

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Ref. No. 108

**ORDER GRANTING MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER
(A) ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND
INTEREST, (B) APPROVING THE FORM AND MANNER FOR FILING PROOFS
OF CLAIM OR INTEREST AND (C) APPROVING NOTICE THEREOF**

Upon the *Motion of the Debtors for Entry of an Order (A) Establishing Bar Dates for Filing Proofs of Claim and Interest, (B) Approving the Form and Manner for Filing Proofs of Claim or Interest and (C) Approving Notice Thereof* (the “Motion”)² and upon the First Day Declaration; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that sufficient notice of the Motion has been given; and good and sufficient cause appearing for the relief set forth in this order; **IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors’ mailing address is 1500 District Avenue, Burlington, MA 01803.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion or, if not defined therein, as such terms are defined in the Bankruptcy Code.



2. The Bar Dates as proposed by the Debtors are approved and established as follows:

<p>A. General Bar Date:</p>	<p>April 19, 2024 at 4:00 p.m. prevailing Eastern Time (the “<u>General Bar Date</u>”) is the deadline for all persons and entities, other than governmental units (as that term is defined in 11 U.S.C. § 101(27)), holding a claim against the Debtor arising (or deemed to arise) before the Petition Date (each, a “<u>General Claim</u>”), including any claim arising under Bankruptcy Code section 503(b)(9) for the value of goods received by the Debtors within twenty (20) days before the Petition Date;</p>
<p>B. Administrative Bar Date:</p>	<p>April 19, 2024 at 4:00 p.m. prevailing Eastern Time (the “<u>Administrative Bar Date</u>”) is the deadline for all persons and entities holding any right to payment constituting a cost or expense of administration of the Debtors’ Chapter 11 Cases arising under Bankruptcy Code sections 503(b) (with the exception of any claims arising under Bankruptcy Code section 503(b)(9), which are considered General Claims subject to the General Bar Date above) and 507(a)(2) against the Debtors (each an “<u>Administrative Claim</u>”) arising from the Petition Date through March 31, 2024;</p>
<p>C. Amended Schedules Bar Date:</p>	<p>In the event the Debtors amend their Schedules, the holders of claims subject to such amendment shall be required to file a claim or amend any previously filed claim by the Amended Schedules Bar Date (defined below) if such claimant believes its claim is improperly classified in the amended Schedules or is listed in an incorrect amount, and such claimant desires to assert such claim in a different classification and/or different amount. To the extent applicable, the claimant must file its claim on or before the later of (i) the General Bar Date and (ii) twenty-one (21) days from the date on which the Debtors serve notice of an amendment to their Schedules and Statements on such claimant (such date, the “<u>Amended Schedules Bar Date</u>”);</p>
<p>D. Governmental Bar Date:</p>	<p>July 30, 2024, at 4:00 p.m. prevailing Eastern Time (the “<u>Governmental Bar Date</u>”) is the deadline for governmental units holding a claim</p>

	against the Debtors arising (or deemed to arise) before the Petition Date;
E. Rejection Bar Date:	For claims relating to the rejection of a contract or lease, the later of (i) the General Bar Date, and (ii) the date set forth in an order authorizing the Debtors to reject such contract or lease pursuant to Bankruptcy Code section 365 (including any order confirming a plan in the Debtors' Chapter 11 Cases); or, if no specific date is set forth, thirty (30) days from the date the rejection order or filing of the rejection notice is served on the affected claimant pursuant to a rejection procedures order, if applicable (the " <u>Rejection Bar Date</u> "); and
F. Supplemental Bar Date:	With respect to (a) holders of claims to which a supplemental mailing (" <u>Supplemental Notice</u> ") of the Bar Date Notice is appropriate but which cannot be accomplished in time to provide at least twenty-one (21) days' notice of the applicable Bar Date and (b) other holders of claims that become known to the Debtors after the original date on which the Bar Date Notice is served, the deadline shall be twenty-one (21) days after the party is served a Supplemental Notice (the " <u>Supplemental Bar Date</u> ").
G. Interests Bar Date:	April 19, 2024 at 4:00 p.m. prevailing Eastern Time (the " <u>Interest Bar Date</u> ") is the deadline for all persons and entities holding an equity security interest in the Debtors to file a proof of interest on account of the ownership of such equity security interest.

3. The Debtors are authorized, in their sole discretion, to extend the applicable Bar Date for certain holders of claims or Interests by stipulation or otherwise, and to establish Supplemental Bar Dates where the Debtors determine that such extension or Supplemental Bar Date is in the best interest of their estates.

4. Each Person or Entity (including, without limitation, each individual, partnership, joint venture, limited liability company, corporation, estate, trust, or governmental unit) asserting

a General Claim, an Interest or an Administrative Claim against the Debtors is required to file the requisite Claim Form (as defined below) in the Chapter 11 Cases, unless otherwise indicated below.

5. The General Bar Date shall apply to all Persons and Entities (each as defined in sections 101(41) and 101(15), respectively, of the Bankruptcy Code, but excluding governmental units) holding claims or Interests against the Debtors, including the following:

- a. any Person or Entity whose claim against the Debtors is not listed in the Debtors' Schedules, or is listed as "contingent," "unliquidated," or "disputed," if such Person or Entity desires to share in any distribution in the Chapter 11 Cases;
- b. any Person or Entity who believes that their claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have their claim allowed in a different classification or amount other than that identified in the Schedules; and
- c. any Person or Entity that believes that its claim against the Debtors is or may be entitled to administrative expense priority pursuant to Bankruptcy Code section 503(b)(9), regardless of whether such claim is or is not listed in the Debtors' Schedules.

6. The Administrative Bar Date shall apply to all Persons and Entities who hold an Administrative Claim (other than Professional Claims or Adequate Protection Claims) arising during the Initial Administrative Claims Period. Additionally, the Debtors are authorized to establish a Supplemental Administrative Bar Date for any Administrative Claims arising during a Supplemental Administrative Claims Period. To establish a Supplemental Administrative Bar Date, the Debtors shall provide proper notice in accordance with the following procedures:

- a. The Debtors shall file with the Court a notice (the "Supplemental Administrative Bar Date Notice") identifying (i) the beginning and ending date of the Supplemental Administrative Claims Period, (ii) the supplemental Bar Date (the "Supplemental Administrative Bar Date") by which such Administrative Claims must be filed, and (iii) the categories of claimants that are subject thereto; and

- b. No later than five (5) business days after filing the Supplemental Administrative Bar Date Notice, the Debtors shall serve the Supplemental Administrative Bar Date Notice on all known creditors that are subject to the Supplemental Administrative Bar Date. The Supplemental Administrative Bar Date Notice shall include the Supplemental Administrative Bar Date and the procedures for filing any supplemental Administrative Claims, which procedures shall be consistent with the procedures set forth in this Bar Date Order, provided, however, that any such Supplemental Administrative Bar Date Notice shall be served at least twenty-one (21) days before any Supplemental Administrative Bar Date.

