

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

In re:

DERMTECH, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11378 (JTD)

(Jointly Administered)

Ref. Docket Nos. 40, 76 & 94

**NOTICE OF DEADLINE FOR THE FILING OF PROOFS OF CLAIM,
INCLUDING FOR CLAIMS ASSERTED UNDER SECTION
503(b)(9) OF THE BANKRUPTCY CODE**

**THE GENERAL BAR DATE IS SEPTEMBER 3, 2024, AT 5:00 P.M. (PREVAILING
EASTERN TIME)**

TO: ALL POTENTIAL HOLDERS OF CLAIMS AGAINST THE DEBTORS (AS LISTED
BELOW)

Please take notice that, on June 18, 2024 (the “Petition Date”), DermTech, Inc. and DermTech Operations, Inc. (each, a “Debtor” and collectively, the “Debtors”), as debtors and debtors in possession in the above-captioned chapter 11 cases filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, as amended (the “Bankruptcy Code”) with the United States Bankruptcy Court for the District of Delaware (the “Court”).

Please take further notice that on July 15, 2024, the Court entered an order (the “Bar Date Order”) [Docket No. 94] establishing **September 3, 2024, at 5:00 p.m. (prevailing Eastern Time)** (the “General Bar Date”) as the last date and time for each person or entity to file a proof of claim in these chapter 11 cases (the “Proof of Claim” or “Proofs of Claims,” as applicable); *provided* that, solely with respect to a governmental unit, the last date and time for such governmental unit to file a Proof of Claim in these chapter 11 cases is **December 16, 2024, at 5:00 p.m. (prevailing Eastern Time)** (the “Governmental Bar Date and, together with the General Bar Date, the Rejection Bar Date, and the Amended Schedules Date (each as defined below), the “Bar Dates”).

For your convenience, enclosed with this Notice is a proof of claim form (the “Proof of Claim Form”). To the extent your claim is listed in the Debtors’ schedules of assets and liabilities and statements of financial affairs filed in these chapter 11 cases [Docket Nos. 107, 108, 109 & 110] (collectively, the “Schedules and Statements”), such Proof of Claim Form identifies on its face the amount, nature, and classification of your claim in the Schedules and Statements.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: DermTech, Inc. (0849) and DermTech Operations, Inc. (8997). The Debtors’ service address is 12340 El Camino Real, San Diego, California 92130.

Please take further notice that the Bar Date Order and the procedures set forth therein and herein for the filing of Proofs of Claim apply to all claims (the holder of any such claim, a “Claimant”) against the Debtors that arose, or are deemed to have arisen, prior to the Petition Date, regardless of their character or nature, whether secured or unsecured, priority or non-priority, liquidated or unliquidated, fixed or contingent, including, without limitation, claims entitled to administrative priority status under section 503(b)(9) of the Bankruptcy Code, no matter how remote or contingent.

As used in this Notice, the term “creditor” has the meaning given to it in section 101(10) of the Bankruptcy Code, and includes all persons, entities, estates, trusts, governmental units, and the United States Trustee. In addition, the terms “persons,” “entities,” and “governmental units” are defined in sections 101(41), 101(15), and 101(27) of the Bankruptcy Code, respectively.

As used in this Notice, the term “claim” or “Claim” has the meaning given to it in section 101(5) of the Bankruptcy Code, and includes as to or against the Debtors: (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) 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.

Claims Arising from Rejected Executory Contracts or Unexpired Leases.

Any person or entity that holds a claim arising from the rejection of an executory contract or unexpired lease must file a Proof of Claim based on such rejection by the later of (a) the General Bar Date or (b) 5:00 p.m. (Prevailing Eastern Time) on the date that is thirty (30) days following service of the order of the Court approving the rejection of such executory contract or unexpired lease (the “Rejection Bar Date”).

Amended Schedules Bar Date.

