

SUPREME COURT OF NOVA SCOTIA

IN THE MATTER OF: **Application by IMV Inc. and Immunovaccine Technologies Inc. and IMV USA Inc. (the “Applicants”), for relief under the *Companies’ Creditors Arrangement Act***

Approval and Vesting Order

Before the Honourable

in chambers:

The Applicants propose to make a compromise or arrangement under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 as amended (the “**CCA**”) and they applied for an initial order and, now or in the future, other relief under the CCA as may be sought on notice of motion.

The following parties received notice of this application: see attached at Schedule “A”.

The following parties, represented by the following counsel, made submissions:

<u>Party</u>	<u>Counsel</u>
Applicant	<p>McCarthy Tétrault LLP Alain N. Tardif François Alexandre Toupin</p> <p>Stewart McKelvey Lawyers Sara L. Scott</p>
Monitor, FTI Consulting Canada Inc.	<p>Stikeman Elliott LLP Maria Konyukhova Natasha Rambaran</p>
Horizon Technology Finance Corporation, as collateral agent	<p>Aird & Berlis LLP Miranda Spence Kyle Plunkett</p>

WHEREAS on May 1, 2023, this Court granted an Initial Order under the CCA in respect of the Applicants (as amended and restated on May 5, 2023, the “**Initial Order**”), which, among other things, appointed FTI Consulting Canada Inc. as monitor in these proceedings (the “**Monitor**”);

AND WHEREAS on May 5, 2023, this Court granted an Amended and Restated Initial Order, which, among other things, approved a sale and investment solicitation process (the “**SISP**”) and the procedures of the SISP setting out the manner in which bids and proposals for a broad range of executable transactions in respect of the business and/or assets of the Applicants will be solicited from interested parties (the “**SISP Procedures**”);

AND WHEREAS the SISP Procedures provide that if no bid is received in the SISP that contemplates a purchase price sufficient to repay in cash all outstanding amounts owed to

Horizon Technology Finance Corporation (“**Horizon**”) and Powerscourt Investments XXV LP (the “**Secured Lenders**”), the Secured Lenders shall be authorized to submit a credit bid under the SISP;

AND WHEREAS no bids were received in the SISP which contemplated a purchase price sufficient to repay in cash all outstanding amounts owed to the Secured Lenders;

AND WHEREAS Horizon, in its capacity as collateral agent for the Secured Lenders (in such capacity, the “**Collateral Agent**”), notified the Monitor that it wished to submit a credit bid on behalf of the Secured Lenders for certain of the Applicants’ assets, as it was authorized to do under the SISP Procedures;

AND WHEREAS the Collateral Agent, as purchaser (the “**Purchaser**”), has agreed to purchase from IMV Inc. and Immunovaccine Technologies Inc., as vendors (the “**Vendors**”), and the Vendors have agreed to sell to the Purchaser, all of the right, title and interest in and to the Purchased Assets (as that term is defined herein).

AND UPON motion of the Applicants for an Order:

- (a) approving the sale transaction (the “**Transaction**”) contemplated by an agreement of purchase and sale dated September 1, 2023 (the “**Agreement**”) as between the Vendors and the Purchaser, and transferring to the Purchaser all of the Vendors’ right, title, and interest in and to the assets more particularly described in Schedule “B” (the “**Property**”); and
- (b) vesting and transferring all right, title, and interest in the Property to the Purchaser free and clear of all Claims (as defined below);

AND UPON reading the Fourth Report of the Monitor dated September 1, 2023 and the other materials on file herein;

AND UPON hearing the submissions on behalf of the Monitor and the Applicants;

NOW UPON MOTION IT IS HEREBY ORDERED AND DECLARED THAT:

Service

1. The service of the Notice of Application in Chambers, and the supporting documents, as set out in the affidavit of service is hereby deemed adequate notice so that the motion is properly returnable today and further service thereof is hereby dispensed with.
2. Service of this Order is permitted at any time and place and by any means whatsoever.

Effective Time

3. This Approval and Vesting Order and all of its provisions are effective as of 12:01 a.m. Halifax time, province of Nova Scotia, on the date of this Approval and Vesting Order.

Sale Approval

4. The Transaction is hereby approved, and the execution and delivery of the Agreement by the Vendors is hereby authorized and approved, with such minor alterations, changes,

amendments, deletions or additions thereto as may be agreed to, but only with the consent of the Monitor.

5. The Vendors are hereby authorized and directed to take such additional steps and execute such additional documents, including any agreement, contract, deed, provision, transaction or undertaking, as many be necessary or desirable for the completion of the Transaction and for the conveyance of the Property to the Purchaser, or the Purchaser's assignee, nominee or designate as the case may be, pursuant to the Agreement;

Vesting of Purchased Assets

6. Upon the delivery the Monitor's certificate, substantially in the form attached as Schedule "C" hereto (the "**Monitor's Certificate**"), to the Purchaser or the Purchaser's assignee, nominee or designate as the case may be, and on the closing of the Transaction in accordance with the Agreement, all right, title and interest in and to the Property shall vest absolutely in the Purchaser or the Purchaser's assignee, nominee or designate as the case may be, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise including, without limiting the generality of the foregoing any encumbrances or charges created by the Initial Order, and all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* (Nova Scotia), *Land Registration Act* (Nova Scotia), or any other personal or real property registry system (all of which are collectively referred to as the "**Claims**").
7. The Property shall vest in the Purchaser or the Purchaser's assignee, nominee or designate as the case may be, subject to any obligations or liabilities assumed by the Purchaser, or the Purchaser's assignee, nominee or designate pursuant to the Agreement.
8. For the purpose of determining the nature and priority of any Claims by operation of this Approval and Vesting Order, the proceeds from the Transaction shall stand in the place and stead of the Property, and from and after the closing of the Transaction, all Claims shall attach to the net proceeds from the sale of the Property with the same priority as they had with respect to the Property immediately prior to the closing of the Transaction.
9. The Monitor shall file with the Court a copy of the Monitor's Certificate forthwith after issuance thereof.
10. The Monitor may rely on written notice from the Purchaser and the Vendors in relation to the Agreement regarding the satisfaction of the conditions to closing under the Agreement and shall incur no liability with respect to the delivery of the Monitor's Certificate.

