IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: Apple Tree Life Sciences, Inc., *et al.*,[1] Debtors.	Chapter 11 Case No. 25-12177 (LSS) (Jointly Administered)
Rigmora Biotech Investor One LP, *et al.*, Appellants, v. Apple Tree Life Sciences, Inc., *et al.*, Appellees.	Civil Action No. 26-cv-495(JLH) BAP No. 26-23

MOTION OF APPELLEE-DEBTORS TO ACCEPT
DOCUMENTS UNDER SEAL INTO THE APPELLATE RECORD

Pursuant to Rules 8009(f) and 8013(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), the above-captioned debtors and debtors in possession (the "Appellee-Debtors"), hereby file this motion (this "Motion") requesting that the Court enter an order, substantially in the form attached hereto as

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); Red Queen Therapeutics, Inc. (8563); Evercrisp Biosciences, Inc. (4437); Nine Square Therapeutics, Inc. (4503); and Nereid Therapeutics, Inc. (8493). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

Exhibit A (the "Proposed Order"), accepting into the appellate record certain documents and exhibits that were placed under seal in the above-captioned chapter 11 cases (the "Bankruptcy Case") in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court"). Those documents are included in the *Appellees' Designation of Additional Items to Be Included in the Record on Appeal* (the "Debtor Designation") filed in the above-captioned appeal (the "Appeal") before this Court. In support of this Motion, the Movants respectfully state as follows:

BASIS FOR RELIEF

1. The Appellee-Debtors have filed the Debtor Designation with this Court identifying those items that they seek to include in the record in these Appeal. The Debtor Designation includes certain documents and exhibits that were filed under seal with the Bankruptcy Court (collectively, the "Sealed Documents").

2. Section 107(b) of the Bankruptcy Code provides this Court with the authority to issue orders that will protect entities from potential harm that may result from the disclosure of certain information. The section provides, in relevant part: "[o]n request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information . . . ." 11 U.S.C. § 107(b)(1). Such information provides a broader exception than is available under common law. *In re ESML Holdings Inc*, 135 F.4th 80 (3d Cir. 2025).

3. Unlike its counterpart in rule 26(c) of the Federal Rules of Civil Procedure, section 107(b) of the Bankruptcy Code does not require an entity seeking protection thereunder to demonstrate "good cause." *See, e.g.*, *Video Software Dealers Ass'n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 28 (2d Cir. 1994); *Phar-Mor, Inc. v. Defendants Named Under Seal (In re Phar-Mor, Inc.)*, 191 B.R. 675, 679 (Bankr. N.D. Ohio 1995). Instead, the moving party simply must demonstrate that the material sought to be protected satisfies one of the categories identified in section 107(b) of the Bankruptcy Code. The Sealed Documents contain confidential, non-public information belonging to either Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP (the "Appellants") or to the Appellee-Debtors.

4. Bankruptcy Rule 8009(f) provides that the Sealed Documents may be transmitted to this Court only upon this Court's order. Fed. R. Bankr. P. 8009(f). Consistent with that rule, the Movants file this Motion "to accept the [Sealed] [D]ocument[s] under seal . . . in the court where the appeal is pending." *Id.* "If the [M]otion is granted," the Movants will "notify the Bankruptcy Court," so that the bankruptcy clerk may "promptly send the [S]ealed [D]ocument[s] to the clerk of the court where the appeal is pending." *Id.*

5. The Sealed Documents in the Debtor Designation include:

a. Motion of Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP for an Order (I) Dismissing the Chapter 11 Cases and/or (II) Granting Relief from the Automatic Stay [Docket No.[2] 3];
b. Limited Objection of Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP to Debtors' Application for an Order Authorizing the Retention and Employment of Quinn Emanuel Urquhart & Sullivan, LLP as Co-Counsel for the Debtors Effective as of the Petition Date [Docket No. 224];[3] and
c. Limited Objection of Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP to Debtors' Motion for Entry of an Order (I) Approving the Retention and Employment of B. Riley Restructuring Services, LLC to Provide the Debtors with a Chief Restructuring Officer and Additional Staff Effective as of the Petition Date; (II) Designating Perry M. Mandarino as the Chief Restructuring Officer to the Debtors; and (III) Granting Related Relief [Docket No. 225][4]

6. Because the relief that the Appellee-Debtors seek is procedural, this Court may rule on the Motion at any time without awaiting a response. *See* Fed. R. Bankr. P. 8013(b).

