

AKORN INC  
Form 8-K  
October 18, 2018

**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): October 18, 2018

**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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Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (17 CFR §230.405) or Rule 12b-2 of the Securities Exchange Act of 1934 (17 CFR §240.12b-2). Emerging growth company [  ]

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. [  ]

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**Item 7.01. Regulation FD Disclosure.**

On October 18, 2018, Akorn, Inc. (“Akorn”) issued a press release announcing that it had filed a notice of appeal to the Supreme Court of the State of Delaware from the recent decision of the Delaware Court of Chancery rejecting Akorn’s claims. A copy of the full text of the press release is furnished as Exhibit 99.1 to this report.

The information in this Item 7.01, including exhibit 99.1 attached hereto, shall not be deemed to be "filed" for purposes of Section 18 of the Securities Exchange Act of 1934 (the "Exchange Act") or otherwise subject to the liabilities of that section, nor shall it be deemed to be incorporated by reference in any filing under the Securities Act of 1933 or the Exchange Act, except as shall be expressly set forth by specific reference in such a filing.

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

(d) Exhibits.

Exhibit No.      Description of Exhibit

99.1                      Press release dated October 18, 2018, issued by Akorn, Inc. entitled “Akorn Appeals Fresenius Kabi Ruling.”

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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: October 18, 2018

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

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**Exhibit Index**

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