Validity of the Transaction

11. Notwithstanding:
 - (a) the pendency of these proceedings;
 - (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) (the "**BIA**") in respect of the Applicants and any bankruptcy order issued pursuant to any such applications;

- (c) any assignment in bankruptcy made in respect of the Applicants; or
- (d) the provisions of any federal or provincial legislation;

the entering into of the Agreement, the transfer of the Property to the Purchaser or the Purchaser's assignee, nominee or designate as the case may be, and the vesting of the Property in the Purchaser, or the Purchaser's assignee, nominee or designate as the case may be, pursuant to this Order shall be binding on any trustee in bankruptcy that may be appointed in respect of the Companies and shall not be void or voidable by creditors of the Companies nor shall it constitute nor be deemed to be a fraudulent preference, assignment, fraudulent conveyance, transfer at undervalue, or other reviewable transaction under the BIA, any other applicable federal or provincial legislation or otherwise at law or equity, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

General

- 12. This Approval and Vesting Order shall have full force and effect in all provinces and territories in Canada.
- 13. IMV Inc. is authorized to apply as it may consider necessary or desirable, with or without notice, to any other court or administrative body, whether in Canada, the United States of America, or elsewhere, for orders which aid and complement this Approval and Vesting Order and any subsequent orders of this Court and, without limitation to the foregoing, any orders under Chapter 15 of the United States Bankruptcy Code for which IMV Inc. shall be the foreign representative of the Applicants (the "**Foreign Representative**"). All courts and administrative bodies of all such jurisdictions are hereby respectively requested to make such orders and to provide such assistance to the Applicants and the Foreign Representative as may be deemed necessary or appropriate for that purpose.
- 14. The aid and recognition of any Court, tribunal, regulatory or administrative body in Canada, the United States of America or elsewhere, to give effect to this Approval and Vesting Order and to assist the Applicants, the Monitor and their respective agents in carrying out the terms of this Approval and Vesting Order. All Courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicants, and the Monitor as may be necessary or desirable to give effect to this Approval and Vesting Order, to grant representative status to the Monitor or the authorized representative of the Applicants in any foreign proceeding, to assist the Applicants, and the Monitor, and to act in aid of and to be complementary to this Court, in carrying out the terms of this Approval and Vesting Order.
- 15. Any interested party, including the Applicant and the Monitor, may apply to this Court to vary or amend this Order on such notice required under the *Civil Procedure Rules* or as this Court may order.

Issued , 2023

Prothonotary

Schedule "A"
Service List

SUPREME COURT OF NOVA SCOTIA

IN THE MATTER OF: Application by IMV Inc., Immunovaccine Technologies Inc. and IMV USA Inc. (the “Applicants”), for relief under the *Companies’ Creditors Arrangement Act*

SERVICE LIST

Party	Method of Service
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<p>Stewart McKelvey Queen’s Marque 600-1741 Lower Water Street Halifax, NS B3J 0J2 <i>NS Counsel to the Applicants</i></p>	<p>M^{tre} Sara L. Scott Tel : 514.397.4274 E-mail : sscott@stewartmckelvey.com</p>
<p>Aird & Berlis LLP Brookfield Place 181 Bay Street, Suite 1800 Toronto, ON M5J 2T9 <i>Counsel to the Horizon Technology Finance Corporation, as agent</i></p>	<p>M^{tre} Miranda Spence Tel : 416.865.3414 E-mail : mspence@airdberlis.com</p> <p>M^{tre} Graham Topa Tel: 416.865.4739 E-mail : gtopa@airdberlis.com</p> <p>M^{tre} Kyle Plunkett Tel: 416.865.3406 E-mail : kplunkett@airdberlis.com</p>
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Schedule “B”
Description of the Property

In this Order, “**Property**” means the “**Purchased Assets**” as defined in the Agreement of Purchase and Sale dated September 1, 2023, by and between Horizon Technology Finance Corporation, as purchaser, and IMV Inc. and Immunovaccine Technologies Inc., as vendors (the “**Agreement**”).

“**Purchased Assets**” means (i) the Intellectual Property; (ii) any Assumed Contracts; and (iii) the Books and Records.

All capitalized terms used in this Schedule “B” and not otherwise defined in this Schedule “B” shall have the following meaning :

“**Assumed Contracts**” means the contracts and agreements, if any, listed on Schedule “A” to the Agreement;

“**Books and Records**” means all privileged and non-privileged books, files and records used by the Vendors in respect of the Business which pertain to the Purchased Assets, recorded or stored by means of any device including in electronic form, including all clinical trial and experimental data, regulatory records, filings and correspondence, Intellectual Property records, promotional literature, equipment manuals and warranties, customer files and personnel records, which, for greater certainty, shall exclude books, files and records pertaining to the Excluded Assets;

“**Business**” means the clinical-stage biopharmaceutical business developing a portfolio of immune-educating therapies operated by the Vendors;

“**Cash and Cash Equivalents**” means cash, bank balances, monies in possession of banks and other depositories, term or time deposits, marketable securities, short term investments, funds, bankers’ acceptances, commercial paper, security entitlements, securities accounts and any other cash equivalents of Vendors;

“**Data Servers**” all cloud and physical data servers which holds any Intellectual Property;

“**Excluded Assets**” means all assets, properties and undertakings of the Vendors other than the Purchased Assets, including, without limitation, the following:

- (a) any Cash and Cash Equivalents;
- (b) any contracts, agreements or licenses other than the Assumed Contracts;
- (c) any employment agreements and any employee benefit plans for any employees;
- (d) any leases, including any leases to the Premises; and
- (e) any equipment, furniture or fixtures.

