

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

Date of Report (Date of Earliest Event Reported):

October 4, 2010

INVIVO THERAPEUTICS HOLDINGS CORP.

(Exact name of registrant as specified in its charter)

Nevada

(State or other jurisdiction of incorporation)

000-52089

(Commission File Number)

36-4528166

(I.R.S. Employer Identification No.)

100 Europa Drive, Suite 455, Chapel Hill, NC 27517

(Address of principal executive offices)

(919) 933-2720

(Registrant's telephone number, including area code)

Design Source, Inc.

(Former name, former address and former fiscal year, if changed since last report)

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:

- ☐ 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 1.01 Entry into a Material Definitive Agreement.

On October 4, 2010 Design Source, Inc., a Nevada corporation (the "Company"), entered into an Agreement and Plan of Merger (the "Merger Agreement") pursuant to which the Company merged with its newly formed, wholly owned subsidiary, InVivo Therapeutics Holdings Corp., a Nevada corporation ("Merger Sub" and such merger transaction, the "Merger"). Upon the consummation of the Merger, the separate existence of Merger Sub ceased and shareholders of the Company became shareholders of the surviving company named InVivo Therapeutics Holdings Corp..

As permitted by Chapter 92A.180 of Nevada Revised Statutes, the sole purpose of the Merger was to effect a change of the Company's name. Upon the filing of Articles of Merger (the "Articles of Merger") with the Secretary of State of Nevada on October 4, 2010 to effect the Merger, the Company's articles of incorporation were deemed amended to reflect the change in the Company's corporate name.

A copy of the Articles of Merger and Agreement and Plan of Merger as filed with the Secretary of State of Nevada on October 4, 2010 are attached as Exhibits 2.1 and 2.2.

The Company's common stock will temporarily remain listed for quotation on OTC Markets and the OTC Bulletin Board under the current symbol "DSGS" until new a symbol is assigned by Financial Industry Regulatory Authority, Inc. (FINRA). The Company will publicly announce the new trading symbol when assigned by FINRA and the effective date of the symbol change.

We are currently engaged in discussions with InVivo Therapeutics Corporation, a Delaware corporation ("InVivo"), regarding a possible business combination involving the two companies. At this stage, no definitive terms have been agreed to, and neither party is currently bound to proceed with the transaction. With the permission of InVivo and as provided herein, we have changed our name to "InVivo Therapeutics Holdings Corp." to facilitate these discussions. If the parties determine not to proceed with the business combination, we will change our name back to Design Source, Inc. or adopt another name.

Item 5.03 Amendments to Articles of Incorporation or Bylaws; Changes in Fiscal Year.

See Item 1.01 above.

Item 8.01 Other Events.

See Item 1.01 above.

Item 9.01 Financial Statements and Exhibits.

See Exhibit Index.

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: October 6, 2010

By: /s/ Peter A. Reichard

Name: Peter A. Reichard

Title: Chief Executive Officer

Exhibit Index

Exhibit No.	Description
2.1	Articles of Merger as filed with the Nevada Secretary of State on October 4, 2010
2.2	Agreement and Plan of Merger, dated October 4, 2010, by and between Design Source, Inc. and InVivo Therapeutics Holdings Corp.



ROSS MILLER
Secretary of State
 204 North Carson Street, Ste 1
 Carson City, Nevada 89701-4299
 (775) 684 5708
 Website: www.nvsos.gov

Filed in the office of /s/ Ross Miller Ross Miller Secretary of State State of Nevada	Document Number 20100747316-61
	Filing Date and Time 10/04/2010 2:20 PM
	Entity Number C7829-2003

Articles of Merger

(PURSUANT TO NRS 92A.200)

Page 1

USE BLACK INK ONLY – DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

Articles of Merger (Pursuant to NRS Chapter 92A – excluding 92A.200(4b))

1) Name and jurisdiction of organization of each constituent entity (NRS 92A.200):

- ☐ If there are more than four merging entities, check box and attach an 8 1/2" x 11" blank sheet containing the required information for each additional entity from article one.

InVivo Therapeutics Holdings Corp.

