Eagle Pharmaceuticals, Inc.

Condensed Consolidated Financial Statements
As of March 31, 2025 and for the
Three-Month Periods Ended March 31, 2025 and 2024

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Independent Auditor's Review Report

Board of Directors
Eagle Pharmaceuticals, Inc.
Woodcliff Lake, New Jersey

Results of Review of Interim Financial Information

We have reviewed the condensed consolidated financial statements of Eagle Pharmaceuticals, Inc. and subsidiaries (the Company), which comprise the condensed consolidated balance sheet as of March 31, 2025, and the related condensed consolidated statements of operations, changes in stockholders' (deficit) equity, and cash flows for the three-month periods ended March 31, 2025 and 2024, and the related notes (collectively referred to as the interim financial information).

Based on our reviews, we are not aware of any material modifications that should be made to the accompanying condensed interim financial information for it to be in accordance with accounting principles generally accepted in the United States of America.

Basis for Review Results

We conducted our reviews in accordance with auditing standards generally accepted in the United States of America (GAAS) applicable to reviews of interim financial information. A review of condensed interim financial information consists principally of applying analytical procedures and making inquiries of persons responsible for financial and accounting matters. A review of condensed interim financial information is substantially less in scope than an audit conducted in accordance with GAAS, the objective of which is an expression of an opinion regarding the financial information as a whole, and accordingly, we do not express such an opinion. We are required to be independent of the Company and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our review. We believe that the results of the review procedures provide a reasonable basis for our conclusion.

Responsibilities of Management for the Interim Financial Information

Management is responsible for the preparation and fair presentation of the condensed interim financial information in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of interim financial information that is free from material misstatement, whether due to fraud or error.

Report on Condensed Consolidated Balance Sheet as of December 31, 2024

We have previously audited, in accordance with auditing standards generally accepted in the United States of America, the consolidated balance sheet of the Company as of December 31, 2024, and the related consolidated statements of operations, changes in stockholders' equity, and cash flows for the year then ended (not presented herein); and we expressed an unmodified audit opinion on those audited consolidated financial statements in our report dated July 24, 2025. In our opinion, the accompanying condensed consolidated balance sheet of the Company

as of December 31, 2024 is consistent, in all material respects, with the audited consolidated financial statements from which it has been derived.

Substantial Doubt About the Entity's Ability to Continue as a Going Concern

The accompanying condensed consolidated financial statements have been prepared assuming the Company will continue as a going concern. As described in Note 2 to the condensed consolidated financial statements, the Company has suffered recurring losses from operations, experienced substantial negative decline in customer demand for one of the Company's key products, and has stated that substantial doubt exists about the Company's ability to continue as a going concern. Management's evaluation of the events and conditions and management's plans regarding these matters are also described in Note 2. The condensed consolidated financial statements do not include any adjustments that might result from the outcome of this uncertainty. Our opinion is not modified with respect to this matter.

BDO USA, P.C.

Woodbridge, New Jersey

October 6, 2025

EAGLE PHARMACEUTICALS, INC.
CONDENSED CONSOLIDATED BALANCE SHEETS (UNAUDITED)

(in thousands, except share amounts)	March 31, 2025	December 31, 2024
ASSETS		
Current assets:		
Cash and cash equivalents	$ 22,914	$ 15,882
Accounts receivable, net	88,973	108,373
Inventories	16,669	14,424
Prepaid expenses and other current assets	31,595	25,235
Total current assets	160,151	163,914
Property and equipment, net	325	342
Intangible assets, net	1,151	2,302
Deferred tax asset	—	41,006
Other assets	14,517	15,203
Total assets	$ 176,144	$ 222,767
LIABILITIES AND STOCKHOLDERS' EQUITY		
Current liabilities:		
Accounts payable	$ 39,439	$ 37,537
Accrued expenses and other liabilities	100,126	94,567
Short-term liability related to sale of future revenue, net	44,064	—
Short-term debt, net	—	56,834
Total current liabilities	183,629	188,938
Long-term liability related to sale of future revenue, net	9,681	—
Other long-term liabilities	13,462	13,707
Total liabilities	206,772	202,645
Commitments and Contingencies		
Stockholders' (deficit) equity:		
Preferred stock, 1,500,000 shares authorized, and no shares issued or outstanding as of March 31, 2025 and December 31, 2024	—	—
Common stock, $0.001 par value; 50,000,000 shares authorized; 17,934,849 and 17,800,419 shares issued; and 13,157,553 and 13,023,123 shares outstanding as of March 31, 2025 and December 31, 2024, respectively	18	18
Additional paid in capital	375,774	376,090
Accumulated other comprehensive loss	(1,112)	(1,112)
Accumulated deficit	(158,193)	(107,759)
Treasury stock, at cost, 4,777,296 as of March 31, 2025 and December 31, 2024	(247,115)	(247,115)
Total stockholders' (deficit) equity	(30,628)	20,122
Total liabilities and stockholders' (deficit) equity	$ 176,144	$ 222,767

See accompanying notes to condensed consolidated financial statements (unaudited).