“**Intellectual Property**” means all intellectual and industrial property and any and all forms of protection having equivalent or similar effect anywhere in the world and all rights therein as recognized under the laws of Canada, United States, and/or any other countries or jurisdictions, whether registered or unregistered and including rights in and to: (a) Trademarks and service marks (and applications and registrations therefor and the goodwill associated therewith), whether registered or not; (b) patents and patent rights (and applications and registrations therefor and

divisions, continuations, renewals, reissues, extensions and continuations-in-part of the same), whether registered or not; (c) copyrights and works of authorship (including applications and registrations therefor and like protections in each work or authorship and derivative work thereof), whether published or unpublished,; (d) mask works (and applications and registrations therefor); (e) trade names, trade styles, software and computer programs, source code, object code, licenses, methods, processes, drawings, specifications, descriptions, any memoranda, notes, and records with respect to any research and development, methods, processes, trade secrets, know-how, and proprietary and confidential technical or business information, whether in tangible or intangible form; (f) any technology; and (g) industrial designs including, without limitation, those detailed on **Appendix "B-1"** hereto, and any Data Servers containing any of the foregoing;

"Premises" means the real property leased by Immunovaccine Technologies Inc. at 130 Eileen Stubbs Avenue, Suite 19, Dartmouth, Nova Scotia; and

"Trademarks" means all registered and un-registered trademarks, services marks, trademark applications and trademark rights (including any trademarks issuing on such applications or rights) pertaining to and used in connection with the Business.

**Appendix B-1
List of Intellectual Property**

SCHEDULE OF PATENT PROPERTIES ASSIGNED TO IMMUNOVACCINE TECHNOLOGIES INC.

Vaccines with Enhanced Immune Response and Methods for Their Preparation

- Priority Applications: US 60/246,075 (filed November 7, 2000)
US 60/307,159 (filed July 24, 2001)
- International Application: PCT/CA2001/001530 (filed October 31, 2001)
- Inventors: 1) BROWN, Robert 3) KIMMINS, Warwick
2) POHAJDAK, Bill

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
United States	12/313,468	October 31, 2001	8,628,937	June 18, 2023 (includes 589 day term adjustment)

Use of Liposomes in a Water-in-Oil Emulsion or a Continuous Hydrophobic Carrier as a Vehicle for Cancer Treatment

- Priority Applications: CA 2,523,032 (filed October 7, 2005)
CA 2,533,705 (filed January 13, 2006)
CA 2,542,212 (filed April 7, 2006)
US 60/806,573 (filed July 5, 2006)
- International Application: PCT/CA2006/001640 (filed October 5, 2006)
- Inventors: 1) DAFTARIAN, Pirouz 4) BROWN, Robert
2) MANSOUR, Marc 5) KAST, Wijbe
3) POHAJDAK, Bill

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Canada	2,622,464	October 5, 2006	2,622,464	October 5, 2026
United States	15/897,025	October 5, 2006	10,272,042	October 5, 2026
Australia	2006301891	October 5, 2006	2006301891	October 5, 2026
China	200680036783.2	October 5, 2006	101282742	October 5, 2026
Japan	2008-533836	October 5, 2006	5528703	October 5, 2026
India	2866/DELNP/2008	October 5, 2006	266563	October 5, 2026

Europe	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
Belgium	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
Switzerland & Liechtenstein	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
Germany	06790800.4	October 5, 2006	602006039607.4	October 5, 2026
Spain	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
France	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
Great Britain	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
Ireland	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
Italy	06790800.4	October 5, 2006	502014902241434	October 5, 2026
The Netherlands	06790800.4	October 5, 2006	EP 1 948 225	October 5, 2026
United States	14/674,063	October 5, 2006	9,925,142	February 16, 2027 (includes 134 day term adjustment)

**Use of Liposomes in a Carrier Comprising a Continuous Hydrophobic Phase
for Delivery of Polynucleotides *In Vivo***

- Priority Applications: US 60/975,602 (filed September 27, 2007)
US 61/061,303 (filed June 13, 2008)
- International Application: PCT/CA2008/001678 (filed September 24, 2008)
- Inventors: 1) MANSOUR, Marc 3) WEIR, Genevieve
2) KARKADA, Mohan

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
India	411/MUMNP/2010	September 24, 2008		September 24, 2028 (projected)
China	201610656942.4	September 24, 2008		September 24, 2028 (projected)
Hong Kong	17106867.8	September 24, 2008		September 24, 2028 (projected)
United States	16/254,716	September 24, 2008	11,235,069	September 29, 2028 (includes 5 day term adjustment)
United States	17/314,141	September 24, 2008		September 24, 2028

				(projected/absent term extension)
Australia	2008303023	September 24, 2008	2008303023	September 24, 2028
Japan	2010-526115	September 24, 2008	5731198	September 24, 2028
Europe	08800369.4	September 24, 2008	2 197 497	September 24, 2028
Belgium	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
Switzerland & Liechtenstein	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
Germany	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
Spain	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
France	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
Great Britain	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
Ireland	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
Italy	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
The Netherlands	08800369.4	September 24, 2008	EP 2 197 497	September 24, 2028
United States	12/679,875	September 24, 2008	9,498,493	December 6, 2029 (includes 438 day term adjustment)
Japan	2015-079967	September 24, 2008	6016970	September 24, 2028
Canada	2,700,808	September 24, 2008	2,700,808	September 24, 2028
United States	15/290,567	September 24, 2008	10,232,052	September 24, 2028