Name of **merging** entity

Nevada

Jurisdiction

Corporation

Entity Type *

Name of merging entity

Jurisdiction

Entity Type *

Name of merging entity

Jurisdiction

Entity Type *

Name of merging entity

Jurisdiction

Entity Type *

and,

Design Source, Inc.

Name of **surviving** entity

Nevada

Jurisdiction

Corporation

Entity Type *

* Corporation, non-profit corporation, limited partnership, limited-liability company or business trust.

Filing Fee: \$350.00

This form must be accompanied by appropriate fees.

Nevada Secretary of State 92A Merger Page 1

Revised: 9-20-10



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Articles of Merger

(PURSUANT TO NRS 92A.200)

Page 2

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- 2) Forwarding address where copies of process may be sent by the Secretary of State of Nevada (if a foreign entity is the survivor in the merger - NRS 92A.1 90):

Attn:

c/o:

- 3) (Choose one)

- ☐ The undersigned declares that a plan of merger has been adopted by each constituent entity (NRS 92A.200).
☒ The undersigned declares that a plan of merger has been adopted by the parent domestic entity (NRS 92A.180)

- 4) Owner's approval (NRS 92A.200) (options a, b, or c must be used, as applicable, for each entity)

- ☐ if there are more than four merging entities, check box and attach an 8 ½ " x 11" blank sheet containing the required information for each additional entity from the appropriate section of article four.

- (a) Owner's approval was not required from

InVivo Therapeutics Holdings Corp.

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

and, or;

Design Source, Inc.

Name of **surviving** entity, if applicable

This form must be accompanied by appropriate fees.

Nevada Secretary of State 92A Merger Page 2

Revised: 9-20-10



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Articles of Merger

(PURSUANT TO NRS 92A.200)

Page 3

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(b) The plan was approved by the required consent of the owners of *:

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

and, or;

Name of **surviving** entity, if applicable

* Unless otherwise provided in the certificate of trust or governing instrument of a business trust, a merger must be approved by all the trustees and beneficial owners of each business trust that is a constituent entity in the merger.

This form must be accompanied by appropriate fees.

Nevada Secretary of State 92A Merger Page 3
Revised: 9-20-10



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Articles of Merger

(PURSUANT TO NRS 92A.200)

Page 4

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(c) Approval of plan of merger for Nevada non-profit corporation (NRS 92A.160):

The plan of merger has been approved by the directors of the corporation and by each public officer or other person whose approval of the plan of merger is required by the articles of incorporation of the domestic corporation.

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

Name of **merging** entity, if applicable

and, or;

Name of **surviving** entity, if applicable

This form must be accompanied by appropriate fees.

Nevada Secretary of State 92A Merger Page 4

Revised: 9-20-10



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Articles of Merger

(PURSUANT TO NRS 92A.200)

Page 5

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5) Amendments, if any, to the articles or certificate of the surviving entity. Provide article numbers, if available. (NRS 92A.200)*:

Article One of the Articles of Incorporation of Design Source, Inc. is hereby amended to change the name of the Corporation to InVivo Therapeutics Holdings Corp.

6) Location of Plan of Merger (check a or b):

☐ (a) The entire plan of merger is attached;

or,

☒ (b) The entire plan of merger is on file at the registered office of the surviving corporation, limited-liability company or business trust, or at the records office address if a limited partnership, or other place of business of the surviving entity (NRS 92A.200).

7) Effective date (optional):**

* Amended and restated articles may be attached as an exhibit or integrated into the articles of merger. Please entitle them "Restated" or "Amended and Restated," accordingly. The form to accompany restated articles prescribed by the secretary of state must accompany the amended and/or restated articles. Pursuant to NRS 92A.180 (merger of subsidiary into parent - Nevada parent owning 90% or more of subsidiary), the articles of merger may not contain amendments to the constituent documents of the surviving entity except that the name of the surviving entity may be changed.

** A merger takes effect upon filing the articles of merger or upon a later date as specified in the articles, which must not be more than 90 days after the articles are filed (NRS 92A.240).

This form must be accompanied by appropriate fees.

