

Fill in this information to identify the case:

Debtor Eiger BioPharmaceuticals, Inc

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

Case number 24-80040

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.

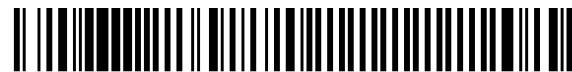
Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, 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?	<u>Oracle America, Inc., successor in interest to NetSuite, Inc.</u> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? See summary page Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) Contact phone <u>415-227-0900</u> Contact email <u>schristianson@buchalter.com</u>	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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: __ __ __ __
7. How much is the claim? \$ <u>28,638</u>	Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<p>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.</p> <p><u>Subscription Services Agreement and related Estimate</u></p>
9. Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature or property: <div><input type="checkbox"/> Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>.</div><div><input type="checkbox"/> Motor vehicle</div><div><input type="checkbox"/> Other. Describe: _____</div></div> <div>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.)</div> <div>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.)</div> <div>Amount necessary to cure any default as of the date of the petition: \$ _____</div> <div>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div>
10. Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>
11. Is this claim subject to a right of setoff?	<div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. Identify the property: _____</div>



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:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ 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 07/18/2024
MM / DD / YYYY

/s/Shawn M. Christianson, Esq.
Signature

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

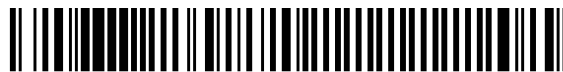
Name Shawn M. Christianson, Esq.
First name Middle name Last name

Title Counsel to Oracle America, Inc. SII to NetSuite, Inc.

Company Buchalter, a Professional Corporation
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____

Contact phone _____ Email _____



Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 733-1544 | International (310) 751-2638

Debtor: 24-80040 - Eiger BioPharmaceuticals, Inc District: Northern District of Texas, Dallas Division		
Creditor: Oracle America, Inc., successor in interest to NetSuite, Inc. c/o Shawn M. Christianson, Esq. Buchalter, a Professional Corporation 425 Market St., Suite 2900 San Francisco, CA, 94105 Phone: 415-227-0900 Phone 2: Fax: Email: schristianson@buchalter.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:	Amends Claim: No Acquired Claim: No	
Basis of Claim: Subscription Services Agreement and related Estimate	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 28,638	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: Shawn M. Christianson, Esq. on 18-Jul-2024 3:19:29 p.m. Eastern Time Title: Counsel to Oracle America, Inc. SII to NetSuite, Inc. Company: Buchalter, a Professional Corporation		

Fill in this information to identify the case:

Debtor 1 Eiger BioPharmaceuticals, Inc.

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Texas

Case number 24-80040 (SGJ)

Official Form 410**Proof of Claim**

04/22

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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 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?	<u>Oracle America, Inc., successor in interest to NetSuite, Inc. ("Oracle")</u> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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? <u>Shawn M. Christianson, Esq. c/o Buchalter, P.C</u> Name <u>425 Market Street, Suite 2900</u> Number Street <u>San Francisco CA 94105</u> City State ZIP Code Contact phone <u>415-227-0900</u> Contact email <u>schristianson@buchalter.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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? \$ 28,638.00 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.
Subscription Services Agreement and related Estimate

9. 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

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)?

☒ No

☐ Yes. Check one:

☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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.

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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.

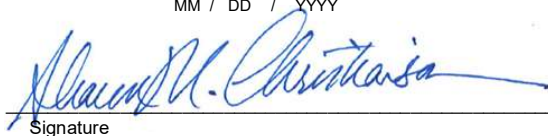
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 07/18/2024
MM / DD / YYYY


Signature

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

Name Shawn M. Christianson, Esq.
First name Middle name Last name

Title Counsel to Oracle

Company Buchalter, P.C.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 425 Market Street, Suite 2900
Number Street
San Francisco CA 94105
City State ZIP Code

Contact phone 415-227-0900 Email schristianson@buchalter.com

Attachment/Supplement to Proof of Claim
Oracle America, Inc.