Water-Free Compositions Comprising an Antigen an Amphipathic Compound and a Hydrophobic Carrier, and Uses Thereof

- Priority Applications: US 60/977,197 (filed October 3, 2007)
- International Application: PCT/CA2008/001747 (filed October 2, 2008)
- Inventors: MANSOUR, Marc

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Brazil	PI0817484-9	October 2, 2008	PI0817484-9	October 2, 2028
Australia	2008307042	October 2, 2008	2008307042	October 2, 2028
Japan	2010-527303	October 2, 2008	5591705	October 2, 2028
China	200880110239.7	October 2, 2008	101815529	October 2, 2028
Canada	2,700,828	October 2, 2008	2,700,828	October 2, 2028

Hong Kong	11109850.7	May 22, 2009	HK1155642	May 22, 2029
Canada	2,723,918	May 22, 2009	2,723,918	May 22, 2029
Israel	209775	May 22, 2009	209775	May 22, 2029

Liposome compositions comprising an adjuvant that activates or increases the activity of TLR2 and uses thereof

- Priority Application: US 61/544,020 (filed October 6, 2011)
- International Application: PCT/CA2012/050705 (filed October 5, 2012)
- Inventors: 1) MANSOUR, Marc 4) SUMMATUR, Leeladhar
2) MACDONALD, Lisa Diana 5) SHARP, Kendall
3) WEIR, Genevieve Mary

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Canada	2,850,857	October 5, 2012	2,850,857	October 5, 2032
United States	16/139,361	October 5, 2012	11,077,184	October 5, 2032 (includes 6 day term adjustment but terminally disclaimed over US 10,105,435)
United States	17/350,781	October 5, 2012		October 5, 2032 (projected / absent term extension)
Europe	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Belgium	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
France	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Germany	12838879.0	October 5, 2012	602012073542.2	October 5, 2032
Great Britain	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Ireland	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Italy	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Netherlands	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Spain	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Switzerland	12838879.0	October 5, 2012	EP 2 763 698	October 5, 2032
Japan	2017-138141	October 5, 2012	6625587	October 5, 2032

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
China	201280059879.6	October 5, 2012	103998058	October 5, 2032
China	2021112159042	October 5, 2012		October 5, 2032 (projected)
India	2581/CHENP/2014	October 5, 2012	342041	October 5, 2032
Brazil	BR112014007927-7	October 5, 2012	BR112014007927-7	October 5, 2032
Hong Kong	15101540.6	October 5, 2012	HK1201044	October 5, 2032
Australia	2012321022	October 5, 2012	2012321022	October 5, 2032
Japan	2014-533747	October 5, 2012	6240077	October 5, 2032
Israel	231888	October 5, 2012	231888	October 5, 2032
United States	14/347,928	October 5, 2012	10,105,435	October 5, 2032
Singapore	11201401177W	October 5, 2012	11201401177W	October 5, 2032

Method for Improving the Efficacy of a Survivin Vaccine in the Treatment of Cancer

- Priority Application: None
- International Application: PCT/CA2013/050248 (filed March 27, 2013)
- Inventors: 1) MANSOUR, Marc 3) WEIR, Genevieve Mary
2) BERINSTEIN, Neil L. 4) STANFORD, Marianne M

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Canada	2,908,042	March 27, 2013		March 27, 2033 (projected)
Australia	2013384879	March 27, 2013	2013384879	March 27, 2033
Japan	2016-504427	March 27, 2013	6254251	March 27, 2033
China	201380076924.3	March 27, 2013	105324128	March 27, 2033
China	202010788390.9	March 27, 2013		March 27, 2033 (projected)
Hong Kong	42021030754.2	March 27, 2013		March 27, 2033
United States	14/778,897	March 27, 2013	10,022,441	April 17, 2033 (includes 21 day term adjustment)

United States	16/013,834	March 27, 2013	10,729,766	March 27, 2033
United States	16/941,814	March 27, 2013		March 27, 2033 (projected / absent term extension)
Europe	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Belgium	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Switzerland & Liechtenstein	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Germany	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Spain	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
France	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Great Britain	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Ireland	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Italy	18188268.9	March 27, 2013	502021000065435	March 27, 2033
The Netherlands	18188268.9	March 27, 2013	EP 3 421 047	March 27, 2033
Europe	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Belgium	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Switzerland & Liechtenstein	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Germany	13880361.4	March 27, 2013	602013044063.8	March 27, 2033
Spain	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
France	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Great Britain	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Ireland	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Italy	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
The Netherlands	13880361.4	March 27, 2013	EP 2 978 450	March 27, 2033
Hong Kong	16109118.0	March 27, 2013	HK1220914	March 27, 2033

Lipid A Mimics, Methods of Preparation, and Uses Thereof

- Priority Application: US 62/100,233 (filed January 6, 2015)
- International Application: PCT/CA2015/051309 (filed December 11, 2015)
- Inventors: 1) JIANG, Zi-Hua
 2) LEWICKY, Jordan David
 3) WEIR, Genevieve Mary
 4) RAJAGOPALAN, Rajkannan
 5) SAMMATUR, Leeladhar
 6) STANFORD, Marianne Michelle
 7) MANSOUR, Marc