7. The following Persons or Entities whose claims otherwise would be subject to the General Bar Date, Government Bar Date, Interest Bar Date and/or Administrative Bar Date need not file a proof of claim or Interest, at this time:

- a. any Person or Entity that already has filed a signed proof of claim or Interest against the Debtors with the Clerk of the Court or with the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC ("KCC" or the "Claims Agent"), in a form substantially similar to Official Form 410;
- b. any Person or Entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of "disputed," "contingent," or "unliquidated;" and (ii) such Person or Entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- c. any Person or Entity whose claim or Interest has previously been allowed by order of the Court;
- d. any Person or Entity whose claim or Interest has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court or otherwise paid in full by the Debtors or any other party;
- e. a current employee of the Debtors, if an order of the Court authorized the Debtors to honor such claim in the ordinary course of business as a wage or benefit; provided, however, that a current or former employee must submit a proof of claim by the General Bar Date for all other claims, including without limitation, claims for deferred compensation, wrongful termination, discrimination, harassment, hostile work environment, retaliation, claims covered by the Debtors' workers' compensation insurance, or any other litigation or pre-litigation claim;
- f. any current officer, director or manager of the Debtors for claims based on indemnification, contribution or reimbursement;

- g. any Person or Entity holding a claim for which a separate deadline is fixed by this Court;
- h. claims of professionals retained by the Debtors pursuant to orders of the Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to Bankruptcy Code sections 328, 330, 331, 363 and 503(b) or 28 U.S.C. § 156(c) (collectively, the "Professional Claims");
- i. any Person or Entity holding a Claim payable to the Court or the United States; Trustee Program pursuant to 28 U.S.C. § 1930; including, for the avoidance of doubt, any Administrative Claims asserted by the U.S. Trustee for statutory fees required to be paid by the Debtors;
- j. any governmental unit or governmental entity asserting an Administrative Claim related to a claim for taxes that arose post-petition as set forth in Bankruptcy Code section 503(b)(1)(D); and
- k. for the avoidance of doubt, any Person or Entity that believes that its claim against the Debtors is or may be entitled to administrative expense priority pursuant to Bankruptcy Code section 503(b)(9) shall not be required to file an Administrative Claim Form but shall be required to file a General Claim Form in accordance with this Order prior to the General Bar Date.

8. Any Person or Entity holding an interest in the Debtors (an "Interest Holder"), which interest is based exclusively upon the ownership of: (a) a membership interest in a limited liability company; (b) common or preferred stock in a corporation; or (c) warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to herein as an "Interest"), must file a proof of Interest on or before the Interest Bar Date; provided, however, Interest Holders who want to assert claims against the Debtors that arise out of or relate to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance or distribution of the Interest, shall file a claim by the applicable Bar Date, unless another exception identified in this Order applies.

9. The Debtors' proposed form and manner for filing claims are approved and established as follows. Any Person or Entity asserting a General Claim, including any 503(b)(9) claims, must file a proof of claim, substantially in the form of the proof of claim form (the "General

Claim Form”) attached hereto as **Exhibit A**. Any Person or Entity asserting an Interest must file a proof of Interest, substantially in the form of the Interest form (the “Interest Form”) attached hereto as **Exhibit B**. The applicant for an Administrative Claim must file a proof of administrative claim, substantially in the form of the administrative claim form (the “Administrative Claim Form”) attached hereto as **Exhibit C**.

10. With respect to all General Claim Forms, Interest Forms and Administrative Claim Forms, the Person or Entity submitting the proof of claim or Interest must comply with the following requirements:

- a. each claim or Interest must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with the General Claim Form, Interest Form or Administrative Claim Form, as applicable; and (iv) be signed by the holder of the claim, the Interest Holder or by an authorized agent or legal representative of the holder of the claim or Interest Holder;
- b. each General Claim Form, Interest Form and Administrative Claim Form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). If, however, such documentation is voluminous, such General Claim Form, Interest Form or Administrative Claim Form, as applicable, may include a summary of such documentation or an explanation as to why such documentation is not available; provided, that, upon the request for additional documentation, such creditor that received such request shall be required to transmit such written documentation no later than five (5) business days following the date of such request;
- c. each General Claim Form, Interest Form or Administrative Claim Form, including supporting documentation, must be submitted in person, by courier service, overnight delivery, hand delivery, or United States mail so as to be **actually received** by the Claims Agent on or before the applicable Bar Date at the following address:

InVivo Claims Processing Center
c/o KCC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

Additionally, General Claim Forms may be submitted electronically using the interface available on the website maintained by the Claims Agent in this case (<https://epoc.kccllc.net/invivo>), so as to be **actually received** by the Claims

Agent on or before the applicable Bar Date; and

- d. except as expressly permitted above in the context of electronic submissions at the Claims Agent's website, any Claim Forms otherwise sent by facsimile, telecopy, electronic mail or other form of electronic submissions will **not** be accepted.

11. Additionally, any claimant asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).

12. Absent further order of the Court to the contrary, any Person or Entity that is required but fails to properly file a General Claim Form, Interest Form or Administrative Claim Form by the applicable Bar Date shall not be treated as a creditor in the Chapter 11 Cases with respect to such claim and shall be prohibited from voting to accept or reject any chapter 11 plan filed in the Chapter 11 Cases and participating in any distribution in the Chapter 11 Cases on account of such claim or Interest; provided, however, that a holder of a claim shall be able to assert any undisputed, noncontingent and liquidated claims identified in the Schedules on behalf of such holder, in the amount set forth in the Schedules, and vote upon and receive distributions under any plan of reorganization or liquidation in the Chapter 11 Cases on account of such scheduled claim.