Eiger BioPharmaceuticals, Inc.
Case No. 24-80040 (SGJ)

Oracle America, Inc., successor in interest to NetSuite, Inc. (“Oracle”), hereby files its proof of claim (the “Claim”) stating:

Eiger BioPharmaceuticals, Inc. (“Debtor”) may be obligated to Oracle for certain sums related to post-petition services. Oracle reserves the right to request payment for all post-petition services provided as an administrative expense under 11 U.S.C. §503, and files this Claim without waiver of any rights under Section 503 of the Bankruptcy Code, all of which are reserved.

Oracle also reserves all rights under Section 365 of the Bankruptcy Code, including the right to seek to terminate the agreements on the grounds that the licenses granted to Debtor may not be assumed without Oracle’s consent.

Oracle America Inc.
500 Oracle Parkway
Redwood Shores, CA 94065
United States
+1 888 803 7414
Tax ID No.: 94-2805249

Bill To
Eiger BioPharmaceuticals, Inc.
2155 Park Blvd.
Palo Alto CA 94306
United States

Ship To
Eiger BioPharmaceuticals, Inc.
2155 Park Blvd.
Palo Alto CA 94306
United States

Invoice Date	Terms	Due Date	Sales Rep
30 December 2023	Net 30	29 January 2024	Calanoc, Jerico Carlo C
Currency	FX Rate	PO #	Estimate #
USD	1		Estimate #1316870

Item	Description	Coverage Period	Quantity Ordered	Quantity Billed	Amount
NetSuite SuiteSuccess Financials First Emerging Cloud Service	<p>NetSuite SuiteSuccess Financials First Emerging Cloud Service includes:</p> <ul style="list-style-type: none"> ** ERP with G/L, Accounts Payable, Purchasing, Inventory, Order Entry, A/R, Expense Reporting, Advanced Shipping with integrated UPS or FedEx shipping depending on your location ** NetSuite CRM Sales Force Automation with quote and order management, Marketing Automation with campaigns; Customer Service/Support ** Productivity tools including contacts/calendar/events ** NetSuite Subsidiary Management within customer's home country for a single currency. Additional countries/currencies require separate purchase of OneWorld ** Real-time Dashboards with key business metrics, report snapshots ** Customer, Vendor and Partner Center logins ** NetSuite Basic Customer Support. Current URL Terms for support are located at www.netsuite.com/support/terms. ** 5 Employee Self-Service Users ** 30,000 integrated bulk mail merges per month ** 120,000 campaign emails per year with no single blast exceeding 10,000 recipients ** Maximum of 30 general access users ** Includes one (1) Training On Demand Pass pursuant to the Learning Cloud & Learning Provider Service Descriptions found at https://www.oracle.com/corporate/contracts/cloud-services/netsuite/descriptions.html <p>NetSuite Standard Service Tier:</p> <ul style="list-style-type: none"> ** Maximum of 100GB of File Cabinet Storage, which is included with Standard Service Tier. ** Maximum 100 Full Licensed Users Provisioned (excluding Employee Center, Partner Center, Advanced Partner Center, Vendor Center and Customer Center) ** Maximum 200,000 monthly transaction lines ** Maximum of 1 SuiteCloud+ license 	30 Jan 2024 - 28 Apr 2024	1	0.25	\$5,697.00
NetSuite General Access Cloud Service User	General access user for NetSuite.	30 Jan 2024 - 28 Apr 2024	18	4.5	\$6,480.00
NetSuite Financial Management Mid-Market Cloud Service	<p>Advanced Financials:</p> <ul style="list-style-type: none"> ** Advanced Budgeting ** Expense Allocations ** Amortization Schedules ** Advanced Billing Schedules ** Milestone Billing (when used with Project Management) ** Statistical Accounting ** Dynamic Allocation 	30 Jan 2024 - 28 Apr 2024	1	0.25	\$1,797.00
NetSuite OneWorld Additional Country/Currency Cloud Service	<p>NetSuite OneWorld Additional Country/Currency includes:</p> <ul style="list-style-type: none"> ** Additional new country/currency combination 	30 Jan 2024 - 28 Apr 2024	1	0.25	\$2,397.00

