

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

KaloBios Pharmaceuticals, Inc.

Debtor.<sup>1</sup>

Chapter 11

Case No. 15-12628 (LSS)

**NOTICE OF ESTABLISHMENT OF BAR DATES FOR FILING PROOFS OF CLAIM**

**To All Persons and Entities with Claims Against KaloBios Pharmaceuticals, Inc.:**

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU  
MAY BE HOLDING A CLAIM AGAINST THE DEBTOR IN  
THE ABOVE-CAPTIONED CHAPTER 11 CASE. THEREFORE, YOU SHOULD  
READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY.  
IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

On December 29, 2015 (the “**Petition Date**”), KaloBios Pharmaceuticals, Inc. (the “**Debtor**” or “**KaloBios**”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

On February 16, 2016, the Court entered an order (D.I. 186) (the “**Bar Date Order**”) establishing various bar dates for filing proofs of claim against the Debtor or its property. The Court has established **April 1, 2016, at 4:00 p.m.** (prevailing Eastern time) (the “**General Bar Date**”), as the general claims bar date for filing proofs of claim in this chapter 11 case for all persons and entities other than governmental units and **June 27, 2016, at 4:00 p.m.** (prevailing Eastern time) (the “**Government Bar Date**”) as the bar date for governmental units to file proofs of claim in these this chapter 11 case. As described below, the Bar Date Order also establishes different bar dates for other categories of claims.

For your convenience, enclosed with this Notice is a proof of claim form, which identifies on the face the amount, nature, and classification of your claim(s), if any, listed in the Debtor’s schedules of assets and liabilities filed in this case (the “**Schedules**”).

As used in this Notice, the term “entity” has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons, estates, trusts, governmental units, and the United States Trustee. The terms “persons” and “governmental units” are defined in sections 101(41) and 101(27) of the Bankruptcy Code, respectively.

Additionally, the term “claim” means, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (i) any right to payment, whether or not such right is

<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are 7236. The Debtor’s address is 442 Littlefield Ave., San Francisco, CA 94080.

reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

## 1. The Bar Dates

The Bar Date Order establishes the following bar dates for filing proofs of claim in this case (the “**Bar Dates**”):

- (i) The General Bar Date. Pursuant to the Bar Date Order, except as described below, all persons or entities holding claims against the Debtor that arose or are deemed to have arisen prior to the Petition Date are required to file proofs of claim by ***April 1, 2016, at 4:00 p.m. (prevailing Eastern time)***. The General Bar Date applies to all types of claims against the Debtor that arose prior to the Petition Date, including secured claims, unsecured priority claims, unsecured nonpriority claims, and any and all claims arising from or relating to the purchase or sale of common stock of KaloBios.
- (ii) The Government Bar Date. Pursuant to the Bar Date Order, all governmental units holding claims against the Debtor that arose or are deemed to have arisen prior to the Petition Date are required to file proofs of claim by ***June 27, 2016, at 4:00 p.m. (prevailing Eastern time)***. The Government Bar Date applies to all governmental units holding claims against the Debtor that arose prior to the Petition Date, including, without limitation, governmental units with claims against the Debtor for unpaid taxes, whether such claims arise from prepetition tax periods or prepetition transactions to which the Debtor was a party.
- (iii) The Amended Schedule Bar Date. If, subsequent to the date of this Notice, the Debtor amends or supplements its Schedules to modify the undisputed, noncontingent, and liquidated amount of a claim listed in the Schedules, to change the nature or classification of a claim against the Debtor reflected in the Schedules, or to add a new claim to the Schedules, the affected creditor is required to file a proof of claim or amend any previously filed proof of claim in respect of the affected claim on or before the later of (a) the above-listed Bar Date applicable to such affected creditor and (b) twenty-one (21) days after the date that notice of the applicable amendment or supplement to the Schedules is served on the creditor. The later of these dates is referred to in this Notice as the “**Amended Schedule Bar Date.**”
- (iv) The Rejection Bar Date. Any entity whose claim arises out of the Court-approved rejection of an executory contract or unexpired lease pursuant to section 365 of the Bankruptcy Code prior to the confirmation of a chapter 11 plan in the applicable Debtor’s case must file a proof of claim on or before the later of (a) the General Bar Date (or the Government Bar Date for governmental units), and (b) twenty-one (21) days after the effective date of rejection of the applicable contract or lease, *unless* the order authorizing the rejection of such executory contract or unexpired lease provides otherwise, in which event the deadline set forth in such order will be the Rejection Bar Date with respect to such claim. The later of these dates is referred to in this Notice as the “**Rejection Bar Date.**”

## **2. Who Must File a Proof of Claim**

Unless one of the exceptions described in Section 5 below applies, you **MUST** file a proof of claim to vote on a chapter 11 plan in this case or to share in distributions from the Debtor's bankruptcy estate if you have a claim that arose or is deemed to have arisen prior to the Petition Date. Claims based on acts or omissions of the Debtor that occurred before the Petition Date must be filed on or prior to the applicable Bar Date, even if such claims are not now fixed, liquidated, or certain or did not mature or become fixed, liquidated, or certain before the Petition Date.