If the Debtors amend their Schedules and Statements, then the deadline to submit a Proof of Claim for those creditors affected by any such amendment shall be the later of (i) the applicable Bar Date or (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days from the date that the Debtors provide written notice to the affected creditor that the Schedules and Statements have been amended (the “Amended Schedules Bar Date”).

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY HAVE OR YOU MAY ASSERT A CLAIM AGAINST THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. 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.

General Information about the Debtors’ Chapter 11 Cases. The Debtors’ chapter 11 cases are being jointly administered for procedural purposes only under case number 24-11378 (JTD). No request for the appointment of a trustee or examiner has been made in these chapter 11 cases. An official committee of unsecured creditors (the “Committee”) was appointed by the Office of the

United States Trustee for the District of Delaware (the “U.S. Trustee”) on July 1, 2024. *See* Docket No. 55.

Debtors’ Information. The last four digits of Debtor DermTech, Inc.’s federal tax identification number are 0849. The last four digits of Debtor DermTech Operations, Inc.’s federal tax identification number are 8997. The Debtors’ service address is 12340 El Camino Real, San Diego, California 92130.

A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT SHOULD FILE A PROOF OF CLAIM.

1. PERSONS OR ENTITIES WHO MUST FILE A PROOF OF CLAIM.

Any person or entity that has or seeks to assert a claim against the Debtors which arose, or is deemed to have arisen, prior to the Petition Date, including, without limitation, a claim under section 503(b)(9) of the Bankruptcy Code, **MUST FILE A PROOF OF CLAIM ON OR BEFORE THE APPLICABLE BAR DATE** in order to potentially share in the Debtors’ estates.

Under the Bar Date Order, the filing of a Proof of Claim Form shall be deemed to satisfy the procedural requirements for the assertion of administrative priority claims under section 503(b)(9) of the Bankruptcy Code. All other administrative claims under section 503(b) of the Bankruptcy Code must be made by separate requests for payment in accordance with section 503(a) of the Bankruptcy Code and shall not be deemed proper if made by Proof of Claim. No deadline has yet been established for the filing of administrative claims other than claims under section 503(b)(9) of the Bankruptcy Code. **Claims under section 503(b)(9) of the Bankruptcy Code must be filed by the applicable Bar Date.**

Acts or omissions of the Debtors that occurred or arose before the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Date, notwithstanding that such claims may not have matured, are contingent, or have not become fixed or liquidated prior to, or as of, the Petition Date.

THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS BELIEVE THAT YOU HAVE A CLAIM. A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT SHOULD FILE A PROOF OF CLAIM.

A. Claims For Which No Proof of Claim is Required to be Filed.

Notwithstanding the above, holders of the following claims are not required to file a Proof of Claim on or before the applicable Bar Date **solely with respect to such claim:**

- i. a claim against the Debtors for which a signed Proof of Claim has already been properly filed with the clerk of the Bankruptcy Court for the District of Delaware or Stretto, Inc.

(“Stretto”), the Debtors’ claims and noticing agent, in a form substantially similar to Official Bankruptcy Form No. 410;²

- ii. a claim that is listed on the Debtors’ Schedules and Statements if and only if (i) such claim is not scheduled as “disputed,” “contingent,” or “unliquidated” **and** (ii) the holder of such claim agrees with the amount, nature, and priority of the claim, and the applicable Debtor obligor, as set forth in the Schedules and Statements;
- iii. an administrative expense claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtors’ estates (other than any claim allowable under section 503(b)(9) of the Bankruptcy Code);
- iv. an administrative expense claim for post-petition fees and expenses incurred by any professional allowable under sections 328, 330, 331, and 503(b) of the Bankruptcy Code or 28 U.S.C. § 156(c);
- v. a claim that has been paid in full by the Debtors in accordance with the Bankruptcy Code or an order of the Court;
- vi. a claim that has been allowed by an order of the Court entered on or before the applicable Bar Date;
- vii. a claim for which specific deadlines have been fixed by an order of the Court entered on or before the applicable Bar Date;
- viii. a claim held by any current officers and directors of the Debtors for indemnification, contribution, or reimbursement arising as a result of such officers’ or directors’ prepetition or post-petition services to the Debtors; and
- ix. a claim held by any person or entity that is payable to the Court or to the United States Trustee Program pursuant to 28 U.S.C. § 1930.

