

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

*In re Atossa Genetics, Inc.  
Securities Litigation*

Civil Action No. 13-cv-01836-RSM

**Proof of Claim and Release**

**I. General Instructions**

- This Proof of Claim and Release form (“Proof(s) of Claim”) incorporates by reference the definitions in the Notice of Pendency of Class Action, Proposed Settlement, Settlement Hearing and Right to Appear (the “Notice”) and, unless defined herein, capitalized words and terms shall have the same meanings as they have in the Notice.
- To recover as a member of the Class based on your claims in the above-captioned class action (the “Action”), you must complete this Proof of Claim. If you fail to file a properly addressed (as set forth below) Proof of Claim, your claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the proposed Settlement of the Action.
- Submission of this Proof of Claim, however, does not assure that you will share in the proceeds of the Settlement (defined below) in the Action.
- **You must submit your completed and signed Proof of Claim to the Claims Administrator postmarked no later than August 20, 2018, addressed as follows:**

**In re Atossa Genetics, Inc. Securities Litigation  
c/o Rust Consulting, Inc. - 6056  
P.O. Box 44  
Minneapolis, MN 55440-0044**

A Proof of Claim shall be deemed to have been submitted when postmarked, if mailed by first-class, or registered or certified mail, postage prepaid, and addressed in accordance with the instructions thereon. All other Proofs of Claim and shall be deemed to have been submitted at the time they are actually received by the Claims Administrator.

If you are **NOT** a member of the Class, as defined in the Notice, **DO NOT** submit a Proof of Claim.

If you are a member of the Class, you are bound by the terms of any Order and Final Judgment entered in the Action **whether or not you submit a Proof of Claim.**

**II. Claimant Identification**

If you purchased or otherwise acquired Atossa Genetics, Inc. (“Atossa”) common stock any time between and including December 20, 2012 and October 4, 2013 (the “Class Period”), and held (or hold) the stock certificate(s) in your name, you are the beneficial owner as well as the record owner. If, however, the stock certificate(s) were or are registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial owner and the third party is the record owner.

Use Part I of this form, entitled “Claimant Identification” to identify each purchaser or seller of record (“nominee”), if different from the beneficial purchaser of the Atossa common stock which forms the basis of this claim. **THIS PROOF OF CLAIM FORM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR ACQUIRER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S) OR ACQUIRER(S) OF THE ATOSSA COMMON STOCK UPON WHICH THIS CLAIM IS BASED.**

All joint purchasers must sign this Proof of Claim. Executors, administrators, guardians, conservators, and trustees must complete and sign this Proof of Claim on behalf of persons represented by them and their authority must accompany this Proof of Claim and their titles or capacities must be stated. The Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

### *III. Claim Form*

- Use Part II of the form entitled “Schedule of Transactions in Atossa Common Stock” to supply all required details of your transaction(s) in Atossa common stock. If you need more space, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.
- Please provide all of the requested information with respect to *all* of your purchases, acquisitions, and sales of Atossa common stock which took place during the Class Period, whether such transactions resulted in a profit or loss. Failure to report all such transactions may result in the rejection of your claim.
- List each transaction in the Class Period separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list.
- You must submit documentation for your trading history. Acceptable documentation may include: (a) monthly stock brokerage or other investment account statements; (b) trade confirmation slips; (c) a signed letter from your broker on firm letterhead verifying the information you are providing; or (d) other equivalent proof of your transactions. **Do not send originals.** Broker confirmations or other documentation of your transactions in Atossa common stock should be attached to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.
- The requests are designed to provide the minimum amount of information necessary to process the simplest claims. The Claims Administrator may request additional information as required to efficiently and reliably calculate your losses. In cases where the Claims Administrator cannot perform the calculation accurately or at a reasonable cost to the Class with the information provided, the Claims Administrator may condition acceptance of the claim upon the production of additional information and/or the hiring of an accounting expert at claimant’s cost.
- **Notice Regarding Electronic Files:** Certain institutional filers with large numbers of transactions may request, or may be requested to, submit information regarding their transactions in electronic files. All Claimants **MUST** submit a manually signed paper Proof of Claim whether or not they also submit electronic copies. If you wish to file your Proof of Claim electronically, you must contact the Claims Administrator at 1-866-458-3184, or [info@AtossaGeneticsSecuritiesLitigation.com](mailto:info@AtossaGeneticsSecuritiesLitigation.com), or visit the Settlement website at [www.AtossaGeneticsSecuritiesLitigation.com](http://www.AtossaGeneticsSecuritiesLitigation.com) to obtain the required file layout. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the Claimant a written acknowledgement of receipt and acceptance of electronically submitted data.