Nevada Secretary of State 92A Merger Page 5
Revised: 9-20-10



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Articles of Merger

(PURSUANT TO NRS 92A.200)

Page 6

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8) **Signatures**· Must be signed by: An officer of each Nevada corporation; All general partners of each Nevada limited partnership; All general partners of each Nevada limited-liability limited partnership; A manager of each Nevada limited-liability company with managers or one member if there are no managers; A trustee of each Nevada business trust (NRS 92A.230)*

☐ if there are more than four merging entities, check box and attach an 8 ½ " x 11" blank sheet containing the required information for each additional entity from article eight:

InVivo Therapeutics Holdings Corp.

Name of **merging** entity

X /s/ Peter A. Reichard

Signature

Chief Executive Officer

Title

October 4, 2010

Date

Name of **merging** entity

X

Signature

Title

Date

Name of **merging** entity

X

Signature

Title

Date

Name of **merging** entity

X

Signature

Title

Date

Design Source, Inc.

Name of **surviving** entity

X /s/ Peter A. Reichard

Signature

Chief Executive Officer

Title

October 4, 2010

Date

* The articles of merger must be signed by each foreign constituent entity in the manner provided by the law governing it (NRS 92A.230). Additional signature blocks may be added to this page or as an attachment, as needed.

IMPORTANT: Failure to include any of the above information and submit with the proper fees may cause this filing to be rejected.

This form must be accompanied by appropriate fees.

Nevada Secretary of State 92A Merger Page 6
Revised: 9-20-10

AGREEMENT AND PLAN OF MERGER

This AGREEMENT AND PLAN OF MERGER, dated as of October 4, 2010, is entered into by and between Design Source, Inc., a Nevada corporation (“DSGS”), and InVivo Therapeutics Holdings Corp., a Nevada corporation (“InVivo Sub”).

RECITALS

- A. InVivo Sub is a wholly-owned subsidiary of DSGS;
- B. The boards of directors of InVivo Sub and DSGS deem it advisable and in the best interests of their respective companies and shareholders that InVivo Sub be merged with and into DSGS, with DSGS remaining as the surviving corporation under the name “InVivo Therapeutics Holdings Corp.”;
- C. The board of directors of InVivo Sub has approved the plan of merger embodied in this Agreement; and
- D. The board of directors of DSGS has approved the plan of merger embodied in this Agreement.

In consideration of the mutual agreements and covenants set forth herein, the parties hereto do hereby agree to merge on the terms and conditions herein provided, as follows:

AGREEMENT**1. THE MERGER**

1.1 **The Merger.** Upon the terms and subject to the conditions hereof, on the Effective Date (as hereinafter defined), InVivo Sub shall be merged with and into DSGS in accordance with the applicable laws of the State of Nevada (the “Merger”). The separate existence of InVivo Sub shall cease, and DSGS shall be the surviving corporation under the name “InVivo Therapeutics Holdings Corp.” (the “Surviving Corporation”) and shall be governed by the laws of the State of Nevada.

1.2 **The Effective Date.** The Merger shall become effective on the date and at the time (the “Effective Date”) that:

- (a) the Articles of Merger, in substantially the form previously circulated among the Board of Directors of DSGS and InVivo Sub, that the parties hereto intend to deliver to the Secretary of State of the State of Nevada, are accepted and declared effective by the Secretary of State of the State of Nevada; and
- (b) after satisfaction of the requirements of the laws of the State of Nevada.

1.3 **Articles of Incorporation.** On the Effective Date, the Articles of Incorporation of DSGS, as in effect immediately prior to the Effective Date, shall continue in full force and effect as the Articles of Incorporation of the Surviving Corporation except that Article 1 of the Articles of Incorporation of DSGS, as the Surviving Corporation, shall be amended to state that the name of the corporation is “InVivo Therapeutics Holdings Corp.”.

1.4 **Bylaws.** On the Effective Date, the Bylaws of DSGS, as in effect immediately prior to the Effective Date, shall continue in full force and effect as the bylaws of the Surviving Corporation.

