

INVIVO THERAPEUTICS HOLDINGS CORP.

Form 8-K

June 04, 2013

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**

**WASHINGTON, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT PURSUANT TO**  
**SECTION 13 or 15(d) OF THE**  
**SECURITIES EXCHANGE ACT OF 1934**

**June 3, 2013**

**Date of Report (Date of earliest event reported)**

**INVIVO THERAPEUTICS HOLDINGS CORP.**

**(Exact Name of Registrant as Specified in Charter)**

**NEVADA**  
**(State or Other)**

**000-52089**  
**(Commission File Number)**

**36-4528166**  
**(IRS Employer)**

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Jurisdiction of Incorporation)

Identification No.)

**One Kendall Square, Suite B14402**

**Cambridge, Massachusetts 02139**

(Address of Principal Executive Offices) (Zip Code)

**(617) 863-5500**

(Registrant's telephone number, including area code)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- .. Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

**Item 8.01 Other Events.**

On June 3, 2013, the call notice period for the early exercise of warrants issued to certain investors of InVivo Therapeutics Holdings Corp. (the Company) on October 26, 2010, November 10, 2010 and December 3, 2010 (the Investor Warrants) expired. During the call notice period, 100% of the remaining Investor Warrants were exercised. These exercises, coupled with warrant exercises during April 2013, raised \$16.1 million gross and \$15.6 million after solicitation expenses. Approximately 11.5 million shares of common stock were issued in connection with these warrant exercises. The combination of the exercise of all the Investor Warrants along with the warrant exchange offer completed on May 17, 2013 for placement agent and other eligible warrants resulted in the complete reversal and elimination of the \$24.6 million warrant liability recorded on the Company's books as of March 31, 2013.

Set forth below is the Company's unaudited consolidated condensed balance sheet as of June 3, 2013:

**InVivo Therapeutics Holdings Corp.****(A Developmental Stage Company)****Consolidated Condensed Balance Sheet****(In 000's)**

|   | <b>As of June<br/>3,<br/>2013<br/>Unaudited</b> |
|---|---|
| Cash and restricted cash                          | \$ 23,607                                       |
| Prepaid expenses                                  | 166   |
| Fixed and other assets                            | 2,822   |
| <b>Total assets</b>                               | <b>\$ 26,595</b>                                |
| Accounts payable and accrued expenses             | \$ 1,059  |
| Loans and capital leases payable                  | 1,822   |
| Stockholders' equity                              | 23,714  |
| <b>Total liabilities and stockholders' equity</b> | <b>\$ 26,595</b>                                |

This information is not necessarily indicative of the Company's unaudited consolidated balance sheet as of June 30, 2013. Additional information may arise during the Company's close process or as a result of subsequent events that would require the Company to make adjustments to the financial information. In addition, adjustments to the Company's financial statements may be identified through the course of the Company's independent registered public accounting firm conducting and completing its review of the Company's financial statements for the quarter ended June 30, 2013.

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

INVIVO THERAPEUTICS HOLDINGS CORP.

Date: June 4, 2013

By: /s/ Frank M. Reynolds  
Frank M. Reynolds  
Chief Executive Officer