EAGLE PHARMACEUTICALS, INC.
CONDENSED CONSOLIDATED STATEMENTS OF OPERATIONS (UNAUDITED)

(In thousands, except share and per share amounts)	Three Months Ended March 31, 2025	2024
Revenue:		
Product sales, net	$ 25,555	$ 43,427
Royalty revenue	11,712	14,358
Total revenue	37,267	57,785
Operating expenses:		
Cost of product sales	9,043	12,127
Research and development	15,626	14,398
Selling, general and administrative	20,660	29,073
Restructuring charge	—	2,364
Total operating expenses	45,329	57,962
Loss from operations	(8,062)	(177)
Interest income	188	253
Interest expense	(1,680)	(2,237)
Other income (expense)	308	(952)
Total other expense, net	(1,184)	(2,936)
Loss before income taxes and equity in losses of equity method investment	(9,246)	(3,113)
Income tax provision	(40,928)	(721)
Net loss before equity in losses of equity method investment	(50,174)	(3,834)
Equity in losses of equity method investment	(260)	(126)
Net loss	$ (50,434)	$ (3,960)
Loss per share attributable to common stockholders:		
Basic	$ (3.88)	$ (0.31)
Diluted	$ (3.88)	$ (0.31)
Weighted average number of common shares outstanding:		
Basic	12,998,495	12,917,606
Diluted	12,998,495	12,917,606

See accompanying notes to condensed consolidated financial statements (unaudited).

EAGLE PHARMACEUTICALS, INC.
CONDENSED CONSOLIDATED STATEMENTS OF CHANGES IN STOCKHOLDERS' (DEFICIT) EQUITY (UNAUDITED)

(In thousands)	Common Stock Number of Shares	Common Stock Amount	Additional Paid-In Capital	Treasury Stock	Accumulated Other Comprehensive Loss	Retained Earnings (Deficit)	Total Stockholders' (Deficit) Equity
Balance as of December 31, 2024	17,800	$ 18	$ 376,090	$ (247,115)	$ (1,112)	$ (107,759)	$ 20,122
Stock-based compensation expense	—	—	(296)	—	—	—	(296)
Issuance of common stock related to vesting of restricted stock units, net	135	—	(20)	—	—	—	(20)
Net loss	—	—	—	—	—	(50,434)	(50,434)
Balance as of March 31, 2025	17,935	$ 18	$ 375,774	$ (247,115)	$ (1,112)	$ (158,193)	$ (30,628)

(In thousands)	Common Stock Number of Shares	Common Stock Amount	Additional Paid-In Capital	Treasury Stock	Accumulated Other Comprehensive Loss	Retained Earnings (Deficit)	Total Stockholders' Equity
Balance as of December 31, 2023	17,709	$ 18	$ 372,693	$ (247,115)	$ (1,112)	$ (94,096)	$ 30,388
Stock-based compensation expense	—	—	562	—	—	—	562
Issuance of common stock related to vesting of restricted stock units, net	78	—	(209)	—	—	—	(209)
Net loss	—	—	—	—	—	(3,960)	(3,960)
Balance as of March 31, 2024	17,787	$ 18	$ 373,046	$ (247,115)	$ (1,112)	$ (98,056)	$ 26,781

See accompanying notes to condensed consolidated financial statements (unaudited).