Please take notice that any Claimant exempted from filing a Proof of Claim pursuant to Paragraph A above must still properly and timely file a Proof of Claim for any other claim that does not fall within the exemptions provided by Paragraph A above. As set forth in subclause (e) above, creditors are not required to file a Proof of Claim with respect to any amounts paid by the Debtors.

B. No Bar Date for Proof of Interest.

Any person or entity holding an equity security (as defined in section 101(16) of the Bankruptcy Code and including, without limitation, common stock, preferred stock, warrants, or stock options) or other ownership interest in the Debtors (an “Interest Holder”) is not required to file a proof of interest on or before the applicable Bar Date; *provided, however*, that an Interest Holder that wishes to assert claims against the Debtors that arise out of, or relate to, the ownership

² Official Form 410 can be found at <http://www.uscourts.gov/forms/bankruptcy-forms/proof-claim-0>, the official website for the United States Bankruptcy Courts.

or purchase of an equity security or other ownership interest, including, but not limited to, a claim for damages or rescission based on the purchase or sale of such equity security or other ownership interest, must file a Proof of Claim on or before the applicable Bar Date. The Debtors have reserved the right to establish at a later time a bar date requiring Interest Holders to file proofs of interest. If such a bar date is established, Interest Holders will be notified in writing of the bar date for filing of proofs of interest at the appropriate time.

2. WHEN AND WHERE TO FILE.

All Claimants must submit (by overnight mail, courier service, hand delivery, regular mail, or in person) an original (which may be signed with a PDF signature or DocuSign and need not be a “wet ink” signature), written Proof of Claim that substantially conforms to the Proof of Claim Form so as to be **actually received** by Stretto by no later than 5:00 p.m. (Prevailing Eastern Time) on or before the applicable Bar Date at the following address:

If by First-Class Mail, Hand Delivery, or Overnight Mail:

DermTech, Inc. Claims Processing
c/o Stretto, Inc.
410 Exchange, Suite 100
Irvine, CA 92602

Alternatively, Claimants may submit a Proof of Claim electronically by completing the Proof of Claim Form that can be accessed at Stretto’s website, <https://cases.stretto.com/DermTech>.

Proofs of Claims will be deemed timely filed only if **actually received** by Stretto on or before the applicable Bar Date. Proofs of Claims may **not** be delivered by facsimile, telecopy, or electronic mail transmission. Any facsimile, telecopy, or electronic mail submissions will not be accepted and will not be deemed filed until a proof of claim is submitted to Stretto by overnight mail, courier service, hand delivery, regular mail, electronic filing on Stretto’s website, or in person.

Claimants wishing to receive acknowledgment that their Proofs of Claims were received by Stretto must submit (i) a copy of the Proof of Claim and (ii) a self-addressed, stamped envelope (in addition to the original Proof of Claim sent to Stretto).

3. CONTENTS OF A PROOF OF CLAIM.

As noted above, the Debtors are enclosing a Proof of Claim Form for use in these chapter 11 cases, or you may use another proof of claim form that substantially conforms to Official Bankruptcy Form No. 410. The Proof of Claim Form is available free of charge on Stretto’s website at <https://cases.stretto.com/DermTech>.

To be valid, your Proof of Claim **MUST** (a) be signed by the Claimant; (b) be written in the English language; (c) be denominated in lawful currency of the United States; (d) conform substantially to the Proof of Claim Form or Official Form 410; (e) set forth with specificity the legal and factual basis for the alleged claim; and (f) include supporting documentation or an explanation as to why such documentation is not available.

Each Proof of Claim must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. A Proof of Claim filed under the joint administration case number (24-11378 (JTD)) or otherwise without identifying a specific Debtor, will be deemed as filed only against DermTech, Inc.