13. No later than five (5) days after entry of this Bar Date Order, the Debtors shall serve notice of the Bar Dates, substantially in the form attached hereto as **Exhibit D** (the "Bar Date Notice"), by first class United States mail and, where available, email on:

- a. the United States Trustee for the District of Delaware;
- b. the Internal Revenue Service;

- c. all persons or entities that have requested notice of the proceedings in the Chapter 11 Cases pursuant to Bankruptcy Rule 2002 as of the date of the Bar Date Order;
- d. all known creditors and other known holders of claims or Interests against the Debtors as of the date of the Bar Date Order, including all persons or entities listed in the Schedules and Statements as holding claims against the Debtors, including claims that the Debtors list as contingent, unliquidated or disputed;
- e. all non-debtor parties to executory contracts and unexpired leases listed on the Schedules and Statements, or otherwise known to the Debtors, or their designated representatives;
- f. all known parties to litigation with the Debtors, if any, including any workers compensation, general liability or other insurance claimants, whether or not any litigation has been commenced, and their counsel, if known to the Debtors;
- g. the United States Attorney for the District of Delaware;
- h. the Office of the Attorney General in all of the states and all taxing authorities in all of the jurisdictions in which the Debtors operate and/or files tax returns, and all applicable local governmental authorities;
- i. all regulatory authorities that regulate the Debtors' businesses;
- j. all current employees, directors and officers;
- k. all known former employees employed by the Debtors on or after March 29, 2023 (*i.e.*, six (6) months before the Petition Date);
- l. all parties who have filed proofs of claim or Interest in this case as of the date of entry of the Bar Date Order; and
- m. all other entities listed on the Debtors' creditor matrix.

In addition to the Bar Date Notice, the Debtors shall also serve a General Claim Form or an Interest Form on any person or entity, which, to their knowledge, may hold a potential General Claim or Interest and/or an Administrative Claim Form on any person or entity, which, to its knowledge, may hold a potential Administrative Claim.

14. After the initial mailing of the Bar Date Notice, the Debtors shall make supplemental mailings of notices in the event that notices are returned by the post office with

forwarding addresses. In addition, after the initial mailing of the Bar Date Notice, the Debtors may, in its discretion, make supplemental mailings of notices, including in the event that:

- (a) certain parties acting on behalf of parties in interest that decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing and
- (b) additional potential holders of claims or Interests that become known. In this regard, the Debtors shall make supplemental mailings of the Bar Date Notice in these and similar circumstances and that such parties will be subject to the Supplemental Bar Date set forth in the Bar Date Notice, which will be at least twenty-one (21) days from the service of such supplemental notice.

15. No later than ten (10) business days after entry of this Bar Date Order, the Debtors shall give notice of the Bar Dates, substantially in the form attached hereto as **Exhibit D** (the “Publication Notice”) by publication on one (1) occasion in the *Wall Street Journal*, *The New York Times*, *USA Today*, or other similar national publication to holders of claims and interests to whom notice by mail is impracticable, including holders of claims or interests who are unknown or not reasonably ascertainable by the Debtors and holders of claims or interest whose identities are known but whose addresses are unknown by the Debtors.

16. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Bar Date Order.

17. Nothing contained in the Motion or this Bar Date Order is intended or should be construed as a waiver of the Debtors’ or any parties in interests’ right to dispute, object to, challenge, or assert offsets or defenses against any claim or Interest on any grounds.

18. The terms and conditions of this Bar Date Order shall be immediately effective and enforceable upon entry of this order.

19. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation, implementation, and enforcement of this order.

Dated: March 26th, 2024
Wilmington, Delaware

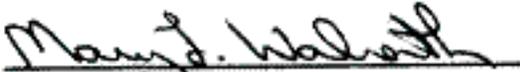

MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

The General Claim Form

Your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/invivo>

United States Bankruptcy Court for the District of Delaware	
Indicate Debtor against which you assert a claim by checking the appropriate box below. (Check only one Debtor per claim form.)	
<input type="checkbox"/> InVivo Therapeutics Corporation (Case No. 24-10137)	<input type="checkbox"/> InVivo Therapeutics Holdings Corp. (Case No. 24-10138)

Official Form 410 Proof of Claim

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Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

Part 1: Identify the Claim		
1. Who is the current creditor?	Name of the current creditor (the person or entity to be paid for this claim) _____ Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Name _____ Number Street _____ City State ZIP Code _____ Country _____ Contact phone _____ Contact email _____	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code _____ Country _____ Contact phone _____ Contact email _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ _____ Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection: _____
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____%
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

Wages, salaries, or commissions (up to \$15,150* earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code Country

Contact phone _____ Email _____

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

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These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

InVivo Claims Processing Center
c/o KCC
222 N. Pacific Coast Hwy., Ste. 300
El Segundo, CA 90245

Alternatively, your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/invivo>

How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**

- **Fill in the caption at the top of the form**

- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.

- **Attach any supporting documents to this form.**
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

- **Do not attach original documents because attachments may be destroyed after scanning.**

- **If the claim is based on delivery health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth.** See Bankruptcy Rule 9037.

- **For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian.**
For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may view a list of filed claims in this case by visiting the Claims and Noticing and Agent's website at <http://www.kccllc.net/invivo>

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing that bankruptcy estate.
11 U.S.C. § 503

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

Claim Pursuant to 11 U.S.C. §503(b)(9): A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity to who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. §101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Do not file these instructions with your form.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