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Canada	2,972,635	December 11, 2015		Will abandon on April 19, 2023, for non-payment of IF
United States	15/541,774	December 11, 2015	10,533,033	Will abandon on January 14, 2024, for non-payment of MF
United States	16/715,843	December 16, 2019	10,988,500	Will abandon on April 27, 2025, for non-payment of MF
Europe	15876412.6	December 11, 2015		Will abandon on December 31, 2023, for non-payment of MF
Japan	2020-117625	December 11, 2015	7053106	Will abandon on April 4, 2025, for non-payment of MF
Hong Kong	18104784.2	December 11, 2015		Will abandon on December 11, 2023, for non-payment of MF

Adjuvanting Systems and Water-Free Vaccine Compositions Comprising a PolyI:C Polynucleotide Adjuvant and a Lipid-based Adjuvant

- Priority Application: 62/256,875 (filed November 18, 2015)
- International Application: PCT/CA2016/051324 (filed November 15, 2016)
- Inventors: 1) WEIR, Genevieve Mary 3) LIWSKI, Robert
 2) MACDONALD, Lisa Diana 4) MANSOUR, Marc

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Australia	2016355926	November 15, 2016		November 15, 2036 (projected)
Canada	3,005,127	November 15, 2016	3,005,127	November 15, 2036 (projected)
China	201680078577.1	November 15, 2016		November 15, 2036 (projected)
Europe	16865342.6	November 15, 2016		November 15, 2036 (projected)
India	201817021523	November 15, 2016		November 15, 2036 (projected)
Japan	2018-524713	November 15, 2016	6989134	November 15, 2036
Japan	2021-128886	November 15, 2016		November 15, 2036 (projected)
United States	15/777,120	November 15, 2016	11,160,861	October 11, 2037 (includes 330 day term adjustment)
United States	17/480,304	November 15, 2016		November 15, 2036 (projected / absent term extension)

**Vaccine Compositions Comprising an Amphipathic Compound, a Neoantigen
and a Hydrophobic Carrier, and Methods of Use Thereof**

- Priority Application: US 62/331,770 (filed May 4, 2016)
- International Application: PCT/CA2017/050539 (filed May 3, 2017)
- Inventors: 1) STANFORD, Marianne 3) ORS, Frederic
2) WEIR, Genevieve Mary 4) SAMMATUR, Leeladhar

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Canada	3,022,924	May 3, 2017		May 3, 2037 (projected)
China	201780039589.8	May 3, 2017		May 3, 2037 (projected)
Europe	17792333.1	May 3, 2017		May 3, 2037 (projected)
Japan	2018-557796	May 3, 2017		May 3, 2037 (projected)
Japan	2022-089582	May 3, 2017		May 3, 2037 (projected)
United States	16/098,042	May 3, 2017	11,260,116	March 6, 2038 (includes 307 day term adjustment)
United States	17/580,728	May 3, 2017		May 3, 2037 (projected)

**Methods of Using Low Dose Volume B-cell Epitope Compositions for Inducing
an Antibody Immune Response in Human Subjects**

- International Application: PCT/CA2016/051127 (filed September 27, 2016)
- Inventors: 1) MANSOUR, Marc 4) SAMMATUR, Leeladhar
2) ORS, Frederic 5) RAJAGOPALAN, Rajkannan
3) STANFORD, Marianne 6) MACDONALD, Lisa Diana

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Australia	2016425290	September 27, 2016		September 27, 2036 (projected)
Canada	3,038,155	September 27, 2016		September 27, 2036 (projected)
Europe	16917017.2	September 27, 2016		September 27, 2036 (projected)
India	201917014616	September 27, 2016		September 27, 2036 (projected)
Japan	2019-516487	September 27, 2016	7125197	September 27, 2036
Japan	2022-077537	September 27, 2016		September 27, 2036 (projected)
United States	16/336,162	September 27, 2016	11,406,705	June 13, 2037 (includes 259 day term adjustment)
United States	17/854,205	September 27, 2016		September 27, 2036 (projected / absent term extension)

**Pharmaceutical Compositions, Methods for Preparation using
Lipid Vesicle Particles of Defined Size, and Uses Thereof**

- Priority Application: 62/530,498 (filed July 10, 2017)
- International Application: PCT/CA2017/051336 (filed November 9, 2017)
- Inventors: 1) SAMMATUR, Leeladhar 5) WEIR, Genevieve
2) RAJAGOPALAN, Rajkannan 6) STANFORD, Marianne
3) SHARMA, Arthvan 7) PENWELL, Andrea
4) KALIAPERUMAL, Valarmathy

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
Australia	20174233053	November 9, 2017		November 9, 2037 (projected)
Canada	3,069,019	November 9, 2017		November 9, 2037 (projected)
China	201780094129.5	November 9, 2017		November 9, 2037 (projected)
Europe	17917340.6	November 9, 2017		November 9, 2037 (projected)
India	202017003925	November 9, 2017		November 9, 2037 (projected)
Japan	2020-500810	November 9, 2017		November 9, 2037 (projected)
United States	16/629,780	November 9, 2017		November 9, 2037 (projected / absent term extension)

**Pharmaceutical Compositions, Methods for Preparation Comprising
Sizing of Lipid Vesicle Particles, and Uses Thereof**

- International Application: PCT/CA2017/051335 (filed November 9, 2017)
- Inventors: 1) SAMMATUR, Leeladhar 5) WEIR, Genevieve
2) RAJAGOPALAN, Rajkannan 6) STANFORD, Marianne
3) SHARMA, Arthvan 7) PENWELL, Andrea
4) KALIAPERUMAL, Valarmathy