**MUST BE POSTMARKED**  
**NO LATER THAN**  
**AUGUST 20, 2018**

**FOR OFFICIAL USE ONLY**  
  
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UNITED STATES DISTRICT COURT  
WESTERN DIVISION OF WASHINGTON  
*IN RE ATOSSA GENETICS, INC. SECURITIES LITIGATION*  
CIVIL ACTION NO. C 13-01836 RSM

**PROOF OF CLAIM FORM**

Use Blue or Black Ink Only

**PART I. CLAIMANT IDENTIFICATION** - Complete either Section A or B and then proceed to C. Please type or print.

**A. Complete this Section ONLY if the Beneficial Owner is an individual, joint, or IRA account. Otherwise, proceed to B.**

Name of Beneficial Owner (First, Middle, Last): \_\_\_\_\_

Name of Joint Beneficial Owner, if any (First, Middle, Last): \_\_\_\_\_

Name of IRA Custodian, if applicable: \_\_\_\_\_

**B. Complete this Section ONLY if the Beneficial Owner is an Entity; i.e., corporation, trust, etc. Then, proceed to C.**

Name of Entity if Beneficial Owner is an entity, e.g., corporation, trustee, estate, etc.: \_\_\_\_\_

Name of Representative, if applicable (administrator, trustee, c/o, etc.): \_\_\_\_\_

**C. Account / Mailing Information**

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Foreign Province and Postal Code: \_\_\_\_\_ Country: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Account Number / Fund Number (not necessary for individual filers): \_\_\_\_\_

Taxpayer Identification Number for Beneficial Owner(s)

Social Security No. (for individuals): \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Taxpayer Identification No.: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Questions? Call 1-866-458-3184 or visit  
[www.AtossaGeneticsSecuritiesLitigation.com](http://www.AtossaGeneticsSecuritiesLitigation.com)





**PART II. SCHEDULE OF TRANSACTIONS IN ATOSSA COMMON STOCK**

Number of shares of Atossa common stock held at the opening of trading on December 20, 2012: \_\_\_\_\_

*(If none, write "zero" or "0"; if other than zero, this must be documented):*

**List each individual purchase or acquisition of Atossa common stock between and including December 20, 2012 and October 4, 2013, as follows:**

Trade Date (Month/Day/Year)	Number of Shares Purchased/Acquired	Purchase Price Per Share	Aggregate Cost (including commissions, taxes, and fees)
1. _____	1. _____	1. _____	1. _____
2. _____	2. _____	2. _____	2. _____
3. _____	3. _____	3. _____	3. _____
4. _____	4. _____	4. _____	4. _____
5. _____	5. _____	5. _____	5. _____

**List each individual sale of Atossa common stock between and including December 20, 2012 and October 4, 2013, as follows:**

Trade Date (Month/Day/Year)	Number of Shares Sold	Sales Price Per Share	Amount Received (net of commissions, taxes, and fees)
1. _____	1. _____	1. _____	1. _____
2. _____	2. _____	2. _____	2. _____
3. _____	3. _____	3. _____	3. _____
4. _____	4. _____	4. _____	4. _____
5. _____	5. _____	5. _____	5. _____

**Number of shares of Atossa common stock held at the close of trading on October 4, 2013:** \_\_\_\_\_

*(If none, write "zero" or "0"; if other than zero, this must be documented):*



### **PART III: SUBMISSION TO JURISDICTION OF COURT, ACKNOWLEDGEMENTS AND RELEASES**

**Please review the following submission to jurisdiction and sign below on page 4.**

I (we) submit this Proof of Claim under the terms of the Stipulation of Settlement dated as of March 23, 2018 (“Stipulation”), and in connection with the settlement (the “Settlement”) of claims against Atossa and Dr. Steven C. Quay (“Quay”; collectively, “Defendants”) contemplated therein. I (we) also submit to the jurisdiction of the United States District Court for the Western District of Washington, with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (we) further acknowledge that I am (we are) bound by and subject to the terms of any Order and Final Judgment (defined below) that may be entered in the Action. I (we) agree to furnish additional information to Lead Counsel and/or the Claims Administrator to support this claim if required to do so. I (we) have not submitted any other claim covering the same purchases, acquisitions, and sales of Atossa common stock during the Class Period and know of no other person or entity having done so on my (our) behalf.

**Please review the following release for claims against Defendants and sign below on page 4.**

I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever waive, settle, release, relinquish, discharge and dismiss all of the Plaintiffs’ Settled Claims against each and all of the Defendants and the Defendant Released Persons as contemplated in the Stipulation.