EXHIBIT B

The Interest Form

PROOF OF INTEREST

Name of Debtor:		Case Number:	
1. Name of holder of the Equity Security Interest (The person or entity holding an Equity Security Interest in the Debtor. Referred to hereinafter as the "Interest Holder"): 		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court or the Debtors in this case. <input type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the Debtors.	
Name and address where notices should be sent:		THIS SPACE IS FOR COURT USE ONLY	
Telephone Number			
NOTE: This form SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim form should be used for that purpose. This form should only be used to assert an Equity Security Interest in the Debtor. An Equity Security Interest is any right arising from any capital stock and any equity security in any of the Debtor. An equity security is defined in the Bankruptcy Code as (a) a share in a corporation whether or not transferable or denominated stock or similar security, (b) interest of a limited partner in a limited partnership, or (c) warrant or right other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.			
Account or other number by which Interest Holder identifies Debtor:		Check here if this claim: <input type="checkbox"/> replaces a previously filed Proof of Interest dated: <input type="checkbox"/> amends a previously filed Proof of Interest dated:	
2. Name and Address of any person or entity that is the record holder for the Equity Security Interest asserted in this Proof of Interest: 		3. Date Equity Security Interest was acquired: 	
Telephone Number		5. Certificate number(s): 	
4. Total amount of member interest: 			
6. Type of Equity Interest: Please indicate the type of Equity Interest you hold (e.g., <i>Common Stock, Preferred, Class, and/or Warrants</i>): 			
7. Supporting Documents: <i>Attach copies of supporting documents</i> , such as stock certificates, option agreements, warrants, etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain.			
8. Signature: I declare under penalty of perjury that the information provided in this proof of interest is true and correct to the best of my knowledge, information and reasonable belief.			THIS SPACE FOR COURT USE ONLY
DATE	SIGN and print the name and title, if any, of the Interest Holder or other person authorized to file this proof of interest (attach copy of power of attorney, if any):		

EXHIBIT C

The Administrative Claim Form

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE		ADMINISTRATIVE EXPENSE PROOF OF CLAIM FORM
Debtor against which claim is asserted: (check one) <input type="checkbox"/> InVivo Therapeutics Corporation (Case No. 24-10137) <input type="checkbox"/> InVivo Therapeutics Holdings Corp. (Case No. 24-10138)		Administrative Expense Claim Request
NOTE: This Administrative Expense Claim Request form is to be used solely in connection with a request for payment of an administrative expense arising after commencement of these cases through March 31, 2024 pursuant to 11 U.S.C. § 503.		THIS SPACE IS FOR COURT USE ONLY.
Name of Creditor (the person or other entity to whom the debtor owes money or property):		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: <div style="text-align: right;">Telephone number: _____</div>		
Name and address where payment should be sent (if different from above): <div style="text-align: right;">Telephone number: _____</div>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your administrative claim. Attach copy of statement giving particulars.
IMPORTANT: Please list the name and address of any property related to your claim (if applicable). Property Name: _____ Property Address: _____		
1. Basis for Claim: _____ (See instruction #1 on reverse side.)		
2. Last four digits of any number by which creditor identifies Debtor: _____		
3. TOTAL AMOUNT OF ADMINISTRATIVE EXPENSE CLAIM: <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		\$ _____ (Total)
4. BRIEF DESCRIPTION OF CLAIM (attach any additional information): 		
5. Credits: The amount of all payments on this claim has been credited for the purpose of making this administrative expense proof of claim. 6. Supporting Documents: Attached are redacted copies of any documents that support the administrative expense claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		THIS SPACE IS FOR COURT USE ONLY.
DATE-STAMPED COPY: To receive an acknowledgment of the filing of your administrative expense proof of claim, enclose a stamped, self-addressed envelope and copy of this administrative expense proof of claim, or you may view your claim information by visiting the website of the Claims Agent (www.kccllc.net/invivo).		
IF SENT BY MAIL, HAND DELIVERY, OR OVERNIGHT COURIER, SEND TO: InVivo Claims Processing Center c/o KCC 222 N. Pacific Coast Highway, Suite 300 El Segundo, CA 90245 Please see instructions on back of Administrative Expense Proof of Claim		
Date: _____	Signature: the person filing this administrative expense claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this administrative expense claim and state address and telephone number if different from the notice address above.	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR ADMINISTRATIVE EXPENSE PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, there may be exceptions to these general rules.

ITEMS TO BE COMPLETED IN ADMINISTRATIVE EXPENSE PROOF OF CLAIM FORM

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, District of Delaware), the bankruptcy Debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Basis for Claim:

State the type of debt for which the administrative expense proof of claim is being filed. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card.

2. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

3. Total Amount of Administrative Expense Claim:

Fill in the applicable amounts of the entire administrative expense proof of claim. If interest or other charges in addition to the principal amount of the administrative expense proof of claim are included, check the appropriate place on the form and attach an itemization of interest and charges.

4. Brief Description of Claim

Describe the Administrative Expense Claim including, but not limited to, the actual and necessary costs and expenses of operating one or more of the Debtors' estates or any actual and necessary costs and expenses of operating one or more of the Debtors' businesses.

5. Credits:

An authorized signature on this administrative expense proof of claim serves as an acknowledgement that when calculating the amount of the administrative expense proof of claim, the creditor gave the Debtor credit for any payments received toward the debt.

6. Supporting Documents: Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

7. Date and Signature:

The individual completing this administrative expense proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

Name of Debtor and Case Number:

A complete list of Debtors with corresponding case numbers is listed above. You MUST fill in the specific Debtor against which your claim is being asserted and the case number of the Debtor's bankruptcy case. If you are asserting claims against more than one Debtor, you MUST file a separate administrative expense proof of claim for each Debtor.

Creditor

A creditor is the person, corporation, or other entity owed a debt by the Debtor on the date of the bankruptcy filing.

Administrative Expense Claim

Any right to payment constituting a cost or expense of administration of any of the Reorganized Cases allowed under sections 503(b) and 507(a)(1) of the Bankruptcy Code, including, without limitation, any actual and necessary costs and expenses of operating one or more of the Debtors' Estates, any actual and necessary costs and expenses of operating one or more of the Debtors' businesses, and any fees or charges assessed against one or more of the Debtors' Estates, any actual and necessary costs and expenses of operating one or more of the Debtors' businesses, and any fees or charges assessed against one or more of the Estates of the Debtors under section 1930 of chapter 123 of title 28 of the United States Code.

Administrative Expense Creditor

An Administrative Expense Creditor is any person, corporation, or other entity to whom the Debtor owes a debt for an administrative expense.

Administrative Expense Proof of Claim

A form telling the Bankruptcy Court how much the Debtor owes a creditor for administrative expenses.

Submitting Administrative Expense Proof of Claim

Submit a signed original claim request with any attachments via United States mail, overnight courier service or hand delivery to:

**InVivo Claims Processing Center
c/o KCC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245**

Submission by facsimile or email will not be accepted.

INFORMATION

Acknowledgement of Filing a Claim

To receive acknowledgment of your filing, enclose a stamped self-addressed envelope and a copy of this administrative expense proof of claim or you may view your claim information by visiting the website of the Claims Agent (www.kccllc.net/invivo).

