

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

<p>In re:</p> <p>Orexigen Therapeutics, Inc.,</p> <p style="text-align: right;">Debtor.¹</p>	<p>Chapter 11</p> <p>Case No. 18-10518-KG</p> <p>Re: Docket No. 1001</p>
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RESERVATION OF RIGHTS OF SECURITIES LEAD PLAINTIFF WITH RESPECT TO CONFIRMATION OF THE DEBTOR’S AMENDED PLAN OF LIQUIDATION

Karim Khoja, the court-appointed lead plaintiff (“Lead Plaintiff”) in the securities class action litigation captioned as *Karim Khoja v. Orexigen Therapeutics, Inc., et al.*, Case No. 3:15-cv-00540 (JLS) (the “Securities Litigation”), pending in the United States District Court for the Southern District of California (the “District Court”), on behalf of himself and the proposed class he represents in the Securities Litigation (the “Proposed Class”), hereby submits this reservation of rights with respect to confirmation of the *Debtor’s Amended Plan of Liquidation* (the “Plan”) [D.I. 1001] filed by the above-captioned debtor in possession (the “Debtor”) and respectfully states as follows:

BACKGROUND

1. On March 20, 2019, Lead Plaintiff filed the *Limited Preliminary Objection of Securities Lead Plaintiff to Approval of Proposed Disclosure Statement on an Interim Basis* (the “Preliminary Disclosure Statement Objection”) [D.I. 977], objecting on various grounds to preliminary approval for the proposed disclosure statement for the initial version of the Plan. Following the filing of the Preliminary Disclosure Statement Objection, counsel for Lead Plaintiff and the Debtor worked diligently to resolve the issues raised therein. Through certain

¹ The last four digits of the Debtor’s federal tax identification number are 8822. The Debtor’s mailing address for purposes of this Chapter 11 Case is 3344 North Torrey Pines Court, Suite 200, La Jolla, CA, 92037.



negotiated revisions to the Plan and the accompanying disclosure statement, the parties successfully resolved all but one issue, which was reserved for further discussions in advance of confirmation of the Plan.

RESERVATION OF RIGHTS

2. Following further discussions with counsel for the Debtor, Lead Plaintiff believes the remaining issue has been resolved through certain agreed-upon revisions to the Plan, to be filed in advance of the confirmation hearing. However, because the further revised Plan and the proposed confirmation order have not yet been filed, Lead Plaintiff, in an abundance of caution, Lead Plaintiff reserves the right to object to any further revisions to the Plan, any new issues that may arise in the proposed confirmation order, or any issues that may arise at or before the confirmation hearing, presently scheduled for May 17, 2019.

Dated: May 10, 2019

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Bankruptcy Counsel for the Lead Plaintiff

CERTIFICATE OF SERVICE

I, Christopher P. Simon, hereby certify that on this 10th day of May, 2019, and in addition to the service provided under the Court's CM/ECF system, I caused copies of the foregoing *Reservation of Rights of Securities Lead Plaintiff With Respect to Confirmation of the Debtor's Amended Plan of Liquidation* to be served upon the persons listed on the attached service list via first class mail and electronic mail.

/s/ Christopher P. Simon
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