EAGLE PHARMACEUTICALS, INC.
CONDENSED CONSOLIDATED STATEMENTS OF CASH FLOWS (UNAUDITED)

(In thousands)	Three months ended March 31, 2025	2024
Cash flows from operating activities:		
Net loss	$ (50,434)	$ (3,960)
Adjustments to reconcile net loss to net cash (used in) provided by operating activities:		
Deferred income taxes	40,904	(63)
Depreciation expense	17	74
Noncash operating lease expense related to right-of-use assets	348	394
Amortization expense of intangible assets	1,151	2,495
Amortization of inventory step-up	212	436
Provision for excess and obsolete inventory	154	(891)
Fair value adjustments on equity investment	—	547
Stock-based compensation expense	(296)	562
Amortization of debt issuance costs	200	421
Interest on loss on early extinguishment of debt	466	—
Loss on equity instruments - Enalare	260	126
Changes in operating assets and liabilities which provided (used) cash:		
Accounts receivable	19,400	32,549
Inventories	(2,611)	2,955
Prepaid expenses and other current assets	379	2,145
Accounts payable	1,902	1,195
Accrued expenses and other liabilities	(2,362)	(12,725)
Other assets and other long-term liabilities, net	(439)	(223)
Net cash provided by operating activities	9,251	26,037
Cash flows from investing activities:		
Proceeds from sale of investment in Syros Pharmaceuticals, Inc. ("Syros")	—	2,866
Purchase of property and equipment	—	(59)
Net cash provided by investing activities	—	2,807
Cash flows from financing activities:		
Proceeds from revolving credit facility	—	15,000
Repayments of revolving credit facility	(25,000)	(20,000)
Employee withholding taxes related to stock-based awards	(20)	(209)
Proceeds related to the sales of future revenue	69,000	—
Payment of debt related to the sale of future revenue	(11,100)	—
Payment of issuance costs related to the sales of future revenue	(2,599)	—
Payment of debt financing costs	—	(204)
Payment of debt	(32,500)	(2,500)
Net cash used in financing activities	(2,219)	(7,913)
Net increase in cash and cash equivalents	7,032	20,931
Cash and cash equivalents at beginning of period	15,882	10,277
Cash and cash equivalents at end of period	$ 22,914	$ 31,208
Supplemental disclosures of cash flow information:		
Cash paid during the period for:		
Income taxes, net	$ 1,733	$ 56
Interest	$ 1,050	$ 1,895
Non-Cash Disclosures:		
Unpaid issuance costs related to the sales of future revenue	$ 1,556	$ —

1. Organization and Business

Eagle Pharmaceuticals, Inc. (the “Company”, or “Eagle”) is an integrated pharmaceutical company focused on finding ways to help medicines do more for patients. The Company and its collaborators have the capabilities to take a molecule from preclinical research through regulatory approval and into the marketplace, including development, manufacturing and commercialization. The Company's business model applies its scientific expertise, proprietary research-based insights and marketplace proficiency to identify challenging-to-treat diseases of the central nervous system or metabolic critical care therapeutic areas as well as in oncology. The Company’s product portfolio consists of: (i) PEMFEXY® (pemetrexed for injection) (“PEMFEXY”), (ii) RYANODEX® (dantrolene sodium) (“RYANODEX”), (iii) BELRAPZO® (bendamustine hydrochloride ready-to-dilute (“RTD”) solution) (“BELRAPZO”), (iv) rapidly infused bendamustine hydrochloride RTD (“BENDEKA”), (v) bendamustine hydrochloride ready-to-dilute and rapidly infused RTD in Japan (“TREAKISYM”), (vi) BARHEMSYS® (amisulpride for injection) (“BARHEMSYS”), and (vii) BYFAVO® (remimazolam for injection) (“BYFAVO”).

The Company markets its products through a combination of marketing partners and its internal direct sales force. The Company markets PEMFEXY, RYANODEX, BELRAPZO, BARHEMSYS and BYFAVO, and the Company's marketing partner Teva Pharmaceutical Industries Ltd. (“Teva”) markets BENDEKA. SymBio Pharmaceuticals Limited (“SymBio”), markets TREAKISYM.

On March 14, 2025, the Company submitted a new drug application ("NDA") for EA-114 with the U.S. Food and Drug Administration (“FDA”), with a PDUFA date of January 14, 2026. EA-114 is the Company's novel formulation of Faslodex® (fulvestrant), which is an estrogen receptor antagonist used in the treatment of hormone receptor positive advanced breast cancer for post-menopausal women whose disease has progressed following treatment with prior endocrine therapy.