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the Debtors. These entities do not represent the bankruptcy court or the Debtors. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

EXHIBIT D

The Bar Date Notice

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Ref. No. ____

**NOTICE OF DATES BY WHICH PARTIES MUST FILE PROOFS
OF CLAIM OR INTEREST AND ADMINISTRATIVE CLAIMS AND
PROCEDURES FOR FILING PROOFS OF CLAIM OR INTEREST
AND ADMINISTRATIVE CLAIMS AGAINST THE DEBTORS**

PLEASE TAKE NOTICE THAT the above-captioned debtors and debtors-in-possession (the “Debtors”) each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”) on February 1, 2024 (the “Petition Date”).

PLEASE TAKE FURTHER NOTICE THAT on March 11, 2024 the Debtors filed the *Motion of the Debtors for Entry of an Order (A) Establishing Bar Dates for Filing Proofs of Claim and Interest, (B) Approving the Form and Manner for Filing Proofs of Claim or Interest and (C) Approving Notice Thereof* [D.I. [•]] (the “Bar Date Motion”). On [•], 2024, the Court entered an order approving the Bar Date Motion [D.I. [•]] (the “Bar Date Order”) and establishing certain dates (collectively, the “Bar Dates” and individually, a “Bar Date”) by which parties holding claims against the Debtor must file claims or interests. Each date is expressly set forth below.

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY BE HOLDING A CLAIM AGAINST THE DEBTORS OR INTEREST IN THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors’ mailing address is 1500 District Avenue, Burlington, MA 01803.

Background to the Debtors’ Chapter 11 Cases

- A. **General Information about the Debtors’ Cases.** No request for the appointment of a trustee or examiner has been made in the Chapter 11 Cases.

- B. **Access to Claim Forms and Additional Information.** Proofs of claim or interest are to be filed using Official Form 410 (the “Claim Forms”) or in a form that is substantially similar. Administrative Claims are to be filed using the Administrative Claim Form (the “Administrative Claim Form”). If you have any questions regarding the claims process and/or if you wish to obtain a copy of the Bar Date Motion, the Bar Date Order (which contains a more detailed description of the requirements for filing proofs of claim or interest), a General Claim Form, Interest Form, Administrative Claim Form, or related documents (and/or any other pleadings filed in the Debtors’ Chapter 11 Cases) you may do so by contacting the Debtors’ court-appointed claims and noticing agent Kurtzman Carson Consultants LLC (“KCC” or the “Claims Agent”) in writing, at InVivo Claims Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245 or by visiting the Bankruptcy Court’s website <http://www.deb.uscourts.gov> or the Claims Agent’s website <https://www.kccllc.net/invivo> where you may click on the tab “Claim Form” to obtain a copy of the claim forms, instructions for submitting the claim forms and this Notice, as well as a link to file a General Claim electronically. Copies of the Bar Date Order also may be examined during posted hours at the Office of the Clerk of the Bankruptcy Court, 824 N. Market St., 2nd Floor, Wilmington, Delaware 19801. If you have any questions concerning the filing or processing of claims, you may contact the Claims Agent at 1-888-802-7206 (Toll-Free) or 1-781-575-2087 (International) or via electronic mail at <https://www.kccllc.net/invivo/inquiry>.

Schedules of Assets and Liabilities

The Debtors filed their schedules of assets and liabilities [D.I. 60, 62] and statement of financial affairs [D.I. 61, 63] with the Court on February 15, 2024 (as amended or modified and together as, the “Schedules and Statements”). The Debtors’ Schedules and Statements and the Bar Date Order may be examined and inspected by interested parties during regular business hours at (a) the offices of Landis Rath & Cobb LLP, 919 Market St., Suite 1800, Wilmington, DE 19801 or during posted hours at (b) the Clerk of the Bankruptcy Court, United States Bankruptcy Court, District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801. The Debtors’ Schedules and Statements and the Bar Date Order are also available online, free of charge, at <https://www.kccllc.net/invivo>.

Bar Dates Approved by the Court

The Court has established the following Bar Dates as those dates by which parties holding Claims against the Debtors **must** file proofs of claim so that they are **actually received** by the Claims Agent:

A. General Bar Date:	April 19, 2024 at 4:00 p.m. prevailing Eastern Time (the “ <u>General Bar Date</u> ”) is the deadline for all persons and entities, other than governmental
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	units (as that term is defined in 11 U.S.C. § 101(27)), holding a claim against the Debtors arising (or deemed to arise) before the Petition Date (each, a “ <u>General Claim</u> ”), including any claim arising under Bankruptcy Code section 503(b)(9) for the value of goods received by the Debtors within twenty (20) days before the Petition Date;
B. Administrative Bar Date:	April 19, 2024 at 4:00 p.m. prevailing Eastern Time (the “ <u>Administrative Bar Date</u> ”) is the deadline for all persons and entities holding any right to payment constituting a cost or expense of administration of the Debtors’ Chapter 11 Cases arising under Bankruptcy Code sections 503(b) (with the exception of any claims arising under Bankruptcy Code section 503(b)(9), which are considered General Claims subject to the General Bar Date above) and 507(a)(2) against the Debtors (each an “ <u>Administrative Claim</u> ”) arising from the Petition Date through March 31, 2024;
C. Amended Schedules Bar Date:	In the event the Debtors amends their Schedules, the holders of claims subject to such amendment shall be required to file a claim or amend any previously filed claim by the Amended Schedules Bar Date (defined below) if such claimant believes its claim is improperly classified in the amended Schedules or is listed in an incorrect amount, and such claimant desires to assert such claim in a different classification and/or different amount. To the extent applicable, the claimant must file its claim on or before the later of (i) the General Bar Date and (ii) twenty-one (21) days from the date on which the Debtors serve notice of an amendment to their Schedules and Statements on such claimant (such date, the “ <u>Amended Schedules Bar Date</u> ”);
D. Governmental Bar Date:	July 30, 2024, at 4:00 p.m. prevailing Eastern Time (the “ <u>Governmental Bar Date</u> ”) is the deadline for governmental units holding a claim against the Debtors arising (or deemed to arise) before the Petition Date;
E. Rejection Bar Date:	For claims relating to the rejection of a contract or lease, the later of (i) the General Bar Date, and