Item	Description	Coverage Period	Quantity Ordered	Quantity Billed	Amount
NetSuite Adv Electronic Bank Payments MM Cloud Service	<p>Advanced Electronic Bank Payments capabilities include:</p> <ul style="list-style-type: none"> **Generate payment files to facilitate the transfer of payments across local and international bank accounts. ** Worldwide payment format support **Multi-currency payment processing **Automated payment batch creation **Supports custom payment file templates **SuiteCloud Plus support for multi-queue processing 	30 Jan 2024 - 28 Apr 2024	1	0.25	\$1,497.00
NetSuite OneWorld Cloud Service	<p>NetSuite OneWorld includes:</p> <ul style="list-style-type: none"> ** Management of multiple subsidiaries, business units and legal entities ** Support of consistent processes across countries ** Unlimited (dependent on customer's requirements) subsidiaries in a single country for a single currency ** Includes 1 country/currency combination. Additional purchase required for new country/currency combination ** Comprehensive Language Management ** Support for 27 different languages ** Comprehensive Multi-Currency Management ** Audit and Compliance Reporting ** Always-on audit trail, built-in analytics, access logs and workflow ** Supports global compliance of internal and external processes ** Real-time global business insight ** Configurable Tax Engine ** Pre-configuration of tax codes and localized reporting where applicable ** Flexible indirect tax engine automates calculations ** Cross border sales and Intrastat reporting across EU countries ** Indirect Tax Compliance; Payment processing ** Pay vendor bills and employee expenses across the globe ** Take payments directly from customers. <p>Customer understands and agrees that once NetSuite OneWorld has been provisioned to the NetSuite Service, the NetSuite Service and Customer Data cannot be switched back to a non OneWorld state.</p>	30 Jan 2024 - 28 Apr 2024	1	0.25	\$5,997.00
NetSuite Premium Support	<p>Users of NetSuite Premium Support are authorized to access the services: Users of NetSuite Premium Support are authorized to access the services: 24x7 access for critical support; Extended hours for non-critical issues (S3's); improved Response Time Goals; functional questions logged via SuiteAnswers, and additional Authorized Contacts are provided (4). Current URL Terms for support are located at https://www.oracle.com/corporate/contracts/cloud-services/netsuite/</p>	30 Jan 2024 - 28 Apr 2024	1	0.25	\$2,386.50

Item	Description	Coverage Period	Quantity Ordered	Quantity Billed	Amount
NetSuite Sandbox Environment Cloud Service	<p>Sandbox Environment for NetSuite Customers</p> <p>** Replicates production environment including data and customizations</p> <p>** Isolated environment – changes shielded from live production account</p> <p>** One production environment replication for each month of term is included</p> <p>** Administrators may provide sandbox access to all production users as needed</p> <p>NetSuite uptime guarantee does not apply to Sandbox Environments.</p>	30 Jan 2024 - 28 Apr 2024	1	0.25	\$2,386.50
Subtotal					\$28,638.00
	The following items are not renewed and will be removed from this subscription at the beginning of this subscription term.				

Subtotal \$28,638.00
Tax Total \$0.00
Total \$28,638.00

Remittance Slip

Payment Address:
 Oracle America, Inc.
 Bank of America Lockbox Services
 15612 Collections Center Drive
 Chicago, IL 60693

Payment by Wire:
 Bank of America
 Account #: 1499827093
 Account Name: Oracle America, Inc.
 Bank Routing No. ACH/EFT: 121000358
 Bank Routing No. Dom. Wires: 026009593
 Swift Code: BOFAUS3N

Customer	4527682 Eiger BioPharmaceuticals, Inc.
Invoice #	1773629
Amount Due	\$28,638.00
Amount Paid	

To view or pay your invoice securely online, contact Collections for access.

Email: CollectionsTeam_US@Oracle.com
 Toll Free: +1 888 803 7414