If you are filing a Claim under section 503(b)(9) of the Bankruptcy Code, you **must** indicate in Box 13 of the Proof of Claim Form the amount of the Claim that arises under section 503(b)(9) of the Bankruptcy Code. For each Claim under section 503(b)(9) of the Bankruptcy Code, you **must** attach to the Proof of Claim Form a supplemental statement setting forth with specificity: (a) the date of shipment of the goods you contend the Debtors received in the twenty (20) days before the Petition Date; (b) the date, place, and method (including carrier name) of delivery of the goods you contend the Debtors received in the twenty (20) days before the Petition Date; (c) the value of the goods you contend the Debtors received in the twenty (20) days before the Petition Date; and (d) whether you timely made a demand to reclaim such goods under section 546(c) of the Bankruptcy Code, and, if so, include any documentation identifying such demand.

4. **CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM BY THE BAR DATE.**

Any Claimant that is required to file a Proof of Claim in these chapter 11 cases pursuant to the Bankruptcy Code, the Bankruptcy Rules, or the Bar Date Order with respect to a particular claim against the Debtors, but that fails to do so properly by the applicable Bar Date, may be forever barred, estopped, and enjoined from (a) asserting such claim against the Debtors and their estates (or filing a Proof of Claim with respect thereto), and (b) voting upon, or receiving distributions under, any confirmed plan in these chapter 11 cases, or otherwise in respect of or on account of such claim.

5. **CONTINGENT CLAIMS.**

Acts or omissions of or by the Debtors that occurred, or that are deemed to have occurred, prior to the Petition Date, including, without limitation, acts or omissions related to any indemnity agreement, guarantee, services provided to or rendered by the Debtors, or goods provided to or by the Debtors, may give rise to claims against the Debtors notwithstanding the fact that such claims (or any injuries on which they may be based) may be contingent or may not have matured or become fixed or liquidated prior to the Petition Date. Therefore, any person or entity that holds a claim or potential claim against the Debtors, no matter how remote, contingent, or unliquidated, **MUST** file a Proof of Claim on or before the applicable Bar Date.

6. **THE DEBTORS' SCHEDULES AND STATEMENTS.**

You may be listed as the holder of a claim against the Debtors in the Schedules and Statements. The Schedules and Statements are available free of charge on Stretto's website at <https://cases.stretto.com/DermTech>. As described above, if (a) you agree with the nature, amount, and status of your claim as listed in the Schedules and Statements **and** (b) your claim is **NOT** described as "disputed," "contingent," or "unliquidated," then you are not required to file a Proof of Claim in these chapter 11 cases with respect to such claim. Otherwise, or if you decide to file

a Proof of Claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice and the Bar Date Order.

7. RESERVATION OF RIGHTS.

Nothing contained in this Notice or the Bar Date Order is intended or should be construed as a waiver of any of the Debtors' rights, including without limitation, their rights to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules and Statements as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; or (c) otherwise amend or supplement the Schedules and Statements. In addition, nothing contained herein is intended or should be construed as an admission of the validity of any claim against the Debtors or an approval, assumption, or rejection of any agreement, contract, or lease under section 365 of the Bankruptcy Code. All such rights and remedies are reserved.

8. ADDITIONAL INFORMATION.

The Schedules and Statements, the Proof of Claim Form, and Bar Date Order are available free of charge on Stretto's website at <https://cases.stretto.com/DermTech>. If you have questions concerning the filing or processing of Claims, you may contact the Debtors' claims and noticing agent, Stretto, (x) by telephone at (855) 468-2381 (toll-free) or (y) by email at teamdermtech@stretto.com. If you require additional information regarding the filing of a Proof of Claim, you may contact counsel for the Debtors in writing at the address below.

Dated: July 17, 2024
Wilmington, Delaware

WILSON SONSINI GOODRICH & ROSATI, P.C.

/s/ Catherine C. Lyons

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