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
Australia	2017438994	November 9, 2017		Will abandon on November 9, 2023, for non-payment of MF
Canada	3,091,974	November 9, 2017		November 9, 2037 (projected)
China	201780098137.7	November 9, 2017		November 9, 2037 (projected)
Europe	17931556.9	November 9, 2017		November 9, 2037 (projected)
India	2020017023022	November 9, 2017		Marked for passive abandonment – pending next OA
Japan	2020-526030	November 9, 2017	7103726	November 9, 2037 (projected)
United States	16/762,286	November 9, 2017		November 9, 2037 (projected / absent term extension)
Hong Kong	62021024895.6	November 9, 2017		November 9, 2037 (projected)

**Methods And Compositions For Targeted Delivery Of Active Agents
And Immunomodulatory Agents To Lymph Nodes**

- Priority Application: 62/645,249 (filed March 20, 2018)
- International Application: PCT/CA2019/050328 (filed March 18, 2019)
- Inventors: 1) RAJAGOPALAN, Rajkannan 4) TORREY, Heather
2) SAMMATUR, Leeladhar 5) WEIR, Genevieve
3) STANFORD, Marianne
- **Published September 26, 2019 as WO/2019/178677**

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
Australia	2019239785	March 18, 2019		Will abandon on March 18, 2023, for non-payment of MF
Canada	3,094,405	March 18, 2019		March 18, 2039 (projected)
China	201980032559.3	March 18, 2019		March 18, 2039 (projected)
Europe	19772567.4	March 18, 2019		March 18, 2039 (projected)
India	202017045315	March 18, 2019		Will abandon on August 2, 2023, for non-response to OA
Japan	2020-550076	March 18, 2019		March 18, 2039 (projected)
United States	16/981,758	March 18, 2019		March 18, 2039 (projected) absent term extension)

Methods for Improving the Efficacy of a Survivin Therapeutic in the Treatment of Tumors

- Priority Application: 62/769,347 (filed November 19, 2018)
- International Application: PCT/IB2019/059899 (filed November 18, 2019)
-
- Inventors: 1) STANFORD, Marianne 4) WEIR, Genevieve
2) Fiset, Stephan 5) RAJAGOPALAN, Rajkannan
3) MACDONALD, Lisa
- **Published May 28, 2020 as WO/2020/104923**

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
Canada	3,119,910	November 18, 2019		November 18, 2039 (Projected) (S&B responsible for CA National Phase Entry only)
Australia	2019383785	November 18, 2019		November 18, 2039 (projected)
Taiwan	108141982	November 18, 2019		November 18, 2039 (projected)
Europe	19887650.0	November 18, 2019		November 18, 2039 (projected)
China	2019800894039	November 18, 2019		November 18, 2039 (projected)
Japan	2021-527070	November 18, 2019		November 18, 2039 (projected)
United States	17/294,713	November 18, 2019		November 18, 2039 (projected/absent term extension)
Hong Kong	62022050169.1	November 18, 2019		November 18, 2039 (projected)

Oil-in-Water Emulsion Formulations for Delivery of Active or Therapeutic Agents

- Priority Application: 62/915,696 (filed October 16, 2019)
- International Application: PCT/CA2020/051377 (filed October 15, 2020)
- Inventors: 1) RAJAGOPALAN, Rajkannan
2) STANFORD, Marianne
3) TORREY, Heather
- **Published April 22, 2021 as WO/2021/072535**

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
Canada	3,153,179	October 15, 2020		October 15, 2040 (projected)
Australia	2020366289	October 15, 2020		October 15, 2040 (projected)
China	2020800794565	October 15, 2020		October 15, 2040 (projected)
Europe	20877544.5	October 15, 2020		October 15, 2040 (projected)
Hong Kong	62023068797.7	October 15, 2020		October 15, 2040 (projected)
India	202217018246	October 15, 2020		October 15, 2040 (projected)
Japan	2022-522804	October 15, 2020		October 15, 2040 (projected)
South Korea	10-2022-7015771	October 15, 2020		October 15, 2040 (projected)
United States	17/768,335	October 15, 2020		Will abandon on April 15, 2023, for not filing a Response to outstanding action

SARS-COV-2 Vaccine Compositions and Methods of Preparation and Use

- Priority Applications: US 63/051,223 (filed July 13, 2020),
US 63/062,702 (filed August 7, 2020)
- International Application: PCT/IB2021/000464 (filed July 13, 2021)
- Inventors: 1) STANFORD, Marianne
- 2) RAJAGOPALAN, Rajkannan
- 2) HRYTSENKO, Olga
- 3) BYDOUN, Moamen
- 4) PATTERSON, Kelcey Grace

- **Published January 20, 2022 as WO/2022/013609**

- *** Family Passively Abandoned***

Methods of Treating Diffuse Large B-Cell Lymphoma

- Inventors: 1) Fiset, Stephan
- 2) BRAMHECHA, Yogesh
- 3) CONLON, Rebekah
- 4) BERINSTEIN, Neil

- **Published April 21, 2022 as WO/2022/079490**

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/091,061	October 13, 2020		N/A
US	63/110,743	November 6, 2020		N/A
US	63/121,486	December 4, 2020		N/A
PCT	PCT/IB2021/000688	October 13, 2021		October 13, 2041 (Assuming national entry in countries with a 20-year patent term.)

Lipid Compositions Comprising Polynucleotide Antigens

- Inventors: 1) STANFORD, Marianne
- 2) ORS, Frederic
- 2) HRYTSENKO, Olga
- 3) RAJAGOPALAN, Rajkannan

- Published March 31, 2022 as WO/2022/064274

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/084,179	September 28, 2020		N/A
PCT	PCT/IB2021/000650	September 28, 2021		September 28, 2041 (Assuming national entry in countries with a 20-year patent term.)

