Fill in this information to identify the case:

Debtor InVivo Therapeutics Holdings Corp.

United States Bankruptcy Court for the: District of Delaware (State)

Case number 24-10138

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

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. That date is on the notice of bankruptcy (Form 309) **that you received.**

Part 1: Identify the Claim

1.	**Who is the current creditor?**	Nasdaq, Inc. Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor The Nasdaq Stock Market LLC
2.	**Has this claim been acquired from someone else?**	☑ No ☐ Yes. From whom?
3.	**Where should notices and payments to the creditor be sent?** Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	**Where should notices to the creditor be sent?** Nasdaq, Inc. Joanne Pedone 805 King Farm Blvd Rockville, MD 20850, United States Contact phone 6504955675 Contact email joanne.pedone@nasdaq.com **Where should payments to the creditor be sent?** (if different) 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?**	☑ No ☐ 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?**	☑ No ☐ 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: 1467
7. **How much is the claim?**	$ 49,500. **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. Executory Contract; Annual Listing Fee for Nasdaq Capital Market
9. **Is all or part of the claim secured?**	☑ No ☐ Yes. The claim is secured by a lien on property. **Nature or property:** ☐ Real estate: If the claim is secured by the debtor's principle 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)?** A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.	☑ No ☐ Yes. *Check all that apply:*	**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 04/19/2024
MM / DD / YYYY

/s/Joanne T. Pedone
Signature

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

Name: Joanne T. Pedone
First name Middle name Last name

Title: Principal Associate General Counsel

Company: Nasdaq, Inc.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Contact phone ______________ Email ______________

KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 802-7206 | International (781) 575-2087

Debtor:
24-10138 - InVivo Therapeutics Holdings Corp.

District:
District of Delaware

Creditor: Nasdaq, Inc. Joanne Pedone 805 King Farm Blvd Rockville, MD, 20850 United States **Phone:** 6504955675 **Phone 2:** **Fax:** **Email:** joanne.pedone@nasdaq.com	**Has Supporting Documentation:** Yes, supporting documentation successfully uploaded **Related Document Statement:** **Has Related Claim:** No **Related Claim Filed By:** **Filing Party:** Authorized agent
Other Names Used with Debtor: The Nasdaq Stock Market LLC	**Amends Claim:** No **Acquired Claim:** No
Basis of Claim: Executory Contract; Annual Listing Fee for Nasdaq Capital Market	**Last 4 Digits:** Yes - 1467 **Uniform Claim Identifier:**
Total Amount of Claim: 49,500	**Includes Interest or Charges:** No
Has Priority Claim: No	**Priority Under:**
Has Secured Claim: No **Amount of 503(b)(9):** No **Based on Lease:** No **Subject to Right of Setoff:** No	**Nature of Secured Amount:** **Value of Property:** **Annual Interest Rate:** **Arrearage Amount:** **Basis for Perfection:** **Amount Unsecured:**

Submitted By:
Joanne T. Pedone on 19-Apr-2024 11:30:37 a.m. Eastern Time

Title:
Principal Associate General Counsel

Company:
Nasdaq, Inc.

Nasdaq

Invoice Date	Account Number	Invoice Number	Payment Terms	Amount Due
01/17/2024	100131467	0124NA457513	Due Upon Receipt	$49,500.00 USD

INVIVO THERAPEUTICS HOLDINGS CORP.
1 KENDALL SQUARE
BUIDLING 1400 EAST, FLOOR 4
CAMBRIDGE, MA 02139
UNITED STATES OF AMERICA

Email Invoice questions to ndqbilling@nasdaq.com, call 800-955-3898 or 301-978-4960, or fax 301-978-4910

Wire Originator to Pay All Bank Fees
Please send Wires and ACH payments to:
Bank Name: [redacted]
Account #: [redacted]
ABA# [redacted] Bank Address: [redacted]
Beneficiary : Nasdaq, Inc.
For Further Credit to : The NASDAQ Stock Market LLC

OBI: *Please include your invoice number, and if paying multiple invoices, please separate your invoice numbers with a comma*

Invoice Summary

Invoice Date	Account Number	Invoice Number	Payment Terms	Amount Due
01/17/2024	100131467	0124NA457513	Due Upon Receipt	$49,500.00 USD

ALL FEES ARE PAYABLE IN U.S. DOLLARS
NOTICE TO COMPANIES INCORPORATED OUTSIDE THE US: THE TURNOVER TAX ON THIS INVOICE MUST BE PAID BY THE USER HIMSELF TO THE COMPETENT TAX OFFICE

All legal correspondence must be directed to: Nasdaq Office of General Counsel, 805 King Farm Boulevard, Rockville, MD 20850.

