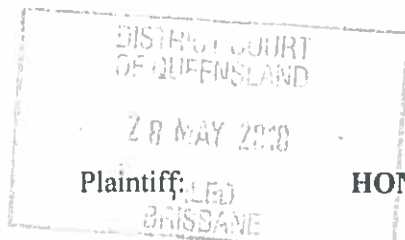
SERVICE

2

DISTRICT COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: 1707/18



Plaintiff: **HONSUE CHO**

AND

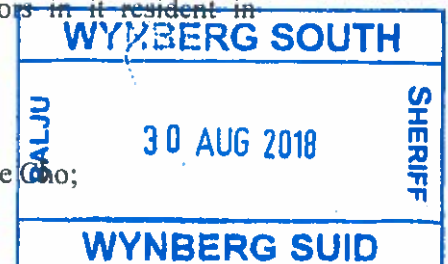
Defendant: **MARK THOMAS**

AMENDED STATEMENT OF CLAIM

This claim in this proceeding is made in reliance on the following facts:

Introductory matters

1. The Cho Group Limited:
 - (a) is a company registered in Hong Kong with its head office in Guangzhou, the People's Republic of China; and
 - (b) together with its related company RMW Cho Group Pty Limited, manufactures and promotes the products Next Generation Photodynamic Therapy (NGPDT) and Photosoft, which are cancer treatments. NGPDT and Photosoft have been licensed to Invion Limited a company listed on the ASX (which is controlled by The Cho Group Limited and its associated entities) which intends to commercialise these products in Australia, including Queensland.
2. Invion has, and at all material times has had, investors in it resident in Queensland.
3. The plaintiff:
 - (a) is also known as Michael Cho and Michael Honsue Cho;
 - (b) is the founder of Cho Group Limited; and



AMENDED STATEMENT OF CLAIM

Filed on Behalf of the Plaintiff

Form 16, Version 2

Uniform Civil Procedure Rules 1999

Rules 22, 146

Jones Day

Riverside Centre, Level 31

123 Eagle Street

BRISBANE QLD 4000

Phone No: 07 3085 7000

Fax No: 07 3085 70999

Ref: 821022-670001

- (c) is and at all material times has been the chairman and major shareholder of Cho Group Limited.

Publication

4. On or about 27 February 2012, the defendant registered a domain name and created the website www.uspiked.com (**uSpiked Website**).
5. At all material times, the defendant owned and maintained the uSpiked website.
6. On 14 May 2017, the defendant:
 - (a) authored the words reproduced as “Attachment 1” (**First Article**); and
 - (b) uploaded the First Article, or caused it to be uploaded, to the uSpiked Website.
7. The First Article:
 - (a) identified the plaintiff by identifying Cho Group Limited in circumstances where:
 - (i) Cho Group Limited bears the plaintiff’s name;
 - (ii) the plaintiff was known by those who knew him to be the founder, chairman and major shareholder of Cho Group Limited;
 - (iii) earlier publications, including publications that remained accessible online, identified the plaintiff as the founder, chairman and major shareholder of Cho Group Limited; and

Particulars

Save that it does not mention the plaintiff as the founder, the Cho Group website contains this identifying information at http://chogroup.com.au/company_profile.php, and has done so at all material times.

To the extent that the First Article was published or republished on or after 20 May 2017, the matters pleaded at paragraph 13 and 18 below also constitute a relevant earlier publication.

To the extent that the First Article was published or republished on or after 18 June 2017, the matters

pleaded at paragraph 19 and 24 below also constitute a relevant earlier publication.

- (iv) in the premises of paragraphs 13, 18, 19 and 24 below, later publications by the same author identified the plaintiff as the founder, chairman and major shareholder of Cho Group Limited;
 - (b) was a matter concerning the plaintiff;
 - (c) was reasonably understood by its readers to refer to the plaintiff.
8. By its natural meaning, the First Article:
- (a) meant and was understood to mean that:
 - (i) the plaintiff makes or seeks to make money at the expense of cancer sufferers;
 - (ii) the plaintiff is a dishonest businessman;
 - (iii) the plaintiff founded and controls a predator company;
 - (iv) the plaintiff founded and controls a company that offers products that it falsely claims can cure cancer, being the NGPDT and Photosoft treatments;
 - (v) the plaintiff founded and controls a company that operates a scam to the detriment of cancer sufferers; and
 - (vi) the plaintiff founded and controls a company that rips off its investors; or
 - (b) carried imputations to like effect.
9. The said meanings set forth in the immediately preceding paragraph were defamatory of the plaintiff.
10. On 19 May 2017, Jones Day acting as solicitors for Cho Group Limited and RMW Cho Group Pty Limited wrote to the defendant and said to the effect:
- (a) the statements contained in the First Article were false and defamatory; and
 - (b) Cho Group Limited and RMW Cho Group Pty Limited demanded that the defendant take down the first article by 8pm AEST that day.
11. The First Article has at all times (or alternatively at substantially all times) from 14 May 2017 remained available online in its original form (or alternatively in substantially its original form).

12. Between 14 May 2017 and 11 May 2018;
- (a) a substantial number of persons downloaded and viewed the First Article, including:
 - (i) persons who knew the plaintiff; and
 - (ii) persons based in Queensland; and
 - (b) accordingly, at various dates during this period being the dates upon which the First Article was downloaded, the defendant published the First Article to a large number of persons.

Particulars

Further details of the extent and timing of publication will be pleaded following disclosure or the plaintiff obtaining relevant third-party materials by subpoena.

