

AKORN INC  
Form 8-K  
November 28, 2016

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

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**Form 8-K**

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**CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

Date of Report (Date of earliest event Reported): November 28, 2016

**Akorn, Inc.**

(Exact Name of Registrant as Specified in Charter)

**Louisiana**

(State or Other Jurisdiction of  
Incorporation)

**001-32360**

(Commission File Number)

**72-0717400**

(I.R.S. Employer Identification  
Number)

**1925 W. Field Court, Suite 300, Lake Forest, Illinois  
60045**

(Address of Principal Executive Offices) (Zip Code)

**(847) 279-6100**

(Registrant's telephone number, including area code)

(Former name or former address, 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))
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**Item 8.01. Other Events.**

On November 28, 2016, Akorn, Inc. (the “Company”) announced that on November 22, 2016, the Patent Trial and Appeal Board (PTAB) ruled in favor of the Company in its inter partes review proceeding and found all the claims of the 6,114,319 patent related to the Durezol® formulation to be obvious. A copy of the press release is furnished as Exhibit 99.1 and incorporated by reference into this Item 8.01.

**Item 9.01. Financial Statements and Exhibits.**

(d) Exhibits. See attached exhibit index.

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**SIGNATURE**

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.

**Akorn, Inc.**

Date: November 28, 2016

By: /s/ Duane A. Portwood  
Duane A. Portwood  
Chief Financial Officer

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**EXHIBIT INDEX**

| <u>Exhibit No.</u> | <u>Description of Exhibit</u>   |
|--------------------|---|
| 99.1               | Press release dated November 28, 2016, issued by Akorn, Inc. entitled “Akorn Invalidates Durezol® Patent Via Inter Partes Review Proceeding.” |