Survivin and Mage-A9 Dual-Targeted Immunotherapy

- Inventors: 1) FRADET, Yves
- 5) BRAMHECHA, Yogesh
- 2) BERGERON, Alain
- 6) MACDONALD, Lisa
- 3) PICARD, Valarie
- 4) Fiset, Stephan

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/250,130	September 29, 2021		N/A
PCT	PCT/IB2022/000557	September 29, 2022		September 29, 2042 (Assuming national entry in countries with a 20-year patent term.)

Compositions That Recruit and Activate Antigen Presenting Cells

- Inventors: 1) DIRK, Brennan
- 2) BYDOUN, Moamen
- 3) HRYTSENKO, Olga
- 4) GRAFF, Jeremy
- 5) RAJAGOPALAN, Rajkannan

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/422,771	November 4, 2022		N/A

Vaccine Compositions Comprising a Neoantigen of KRAS

- Inventors: 1) HRYTSENKO, Olga
- 2) RAJAGOPALAN, Rajkannan
- 3) PORTALES CERVANTES, Liliana

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/423,335	November 7, 2022		N/A

Methods of Making Lipid Adjuvanted Compositions

- Inventors: 1) RAJAGOPALAN, Rajkannan
- 2) LUCAS, Leanne Jennifer

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/449,734	March 3, 2023		N/A

Methods of Making Dried Pharmaceutical Compositions

- Inventors: 1) RAJAGOPALAN, Rajkannan

2) LUCAS, Leanne Jennifer

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Projected Expiry Date
US	63/449,779	March 3, 2023		N/A

SCHEDULE OF PATENT PROPERTIES LICENSED TO IMMUNOVACCINE TECHNOLOGIES INC.

Respiratory Syncytial Virus Vaccine

- Priority Applications: GB 1019240.9 (filed November 15, 2010)
US 61/458,012 (filed November 15, 2010)
- International Application: PCT/EP2011/070161 (filed November 15, 2011)
- Licensed from VIB VZW
- Inventors: 1) SAELENS, Xavier
2) SCHEPENS, Bert
3) FIERS, Walter

Country	Application Number	Effective / Deemed Filing Date	Patent Number	Expiry Date (or projected where indicated)
Canada	2,820,614	November 15, 2011		Will abandon on April 12, 2023, for not paying issue fee
United States	13/885,388	November 15, 2011	9,409,973	May 19, 2032 (includes 186 day term adjustment)
United States	15/197,001	November 15, 2011	10,117,926	November 15, 2031
United States	17/078,704	November 15, 2011		Will abandon on March 12, 2023, for not filing a Response to outstanding action
Australia	2011331251	November 15, 2011	2011331251	November 15, 2031
China	201180064939.9	November 15, 2011	103379916	November 15, 2031
Japan	2013543860	November 15, 2011	6016799	November 15, 2031
Europe	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Belgium	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Switzerland & Liechtenstein	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Germany	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Spain	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
France	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Great Britain	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Ireland	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
Italy	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031

The Netherlands	11781825.2	November 15, 2011	EP 2 640 419	November 15, 2031
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Survivin-Derived Peptides and Use Thereof

- Priority Applications: US 10/354,090 (abandoned; filed January 30, 2003)
US 10/715,417 (filed November 19, 2003)
- International Application: PCT/DK2004/000062 (filed January 30, 2004)
- Licensed from Merck KGaA – Prosecution and maintenance of this patent family are the responsibility of Merck KGaA; the provided list is based on database searches.
- Projected Family Expiry: January 30, 2024 (Absent any national term extensions)
- Inventors: 1) STRATEN, Eivind Per Thor
2) ANDERSEN, Mads Hald

Country	Patent Number
Australia	2004208496
Canada	2,513,104
China	101906148
China	1767848
China	103288920
Eurasia	200501206
Hong Kong	1087335
Hong Kong	1126668
Hong Kong	1134030
Hong Kong	1209049
Hong Kong	1209050
Japan	5121143
Japan	5509185
Japan	5931585
Japan	6021961
Mexico	05008128
New Zealand	541510
United States	7,892,559
United States	8,318,174
United States	RE48,522
Europe	EP 1 587 532
Austria	EP 1 587 532
Belgium	EP 1 587 532

Switzerland & Liechtenstein	EP 1 587 532
Czechia	EP 1 587 532
Germany	EP 1 587 532
Spain	EP 1 587 532
Finland	EP 1 587 532
France	EP 1 587 532
Great Britain	EP 1 587 532
Greece	EP 1 587 532
Hungary	EP 1 587 532
Ireland	EP 1 587 532
Italy	EP 1 587 532
Luxembourg	EP 1 587 532
Netherlands	EP 1 587 532
Portugal	EP 1 587 532
Sweden	EP 1 587 532
Slovakia	EP 1 587 532
Turkey	EP 1 587 532
Europe	EP 2 005 966
Austria	EP 2 005 966
Belgium	EP 2 005 966
Switzerland & Liechtenstein	EP 2 005 966
Czechia	EP 2 005 966
Germany	EP 2 005 966
Spain	EP 2 005 966
Finland	EP 2 005 966
France	EP 2 005 966
Great Britain	EP 2 005 966
Greece	EP 2 005 966
Hungary	EP 2 005 966
Ireland	EP 2 005 966
Italy	EP 2 005 966
Luxembourg	EP 2 005 966
Netherlands	EP 2 005 966
Portugal	EP 2 005 966
Sweden	EP 2 005 966