	(ii) the date set forth in an order authorizing the Debtors to reject such contract or lease pursuant to Bankruptcy Code section 365 (including any order confirming a plan in the Debtors' Chapter 11 Cases); or, if no specific date is set forth, thirty (30) days from the date the rejection order or filing of the rejection notice is served on the affected claimant pursuant to a rejection procedures order, if applicable (the " <u>Rejection Bar Date</u> "); and
F. Supplemental Bar Date:	With respect to (a) holders of claims to which a supplemental mailing (" <u>Supplemental Notice</u> ") of the Bar Date Notice is appropriate but which cannot be accomplished in time to provide at least twenty-one (21) days' notice of the applicable Bar Date and (b) other holders of claims that become known to the Debtors after the original date on which the Bar Date Notice is served, the deadline shall be twenty-one (21) days after the party is served a Supplemental Notice (the " <u>Supplemental Bar Date</u> ").
G. Interest Bar Date:	April 19, 2024 at 4:00 p.m. prevailing Eastern Time (the " <u>Interest Bar Date</u> ") is the deadline for all persons and entities holding an equity security interest in the Debtors to file a proof of interest on account of the ownership of such equity security interest.

Parties Required to File Proofs of Claim or Interest

- A. Definition of Claim and Equity Security.** Under Bankruptcy Code section 101(5) and as used herein, the word "claim" means: (i) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (ii) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured. An Administrative Claim is a Claim of the kind described in Bankruptcy Code section 503(b)(1), (2), (3), (4), (5), (6), (7), and (8). Administrative Claims are given priority status pursuant to Bankruptcy Code section 507(a)(2), which means that they are paid before general unsecured claims. Under Bankruptcy Code section 101(16) and as used herein, the word "equity security" means (i) share in a corporation, whether or not transferable or denominated "stock", or similar security; (ii) interest of a limited partner in a limited partnership; or (iii) warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in (i) or (ii).

- B. Parties Who Must File Claims.** Except as otherwise set forth herein, the General Bar Date applies to all Persons and Entities, but excluding governmental units, holding General Claims against the Debtors, including the following:
- a. any Person or Entity whose claim against the Debtors is not listed in the Debtors' Schedules, or is listed as "contingent," "unliquidated," or "disputed," if such Person or Entity desires to share in any distribution in the Chapter 11 Cases;
 - b. any Person or Entity who believes that their claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have their claim allowed in a different classification or amount other than that identified in the Schedules; and
 - c. any Person or Entity that believes that its claim against the Debtors is or may be entitled to administrative expense priority pursuant to Bankruptcy Code section 503(b)(9), regardless of whether such claim is or is not listed in the Debtors' Schedules.²
- C. Parties Who Must File Administrative Claims.** Except as set forth above, all Persons or Entities holding an Administrative Claim against the Debtors that arose (or are deemed to have arisen) between the Petition Date of February 1, 2024 and March 31, 2024, must file an Administrative Claim on or before the Administrative Claims Bar Date.
- D. Parties Who Must File Proof of Interests.** Except as otherwise set forth herein, the Interest Bar Date applies to all Persons and Entities, but excluding governmental units, holding an equity security interest in the Debtors.
- E. Parties Who Do Not Need To File Proofs of Claim or Interest.** Certain parties are not required to file proofs of claim or interest. The Court may, however, enter one or more separate orders at a later time requiring holders of General Claims, Interests and Administrative Claims to file proofs of claim or interests for some kinds of the following claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. The following Persons or Entities whose claims or Interests otherwise would be subject to the General Bar Date, Interest Bar Date, Government Bar Date and/or Administrative Bar Date need not file a claim or interest, at this time:
- a. any Person or Entity that already has filed a signed proof of claim or interest against the Debtors with the Clerk of the Court or with the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC ("KCC" or the "Claims Agent"), in a form substantially similar to Official Form 410;
 - b. any Person or Entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of "disputed," "contingent," or "unliquidated;" and (ii) such

² Claims under Bankruptcy Code section 503(b)(9) are for "the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business." 11 U.S.C. § 503(b)(9).

Person or Entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;

- c. any Person or Entity whose claim or interest has previously been allowed by order of the Court;
- d. any Person or Entity whose claim or interest has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court or otherwise paid in full by the Debtors or any other party;
- e. a current employee of the Debtors, if an order of the Court authorized the Debtors to honor such claim in the ordinary course of business as a wage or benefit; provided, however, that a current or former employee must submit a proof of claim by the General Bar Date for all other claims, including without limitation, claims for deferred compensation, wrongful termination, discrimination, harassment, hostile work environment, retaliation, claims covered by the Debtors' workers' compensation insurance, or any other litigation or pre-litigation claim;
- f. any current officer, director or manager of the Debtors for claims based on indemnification, contribution or reimbursement;
- g. any Person or Entity holding a claim or interest for which a separate deadline is fixed by this Court;
- h. claims of professionals retained by the Debtors pursuant to orders of the Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to Bankruptcy Code sections 328, 330, 331, 363 and 503(b) or 28 U.S.C. § 156(c) (collectively, the "Professional Claims");
- i. any Person or Entity holding a Claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930; including, for the avoidance of doubt, any Administrative Claims asserted by the U.S. Trustee for statutory fees required to be paid by the Debtors;
- j. any governmental unit or governmental entity asserting an Administrative Claim related to a claim for taxes that arose post-petition as set forth in Bankruptcy Code section 503(b)(1)(D); and
- k. for the avoidance of doubt, any Person or Entity that believes that its claim against the Debtors is or may be entitled to administrative expense priority pursuant to Bankruptcy Code section 503(b)(9) shall not be required to file an Administrative Claim Form, but shall be required to file a General Claim Form in accordance with this Order prior to the General Bar Date.

Instructions for Filing Proofs of Claim or Interest

- A. Contents of Proofs of Claim or Interest.** Each General Claim Form, Interest Form or Administrative Claim Form, as applicable, must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with the General Claim Form or Administrative Claim Form, as applicable; and (iv) be signed by the holder of the claim or Interest Holder or by an authorized agent or legal representative of the holder of the claim or Interest Holder. Each original claim or interest form must be submitted prior to the applicable Bar Date (facsimile, telecopy, electronic mail or other form of electronic submission will not be accepted).

Claim Forms that the Debtors are serving on known creditors will each contain the name of the Debtors and case number at the top of the first page. If the claimant or Interest Holder is not using the General Claim Form, Interest Form or Administrative Claim Form supplied by the Debtors, the creditor must provide the name of the Debtors and the case number.