13. On 20 May 2017, the defendant:
- (a) authored the words reproduced as “Attachment 2” (**Second Article**); and
 - (b) uploaded the Second Article, or caused it to be uploaded, to the uSpiked Website.
14. The Second Article:
- (a) identified the plaintiff by name;
 - (b) was a matter concerning the plaintiff;
 - (c) was reasonably understood by its readers to refer to the plaintiff.
15. By its natural meaning, the Second Article:
- (a) meant and was understood to mean that:
 - (i) the plaintiff views cancer sufferers as cash cows;
 - (ii) the plaintiff engages in corrupt practices;
 - (iii) the plaintiff provides fake cures for cancer; and
 - (iv) the plaintiff founded and controls a company that scams cancer sufferers; or
 - (b) carried imputations to like effect.
16. The said meanings set forth in the immediately preceding paragraph were defamatory of the plaintiff.

17. The Second Article has at all times (or alternatively substantially all times) from 20 May 2017 remained available online in its original form or alternatively in substantially its original form.
18. Between 20 May 2017 and 11 May 2018;
 - (a) a substantial number of persons downloaded and viewed the Second Article, including persons based in Queensland; and
 - (b) accordingly, at various dates during this period being the dates upon which the Second Article was downloaded, the defendant published the Second Article to a large number of persons.

Particulars

Further details of the extent and timing of publication will be pleaded following disclosure or the plaintiff obtaining relevant third-party materials by subpoena.

19. On 18 June 2017, the defendant:
 - (a) authored the words reproduced as “Attachment 3” (**Third Article**); and
 - (b) uploaded the Third Article, or caused it to be uploaded, to the uSpiked Website.
20. The Third Article:
 - (a) identified the plaintiff by name;
 - (b) was a matter concerning the plaintiff;
 - (c) was reasonably understood by its readers to refer to the plaintiff.
21. By its natural meaning, the Third Article:
 - (a) meant and was understood to mean that:
 - (i) the plaintiff is a participant in a fake cancer cure scam;
 - (ii) the plaintiff targets the desperate and vulnerable;
 - (iii) the plaintiff tests products, including cancer treatments, on humans at a stage in their development where it is usual to test products on animals; or
 - (b) carried imputations to like effect.
22. The said meanings set forth in the immediately preceding paragraph were defamatory of the plaintiff.

23. The Third Article has at all times (or alternatively substantially all times) from 18 June 2017 remained available online in its original form (or alternatively in substantially its original form).
24. Between 18 June 2017 and 11 May 2018;
 - (a) a substantial number of persons downloaded and viewed the Third Article, including persons based in Queensland; and
 - (b) accordingly, at various dates during this period being the dates upon which the Third Article was downloaded, the defendant published the Third Article to a large number of persons.

Particulars

Further details of the extent and timing of publication will be pleaded following disclosure or the plaintiff obtaining relevant third-party materials by subpoena.

25. On an unknown date after 14 May 2017, the defendant:
 - (a) authored the words reproduced as “Attachment 4” (**Fourth Article**); and
 - (b) uploaded the Fourth Article, or caused it to be uploaded, to the address https://www.indiegogo.com/projects/help-us-bust-a-fake-cancer-cure#/.
26. The Fourth Article:
 - (a) identified the plaintiff by name;
 - (b) was a matter concerning the plaintiff;
 - (c) was reasonably understood by its readers to refer to the plaintiff.
27. By its natural meaning, the Fourth Article:
 - (a) meant and was understood to mean that:
 - (i) the plaintiff defrauds cancer patients;
 - (ii) the plaintiff invented and promotes cancer treatments, being NGPDT and Photosoft, that do not work;
 - (iii) the plaintiff invented and promotes a cancer treatment, namely Photosoft, that is a scam; and
 - (iv) the plaintiff is a predator; or
 - (b) carried imputations to like effect.

28. The said meanings set forth in the immediately preceding paragraph were defamatory of the plaintiff.
29. The Fourth Article has at all times (or alternatively substantially all times) from the date of its upload remained available online in its original form (or alternatively in substantially its original form).
30. Between the date of the Fourth Article's upload and 11 May 2018;
 - (a) a substantial number of persons downloaded and viewed the Fourth Article, including persons based in Queensland; and
 - (b) accordingly, at various dates during this period being the dates upon which the Fourth Article was downloaded, the defendant published the Fourth Article to a large number of persons.

Particulars

Further details of the extent and timing of publication will be pleaded following disclosure or the plaintiff obtaining relevant third-party materials by subpoena.

31. Unless restrained by this Honourable Court the defendant will continue to publish or cause to permit to be further published the First Article, the Second Article, the Third Article and the Fourth Article (together, the **Offending Articles**) or words to similar effect defamatory of the plaintiff.

Damage

32. The publication of the Offending Articles caused substantial damage to the plaintiff in his personal and professional reputation as well as substantial hurt, distress and embarrassment to the plaintiff.
33. The plaintiff claims compensatory damages for the publication of the defamatory imputations pleaded above to:
 - (a) vindicate his reputation;
 - (b) compensate him for the distress and embarrassment caused by the publication of the imputations conveyed by the Offending Articles;
 - (c) reflect the extent of publication and that the imputations conveyed by the Offending Articles may spread, in respect of which the plaintiff relies upon the ordinary grapevine effect in relation to the Offending Articles and the natural and probable consequence that the publication of the words in the Offending Articles by the defendant would result in further publication of the imputations in their substance or effect;

- (d) be sufficient to convince a person to whom the imputations and each of them were published or republished of the baselessness of the relevant imputations; and
- (e) provide reparation for the damage to each of the plaintiff's reputations.

34. Further:

- (a) the hurt suffered by the plaintiff has been aggravated by the following matters:
 - (i) the defendant's knowledge that the imputations and each of them are untrue; and
 - (ii) the defendant's unjustifiable failure to retract, correct or apologize to the plaintiff for the publication of the Offending Articles; and
- (b) the plaintiff thereby claims aggravated compensatory damages.

