

CELGENE CORP /DE/
Form 8-K
July 05, 2018

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): June 29, 2018

CELGENE CORPORATION

(Exact name of registrant as specified in its charter)

Delaware **001-34912** **22-2711928**
(State or other jurisdiction **(Commission** **(IRS Employer**
of incorporation) **File Number)** **Identification No.)**

86 Morris Avenue, Summit,
New Jersey **07901**
(Address of principal executive offices) **(Zip Code)**

Registrant's telephone number, including area code: (908) 673-9000

(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))

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. "

ITEM 8.01

OTHER EVENTS

Celgene Corporation has settled its litigations with Accord Healthcare Ltd. (Accord) relating to patents for REVLIMID® (lenalidomide). In June 2017, Accord filed lawsuits in the United Kingdom (U.K.) against Celgene seeking to revoke Celgene's U.K. patents protecting REVLIMID® (lenalidomide), including the Supplementary Protection Certificate (SPC) associated with Celgene's U.K. composition of matter patent, EP (U.K.) 0925294, which expires in June 2022. In settlement of the litigations (other terms of which are confidential), Accord has agreed to vacate its challenges to Celgene's patents and Celgene has granted Accord the ability to market a generic lenalidomide product for certain conditions prior to expiry of Celgene's patent and SPC rights in the U.K. beginning on January 18, 2022, and in various other European countries where Celgene's SPC is in force beginning on February 18, 2022.

ITEM 9.01

FINANCIAL STATEMENTS AND EXHIBITS

None

SIGNATURES

Pursuant to the requirements of the Securities and Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

CELGENE CORPORATION

Date: July 5, 2018 By: /s/ Peter N. Kellogg
Peter N. Kellogg
Executive Vice President and Chief Financial Officer

(principal financial and accounting officer)