- B.** Additionally, any claimant asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).
- C. Supporting Documentation.** Each proof of claim or interest must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d) (or, upon prior written consent of the Debtors' counsel, if such documentation is voluminous, include a summary of such documentation) or an explanation as to why such documentation is not available; provided, however, that, upon the request for additional documentation, any such creditor that received such request shall be required to transmit such written documentation no later than five (5) business days following the date of such request.
- D. Timely Service.** Each General Claim Form, Interest Form and Administrative Claim Form, as applicable, including supporting documentation, must be submitted: (i) on or before the applicable Bar Date, by completing the applicable form, copies of which can be accessed at the Claims Agent's website <https://www.kccllc.net/invivo> and following the directions given therein; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Claims Agent on or before the applicable Bar Date at the following address:

InVivo Claims Processing Center
c/o KCC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

EXCEPT AS EXPRESSLY PERMITTED ABOVE, A CLAIM FORM OTHERWISE SUBMITTED BY FACSIMILE, TELECOPY, ELECTRONIC MAIL OR OTHER FORM OF ELECTRONIC SUBMISSION WILL NOT BE ACCEPTED.

- E. Receipt of Service.** Holders of claims or interests wishing to receive acknowledgment that their proofs of claim or interest were received by the Claims Agent must submit (i) a copy of the proof of claim or interest and (ii) a self-addressed, stamped envelope.

Consequences of Failing to Timely File Your Claim or Interest

Absent further order of the Court to the contrary, any Person or Entity that is required but fails to properly file a General Claim Form, Interest Form or Administrative Claim Form by the applicable Bar Date, please be advised that **YOU SHALL BE PROHIBITED FROM (A) VOTING TO ACCEPT OR REJECT ANY CHAPTER 11 PLAN FILED IN THE CHAPTER 11 CASES AND (B) PARTICIPATING IN ANY DISTRIBUTION IN THE CHAPTER 11 CASES ON ACCOUNT OF SUCH CLAIM OR INTEREST; PROVIDED, HOWEVER, THAT A HOLDER OF A CLAIM SHALL BE ABLE TO ASSERT ANY UNDISPUTED, NONCONTINGENT AND LIQUIDATED CLAIMS IDENTIFIED IN THE SCHEDULES ON BEHALF OF SUCH HOLDER, IN THE AMOUNT SET FORTH IN THE SCHEDULES, AND VOTE UPON AND RECEIVE DISTRIBUTIONS UNDER ANY PLAN OF REORGANIZATION OR LIQUIDATION IN THIS CHAPTER 11 CASE ON ACCOUNT OF SUCH SCHEDULED CLAIM; PROVIDED, HOWEVER, THAT A HOLDER OF A CLAIM SHALL BE ABLE TO ASSERT ANY UNDISPUTED, NONCONTINGENT AND LIQUIDATED CLAIMS IDENTIFIED IN THE SCHEDULES ON BEHALF OF SUCH HOLDER, IN THE AMOUNT SET FORTH IN THE SCHEDULES, AND VOTE UPON AND RECEIVE DISTRIBUTIONS UNDER ANY PLAN OF REORGANIZATION OR LIQUIDATION IN THE CHAPTER 11 CASES ON ACCOUNT OF SUCH SCHEDULED CLAIM.**

Amendments to the Debtor's Schedules

- A. Amendments to Schedules.** In the event the Debtors amend their Schedules and Statements after the date of this notice, the Debtors will provide holders of claims that are affected by the amendment notice of the amendment, and such parties will be given an opportunity to file proofs of claim or amend any previously filed claim before a new deadline that will be specified in that future notice.
- B. Amended Schedules Bar Date.** The Court has approved the later of (i) the General Bar Date or (ii) twenty-one (21) days from the date on which the Debtors provide notice of the amendment to the Schedules and Statements (or another time period as may be fixed by the Court) as the date by which holders of claims affected by the amendment must file proofs of claim with respect to such claim.

Parties to the Debtors' Leases and Executory Contracts

- A. Rejection of Leases and Contracts.** The Bankruptcy Code provides that the Debtors may, at any time before a plan is confirmed by the Court, choose to reject certain executory

contracts or unexpired leases. If your contract or lease is rejected, you may have a claim resulting from that rejection.

- B. Proofs of Claim Relating to Rejection Damages.** The deadline to file a proof of claim for damages relating to the rejection of a contract or lease that has already been rejected as of the date hereof is the General Bar Date. If the Debtors reject a contract or lease subsequent to the date hereof, the deadline to file a proof of claim shall be the later of (i) the General Bar Date, and (ii) the date set forth in an order authorizing the Debtors to reject such contract or lease pursuant to Bankruptcy Code section 365 (including any order confirming a plan in the Debtors' Chapter 11 Cases); or, if no specific date is set forth, thirty (30) days from the date the notice of entry of the rejection order or filing of the rejection notice is served on the affected claimant pursuant to a rejection procedures order, if applicable.

Reservation of Rights

Nothing contained in this notice is intended to or should be construed as a waiver of the Debtors' or any successors' rights to: (a) dispute, or assert offsets or defenses against, any filed claim or interest or any claim listed or reflected in the Schedules and Statements as to the nature, amount, liability, classification, characterization or validity thereof; (b) subsequently designate any scheduled claim as disputed, contingent or unliquidated; and (c) otherwise amend or supplement the Schedules and Statements.

If you have any questions relating to this Notice, contact the Claims Agent at <https://www.kccllc.net/invivo/inquiry>.

NEITHER THE ATTORNEYS FOR THE DEBTORS NOR THE CLAIMS AGENT IS AUTHORIZED TO PROVIDE YOU WITH LEGAL ADVICE.

