

AKORN INC
Form POS AM
March 15, 2012

As filed with the Securities and Exchange Commission on March 15, 2012

Registration No. 333-160077

UNITED STATES

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

POST-EFFECTIVE AMENDMENT NO. 1
TO
FORM S-3
REGISTRATION STATEMENT
Under
THE SECURITIES ACT OF 1933

AKORN, INC.

(Exact name of registrant as specified in its charter)

LOUISIANA 72-0717400
(State or (I.R.S.
other Employer
jurisdiction of
incorporation Identification
or No.)
organization)

1925 W FIELD CT STE 300
LAKE FOREST, ILLINOIS 60045
(847) 279-6100

(Address, including zip code, of registrant's principal executive offices)

Joseph Bonaccorsi, Esq.
Senior Vice President and General Counsel
Akorn, Inc.
1925 W Field Ct. Ste. 300
Lake Forest, Illinois 60045
(847) 279-6100

(Name, address, including zip code, and telephone number, including area code, of agent for service)

With a copy to:
Donald E. Figliulo, Esq.
Bryan Cave LLP
161 North Clark Street, Suite 4300
Chicago, Illinois 60601-3315
(312) 602-5000

Edgar Filing: AKORN INC - Form POS AM

(312) 698-7425 (fax)

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or smaller reporting company. See the definitions of “large accelerated filer,” “accelerated filer” and “smaller reporting company” in Rule 12b-2 of the Exchange Act (Check one):

Large accelerated filer

Accelerated filer

Non-accelerated filer (Do not check if a smaller reporting company)

company)

Deregistration of Securities

This Post-Effective Amendment No. 1 relates to the registration statement on Form S-3 (File No. 333-160077) of Akorn, Inc. (the “Company”), which was filed with the U.S. Securities and Exchange Commission on June 18, 2009 (the “Registration Statement”). The Registration Statement registered 1,888,530 shares of the Company’s common stock (the “Securities”) to permit resales of such Securities by selling security holders named in the Registration Statement, who acquired the Securities pursuant to a Securities Purchase Agreement dated March 1, 2006.

The Company seeks to deregister all Securities that remain unsold under the Registration Statement as of the date hereof because it no longer has an obligation to keep the Registration Statement effective pursuant to the terms of the Securities Purchase Agreement. In accordance with the Company’s undertaking in Part II, Item 17(a)(3) of the Registration Statement, the Company is filing this Post-Effective Amendment No. 1 to remove from registration any and all Securities registered but unsold under the Registration Statement.

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the registrant has duly caused this Post-Effective Amendment No. 1 to the Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the County of Lake, State of Illinois, on March 15, 2012.

AKORN, INC.

By: /s/ Timothy A. Dick
Name: Timothy A. Dick
Title: Chief Financial Officer

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, this Post-Effective Amendment No. 1 to the Registration Statement has been signed by the following persons in the capacities and on the dates indicated.

| Name | Title | Date |
|--|--|----------------|
| /s/ Rajat Rai Rajat Rai | Chief Executive Officer | March 15, 2012 |
| /s/ Timothy A. Dick Timothy A. Dick | Chief Financial Officer (Principal Financial Officer and Principal Accounting Officer) | March 15, 2012 |
| /s/ John N. Kapoor, Ph.D. John N. Kapoor, Ph.D. | Director, Chairman of the Board | March 15, 2012 |
| /s/ Kenneth S. Abramowitz Kenneth S. Abramowitz | Director | March 15, 2012 |
| /s/ Ronald M. Johnson Ronald M. Johnson | Director | March 15, 2012 |
| /s/ Steven J. Meyer Steven J. Meyer | Director | March 15, 2012 |
| /s/ Brian Tambi Brian Tambi | Director | March 15, 2012 |
| /s/ Alan Weinstein Alan Weinstein | Director | March 15, 2012 |

/s/ Adrienne L. Graves, Ph.D.
Adrienne L. Graves, Ph.D.

Director

March 15, 2012