1.5 Directors and Officers. The directors and officers of DSGS immediately prior to the Effective Date shall be the directors and officers of the Surviving Corporation, until their successors shall have been duly elected and qualified or until otherwise provided by law, the Articles of Incorporation of the Surviving Corporation or the Bylaws of the Surviving Corporation.

2. CONVERSION OF SHARES

2.1 Common Stock of DSGS. Upon the Effective Date, by virtue of the Merger and without any action on the part of any holder thereof, each share of common stock of DSGS, par value of \$0.00001 per share, issued and outstanding immediately prior to the Effective Date shall be changed and converted into one fully paid and non-assessable share of the common stock of the Surviving Corporation, par value of \$0.00001 per share (the "Survivor Stock").

2.2 Common Stock of InVivo Sub. Upon the Effective Date, by virtue of the Merger and without any action on the part of the holder thereof, each share of common stock of InVivo Sub, par value of \$0.001 per share, issued and outstanding immediately prior to the Effective Date shall be cancelled.

2.3 Exchange of Certificates. Each person who becomes entitled to receive any Survivor Stock by virtue of the Merger shall be entitled to receive from the Surviving Corporation a certificate or certificates representing the number of Survivor Stock to which such person is entitled as provided herein.

3. EFFECT OF THE MERGER

3.1 Rights, Privileges, Etc. On the Effective Date of the Merger, the Surviving Corporation, without further act, deed or other transfer, shall retain or succeed to, as the case may be, and possess and be vested with all the rights, privileges, immunities, powers, franchises and authority, of a public as well as of a private nature, of InVivo Sub and DSGS; all property of every description and every interest therein, and all debts and other obligations of or belonging to or due to each of InVivo Sub and DSGS on whatever account shall thereafter be taken and deemed to be held by or transferred to, as the case may be, or invested in the Surviving Corporation without further act or deed; title to any real estate, or any interest therein vested in InVivo Sub or DSGS, shall not revert or in any way be impaired by reason of this merger; and all of the rights of creditors of InVivo Sub and DSGS shall be preserved unimpaired, and all liens upon the property of InVivo Sub or DSGS shall be preserved unimpaired, and all debts, liabilities, obligations and duties of the respective corporations shall thenceforth remain with or be attached to, as the case may be, the Surviving Corporation and may be enforced against it to the same extent as if all of said debts, liabilities, obligations and duties had been incurred or contracted by it.

3.2 Further Assurances. From time to time, as and when required by the Surviving Corporation or by its successors and assigns, there shall be executed and delivered on behalf of InVivo Sub such deeds and other instruments, and there shall be taken or caused to be taken by it such further other action, as shall be appropriate or necessary in order to vest or perfect in or to confirm of record or otherwise in the Surviving Corporation the title to and possession of all the property, interest, assets, rights, privileges, immunities, powers, franchises and authority of InVivo Sub and otherwise to carry out the purposes of this Agreement, and the officers and directors of the Surviving Corporation are fully authorized in the name and on behalf of InVivo Sub or otherwise to take any and all such action and to execute and deliver any and all such deeds and other instruments.

4. GENERAL

4.1 Abandonment. This Agreement may be terminated and the Merger may be abandoned at any time prior to the Effective Time, by mutual written agreement of InVivo Sub and DSGS.

4.2 Amendment. At any time prior to the Effective Date, this Agreement may be amended or modified in writing by the board of directors of both InVivo Sub and DSGS.

- 4.3 Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Nevada.
- 4.4 Counterparts. In order to facilitate the filing and recording of this Agreement, the same may be executed in any number of counterparts, each of which shall be deemed to be an original.
- 4.5 Electronic Means. Delivery of an executed copy of this Agreement by electronic facsimile transmission or other means of electronic communication capable of producing a printed copy will be deemed to be execution and delivery of this Agreement as of the date hereof.

IN WITNESS WHEREOF, the parties hereto have entered into and signed this Agreement as of the date set forth above.

DESIGN SOURCE, INC.

By: /s/ Peter A Reichard
Peter A. Reichard
President and Chief Executive Officer

INVIVO THERAPEUTICS HOLDINGS CORP.

By: /s/ Peter A Reichard
Peter A. Reichard
President and Chief Executive Officer