Except where the Rejection Bar Date, the Government Bar Date, or the Amended Schedule Bar Date applies to establish a different deadline or one of the exceptions in Section 5 applies, the following entities must file proofs of claim on or before the General Bar Date:

- (i) any person or entity whose claim against the Debtor is not listed in the applicable Debtor's Schedules or is listed in the Schedules as either one or more of: disputed, contingent, or unliquidated; or
- (ii) any person or entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a classification or amount other than that identified in the Schedules;
- (iii) any person or entity whose claim arises out of the rejection of executory contracts or unexpired leases by the Debtor prior to the entry of the Bar Date Order;
- (iv) any person or entity whose claim arises from or relates in any way to (i) rescission of a purchase or sale of a security of the Debtor or of an affiliate of the Debtor, (ii) damages arising from the purchase or sale of such a security, (iii) reimbursement or contribution allowed under section 502 of the Bankruptcy Code on account of such a claim; or (iv) any other claims or causes of action relating in any way to the purchase or sale of a security of the Debtor.

## **3. What to File**

The Debtor is enclosing a proof of claim form for use in this case, or you may use another proof of claim form that conforms substantially to the enclosed claim form or Official Form 410. If your claim is scheduled by the Debtor, the attached proof of claim form also sets forth: (i) the amount of your claim (if any) as scheduled by the Debtor; (ii) whether your claim is scheduled as either one or more of: disputed, contingent, or unliquidated; and (iii) whether your claim is listed as a secured, unsecured priority, or unsecured nonpriority claim. You will receive a different proof of claim form for each claim scheduled in your name by the Debtor. You may utilize the proof of claim form provided by the Debtor to file your claim.

All proof of claim forms must be signed by the creditor or, if the creditor is not an individual, by an authorized agent of the creditor. The proof of claim form must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (or, if such documents are voluminous, attach a summary) or an explanation as to why the documents are not available. Limit or redact any confidential or private information, such as your Social Security number or account numbers.

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE  
OR ELECTRONIC MAIL WILL NOT BE ACCEPTED.**

**4. When and Where to File**

All proofs of claim must be submitted so as to be actually received by the Debtor's claims agent, Prime Clerk, LLC ("**Prime Clerk**"), *on or before the applicable Bar Date* (i) by completing the electronic proof of claim form on Prime Clerk's website at <https://cases.primeclerk.com/kalobios/EPOC-Index> or (ii) in person, by courier service, by hand delivery, or by mail so as to be received *on or before the applicable Bar Date* at the following address (the "**Claims Processing Center**"):

KaloBios Pharmaceuticals, Inc. Claims Processing Center  
c/o Prime Clerk LLC  
830 3rd Avenue, 3rd Floor  
New York, NY 10022

Proofs of claims will be collected, docketed, and maintained by Prime Clerk. If you wish to receive acknowledgement of Prime Clerk's receipt of a proof of claim, you must submit by the applicable Bar Date and concurrently with submitting your original proof of claim submit (i) a copy of the original proof of claim and (ii) a self-addressed, postage prepaid return envelope.

*Proofs of claim will be deemed filed only when actually received by Prime Clerk. Proofs of claim may not be delivered by facsimile or electronic mail transmission. Any facsimile or electronic mail submissions will not be accepted and will not be considered filed until a proof of claim is submitted by one of the methods described above.*

**5. Who Need Not File a Proof of Claim**

The Bar Date Order further provides that the following entities, who otherwise would be subject to the General Bar Date, need *not* file proofs of claim in this case:

- (i) any person or entity that already has filed a signed proof of claim against the applicable Debtor with the Clerk of the Bankruptcy Court for the District of Delaware in a form substantially similar to Official Bankruptcy Form 410;
- (ii) any person or entity that has already properly filed with the Claims Processing Center a proof of claim against the Debtor for which no other or additional amounts or claims are sought;
- (iii) any person or entity whose claim is listed on the Schedules if (a) the claim is not scheduled as any of "disputed," "contingent," or "unliquidated;" and (b) such entity agrees with the amount, nature, classification, and priority of the claim as set forth in the Schedules;
- (iv) any holder of a claim that previously has been allowed or paid in full by order of the Court;

- (v) any current or former equity security holder that seeks to assert *only* stock ownership interests, and not any claim or cause of action arising from or relating to such stock ownership interests.
- (vi) any holder of an administrative expense allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code;

#### **6. Executory Contracts and Unexpired Leases**

As described in Section 1 above, any entity that has a claim arising out of the rejection of an executory contract or unexpired lease prior to the confirmation of a chapter 11 plan in this case must file a proof of claim for damages caused by such rejection by the Rejection Bar Date.