2. Summary of Significant Accounting Policies

Basis of Presentation

The accompanying unaudited condensed consolidated financial statements have been prepared in accordance with accounting principles generally accepted in the United States of America (“U.S. GAAP”) and pursuant to the rules and regulations of the U.S. Securities Exchange Commission (the “SEC”), including the accounts of Eagle and all of its subsidiaries for interim information. Accordingly, certain information and footnote disclosures required for complete financial statements are not included herein. The condensed consolidated balance sheet as of December 31, 2024 was derived from the audited financial statements for the fiscal year ended December 31, 2024, but certain information and footnote disclosures normally included in the Company's annual consolidated financial statements have been condensed or omitted. In the opinion of management, all adjustments (consisting only of normal recurring adjustments) necessary for the fair statement of the financial information for the interim periods reported have been made. Results of Operations for the three months ended March 31, 2025 are not necessarily indicative of the results for the year ending December 31, 2025 or any other interim period. These unaudited interim condensed consolidated financial statements should be read in conjunction with the Company's audited consolidated financial statements for the year ended December 31, 2024.

All intercompany balances and transactions are eliminated upon consolidation. Material subsequent events are evaluated and disclosed through the report issuance date.

The Company manages its commercial operations through one operating segment, which also represents one reportable segment, see Note 18, “Segment Information”.

Significant Accounting Policies

The Company's significant accounting policies are described in the audited consolidated financial statements and the notes thereto. There have been no material changes in the Company's significant accounting policies during the three months ended March 31, 2025.

Use of Estimates

The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the amounts reported in the financial statements These estimates and assumptions can impact all elements of the Company's financial statements. The more significant estimates that are used when preparing the Company's financial statements include accounting for deductions from revenues including chargebacks, rebates, discounts, and returns related to sales, determining the cost of inventory that is sold, allocating cost in the form of depreciation, amortization, and estimating restructuring charges and the impact of contingencies, as well as determining uncertain tax positions and provisions for taxes on income. On the consolidated balance sheets, estimates are used in determining the valuation and recoverability of assets, and in determining the reported amounts of certain liabilities, all of which also impact the consolidated statements of operations. Certain estimates of fair value and amounts recorded in connection with acquisitions, revenue deductions, impairment reviews, restructuring-associated charges, investments and financial instruments, valuation allowances, contingencies, share-based compensation, financing liabilities, and other calculations can result from a complex series of judgments about future events and uncertainties and can rely heavily on estimates and assumptions. Estimates are often based on complex judgments and assumptions that the Company believes to be reasonable, but that can be inherently uncertain and unpredictable. If estimates and assumptions are not representative of actual outcomes, results could be materially impacted. As future events and their effects cannot be determined with precision, estimates and assumptions may prove to be incomplete or inaccurate, or unanticipated events and circumstances may occur that might cause the Company to change those estimates and assumptions including, but not limited to, changes in the healthcare environment, competition, litigation, legislation, development of competing assets by the Company or others, regulatory actions, or product recalls or withdrawals. The Company regularly evaluates estimates and assumptions using historical experience and expectations about the future. The Company adjusts estimates and assumptions when facts and circumstances indicate the need for change. Actual results may differ from those estimates.

Contingencies

The Company is subject to numerous contingencies arising in the ordinary course of business and are uncertain by nature and estimation of such loss requires significant management judgment as to the probability of loss and estimation of such loss. Examples of the nature of contingencies include patent litigation, commercial and other asserted or unasserted matters, government investigations, and other matters. In assessing contingencies related to legal proceedings that are pending against the Company, or unasserted claims that are probable of being asserted, the Company records accruals for these contingencies to the extent that the Company concludes that a loss is both probable and reasonably estimable. Determination of whether a loss estimate can be made is a complex undertaking that considers the judgement of management, third-party research, the prospect of negotiation and interpretations by regulators and courts, among other information. If some amount within a range of loss appears to be a better estimate than any other amount within the range, the Company accrues that amount. Alternatively, when no amount within a range of loss appears to be a better estimate than any other amount, the Company accrues the lowest amount in the range. Related legal costs are expensed as incurred. The Company records receivables from third-party insurers up to the amount of the loss when recovery has been determined to be probable. Gain contingencies are not recognized until realized.

Going Concern

In accordance with Accounting Standards Codification (“ASC”) 205-40, Going Concern, the Company has evaluated whether there are conditions and events, considered in the aggregate, that raise substantial doubt about the Company’s ability to continue as a going concern within one year after the date the financial statements are issued.