Relief

The plaintiff claims the following relief against the defendant:

1. a declaration that each of the Offending Articles contains defamatory matter and is defamatory of the plaintiff under the common law of Australia as modified by the *Defamation Act 2005* (Qld);
2. general compensatory damages in the amount of \$250,000, an amount that reflects the seriousness of the imputations, the extent of the publication, and the harm, loss and damage caused by the imputations;
3. aggravated compensatory damages in the amount of \$100,000 for the additional hurt suffered by the plaintiff as a result of the matters set out in paragraph 34 above;
4. interest on any damages, pursuant to the *Civil Proceedings Act 2011* (Qld), s.48;
5. a permanent injunction to restrain the defendant, whether personally or by his agents or otherwise howsoever, from continuing to publish, further publishing or causing to be published the same or similar words defamatory of the plaintiff;
6. such further or other order as the Court deems appropriate; and
7. costs.

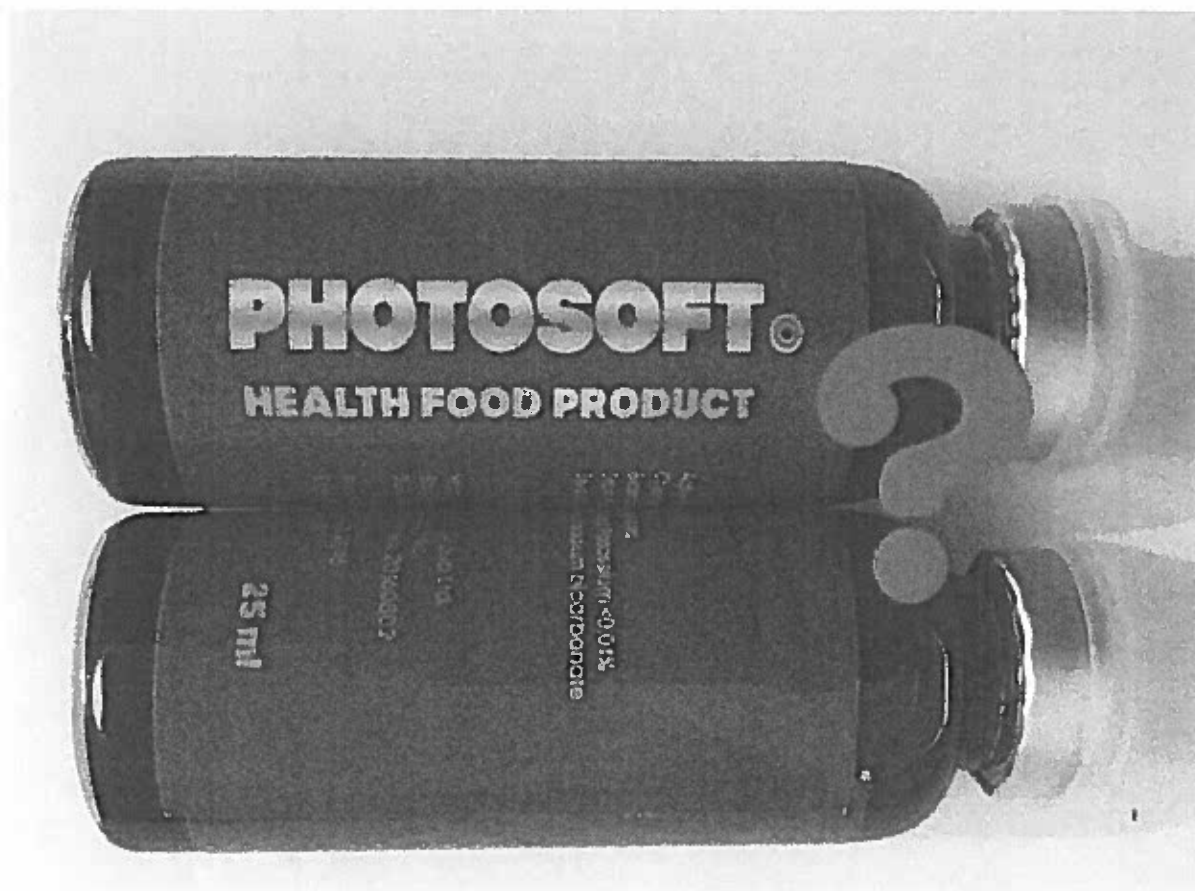


"Attachment 1"

Cancer Profiteers

Are you a victim of this cancer scam?

14 May, 2017
by Mark Thomas



Refuse to be victimised again after your cancer diagnosis. We call on you to out predatory profiteers seeking to benefit from your desperation. Help stop the smooth-talking snake-oil salespeople.

In Brief

- For every scourge, there's a profiteer, and cancer is no different. One Hong Kong-based company is marketing a product called Photosoft, which purportedly cures cancer
- uSpiked's preliminary investigations, done in partnership with several journalists spread across the world, pointed to a grand scheme to rip-off cancer

In May 2009, award-winning journalist, Rob Rose, broke the story of Barry Tannenbaum and his Ponzi scheme. Rose later detailed the busting of the scheme in his 2013 book, *The Grand Scam*.

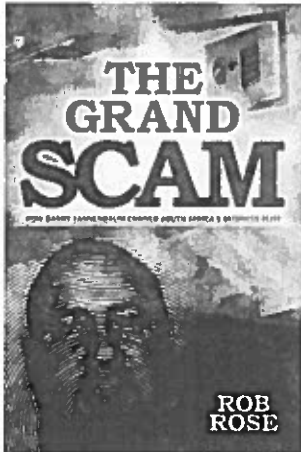
The Grand Scam, a brilliant and well-researched book, is a double-edged sword. The book is a great guide on how to spot a con. But, it now appears, it also inspires others intending to operate fool-proof scams targeting the desperate and vulnerable.

