

Edgar Filing: ENZO BIOCHEM INC - Form 8-K

- o Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- o Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- o Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- o 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 450 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-1 of this chapter). 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.

A federal judge for the U.S. District Court for the District of Delaware has entered an order in the action entitled Enzo Life Sciences, Inc. v. Abbott Laboratories, denying summary judgment that U.S. Patent No. 8,097,405 (“the ’405 Patent”) is invalid for lack of written description, but granting summary judgment that the ’405 Patent is invalid for lack of enablement.

Enzo disagrees with the Court’s decision, and is exploring options for review of the decision. The Court did not rule on any other pending motions.

SIGNATURES

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

ENZO BIOCHEM, INC.

Date: August 16, 2017 By: /s/ Barry W. Weiner
Barry W. Weiner
President