This evaluation initially does not take into consideration the potential mitigating effect of management’s plans that have not been fully implemented as of the date the financial statements are issued. When substantial doubt exists under this methodology, management evaluates whether the mitigating effect of its plans sufficiently alleviates substantial doubt about the Company’s ability to continue as a going concern. The mitigating effect of management’s plans, however, is only considered if both (i) it is probable that the plans will be effectively implemented within one year after the date that the financial statements are issued, and (ii) it is probable that the

plans, when implemented, will mitigate the relevant conditions or events that raise substantial doubt about the entity's ability to continue as a going concern within one year after the date that these consolidated financial statements are issued.

The Company had incurred operating losses for the last two years and continued to incur operating losses in 2025. As of the financial statement issuance date, the Company's cash and cash equivalents has significantly deteriorated from March 31, 2025.

Beginning in late August of 2025, increased competitive market dynamics indicated a substantial negative change in the Company's market share and customer demand for PEMFEXY. As a result, the Company has increased its reserve for potential inventory spoilage for products primarily manufactured in the second quarter of 2025, and anticipates a reduction of forecasted funds from future sales of PEMFEXY. The Company's ability to continue as a going concern is dependent on its ability to generate sufficient sales, profitability, and liquidity to meet the Company's operating obligations to support Company initiatives and legal matters. The Company believes that its projected levels of liquidity will not be sufficient to maintain current operating obligations for the next twelve months. These conditions raise substantial doubt regarding the Company's ability to continue as a going concern for a period of at least one year from the date of issuance of these unaudited interim financial statements.

Management has considered various initiatives to mitigate these conditions. Subject enrollment in the Company's CAL02 study has been suspended while specific modifications to the study protocol were submitted for review to the U.S. Food and Drug Administration ("FDA"), the Company is simultaneously evaluating strategic alternatives for this program. In addition, the Company is evaluating a range of potential financing and other alternatives to strengthen its liquidity position and capital structure and is implementing additional initiatives aimed to reduce operating costs. In connection with this process and subsequent to March 31, 2025, the Company has determined certain net assets related to the Acacia business, including its BARHEMSYS and BYFAVO products, have met the criteria required to be classified as held-for-sale. However, the Company may not be able to execute strategic transactions to bolster liquidity and if the Company is unable to secure financing arrangements in the very near term, it may need to further curtail or cease operations.

The accompanying unaudited condensed financial statements have been prepared on a going concern basis, which contemplates the realization of assets and satisfaction of liabilities in the ordinary course of business. The unaudited condensed financial statements do not include any adjustments relating to the recoverability and classification of recorded asset amounts or the amounts and classification of liabilities that might result from the outcome of the uncertainties described above.

Recently Issued Financial Accounting Standards

Accounting pronouncements issued but not adopted as of March 31, 2025

In November 2024, the FASB issued ASU 2024-03, Disaggregation of income statement expenses (Topic 220) which requires disaggregated disclosure of income statement expenses. The ASU does not change the expense captions an entity presents on the face of the income statement; rather, it requires disaggregation of certain expense captions into specified categories in disclosures within the footnotes to the financial statements. The new guidance is effective for public business entities ("PBEs") in the annual period beginning after December 15, 2026, and interim periods within fiscal years beginning after December 15, 2027. The new guidance is not applicable to non-PBEs. The Company is currently assessing the impact that this standard will have on its consolidated financial statements upon adoption.

In December 2023, the FASB issued ASU No. 2023-09, Improvements to Income Tax Disclosures (Topic 740). This ASU requires additional disclosures related to the rate reconciliation table for income taxes and disclosure of income taxes paid disaggregated by jurisdiction. The guidance is effective for PBEs on a prospective basis for fiscal years beginning after December 15, 2024, with early adoption permitted. The guidance is effective for non-PBEs for fiscal years beginning after December 15, 2025, with early adoption permitted. The Company plans to adopt this ASU for the fiscal year ending December 31, 2025. The Company is currently assessing the impact that this standard will have on its consolidated financial statements upon adoption.

3. Revenue Recognition

The following table provides the disaggregation the Company's product sales, net by product:

	Three Months Ended March 31,	
	2025	2024
(In thousands)		
BENDEKA	$ 1,184	$ 4,021
BELRAPZO	2,109	1,935
RYANODEX	9,052	8,931
PEMFEXY	11,329	27,360
BARHEMSYS	1,169	1,012
Other	712	168
Product sales, net	$ 25,555	$ 43,427

The following table provides a summary roll-forward of the Company's net product revenue allowances and related reserves for the three months ended March 31, 2025, on the consolidated balance sheet:

(In thousands)	Chargebacks	Commercial Rebates	Medicaid Rebates	Product Returns	Wholesaler Fees and Other Incentives	Total
Balance at December 31, 2024	$ 6,935	$ 38,174	$ 1,502	$ 6,305	$ 15,413	$ 68,329
Provisions / Adjustments	22,450	20,116	908	1,167	7,620	52,261
Charges processed / Payments	(24,518)	(15,518)	(908)	(230)	(11,444)	(52,618)
Balance at March 31, 2025	$ 4,867	$ 42,772	$ 1,502	$ 7,242	$ 11,589	$ 67,972

Such net product revenue allowances and reserves are included within accounts receivable, net and accrued expenses and other current liabilities within the Company's consolidated balance sheets.