Tannenbaum, the mastermind of the scam as exposed by Rose, preyed on the desperate demand for HIV/AIDS drugs to lure prospective victims. He claimed that his company, Frankel Chemicals, had exclusive rights to the market for Active-Pharmaceutical Ingredients used in the making of generic antiretroviral (ARV) drugs.

When Tannenbaum started the scheme circa 2005, the activist group, Treatment Action Campaign (TAC) was winning the long fight for access to ARVs. Tannenbaum leveraged TAC's win to market his

patients and gullible investors

- We are calling on anyone who is or has been associated with Photosoft and Next Generation Photodynamic Therapy to contact us and join our growing list of victims willing to put a stop to this scheme



Before the Cancer scam there was Barry Tannenbaum, the grandson of the founder of one of South Africa's biggest pharmaceutical company, Adcock Ingram, offered investors stratospheric returns of more than 200% a year by investing in the components used to make AIDS drugs.

scheme as lucrative, solid and of great potential.

His claim was on the grounds that he had bagged exclusive contracts with API patent holders and leading local generic pharmaceutical companies. And that the market was just begging to be reaped.

Today we want to talk about cancer, another scourge of the world on the heels of HIV/AIDS. Cancer, like HIV/AIDS, is a target for scammers hoping to exploit desperate patients, their relatives and gullible investors.

In 2015, cancer was the second leading cause of death globally - responsible for 8.8m deaths in that year. This is according to the latest statistics by WHO published in February 2017. WHO also projected a 70% rise in new cancer cases in the next 20 years. Other cancer studies have revealed even gloomier numbers than WHO's.

Statistics aside, cancer and its impacts have touched the whole world. The majority of us know someone who has cancer, is affected by cancer or dead of cancer.

For every scourge, there's a profiteer, and cancer is no different. As scientists work hard to find the next innovative and effective treatments and cure, some crafty business people are busy peddling expensive 'snake oils'.

Consider Barry Tannenbaum and American Bernie Madoff schemes, but with a twist. The cancer predators target millions of desperate and vulnerable cancer patients (willing to try everything to beat the odds), and investors, some of whom would just like to be part of anything that could address the pandemic.

The Cho Group Ltd, a Hong Kong registered corporation with its various subsidiaries, with muted close ties to Beijing, is one such predator.

The company sells an expensive genetically-engineered substance called Photosoft, which it claims can cure cancer.

The company roped in medical doctors and influencers to give weight to its claims of a miracle cure for cancer. A 25ml vial of Photosoft would be ingested (orally). The engineered substance is claimed to have the capability to trace and embed itself onto the cancer cells. Twenty-four hours after consumption, the patient's body directly above the tumour would be spotted with 'special' lights generated from what the company calls the 'Next Generation Photodynamic Therapy' machine. After numerous expensive dosages of the substance and the light, the cancer cells are claimed to have been destroyed. It is neither magical nor miracle, but a scam.

uSpiked (in collaboration with journalists working in four continents) has believable circumstantial evidence that Photosoft and related therapy is but a big scam. Photosoft, as claimed in its patent documents and as is currently administered, cannot cure any type of cancer. And that is a warning we can all now bank on.

We have begun work to prove that Photosoft and its related therapy is a grand rip-off of patients and naive investors. Our growing list of Photosoft victims who have come forward consists of cancer patients and investors.

We are calling on anyone who is or has been associated with Photosoft and NGPDT to contact us.

Cancer patients and relatives

Please contact us if you have used Photosoft and NGPDT or have had it marketed to you. We would like to hear your experience and thoughts about this and other 'snake oil' cancer treatments. By adding your voice, you will not be a victim anymore.

Investors

Are you a corporate or individual who put funds into this scheme after being convinced it was the new cancer-buster? By now you know or might know that your investment is gone. If you were promised a refund for your silence, the promise is only good until the next unsuspecting investor buys in. You should also wonder how you rank on the to-be-refunded list.

Cancer patients and investors are both victims of the Photosoft and NGPDT scheme. No matter the part of the world you are, contact us and we will link you to the nearest collaborating journalist.

We cannot offer you refunds or magical cure. All we can do is amplify your voices to save others from falling prey to such predators.

Reach us through upload center. Or email us at medical@uspiked.com. You could also reach us via WhatsApp Only No. +27-62-623 4844