Correspondence: Send all address corrections and billing inquiries, via email to ndqbilling@nasdaq.com.

Invoice Detail

INVIVO THERAPEUTICS HOLDINGS CORP. NVIV

Issue Symbol	Issue Type	Description	TSO Date	TSO Source	Shares Outstanding
NVIV	Common Stock	NASDAQ Capital Market All-Inclusive Annual Fee	11/3/23	Cover	3,105,446

Aggregated TSO

NASDAQ Capital Market All-Inclusive Annual Fee-2024	3105446	$49,500.00 USD
Total Annual Fees		$49,500.00 USD

Invoice Date	Account Number	Invoice Number	Payment Terms	Amount Due
01/17/2024	100131467	0124NA457513	Due Upon Receipt	$49,500.00 USD

Please refer to the link below for Annual FAQ
Listing Center - Reference Library - Nasdaq Listings Annual Fees

End of Invoice - NASDAQ

2024 Annual Fee Billing

Frequently Asked Questions

Q: For what time period is my company being billed the annual listing fee?

The annual listing fee covers one calendar year (i.e. the time period from January 1 through December 31).

Q: How is my company's annual fee calculated?

Nasdaq-listed companies pay a single annual fee to Nasdaq, which includes all the ordinary costs of listing for the year. The fee is assessed on January 1st based on the total shares outstanding of the listed class as of December 31st of the prior year (Refer to rule 5910(b)(3)(B) for Global Market or 5920(b)(3)(B) for Capital Market) on the Listing Rules website (here). If you have additional questions about how your company's fee is calculated, please call the Nasdaq Finance Customer Response Team at +1 800 955 3898 or +1 301 978 4960.

Q: Where does Nasdaq get the total shares outstanding number that is used to calculate my company's annual fee?

To calculate the annual listing fee, Nasdaq uses the total shares outstanding amount from the most current SEC filling, or more recent records (dated no later than December 31st of the prior year) held by Nasdaq at the time of billing.

Q: Are unregistered stock, locked stock and stock with a restricted legend included in the total shares outstanding number used to calculate the annual listing fee:

Yes, all issued and outstanding shares are included when determining the total shares outstanding for the company's annual listing fee bill. Note, however, that treasury shares are not considered outstanding and therefore are not included when determining the total shares outstanding.

Q: When is an annual invoice due?

Payment is due upon receipt of the invoice.

Q: How can I correct my company's address or company contact information, if it is incorrect on the invoice?

To correct your company information, please email the Nasdaq Finance Customer Response Team via email to ndqbilling@nasdaq.com or telephone at +1 800 955 3898 or +1 301 978 4960.

Q: Who do I contact if I have a billing question?

Please contact the Nasdaq Finance Customer response Team by email to ndqbilling@nasdaq.com or phone at +1 800 955 3898.

Q: If my company is not listed for the entire year, will my annual fees be adjusted:

Under Nasdaq's Listing Rules, fees are not adjusted if a company delists during the year, either for a regulatory or voluntary reason. A partial waiver of fees is permitted under Nasdaq Rules in certain Merger situations. More information about these situations is available in the Nasdaq Rule 5900 series.

Q: My company has an account credit. Can it be applied to my invoice?

Yes. To apply an account credit to your company's current invoice, please contact the Nasdaq Finance Customer Response Team at +1 800 955 3898 or +1 301 978 4960.

Q: How can I find out if my company has any outstanding invoices?

Using a recent invoice number for reference, customers can determine if they have an outstanding invoice by logging onto EIPP which is available here: https://eippx.nasdaq.com. Visit the "Nasdaq Electronic Invoice Presentment (EIP) Website" section on the last page of this flyer for more information on signing up for access. If you need additional assistance, please contact the Nasdaq Response Team by email at ndqbilling@nasdaq.com or telephone at +1 800 955 3898 or +1 301 978 4960.

2024 All-Inclusive Annual Fee Schedule

Companies listed on The Nasdaq Stock Market are assessed annual fees based on the fee schedule below. Annual fees are based on the company's Total Shares Outstanding (TSO) for all classes of stock listed as of December 31st of the prior year. Nasdaq uses the latest TSO available to determine annual fees. For non-U.S. Companies, TSO includes only those shares issued and outstanding in the United States. More information about fees is available in the Listing Rule 5900 Series. To view the latest on all listing fee's and guidelines, please visit: https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/nasdaq-5900-series.

All companies are subject to the All-Inclusive Annual Listing Fee schedule. The only regulatory fees not included in the All-Inclusive Fee are those for hearings and appeals. For more information on the All-Inclusive Annual Fee program, please review our frequently asked questions.

Nasdaq Global Select And Global Markets

Companies are charged under the following fee schedules for all equity securities, including primary and secondary classes of common stock, preferred stock, units, rights and warrants.

