

HEMISPHERX BIOPHARMA INC  
Form 8-K  
February 05, 2013

**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):

February 1, 2013

**HEMISPHERX BIOPHARMA, INC.**

(Exact Name of Registrant as Specified in Charter)

**Delaware**

**0-27072**

**52-0845822**

(State or Other Jurisdiction  
of Incorporation)

(Commission  
File Number)

(IRS Employer  
Identification No.)

**1617 JFK Boulevard, Philadelphia, Pennsylvania, 19103**

(Address of Principal Executive Offices, including Zip Code)

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

**Not Applicable**

(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 8.01 Other Events.**

On February 4, 2013, the Company issued a press release announcing its February 1, 2013 receipt of a Complete Response Letter from the FDA regarding our NDA for Ampligen®.

A copy of the press release, dated February 4, 2013, is attached as Exhibit 99.1 to this Current Report on Form 8-K. The information in Exhibit 99.1 shall not be deemed filed for purposes of Section 18 of the Exchange Act and shall not be deemed incorporated by reference into filings under the Securities Act.

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

(c) Exhibits:

99.1 Press Release dated February 4, 2013

**Signatures**

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

Date: February 5, 2013

HEMISPHERX  
BIOPHARMA, INC.

By: /s/ Charles T. Bernhardt  
Charles T. Bernhardt  
Chief Financial Officer