

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)

**NOTICE OF *SECOND AMENDED*² AGENDA FOR HEARING SCHEDULED
FOR JULY 9, 2024, AT 10:30 A.M. (ET), BEFORE THE HONORABLE MARY F.
WALRATH OF THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

**** AS NO MATTERS ARE GOING FORWARD, THIS HEARING HAS BEEN
CANCELLED WITH PERMISSION FROM THE COURT****

MATTER GOING FORWARD:

1. [Motion of Debtors for Entry of Orders: \(A\)\(I\) Approving Bid Procedures Relating to the Sale of Substantially All of the Debtors' Assets, \(II\) Approving Stalking Horse Bid Protections, \(III\) Scheduling a Hearing to Consider the Sale, \(IV\) Approving the Form and Manner of Notice of Sale by Auction, \(V\) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, and \(VI\) Granting Related Relief; and \(B\)\(I\) Approving Asset Purchase Agreement and Authorizing the Sale of Certain Assets of the Debtors Outside the Ordinary Course of Business, \(II\) Authorizing the Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests, \(III\) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and \(IV\) Granting Related Relief \[D.I. 18, filed February 1, 2024\]](#)

Related Documents:

- A. [Certification of Counsel \[D.I. 69, filed February 21, 2024\]](#)
- B. [Order: \(A\) Approving Bid Procedures Relating to the Sale of Substantially All of the Debtors' Assets, \(B\) Approving Stalking Horse Bid Protections, \(C\) Scheduling a Hearing to Consider the Sale, \(D\) Approving the Form and Manner of Notice of Sale by Auction, \(E\) Establishing Notice and Procedures for the Assumption and](#)

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 Amended items appear in bold.



- Assignment of Contracts and Leases, and (F) Granting Related Relief [D.I. 79, entered February 22, 2024]
- C. Notice of Bid Deadline, Auction, and Sale Hearing in Connection with the Sale of Substantially All of the Debtors' Assets [D.I. 89, filed February 22, 2024]
 - D. Notice of Rescheduled Sale Hearing Date [D.I. 93, filed February 26, 2024]
 - E. Affidavit of Publication of the Notice of Bid Deadline, Auction, and Sale Hearing in Connection with the Sale of Substantially all of the Debtors Assets in the New York Times [D.I. 100, filed March 5, 2024]
 - F. Notice of Debtors' Intent to Assume and Assign Certain Unexpired Leases and Executory Contracts and Fixing of Cure Amounts [D.I. 113, filed March 15, 2024]
 - G. Notice of Cancellation of Auction [D.I. 132, filed April 2, 2024]
 - H. Notice of Rescheduled Sale Hearing, Asset Purchase Agreement, and Proposed Sale Order [D.I. 223, filed June 14, 2024]
 - I. Declaration of Teresa C. Kohl in Support of Proposed Order (I) Approving Asset Purchase Agreement and Authorizing the Sale of Certain Assets of the Debtors Outside the Ordinary Course of Business, (II) Authorizing the Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests, (III) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief [D.I. 255, filed July 2, 2024]
 - J. Certification of Counsel Regarding Revised Proposed Sale Order [D.I. 259, filed July 8, 2024]
 - K. **Order (I) Approving Asset Purchase Agreement and Authorizing the Sale of Certain Assets of the Debtors Outside the Ordinary Course of Business, (II) Authorizing the Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests, (III) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief [D.I. 261, entered July 8, 2024]**

Responses Received:

- L. Informal response received from the Office of the United States Trustee (the "U.S. Trustee")
- M. Oracle's Limited Objection to and Reservation of Rights Regarding Debtors' Sale Motion and Related Notice of Debtors' Intent to Assume and Assign Certain Unexpired Leases and Executory Contracts and Fixing of Cure Amounts [D.I. 130, filed March 29, 2024]

- N. [Oracle's Supplemental Rights Reservation Regarding Debtors' Sale Motion and Related Notice of Debtors' Intent to Assume and Assign Certain Unexpired Leases and Executory Contracts and Fixing of Cure Amounts](#) [D.I. 250, filed June 28, 2024]

Status: On July 8, 2024, the Court entered an order granting the requested relief. Accordingly, a hearing on this matter is not required.

Dated: July 8, 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ Joshua B. Brooks

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