Slovakia	EP 2 005 966
Turkey	EP 2 005 966
Europe	EP 2 092 938
Austria	EP 2 092 938
Belgium	EP 2 092 938
Switzerland & Liechtenstein	EP 2 092 938
Czechia	EP 2 092 938
Germany	EP 2 092 938
Spain	EP 2 092 938
Finland	EP 2 092 938
France	EP 2 092 938
Great Britain	EP 2 092 938
Greece	EP 2 092 938
Hungary	EP 2 092 938
Ireland	EP 2 092 938
Italy	EP 2 092 938
Luxembourg	EP 2 092 938
Netherlands	EP 2 092 938
Portugal	EP 2 092 938
Sweden	EP 2 092 938
Slovakia	EP 2 092 938
Turkey	EP 2 092 938
Europe	EP 2 359 841
Austria	EP 2 359 841
Belgium	EP 2 359 841
Switzerland & Liechtenstein	EP 2 359 841
Czechia	EP 2 359 841
Germany	EP 2 359 841
Denmark	EP 2 359 841
Spain	EP 2 359 841
Finland	EP 2 359 841
France	EP 2 359 841
Great Britain	EP 2 359 841
Greece	EP 2 359 841
Hungary	EP 2 359 841

Ireland	EP 2 359 841
Italy	EP 2 359 841
Luxembourg	EP 2 359 841
Netherlands	EP 2 359 841
Portugal	EP 2 359 841
Sweden	EP 2 359 841
Turkey	EP 2 359 841
Europe	EP 2 857 034
Switzerland & Liechtenstein	EP 2 857 034
Germany	EP 2 857 034
Spain	EP 2 857 034
France	EP 2 857 034
Great Britain	EP 2 857 034
Italy	EP 2 857 034
Europe	EP 2 857 035
Switzerland & Liechtenstein	EP 2 857 035
Germany	EP 2 857 035
Spain	EP 2 857 035
France	EP 2 857 035
Great Britain	EP 2 857 035
Italy	EP 2 857 035
Norway	333213
Norway	334496
Norway	336825
Norway	340433
Norway	343244
Norway	344833

Survivin Peptide Vaccine

- Priority Applications: US 60/650,751 (filed February 7, 2005)
DK 200500173 (filed February 4, 2005)
- International Application: PCT/DK2006/000061 (filed February 3, 2006)
- Licensed from Merck KGaA – Prosecution and maintenance of this patent family are the responsibility of Merck KGaA; the provided list is based on database searches.
- Projected Family Expiry: February 3, 2026 (Absent any national term extensions)
- Inventors: 1) ANDERSEN, Mads Hald

Country	Patent Number
Australia	2006209951
Brazil	PI0607326
Canada	2,593,714
China	101111260
China	103143004
China	103169958
Hong Kong	1112367
Japan	5631357
Japan	2008528643
South Korea	20070108536
Mexico	2007009219
Russia	2396088
South Africa	200705943
Europe	EP 1 853 305
Austria	EP 1 853 305
Belgium	EP 1 853 305
Switzerland & Liechtenstein	EP 1 853 305
Czechia	EP 1 853 305
Germany	EP 1 853 305
Spain	EP 1 853 305
France	EP 1 853 305
Great Britain	EP 1 853 305
Greece	EP 1 853 305
Hungary	EP 1 853 305
Ireland	EP 1 853 305

Italy	EP 1 853 305
Luxembourg	EP 1 853 305
Netherlands	EP 1 853 305
Poland	EP 1 853 305
Sweden	EP 1 853 305

Schedule "C"
Monitor's Certificate

2023

Hfx No. 523334

SUPREME COURT OF NOVA SCOTIA

IN THE MATTER OF: **Application by IMV Inc. and Immunovaccine Technologies Inc. and IMV USA Inc. (the "Applicants"), for relief under the Companies' Creditors Arrangement Act**

Monitor's Certificate

WHEREAS on May 1, 2023, the Supreme Court of Nova Scotia (the "**Court**") granted an Initial Order under the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 (the "**CCAA**") in respect of the Applicants (as amended and restated on May 5, 2023, the "**Initial Order**"), which, among other things, appointed FTI Consulting Canada Inc. as monitor in these proceedings (the "**Monitor**");

AND WHEREAS on September 5, 2023, the Court entered an approval and vesting order (the "**Approval and Vesting Order**") authorizing and approving the transaction(s) contemplated by the Agreement of Purchase and Sale (the "**Purchase Agreement**") dated September 1, 2023, by and between Horizon Technology Finance Corporation, as purchaser (the "**Purchaser**"), and IMV Inc. and Immunovaccine Technologies Inc., as vendors (the "**Vendors**"), with a view, *inter alia*, to vest in and to the Purchaser, all of the Vendors' right, title and interest in and to the Purchased Assets (as defined in the Purchase Agreement).

AND WHEREAS the Approval and Vesting Order provides for the vesting of all of the Vendors' right, title and interest in and to the Purchased Assets in the Purchaser, in accordance with the terms of the Approval and Vesting Order and upon the issuance of a certificate by the Monitor (the "**Certificate**") confirming that all applicable conditions under the Purchase Agreement have been satisfied and/or waived.

NOW THEREFORE THE MONITOR HEREBY CERTIFIES AS FOLLOWS:

1. The Purchaser has caused Horizon Technology Finance Corporation and Powerscourt Investments XXV, LP to release a portion of the Secured Debt (as defined in the Purchase Agreement) on a rateable basis among themselves, in the amount of the Purchase Price (as defined in the Purchase Agreement).
2. The conditions to closing the sale of the Purchased Assets as set out in the Purchase Agreement have been satisfied or waived by the Vendors and the Purchaser.
3. The Closing Time is deemed to have occurred at ● on ●, 2023.

DATED at Toronto, Ontario, this ____ day of _____, 2023.

FTI CONSULTING CANADA INC. LIMITED,
solely in its capacity as court-appointed Monitor
of the Applicants, and not in its personal capacity
and without personal or corporate liability

Per: _____

Name: Jeffrey Rosenberg

Title: Senior Managing Director