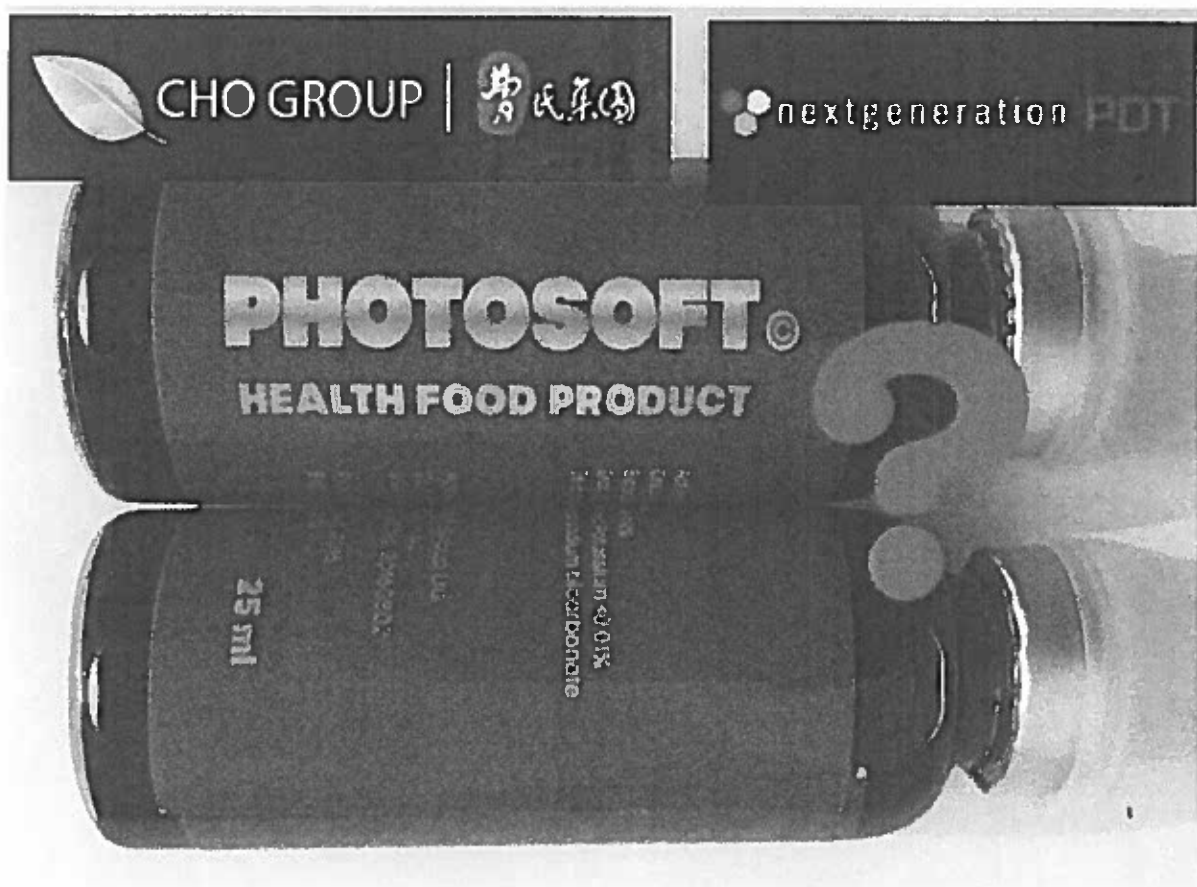


"Attachment 2"

We Shall Not Be Cowed

cancer 'cure' hawker threatens lawsuits

20 May, 2017
by Mark Thomas



uSpiked will continue with its demands for due protection for cancer patients from peddlers of fake cures. We stand by the revelation that Photosoft and NGPDT are fraudulent. The Cho Group may attempt to befriend those with ties to Trump's White House, but that would not stop us.

In Brief

- The Cho Group Ltd, which says its drug cures cancer, wants us to delete our article that questioned that claim
- Through an Australian branch of global law firm, *Jones Day*, the company says our statements cannot be proven. The company has warned *uSpiked* of lawsuits in multiple jurisdictions for questioning its fraudulent claims
- Could the choice of Jones Day, a firm that has advertised its close ties to Donald

The Cho Group Ltd, a Hong Kong registered company, is threatening *uSpiked* and its editor with lawsuits in response to an article that questioned the efficacy of a cancer drug.

It wasn't just the issue of efficacy that concerned us, but the false hope they peddled to desperate and vulnerable cancer patients.

Through the Australian branch of a global law firm Jones Day, The Cho Group and its subsidiary RMW Cho Group Pty Ltd, is demanding we remove the article from our website.

Our article disputed claims by The Cho Group that its concoction, Photosoft and Next Generation Photodynamic Therapy, cures cancer. In the article, we appealed to cancer patients and investors associated with Photosoft to join our quest for the truth.

Lawyer Brett Heading, in an unsigned emailed to *uSpiked* on behalf of The Cho Group wrote: "Our clients demand that you remove the article from *uSpiked*'s website, and confirm to us in writing that you

5/3/2018

We Shall Not Be Cowed | uSpiked

14

Trump's Administration, a calculated move to keep various US Federal Agencies off their scheme?

- We stand by our published and we will not be taking it down
- Our only apology is to the cancer patients and investors for not warning them sooner about Photosoft and The Cho Group
- To the victims (patients and investors) who have heeded our call, we shall not give up on you

have done so, by 8.00pm Australian Eastern Standard Time today (May 19, 2017)."

Heading claims our article has statements that are 'entirely unsubstantiated and lack any proper factual basis'.

"They are clearly and blatantly defamatory and are calculated to cause significant detriment to our clients' businesses by deterring customers from dealing with our clients and undermining our clients' high regard and reputation in the market."

uSpiked stands by the story. We (and several journalists in four continents) have believable circumstantial evidence that Photosoft is a scam. Photosoft, as claimed in its patent documents and as is currently administered, can't cure cancer and we cannot be sorry for letting the public know that fact.

Michael Honsue Cho, the chairman and major shareholder of The Cho Group, appears to have many tentacles in business. He once invented a multi-layered wine barrel, which few winemakers bothered to

buy.

Cho and his companies have every right to view cancer patients as cash cows. But, we won't be cowed by threats meant to distract us from the task at hand. We will continue to demand due protection for the vulnerable cancer patients from peddlers of fake cures.

The Brisbane office of Jones Day focuses on mergers and acquisitions in natural resources, construction, transport and agriculture sectors, according to launch statements made in February 2016. It is interesting that this particular Jones Day's branch is acting on behalf of Cho and Companies in defence of a scheme targeting cancer patients. More on this including how Honsue Cho ended up with a Brisbane outfit to follow in the coming weeks...

The decision to go with Jones Day, a firm that has unashamedly advertised its ties with Donald Trump's White House, has not escaped uSpiked and Team. Could it be a strategic move to shield Honsue Cho and his companies against possible investigations by the US Justice Department under Foreign Corrupt Practices Act should it be proven that some of their victims paid in US dollars? Or even the FDA from investigating them for providing fake cures for cancer?

