

## ASX Announcement

### Cleansing Notice

**Sunnyvale, California; 10 July 2023:** EBR Systems, Inc. (ASX: “EBR”, “EBR Systems”, or the “Company”), today gives notice under section 708(5)(e) of the *Corporations Act 2001* (Cth) (**Corporations Act**) (as modified by *ASIC Class Order CO 14/827* and the ASIC Instruments outlined below).

#### Background

The Company has today issued a total of 5,494,506 CHESS Depository Interests (“CDIs”) (“New CDIs”) (equivalent to 5,494,506 shares of common stock (“Shares”)) at an issue price of A\$0.91 per New CDI to institutional and sophisticated investors pursuant to the placement announced on 23 June 2023. The New CDIs will rank equally with all existing CDIs on issue.

On 29 May 2023, ASIC granted the Company a modification of section 708A(5)(d) of the Corporations Act to address certain technical financial reporting relief granted to the Company by ASIC. Accordingly, the Company is relying on section 708A(5) on the basis that section 708A(5)(d) is modified by *ASIC Corporations (Disregarding Technical Relief) Instrument 2016/73* and *ASIC Instrument 23-0413*, and gives this notice that it has issued the New CDIs without disclosure to investors under Part 6D.2 of the Corporations Act.

#### Statements by EBR

As at the date of this notice, EBR:

- (a) has complied with section 601CK of the Corporations Act (as that provision applies to the Company);
- (b) sections 674 and 674A of the Corporations Act; and
- (c) confirms that, there is no information:
  - (1) that has been excluded from a continuous disclosure notice given to ASX in accordance with the ASX Listing Rules; and
  - (2) that investors and their professional advisers would reasonably require for the purpose of making an informed assessment of:
    - (A) the assets and liabilities, financial position and performance, profits and losses and prospects of EBR; or
    - (B) the rights and liabilities attaching to EBR’s securities.

to the extent to which it would be reasonable to investors and their professional advisers to expect to find such information in a disclosure document.

This announcement was authorised for release by the Board of directors of EBR.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Case', followed by a vertical line.

Brendan Case  
Australian Secretary

## **About EBR Systems (ASX: EBR)**

Silicon Valley-based EBR Systems (ASX: EBR) is dedicated to superior treatment of cardiac rhythm disease by providing more physiologically effective stimulation through wireless cardiac pacing. The patented proprietary Wireless Stimulation Endocardially (WiSE) technology was developed to eliminate the need for cardiac pacing leads, historically the major source of complications and reliability issues in cardiac rhythm disease management. The initial product is designed to eliminate the need for coronary sinus leads to stimulate the left ventricle in heart failure patients requiring Cardiac Resynchronisation Therapy (CRT). Future products potentially address wireless endocardial stimulation for bradycardia and other non-cardiac indications.

## **EBR Systems' WiSE® Technology**

EBR Systems' WiSE technology is the world's only wireless, endocardial (inside the heart) pacing system in clinical use for stimulating the heart's left ventricle. This has long been a goal of cardiac pacing companies since internal stimulation of the left ventricle is thought to be a potentially superior, more anatomically correct pacing location. WiSE technology enables cardiac pacing of the left ventricle with a novel cardiac implant that is roughly the size of a large grain of rice. The need for a pacing wire on the outside of the heart's left ventricle – and the attendant problems – are potentially eliminated. WiSE is an investigational device and is not currently available for sale in the US.

## **Forward-Looking Statements**

This announcement contains or may contain forward-looking statements that are based on management's beliefs, assumptions, and expectations and on information currently available to management. Forward-looking statements involve known and unknown risks, uncertainties, contingencies and other factors, many of which are beyond the Company's control, subject to change without notice and may involve significant elements of subjective judgment and assumptions as to future events which may or may not be correct.

All statements that address operating performance, events or developments that we expect or anticipate will occur in the future are forward-looking statements, including without limitation our expectations with respect to our ability to commercialize our products including our estimates of potential revenues, costs, profitability and financial performance; our ability to develop and commercialize new products including our ability to obtain reimbursement for our products; our expectations with respect to our clinical trials, including enrolment in or completion of our clinical trials and our associated regulatory submissions and approvals; our expectations with respect to the integrity or capabilities of our intellectual property position.

Management believes that these forward-looking statements are reasonable as and when made. You should not place undue reliance on forward-looking statements because they speak only as of the date when made. EBR does not assume any obligation to publicly update or revise any forward-looking statements, whether as a result of new information, future events or otherwise. EBR may not actually achieve the plans, projections or expectations disclosed in forward-looking statements, and actual results, developments or events could differ materially from those disclosed in the forward-looking statements.

## **Foreign Ownership Restriction**

EBR's CHES Depositary Interests (CDIs) are issued in reliance on the exemption from registration contained in Regulation S of the US Securities Act of 1933 (Securities Act) for offers or sales which are made outside the US. Accordingly, the CDIs have not been, and will not be, registered under the Securities Act or the laws of any state or other jurisdiction in the US. The holders of EBR's CDIs are unable to sell the CDIs into the US or to a US person unless the re-sale of the CDIs is registered under the Securities Act or an exemption is available. Hedging transactions with regard to the CDIs may only be conducted in accordance with the Securities Act.