#### **7. Consequences of Failure to File a Proof of Claim by the Applicable Bar Date**

**ANY PERSON OR ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM IN THIS CHAPTER 11 CASE BUT FAILS TO DO SO BY THE APPLICABLE BAR DATE DESCRIBED IN THIS NOTICE SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING AND DISTRIBUTION.**

#### **8. The Debtor's Schedules and Access Thereto**

You may be listed as the holder of a claim against the Debtor in the Schedules. To determine if and how you are listed in the Schedules, please refer to the information set forth on the enclosed proof of claim form regarding the nature, amount, classification, and status of your claim.

If you choose to rely on the Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. However, the enclosed form: (i) sets forth the amount of your claim (if any) as set forth in the Schedules; (ii) specifies whether your claim is listed in the Schedules as either one or more of disputed, contingent, or unliquidated; and (iii) identifies whether your claim is scheduled as a secured claim, unsecured priority claim, or unsecured nonpriority claim.

As described above, if: (i) you agree with the nature, amount, and status of your claim as listed in the Schedules; and (ii) your claim is *not* described as either one or more of: "disputed," "contingent," or "unliquidated;" you need not file a proof of claim. Otherwise, you must file a proof of claim before the applicable Bar Date in accordance with the procedures set forth in this Notice.

#### **9. Reservation of Rights**

The Debtor reserves the right to: (i) dispute, or to assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, priority, classification, or otherwise; (ii) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and (iii) otherwise amend or supplement the Schedules. Nothing contained in this Notice shall preclude the Debtor from objecting to any claim, whether scheduled or filed, on any grounds.

#### **10. Additional Information**

Copies of the Schedules, the Bar Date Order, and other information regarding this chapter 11 case are available for inspection free of charge on Prime Clerk's website for this case at

<https://cases.primeclerk.com/kalobios/>. The Schedules and other filings in this chapter 11 case also are available for a fee at the Court's website at [www.deb.uscourts.gov](http://www.deb.uscourts.gov). A login identification and password to the Court's Public Access to Court Electronic Records ("**PACER**") are required to access this information and can be obtained through the PACER Service at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). Copies of the Schedules and other documents filed in this case also may be examined between the hours of 9:00 a.m. and 4:30 p.m. (prevailing Eastern Time), Monday through Friday, at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801.

If you require additional information regarding the filing of a proof of claim, you may contact the Debtor's notice and claims agent, Prime Clerk, directly by writing to: KaloBios Pharmaceuticals, Inc. Claims Processing Center, c/o Prime Clerk LLC, 830 3rd Avenue, 3rd Floor, New York, NY 10022; emailing [kalobiosinfo@primeclerk.com](mailto:kalobiosinfo@primeclerk.com) or calling Prime Clerk at (844) 241-2770.

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTOR SHOULD CONSULT ITS OWN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM. NEITHER THE COURT NOR COUNSEL TO THE DEBTOR CAN ADVISE CREDITORS WHETHER THEY SHOULD FILE A PROOF OF CLAIM.

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*Counsel to KaloBios Pharmaceutical, Inc., as Debtor and Debtor in Possession*

**Case Information:**

Debtor: **KaloBios Pharmaceuticals, Inc.**

Case No.: 15-12628 (LSS)

Official Form 410

**Proof of Claim**

12/15

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 of 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 December 29, 2015, the date the case was filed.

**Part 1: Identify the Claim**

1. Who is the current creditor?  
 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?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Name _____	Name _____
	Number _____ Street _____	Number _____ Street _____
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	Contact phone _____	Contact phone _____
	Contact email _____	Contact email _____

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: \_\_\_\_\_

7. How much is the claim? \$\_\_\_\_\_. 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.  
 \_\_\_\_\_

9. Is all or part of the claim related to the purchase or sale of common stock of KaloBios Pharmaceuticals, Inc.?  No  
 Yes. The claim relates to or arises from in whole or in part the purchase or sale of common stock of KaloBios Pharmaceuticals, Inc., rescission of a purchase or sale of such common stock, damages arising from the purchase or sale of such common stock, or for reimbursement or contribution on account of such a claim.

10. Is all or part of the claim secured?  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 amounts 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

11. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

12. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

13. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?  No  
 Yes. Check one:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) 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).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

14. 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 acknowledgment 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 a 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 \_\_\_\_\_ (mm/dd/yyyy)

\_\_\_\_\_  
 Signature

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

Name \_\_\_\_\_  
 First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
 Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_