Our message to Michael Honsue Cho is this: "You may have the resources to seek an injunction or for attempts to shut us down, but we will get to the truth about your scheme soon no matter the barriers you may erect."

To the learned fellow, Brett Heading, next time you want your aimless letters to have some legal force, please try and append your signature to them.

Below is Heading's letter in full delivered on the morning of May 19, 2017 as an email attachment.

...

Dear Mr Thomas,

The Cho Group Ltd, RMW Cho Group Pty Ltd, Next Generation PDT and Photosoft - publication of defamatory material

We act for The Cho Group Ltd and RMW Cho Group Pty Ltd.

We write on behalf of our clients in relation to the article 'Cancer Profiteers: Are You a Victim of This Cancer Scam?', published on uSpiked's website on 14 May 2017, which you authored in your capacity as editor-in-chief of uSpiked.

In your article, you:

- a. label Cho Group Ltd a 'predator';
- b. state that the Next Generation PDT and Photosoft treatments manufactured and promoted by both of our clients are akin to 'Barry Tannenbaum and American Bernie Madoff schemes', with all of the fraudulent and exploitative connotations that such an analogy infers;
- c. suggest that our clients are somehow seeking to abuse 'millions of desperate and vulnerable cancer patients' by advocating for 'snake oil' treatments which amount to a 'scam'; and
- d. encourage customers of our clients to stop dealing with our clients so they can avoid being 'victims'.

Your statements (both express and implied) are entirely unsubstantiated and lack any proper factual basis. They are clearly and blatantly defamatory and are calculated to cause significant detriment to our clients' businesses by deterring customers from dealing with our clients and undermining our clients' high regard and reputation in the market.

The publication of the article entitles our clients to seek an injunction and both general and aggravated damages against you and uSpiked in each jurisdiction in which the article has been accessed worldwide.

Our clients demand that you remove the article from uSpiked's website, and confirm to us in writing that you have done so, by 8.00pm Australian Eastern Standard Time today.

If you fail to remove the article by that time, we are instructed that our clients intend to immediately institute legal proceedings compelling you to do so.

While your removal of the article may limit the accumulation of any further damages, our clients reserve the right to commence proceedings against you and uSpiked for the damage that has already accrued as a result of the publication of the



"Attachment 3"

The Men of Fake Cancer Cure the audacity of cancer profiteers

18 Jun, 2017
by uSpiked Investigative Team



As they turn the rising number of cancer cases into dollars, we reveal the key players at the top of the #FakeCancerCure Pyramid and the rented experts who sign off on their questionable claims.

In Brief

- The high cost of cancer drugs now being investigated by various Competition Authorities around the world could be blamed for the rise in the number of #FakeCancerCures that are mushrooming around and stalking unsuspecting cancer patients
- With the help of several journalists and specialists around the world, uSpiked Team can now start freeing from captivity the goose that has been laying the golden egg for The Cho Group

To pull off a successful fake cancer cure scam, one needs to have friends in the right places. And if one can find a suave businessman (able to put dollar value on every patient), a doctor (ready to rent out his title) and inventors, then big bucks should follow.

We warned of the fake cancer cure by The Cho Group, a Chinese investment company, in May. It appears to be a tale of at least two main individuals with rented experts to boost their claims

The Cho Group sells a genetically-engineered substance called *Photosoft Natural Food Product*. The company tells hopeful patients and investors that Photosoft, when used with Next Generation Photodynamic Therapy (NGPDT) – a device they call Light Bed, cures all forms of cancer without invasion, pain and toxicity.

Hyped as 'non-invasive, non-pain and non-toxic cancer cure', the individuals behind the claim maintain that the 'treatment' is based on photosynthesis – the process by which some plants make their own food after capturing energy from the sun. A cancer patient would walk into a set-up centre, be given a 25ml of chlorophyll-derived *Photosoft Natural Food Product* to drink. The patient would then be

5/3/2018

- While implying that our revelation was #FakeNews, they threatened us with lawsuits in multiple jurisdictions, but we remain true to the victims that just wanted the alarm to be sounded louder
- In this instalment we line up the players and poke holes into their #BadScience or rather #FakeScience
- We also visit with the Malaysian Ministry of Health that saw through their schemes years earlier

The Men of Fake Cancer Cure | uSpiked

The Cho Group Ltd



The web of #FakeCancerCure

scheduled to return to the centre¹⁷ after 15 to 24 hours. The patient would then lie on the Light Bed (NGPDT) and LED lights would be flickered on for a few minutes.

This procedure would be repeated for as many as eight times and the patient would later be told his or her cancer is gone. Unfortunately, the only thing that goes is money. A vial of the *Photosoft* costs between \$600 and \$800 (around R10,000). There are several other associated costs that go with the procedures.

We called it a scam targeting the desperate and vulnerable and we undertook to prove it. For that, The Cho Group slapped *uSpiked* and its editor with an inconsequential unsigned cease and desist letter sent from the Australian office of global law firm, Jones Day.

It makes sense for the company to defend its turf at all costs. According to Quintiles IMS data published in January 2017,

oncology drugs are the fastest growing category in pharmaceuticals. The top 15 cancer drugs could rake in about US\$90 billion by 2022.

The WHO reported about 14 million new cancer cases being diagnosed every year. To a 'snake oil' salespersons, those numbers mean one thing: sacks full of money.

So, who are the brains behind Photosoft and NGPDT?



Chairman Honsue Cho

Honsue Cho

Age: Unknown

Nationality: Chinese

Profession: A serial inventor and Chairman and major shareholder of The Cho Group.

