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Co-Counsel to the Plan Administrator and Wind-Down Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

INVITAE CORPORATION, *et al.*,

Debtors.¹

NATERA INC.,

Plaintiff,

v.

INVITAE CORPORATION, *et al.*,

Defendants.

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

Adv. Pro. No. 25-01015 (MBK)

¹ The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://www.veritaglobal.net/invitae>. The Debtors' service address in these chapter 11 cases is 1400 16th Street, San Francisco, California 94103.



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**DEBTORS' COUNTER-STATEMENT OF ISSUES TO BE
PRESENTED AND DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellee Invitae Corporation (“Invitae”) and its debtor affiliates (together, the “Debtors”), by and through their undersigned counsel and pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, hereby respectfully submit the following counter-statement of the issues to be presented on appeal and designation of additional items to be included in the record on appeal in Natera Inc.’s appeal, pending before the United States District Court for the District of New Jersey, Case No. 3:25-cv-13394-RK.

COUNTER-STATEMENT OF THE ISSUES TO BE PRESENTED ON APPEAL

The Debtors hereby submits the following counter-statement of the issues on appeal:

1. Whether the Bankruptcy Court properly exercised its broad discretion under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02, when it declined jurisdiction over Natera’s adversary complaint in light of “the pending state court action, the convenience of the Delaware forum selected by the parties, the fact that Delaware law governs, and the parties’ positions throughout the bankruptcy as to how and where contract interpretation issue would be litigated.”²

**DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Debtors hereby designate the following additional items to be included in the record on appeal:

	Description Main Case No. 24-11362 (MBK)	Date Filed / Entered	Docket No.
	Transcript of Confirmation Hearing Before the Honorable Michael B. Kaplan, Chief Judge of the United States Bankruptcy Court for the District of New Jersey	July 25, 2024	ECF No. 877

² *In re Invitae Corp.*, No. 24-11362 (MBK), 2025 WL 1833385, at *7 (Bankr. D.N.J. July 2, 2025).

	Description Main Case No. 24-11362 (MBK)	Date Filed / Entered	Docket No.
	Asset Purchase Agreement between Natera, Inc. and Invitae Corporation, dated as of January 17, 2024 (the “APA”) ³		

The Debtors reserve the right to supplement or amend the counter-statement of the issues to be presented on appeal and the right to designate additional items to be included in the record on appeal in the above-captioned case.

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³ In the Adversary Case, No. 25-01015 (MBK), Natera noted that it would provide the APA, pursuant to a Motion Under Seal, should the Court enter a scheduling or briefing order in the case. However, this matter was disposed prior to submission of the APA.

Dated: August 11, 2025

By: /s/ Michael D. Sirota

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