Total Shares Outstanding	Annual Fee
Up to 10 million shares	$52,500
10+ to 50 million shares	$65,500
50+ to 75 million shares	$85,000
75+ to 100 million shares	$113,500
100+ to 125 million shares	$141,500
125+ to 150 million shares	$157,500
Over 150 million shares	$182,500

Nasdaq Capital Market

Total Shares Outstanding	Annual Fee
Up to 10 million shares	$49,500
10+ to 50 million shares	$65,500
Over 50 million shares	$85,000

For SPACs

Total Shares Outstanding	Annual Fee
Flat Fee	$81,000

For American Depository Receipts (ADRs)

All ADRs are subject to the following fee schedule.

Nasdaq Global Select And Global Markets

Total Shares Outstanding	Annual Fee ADRs
Up to 10 million ADRs	$52,500
10+ to 50 million ADRs	$59,500
50+ to 75 million ADRs	$70,500
Over 75 million ADRs	$94,000

Nasdaq Capital Markets

Total Shares Outstanding	Annual Fee ADRs
Up to 10 million ADRs	$49,500
Over 10 million ADRs	$59,500

For Limited Partnerships

All Limited Partnership issues are subject to the following fee schedule.

Nasdaq Global Select And Global Markets

Total Shares Outstanding	Annual Fee Limited Partnership Issues
Up to 75 million shares	$42,000
75+ to 100 million shares	$56,500
100+ to 125 million shares	$69,500
125+ to 150 million shares	$75,500
Over 150 million shares	$87,000

Nasdaq Capital Markets

Total Shares Outstanding	Annual Fee Limited Partnership Issues
Up to 75 million shares	$34,500
Over 75 million shares	$42,000

For Exchange Traded Products

All Exchange Traded Products issues are subject to the following fee schedule:

Nasdaq Global Market

Description of Securities	Annual Fee ETPs
Exchange Traded Fund (ETF)	$4,000
Exchange Traded Note (ETN)	$4,000

For Closed End Funds

All Closed End Funds are subject to the following fee schedule. Please note for billing purposes, all Business Development Companies are treated as Closed End Funds.

Nasdaq Global Select, Global And Capital Markets

Total Shares Outstanding	Annual Fee Closed End Funds
Up to 50 million shares	$34,500
50+ to 100 million shares	$56,500
100+ to 250 million shares	$84,000
Over 250 million shares	$112,000

Annual Fees

For Other Types of Securities

More information, about annual fees for other types of securities not specified above, is provided in Nasdaq Listing Rules as outlined below.

Nasdaq Global Market

Description of Securities	Annual Fee Rules
Linked Securities	5930(b)
Alpha Index Linked Securities	5930(b)
Selected Equity-Linked Debt Securities	5930(b)
Other Securities, which include Callable Common Stock, Contingent Litigation Rights/ Warrants, and Trust Preferred Securities	5930(b)

Nasdaq Capital Market

Description of Securities	Annual Fee Rules
Convertible Debentures	5920(c)(2)

January 2024

Nasdaq Electronic Invoice Presentment (EIP) Website

This website is designed to help our customers easily retrieve copies of invoices and quickly review open account balances.

The following is the link to access the new Nasdaq Electronic Invoice Presentment Website, https://eippx.nasdaq.com

To sign up for access to your account and invoice information, please register as a new user. (You will need information obtained from either of your most recent two invoices.) Once you have registered, you can add additional accounts so that you can easily review the invoicing activity and open balances for your company in a consolidated manner.

If you have any questions regarding the set up, please contact Customer Support at CITServiceDesk@nasdaq.com and your request will be passed to our EIP Website support team.

If you have specific questions about an invoice or any information on this site, please use the contact information that appears on your invoices for additional customer support.

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

NASDAQ INC

2 Business name/disregarded entity name, if different from above

THE NASDAQ STOCK MARKET LLC

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☑ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ ________

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) 5

Exemption from FATCA reporting code (if any) ________

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

151 W 42ND ST

Requester's name and address (optional)

6 City, state, and ZIP code

NEW YORK, NY 10036

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

[ ][ ][ ] – [ ][ ] – [ ][ ][ ][ ]

or

Employer identification number

5 2 – 1 1 6 5 9 3 7

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ DocuSigned by: 9F7B0152EA284FD... Date ▶ January 10, 2024 | 2:14 EST

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

• Form 1099-INT (interest earned or paid)

• Form 1099-DIV (dividends, including those from stocks or mutual funds)

• Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)

• Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)

• Form 1099-S (proceeds from real estate transactions)

• Form 1099-K (merchant card and third party network transactions)

• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)

• Form 1099-C (canceled debt)

• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*