At Suite 3A08, 4/F, Fuli Tianhe Commercial Building in Tian He District, Guangzhou Province, one might find The Cho Group head office.

The Cho Group through its chairman, Honsue Cho, claims to have investments in advanced technologies, mining, ceramics industries, to name a few.

The patent documents found by our team suggest Cho is a serial inventor with at least three patents. Whether his inventions can survive scrutiny is anyone's guess.

Take for instance the multi-layered wine barrel he invented a decade ago. Together with a William Porter, he filed a world patent (No. WO 2009071513 A2) for the wine barrel in

November 2007. [We doubt winemakers in South Africa bought Cho's invention – editor]

The description of the multi-layered wine barrel was as follows:

"The container is a container for liquid, ideally an alcoholic liquid, preferably wine, a fortified wine (such as port or sherry), or whiskey. The container may also serve for the fermentation of wine, beer, port, sherry, cider or perry. The wall of the container is substantially circular section, i.e. the wall encircles a substantial circular area."

Had Chairman Cho cut his wine barrel in half and fitted LED bulbs and hinges, he would have scooped Russian inventor, Alexander E. Ovchinnikov. In 2008, Ovchinnikov granted his invention to Photo Diagnostic Devices (PDD) Limited. The invention (world patent No. WO 2009040411 A10) was for photodynamic therapy and diagnosis using a chlorin e4 zinc complex.

In unclear circumstances, Ovchinnikov joined forces with Cho, Alexey Lukovkin and Matt Murphy in August 2009 to file another world patent No. WO 2010026116 A1, for Therapeutic Light.

That invention soon became the Next Generation Photodynamic Therapy (NGPDT) device – Light Bed.

According to the patent information, the device, fitted with three types of diodes could emit pulses of light simultaneously at wavelengths ranging between 635 and 1270 nanometres.

In December 2013, Cho came up with Photosoft (*chlorin e4 sodium*). In the US version of Photosoft (Patent No. US 20150315202A1), it appears he substituted the zinc complex (in Ovchinnikov's invention) with sodium. The Cho Group was immediately ready to unleash Photosoft as a cure for cancer to unsuspecting patients. As a matter of fact, way before the registration of the claimed synthesiser, the gang at The Cho Group were already marketing

it to patients as a sure cure.



Chairman Cho's advanced and improved former multi-layered wine barrel has a new use, giving cancer patients the placebo effect.

Initial testing of most medical inventions is usually on animals. But, according to the patent document, Chairman Cho and company seems to have gone straight for human trials. The case studies presented to the patent offices around the world involved some twelve participating cancer patients. But, there isn't much detail on the studies to tell if more than 12 patients had participated.

Chairman Cho, who also goes by the name 'Michael', has taken great measures to remain hidden. There's no comprehensive biographical information about his role in the inventions or The Cho Group. Other than a few investors who talked of having met him, and a few of his email communications with some investors, (which *uSpiked* has seen), Cho is as mysterious as his claimed cure.

If Chairman Cho's inventions were as effective as claimed, then he would not have left the limelight to his business partner, Scott Waters.

Scott Waters

Age: Unknown
Nationality: Australian
Profession: Businessman and investor, but his roles vary with his audiences



Scott Waters, made money from "DotCom Industry" whatever that could be.

Scott Waters is a shareholder and director of The Cho Group. As Chairman Cho's main business partner, he drives the marketing of Photosoft and NGPDT (Light Bed) device.

He describes himself as a 'computer person'. "I had a computer business where I made money through DotCom

Industry," he often says as a prelude to his marketing pitches.

He wears many hats. For instance, he is the group's Director of Operations when he is courting investors and prospective customers. And when he forgets, he calls himself the Operations Manager. Waters is also the host of the Group's YouTube show where he interviews 'very happy Photosoft and NGPDT customers'. Missing from his YouTube marketing is one important thing: proper scientific evidence that the claimed treatment works.

During his 2015 marketing and promotional tour of India, Waters, an individual with no medical schooling, was repeatedly referred to as 'Dr Scott Waters' and sometimes as Founder Director of NGPDT Global.

During the 2009 Malaysia Medical Expo, he told delegates at the symposium that the product was making waves around the world. To prove it, he played a Sky News clip featuring Sir David Frost talking about photodynamic therapy (PDT).

But, he didn't disclose to the audience that Frost (an award-winning television personality) wasn't talking about The Cho Group's just-invented Light Bed. His audience who could still be watching the YouTube video may also not have known that as of 2009, the NGPDT and the photosynthesising agent, Photosoft, were yet to be invented. So what exactly was he selling?

Part 2 - Next Generation PDT (NGPDT) - Cancer Treatment Technology Intro



Two years later, on March 28, 2011, Chairman Cho and his team officially presented the claimed magical, 'non-invasive, non-pain, non-toxic cancer curing', NGPDT, to the Malaysian Minister of Health.

Luckily for the Malaysians, the country's health authority was wide awake. The Ministry commissioned a study, which was released in 2013. The study found that NGPDT, as presented, did not have any notable medical value.

"There was no retrievable scientific evidence on the effectiveness, safety and cost-effectiveness of the Next Generation Photodynamic Therapy (NGPDT)."

"It was claimed by the vendor that with NGPDT every individual cancer cell will be treated, even developing cells that may not be detected at the time of treatment. Often the light is delivered externally and it is claimed that this reaches the tumour, but light penetration to internal cancers is insufficient for effective PDT."

The Malaysian officials aren't the only ones calling out The Cho Group for inflating efficacy of their bottled 'snake-oil'. There is overwhelming agreement among our numerous consulting experts that the data and claims cannot back up the hype.

