

TherapeuticsMD, Inc.
Form 8-K
June 07, 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 7, 2018

TherapeuticsMD, Inc.
(Exact Name of Registrant as Specified in its Charter)

| | | |
|--|--|---|
| Nevada (State or Other Jurisdiction of Incorporation) | 001-00100 (Commission File Number) | 87-0233535 (IRS Employer Identification No.) |
|--|--|---|

6800 Broken Sound Parkway NW, Third Floor

Boca Raton, FL 33487
(Address of Principal Executive Office) (Zip Code)

Registrant's telephone number, including area code: (561) 961-1900

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)

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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 (§ 230-405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 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 2.03 Creation of a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement of a Registrant.

On June 7, 2018, TherapeuticsMD, Inc., a Nevada corporation (the “Company”), completed the first draw down of \$75 million under its previously announced \$200 million term loan facility with MidCap Financial Trust, as agent and as lender, and the additional lenders party thereto from time to time (the “Credit Agreement”). The Company intends to use the proceeds from the first draw down under the Credit Agreement to support the commercial launch of its recently approved product, Imvexxy™ (estradiol vaginal inserts) for the treatment of moderate-to-severe dyspareunia (vaginal pain associated with sexual activity), a symptom of vulvar and vaginal atrophy (VVA), due to menopause.

A summary of the material terms of the Credit Agreement is included in Item 1.01 of the Company’s Current Report on Form 8-K, filed on May 3, 2018, and is incorporated herein by reference.

Item 7.01 Regulation FD Disclosure

On June 7, 2018, the Company issued a press release announcing the completion of the first draw down under the Credit Agreement. The press release is furnished as Exhibit 99.1 hereto. The information included in this Item 7.01 and Exhibit 99.1 shall not be deemed “filed” for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the “Exchange Act”), or otherwise subject to the liabilities of that section, nor shall it be deemed incorporated by reference in any filing under the Securities Act of 1933, as amended, or the Exchange Act, except as expressly set forth by specific reference in such a filing.

Item 9.01 Financial Statements and Exhibits.

(d) *Exhibits*

Exhibit

Number Description

99.1 Press Release from TherapeuticsMD, Inc., dated June 7, 2018, entitled “TherapeuticsMD Announces Draw Down of \$75 Million Under Term Loan with MidCap Financial.”

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.

Date: June 7, 2018 THERAPEUTICSMD, INC.

By: /s/ Daniel A. Cartwright
Name: Daniel A. Cartwright
Title: Chief Financial Officer