Dated: [•], 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/

Matthew B. McGuire (No. 4366)

Joshua B. Brooks (No. 6765)

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Wilmington, Delaware 19801

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Counsel for the Debtors and Debtors-In-Possession

EXHIBIT E

Publication Notice

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Ref. No. ____

**NOTICE OF ENTRY OF BAR DATE ORDER FOR
FILING CLAIMS AND INTERESTS AGAINST THE DEBTORS**

PLEASE TAKE NOTICE OF THE FOLLOWING:

Entry of the Bar Date Order. On _____, 2024 the United States Bankruptcy Court for the District of Delaware entered an order [D.I. ____] (the “Bar Date Order”) establishing the deadlines for the filing of claims and interests (collectively, the “Bar Dates” and individually, a “Bar Date”) in the chapter 11 bankruptcy cases (the “Chapter 11 Cases”) of InVivo Therapeutics Corporation and InVivo Therapeutics Holdings Corp. (collectively, the “Debtors”) with the Debtors’ court-appointed claims and noticing agent, Kurtzman Carson Consultants LLC (“KCC” or the “Claims Agent”). A detailed explanation of the parties that are/are not required to file claims is available in the Bar Date Order, which is available as specified below. The deadlines established by the Court are as follows:

General Bar Date. **4:00 p.m. prevailing Eastern Time on April 19, 2024** is the deadline for all persons and entities, other than governmental units (as that term is defined in 11 U.S.C. § 101(27)), holding a claim against the Debtors arising (or deemed to arise) before the Petition Date of February 1, 2024 (each, a “General Claim”), including any claim arising under Bankruptcy Code section 503(b)(9) for the value of goods received by the Debtors within twenty (20) days before the Petition Date.

Administrative Bar Date. **4:00 p.m. prevailing Eastern Time on April 19, 2024** is the deadline for all persons and entities holding any right to payment constituting a cost or expense of administration of the Debtors’ Chapter 11 Cases arising under Bankruptcy Code sections 503(b) (with the exception of any claims arising under Bankruptcy Code section 503(b)(9), which are considered General Claims subject to the General Bar Date above) and 507(a)(2) against the Debtors (each an “Administrative Claim”) arising from the Petition Date of February 1, 2024 through March 31, 2024.

Amended Schedules Bar Date. In the event the Debtors amend their Schedules and Statements, holders of claims subject to such amendment are required to file a proof of claim by the later of

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors’ mailing address is 1500 District Avenue, Burlington, MA 01803.

(i) the General Bar Date or (ii) twenty-one (21) days from the date on which the Debtors provide notice of the amendment to the Schedules and Statements (or another time period as may be fixed by the Court) as the date by which holders of claims affected by the amendment must file proofs of claim with respect to such claim.

Governmental Bar Date. 4:00 p.m. prevailing Eastern Time on July 30, 2024 is the date by which all governmental units holding claims against the Debtors arising (or deemed to arise) before the Petition Date (whether secured, unsecured priority or unsecured non-priority) must file proofs of claim.

Rejection Bar Date. The deadline to file a proof of claim for damages relating to the rejection of a contract or lease that has already been rejected as of the date hereof is the General Bar Date. If the Debtors reject a contract or lease subsequent to the date hereof, the deadline to file a proof of claim shall be the later of (i) the General Bar Date, and (ii) the date set forth in an order authorizing the Debtors to reject such contract or lease pursuant to Bankruptcy Code section 365 (including any order confirming a plan in the Debtors' Chapter 11 Cases); or, if no specific date is set forth, thirty (30) days from the date notice of entry of the rejection order or filing of the rejection notice is served on the affected claimant pursuant to any applicable order authorizing such rejection.

Supplemental Bar Date. Parties served with Supplemental Notice must file claims by twenty-one (21) days after the Supplemental Notice is served.

Interest Bar Date. 4:00 p.m. prevailing Eastern Time on April 19, 2024 is the deadline for all persons or entities holding an equity security interest in the Debtors to file a proof of interest on account of the ownership of such equity security interest.

EXCEPT AS TO CERTAIN EXCEPTIONS EXPLICITLY SET FORTH IN THE BAR DATE ORDER, ANY PERSON OR ENTITY WHO FAILS TO FILE A PROOF OF CLAIM OR INTEREST OR ADMINISTRATIVE CLAIM, AS APPLICABLE, ON OR BEFORE THE BAR DATES SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING AND DISTRIBUTION.

Contents of Proofs of Claim and Interest. Subject to the Bar Date Order, each General Claim Form, Interest Form or Administrative Claim Form, as applicable, must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with the General Claim Form, Interest Form or Administrative Claim Form, as applicable; and (iv) be signed by the holder of the claim or by an authorized agent or legal representative of the holder of the claim. Each original claim form must be submitted prior to the applicable Bar Date (facsimile, telecopy, electronic mail or other form of electronic submission will not be accepted). A detailed explanation of the parties, the claims requirements and the process is available in the Bar Date Order, which is available as specified below.

Submitting Claims and Interests and Timely Service. Each General Claim Form, Interest Form and Administrative Claim Form, as applicable, including supporting documentation, must be submitted: (i) on or before the applicable Bar Date, by completing the applicable form, copies of which can be accessed at the Bankruptcy Court's website <http://www.deb.uscourts.gov> or the

Claims Agent's website <https://www.kccllc.net/invivo> where you may click on the tab "Claim Form" to obtain a copy of the claim forms, instructions for submitting the claim forms and this Notice, as well as a link to file a General Claim electronically; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Claims Agent on or before the applicable Bar Date at the following address:

InVivo Claims Processing Center
c/o KCC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

Additionally, General Claim Forms may be submitted electronically using the interface available on the website maintained by the Claims Agent in these cases at <https://www.kccllc.net/invivo>, and clicking on the tab "Claim Form," so as to be **actually received** by the Claims Agent on or before the applicable Bar Date.

<p>EXCEPT AS EXPRESSLY PERMITTED ABOVE, A CLAIM FORM OTHERWISE SUBMITTED BY FACSIMILE, TELECOPY, ELECTRONIC MAIL OR OTHER FORM OF ELECTRONIC SUBMISSION WILL <u>NOT</u> BE ACCEPTED.</p>

Access to Claim Forms and Additional Information. If you have any questions regarding the claims process and/or if you wish to obtain a copy of the Bar Date Motion, the Bar Date Order (which contains a more detailed description of the requirements for filing proofs of claim or interest), a General Claim Form, Interest Form, Administrative Claim Form, or related documents you may access them by visiting <https://www.kccllc.net/invivo> or the Bankruptcy Court's website <http://www.deb.uscourts.gov>. If you have any questions concerning the filing or processing of claims, you may contact the Claims Agent by phone at 1(888) 802-7206 (U.S./Canada) or 1(781) 575-2087 (International).

Dated: _____ 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ _____
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