

HEMISPHERX BIOPHARMA INC  
Form 8-K  
January 17, 2017

**UNITED STATES**

**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)

**January 17, 2017 (May 20, 2016)**

**HEMISPHERX BIOPHARMA, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**                      **0 - 27072**      **52-0845822**  
(state or other juris-      (Commission (I.R.S. Employer  
diction of incorporation) File Number) (Identification No.)

**1617 JFK Boulevard, Suite 500, Philadelphia, PA 19103**  
(Address of principal executive offices)                      (Zip Code)

Registrant's telephone number, including area code: **(215) 988-0080**

**1617 JFK Boulevard, Suite 500, Philadelphia, PA 19103**

(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 (see General Instruction A.2. below):

- 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 January 3, 2017, Hemispherx Biopharma, Inc. (the "Company") entered into a purchase order with Jubilant Hollister Stier ("Jubilant") pursuant to which Jubilant will manufacture a commercial batch of Ampligen<sup>®</sup> for the Company. Pursuant to the order, Jubilant will perform tooling and validation activities as well as final fill and finish services.

In addition, a copy of the previously disclosed May 20, 2016 Amended And Restated Early Access Agreement with Impatiens N.V. (under the brand myTomorrows) is filed herewith.

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

**(d) Exhibits.**

**Exhibit No. Description**

10.1 May 20, 2016 Amended And Restated Early Access Agreement with Impatiens N.V.\*

\* Confidential portions of this exhibit have been redacted and filed separately with the Securities and Exchange Commission pursuant to a confidential treatment request in accordance with Rule 24b-2 of the Securities Exchange Act of 1934, as amended.

**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.

HEMISPHERX BIOPHARMA, INC.

January 17, 2017

By: /s/ Thomas K. Equels  
Thomas K. Equels, President