Confronted with multiple queries and concerns, The Group sought western medical specialists to help them navigate the hurdles through an 'independent', but favourable study. The first of the rented specialist was a Geelong based urologist, Dr Murphy.



Urologist Donald Murphy sold his title for a place within the web of #FakeCancerCure

Dr Donald Lloyd Murphy

Age: Unknown
Nationality: Australian
Profession: Urologist

Dr Donald Lloyd Murphy, a Geelong-based urologist who graduated with a Bachelor of Medicine and Surgery from Monash University in 1970, agreed to be the provider of 'third-party study' for the Group. With nearly five decades of practice experience, one would expect the doctor to know better. It is not clear how he ended up endorsing this questionable treatment. *[Not all people get wiser with age – editor]*

The Cho Group calls Murphy's work 'third-party study'. But, he is not as independent as the company would like prospective customers to believe.

His so-called 'clinical trial' is wanting. Two specialists who posted reviews of Dr Murphy's study weren't impressed.

Prof David Kessel of the pharmacology department at Wayne State University's school of medicine said: "The approach described here seems to be based on a random trial and error method with no consideration for pharmacokinetics, biodistribution or dosimetry. There has been some enthusiasm for publication of negative reports so as to tell future investigators what not to do, so in that sense, this report qualifies."

Prof Michael Hamblin of the department of dermatology at Harvard Medical School said: "This paper reports a case series of 10 adult cancer patients treated with a procedure involving sublingual administration of a "photosensitiser" called PhotosoftE4 and illumination of tumours with a laser and the whole body with a "LED bed". Not surprisingly there was no real therapeutic effect."

One of our journalists interviewed Dr Murphy in May in Cape Town. Other than coming to Cape Town to quell a potential deflation of the Chairman Cho's investment balloon, Murphy was on a roadshow to drum up support for NGPDT and Photosoft. He refused to tell our journalist who funded his study and the marketing trip to South Africa. Pressed further, he conceded that The Cho Group provided the device and the photosensitising agent for his study.

Dr Murphy further conceded to various concerns we had with the claimed cure. He called his clinical trial a pre-trial study despite the protocol approved by the Australian National Institute of Integrative Medicine Human Research Ethics Committee (NIIM-HREC), approving for a clinical trial.

Confusingly, (could have been deliberate) Murphy informed our journalist that his role was to establish whether there was science in the photodynamic therapy. There has to be science, but was Chairman Cho's science doing what it was claimed to do and safely, that should be the core reason for a Phase 1 Clinical Trial.

But a closer examination of the undated NIIM-HREC letter granting the approval for the clinical trial, Murphy and a Dr Brian Meade seemed to have requested approval to clinically try for 'SPDT as treatment for cancer'. This was for Sono-Photodynamic Therapy and not the claimed Light Bed

The Men of Fake Cancer Cure | uSpiked

20.

In the letter dated May 26, 2011, a Clinical Trial Officer at the Department, Roxanne Prestridge, while assigning the Clinical Trial a number, CTN No. 062/2011, had also identified the devices (products) to be used as *Qualitech Ltd visible red light diode laser Model LAHTA and Physiotherapy level ultrasound probe* – not the Light Bed or the NGPDT.

It turned out that Murphy's trial, which is now being used to give the scam credibility, used multiple devices including the NGPDT belonging to Chairman Cho and company that was never granted approval by TGA. Murphy, seemingly aware of the consequences for Chairman Cho's Light Bed was hard-pressed to disown the claimed penetration of light from the Cho's 'whole body light delivery system' and 'Near Infrared Laser'.

And just in case Waters did not understand what he meant, he confirmed in the subsequent paragraph, "The NGPDT treatment will be available for cancer patients." Murphy failed to differentiate between an approval for a Clinical Trial and an approval for treatment. Why did he provide his principals with such misleading information? He had no answers for our team member.

[illegible]

"No, I would not," he responded hesitantly.

We found it curious Dr Murphy was sent to Cape Town to talk to our journalist shortly after The Cho Group learned we were looking into their scheme.

The Cho Group claims its photosynthesising agent (*chlorin e4 sodium*) moves around a patient's body through the digestive system searching for food-starved tumours.

uSpiked Investigative Team asked several medical physicists to review the company's efficacy claims. Their conclusion: There's no credible data to support the claims and that it isn't worth wasting precious academic time on.

The Cho Group is pretty good at riding on the success of others. In the company's 181-page document titled NGDPT Case Studies, nearly all featured cases do not have any correlation with Cho Group's NGPDT. Most of the cases predate the claimed inventions by Chairman Cho.

As much as investors are being sold into the scheme, which Waters markets as an advanced and non-invasive mode of delivering lights at various wavelengths to hungry

5/3/2018

The Men of Fake Cancer Cure | uSpiked

*The #FakeCancerCure meeting with the Malaysian
Minister of Health*

"Photosoft-eating" cancer cells, the manuals provide no such evidence.

21

The Intellectual property lawyers we consulted called it "clear misappropriation of other people's IP rights". In other words, it's plain Intellectual theft.

The Cho Group, by peddling of the fake schemes, took credit for other people's inventions. But on its website, the Group points fingers at others. They warned: "Next Generation PDT has been developed through many years of research and development and is demonstrating remarkable benefits for patients. Unfortunately, there are a few companies who are falsely using our trademark name, proven success and growing reputation in PDT treatment in an attempt to lure the unsuspecting."

Chairman Cho's dabble in the war on cancer may be good for his investors. But, if not stopped, a lot more patients and their loved ones will be disappointed.

In the coming instalments, we will be exploring further the roles of 'experts for hire' in the advancement and promotion of this fake cure. We will also look at how the group has been handling fallout with unhappy investors. There are murmurings that some wary investors would be keen to exit, but are giving The Cho Group time to rope in new, unwary investors.