The Stipulation contemplates the issuance of an order and final judgment (the “Order and Final Judgment”), which shall dismiss the Action with prejudice and bar, among other things, any and all actions, causes of action, claims (including Unknown Claims), demands, rights, disputes, suits, matters, damages, losses, costs, expenses, obligations, proceedings, issues, judgments, and or liabilities of every nature and description whatsoever, known or unknown, suspected or unsuspected, fixed or contingent, foreseen or unforeseen, liquidated or unliquidated, accrued or unaccrued, matured or unmatured, concealed or hidden, at law or in equity, whether class, individual, direct, derivative, representative, legal, or equitable against Defendant Released Persons arising under federal, state, common or foreign law, including the federal securities laws and any state disclosure law, or at equity, that (a) Lead Plaintiffs or any Class Member have asserted in this Action, or could have asserted in the Action or in any other proceeding or forum that concern, arise out of, refer to, are based upon, or are related in any way to the allegations, events, acts, transactions, facts, matters, occurrences, representations, statements, or omissions alleged, involved, set forth or referred to in the Complaint, first Amended Complaint, or Second Amended Complaint, including, without limitation, all of Defendants’ public filings and statements cited therein; (b) would have been barred by res judicata or collateral estoppel had this Action been fully litigated to a final judgment; or (c) could have been, or in the future could be, asserted in any forum or proceeding or otherwise by Lead Plaintiffs or any Class Member that relate to purchase, sale, acquisition or holding of Atossa common stock during the Class Period (the “Plaintiffs’ Settled Claims”); provided, however, that the Plaintiffs’ Settled Claims shall not release any claims to enforce the Settlement.

Unknown Claims are expressly included in the definition of Plaintiffs’ Settled Claims, and that such inclusion was expressly bargained for and was a material element of the Settlement and was relied upon by each and all of the Defendants in entering into the Stipulation. “Unknown Claims” means any claim that Defendants, Lead Plaintiffs, or any Class Member does not know or suspect exists in his, her, or its favor at the time of the release of the Plaintiffs’ Settled Claims and Defendants’ Settled Claims as against the Defendant Released Persons and Plaintiff Released Persons, including without limitation those which, if known, might have affected the decision to enter into the Settlement, or not to object to this Settlement, or not to exclude himself, herself or itself from the Class.

The Settlement is intended to extinguish all of the Plaintiffs’ Settled Claims and the Defendants’ Settled Claims and, consistent with such intention, upon the Effective Date, Defendants and Lead Plaintiffs expressly waive, and each of the Class Members shall be deemed to have waived, and by operation of the Order and Final Judgment shall have expressly waived, to the fullest extent permitted by law, the provisions, rights and benefits of any state, federal, or foreign law or principle of common law, which may have the effect of limiting the releases set forth above. This shall include a waiver by the Lead Plaintiffs and each of the Class Members and Defendants of any rights pursuant to section 1542 of the California Civil Code (or any similar, comparable, or equivalent provision of any federal, state, or foreign law, or principle of common law), which provides:

**A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.**

The foregoing waiver was separately bargained for, is a material element of the Settlement and was relied upon by each and all of the Defendants in entering into the Settlement.

This release shall be of no force or effect unless and until the Court approves the Stipulation and the Settlement becomes effective on the Effective Date.

Questions? Call 1-866-458-3184 or visit  
[www.AtossaGeneticsSecuritiesLitigation.com](http://www.AtossaGeneticsSecuritiesLitigation.com)



**Please review the following representations and sign below.**

I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases or acquisitions of Atossa common stock that occurred during the Class Period, all of my (our) sales of that Atossa common stock between and including December 20, 2012 and October 4, 2013, and the number of shares of Atossa common stock held by me (us) at the opening of trading on December 20, 2012, and the number of shares of Atossa common stock held by me (us) at the close of trading on October 4, 2013.

I (We) hereby warrant and represent that I am (we are) not excluded from the Class as defined in the Notice.

I (We) declare under the penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_  
(Month/Year)

in \_\_\_\_\_  
(City) (State/Country)

\_\_\_\_\_  
(Signature of Claimant)

\_\_\_\_\_  
(Signature of Joint Claimant, if applicable)

\_\_\_\_\_  
(Full Printed Name)

\_\_\_\_\_  
(Full Printed Name)

\_\_\_\_\_  
(Capacity of person signing above, e.g., Beneficial Purchaser(s), Administrator, Executor, Trustee, Custodian, Power of Attorney, etc.)

Proof of Authority to File Enclosed? Yes \_\_\_ No \_\_\_

**Accurate claims processing takes a significant amount of time.  
Thank you for your patience.**

**Reminder Checklist:**

1. Please sign the Certification section above.
2. If this Proof of Claim is being made on behalf of joint beneficial claimants, both must sign.
3. Remember to attach supporting documentation.
4. Do not send original stock certificates.
5. Keep a copy of your Proof of Claim and all documents submitted for your records.
6. If you desire an acknowledgement of receipt of your Proof of Claim, please send it Certified Mail, Return Receipt Requested.
7. If you move, please send the Claims Administrator your new address.

**THESE FORMS AND YOUR SUPPORTING DOCUMENTATION  
MUST BE SUBMITTED NO LATER THAN AUGUST 20, 2018.**