CERTIFICATION PURSUANT TO D. DEL. L.R. 7.1.1

7. Pursuant to rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, the undersigned counsel for the Appellee-Debtors certifies that he has conferred with counsel for the

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[2] Docket No. refers to the docket in Bankruptcy Case No. 25-12177 (LSS).

[3] An agreed upon redacted version of the *Limited Objection of Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP to Debtors' Application for an Order Authorizing the Retention and Employment of Quinn Emanuel Urquhart & Sullivan, LLP as Co-Counsel for the Debtors Effective as of the Petition Date* was filed at Docket No. 455.

[4] An agreed upon redacted version of the *Limited Objection of Rigmora Biotech Investor One LP and Rigmora Biotech Investor Two LP to Debtors' Motion for Entry of an Order (I) Approving the Retention and Employment of B. Riley Restructuring Services, LLC to Provide the Debtors with a Chief Restructuring Officer and Additional Staff Effective as of the Petition Date; (II) Designating Perry M. Mandarino as the Chief Restructuring Officer to the Debtors; and (III) Granting Related Relief* was filed at Docket No. 456.

above-captioned appellants (the "Appellants"), who do not oppose the relief requested herein.

CONCLUSION

WHEREFORE, the Appellee-Debtors respectfully request entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**, accepting the Sealed Documents into the appellate record and granting any other relief that the Court deems just and proper under the circumstances.

[*Signature Page Follows*]

Dated: June 23, 2026
Wilmington, Delaware

Respectfully submitted,

/s/ Ethan H. Sulik

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CERTIFICATE OF COMPLIANCE

1. This Motion complies with the typeface requirement of Federal Rule of Bankruptcy Procedure 8013 because it has been prepared in Times New Roman 14-point typeface using Microsoft Office Word.

2. This Motion complies with the type-volume limitation of Federal Rule of Bankruptcy Procedure 8013 because it contains 790 words, which were counted by Microsoft Office Word, excluding the parts of the Motion exempted by the rule.

June 23, 2026

/s/ Ethan H. Sulik
Ethan H. Sulik (No. 7270)

EXHIBIT A

Proposed Order

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: Apple Tree Life Sciences, Inc., *et al.*,[1] Debtors.	Chapter 11 Case No. 25-12177 (LSS) (Jointly Administered)
Rigmora Biotech Investor One LP, *et al.*, Appellants, v. Apple Tree Life Sciences, Inc., *et al.*, Appellees.	Civil Action No. 26-cv-495(JLH) BAP No. 26-23

ORDER GRANTING MOTION OF APPELLEE-DEBTORS TO ACCEPT DOCUMENTS UNDER SEAL INTO THE APPELLATE RECORD

Upon consideration of the *Motion of Appellee-Debtors to Accept Documents Under Seal into the Appellate Record* (the "Motion")[2] of the above-captioned debtors and debtors in possession (the "Debtors"), for entry of an order (this "Order") pursuant to Bankruptcy Rule 8009(f) accepting the Sealed Documents into

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); Red Queen Therapeutics, Inc. (8563); Evercrisp Biosciences, Inc. (4437); Nine Square Therapeutics, Inc. (4503); and Nereid Therapeutics, Inc. (8493). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

[2] Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

the appellate record and granting any other relief that the Court deems just and proper under the circumstances; and due and sufficient notice of the Motion having been given; and it appearing that no other or further notice need be provided; and it appearing that the legal and factual bases set forth in the Motion establish just cause for the relief requested therein; and after due deliberation and sufficient cause appearing therefor; it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The Motion is GRANTED.

2. The clerk for the Bankruptcy Court is permitted and authorized to transmit to this Court the Sealed Documents and any redacted or unsealed versions thereof.

3. This Court will accept, under seal, the Sealed Documents, and the Sealed Documents shall be dealt with by the parties in accordance with this Court's usual practices and procedures concerning sealed materials.

4. Upon entry of this Order, the Movants shall give notice of this Order to the clerk of the Bankruptcy Court and counsel for the Appellants.