Fill in this information to identify the case:

Debtor Achaogen, Inc.

United States Bankruptcy Court for the District of Delaware

Case number 19-10844

Official Form 410
Proof of Claim

04/19

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 $500,200, 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?**
   Brian Gruber
   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?**
   ☑ No
   ☐ Yes. From whom?

3. **Where should notices and payments to the creditor be sent?**
   Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

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   Where should notices to the creditor be sent?
   Brian Gruber
   Name
   4141 Bayshore Blvd #703
   Number Street
   Tampa FL 33611
   City State ZIP Code
   Country
   Contact phone 813-835-9123
   Contact email BGruber@msn.com

   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?**
   ☑ 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?

19108441907080000000000014

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?**
   - [x] 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?** $ 4360. **Does this amount include interest or other charges?**
   - [ ] No
   - [x] 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?**
   - [x] 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.)

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   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?**
    - [x] 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?**
    - [x] 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 $3,025* 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 $13,650*) 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 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. **Is all or part of the claim 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.

$ 4360

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 06 28 2019
MM / DD / YYYY

Signature

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

Name: Brian C Gruber
First name / Middle name / Last name

Title: _____

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

Address: 4141 Bayshore Blvd #703
Number / Street

Tampa FL 33611
City / State / ZIP Code / Country

Contact phone 813-835-9103 Email BCGruber@aol.com

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Ameritrade

DIVISION OF TD AMERITRADE INC
PO BOX 2209
OMAHA, NE 68103-2209

SIPC

Confirmation Notice

BRIAN GRUBER
TOD
4141 BAYSHORE BLVD #703
TAMPA FL 33611-1801

Account Number	Other Information	Transaction Number	Capacity Codes	Your Representative		
882-003809 - 2		20268973295	A	TD AMERITRADE INC		
Activity	**Quantity**	**CUSIP Number**	**Price**	**Principal Amount**	**Misc Fees**	**Reg Fee**
YOU BOUGHT	600	004449104	7.50	4,500.00		0.00
As of Trade Date	**Trade Date**	**Settlement Date**	**Interest**	**Commission/Fee**		**Net Amount**
09/21/2018	09/24/2018	09/25/2018		19.99		4,519.99
Symbol			**Trade Description**			
AKAO	ACHAOGEN INC COM					

OPTION ASSIGNED
THIS IS AN UNSOLICITED TRADE
ASSIGNED ON 6 AKAO Sep 21 2018 7.5 Put
SEP 7.5

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FOR FURTHER INFORMATION REGARDING YOUR TRADE CONFIRMATION
PLEASE REFER TO THE TERMS AND CONDITIONS.

Ameritrade

DIVISION OF TD AMERITRADE INC
PO BOX 2209
OMAHA, NE 68103-2209

SIPC

Confirmation Notice

BRIAN GRUBER
TOD
4141 BAYSHORE BLVD #703
TAMPA FL 33611-1801

Account Number	Other Information	Transaction Number	Capacity Codes	Your Representative		
882-003809 - 2		22054185391	A	TD AMERITRADE INC		
Activity	**Quantity**	**CUSIP Number**	**Price**	**Principal Amount**	**Misc Fees**	**Reg Fee**
YOU SOLD	600	004449104	0.28	168.00		0.07
As of Trade Date	**Trade Date**	**Settlement Date**	**Interest**	**Commission/Fee**		**Net Amount**
	04/15/2019	04/17/2019		6.95		160.98
Symbol			**Trade Description**			
AKAO	ACHAOGEN INC COM					

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