Total revenue and accounts receivable broken down by major customers as a percentage of the total revenue and accounts receivable are as follows:

	Three Months Ended March 31,	
	2025	2024
Total Revenues		
Teva - *Commercial Partner*	34 %	31 %
Customer A	29 %	35 %
Customer B	14 %	14 %
Customer C	10 %	9 %
Customer D	10 %	10 %
Other	3 %	1 %
	100 %	100 %

	March 31, 2025	December 31, 2024
Accounts Receivable Concentration		
Teva - *Commercial Partner*	13 %	14 %
Customer A	52 %	53 %
Customer B	12 %	13 %
Customer C	10 %	7 %
Customer D	11 %	12 %
Other	2 %	1 %
	100 %	100 %

During the three months ended March 31, 2025 and for the year ended December 31, 2024, additions to the allowance for credit losses, write-offs and recoveries of customer receivables were not material to the Company's consolidated financial statement. As of March 31, 2025 and December 31, 2024 the allowance for credit losses was $0.2 million.

4. Fair Value Measurements

U.S. GAAP establishes a framework for measuring fair value under generally accepted accounting principles and enhances disclosures about fair value measurements. Fair value is defined as the exchange price that would be received for an asset or paid to transfer a liability (an exit price) in the principal or most advantageous market for the asset or liability in an orderly transaction between market participants on the measurement date. Valuation techniques used to measure fair value must maximize the use of observable inputs and minimize the use of unobservable inputs. The standard describes the following fair value hierarchy based on three levels of inputs, of which the first two are considered observable and the last unobservable, that may be used to measure fair value:

- Level 1: Quoted prices in active markets for identical assets or liabilities.
- Level 2: Inputs other than Level 1 that are observable, either directly or indirectly, such as quoted prices for similar assets or liabilities; quoted prices in markets that are not active; or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.
- Level 3: Unobservable inputs that are supported by little or no market activity and that are significant to the fair value of the assets or liabilities.

The fair value of interest-bearing cash, cash equivalents, accounts receivable and accounts payable approximate fair value due to their life being short term in nature, and are classified as Level 1 for all periods presented.

A summary of the fair value of the Company's recurring assets and liabilities aggregated by the level in the fair value hierarchy within which those measurements fall as of March 31, 2025:

(In thousands)	Total	Level 1	Level 2	Level 3
Assets:				
Cash and cash equivalents				
Money market funds	$ 18,559	$ 18,559	$ —	$ —
Total	$ 18,559	$ 18,559	$ —	$ —

A summary of the fair value of the Company's recurring assets and liabilities aggregated by the level in the fair value hierarchy within which those measurements fall as of December 31, 2024:

(In thousands)	Total	Level 1	Level 2	Level 3
Assets:				
Cash and cash equivalents				
Money market funds	$ 11,863	$ 11,863	$ —	$ —
Total	$ 11,863	$ 11,863	$ —	$ —

The Company recognizes transfers between levels within the fair value hierarchy, if any, at the end of each quarter. There were no transfers in or out of Level 1, Level 2, or Level 3 during the three months ended March 31, 2025 and for the year ended December 31, 2024.

The Company's investment in restricted shares of common stock of Syros, following the merger of Tyme Technologies, Inc. and Syros in 2022, was classified as Level 1. The Company sold all of its restricted shares in Syros in the first quarter of 2024.

5. Inventories

The Company’s inventory balances consisted of the following:

(In thousands)	March 31, 2025	December 31, 2024
Raw and packaging materials	$ 6,323	$ 8,885
Work-in-process	6,938	3,133
Finished products	3,408	2,406
Total inventories	$ 16,669	$ 14,424

6. Prepaid Expenses and Other Current Assets

Prepaid expenses and other current assets consisted of the following:

(In thousands)	March 31, 2025	December 31, 2024
Advances to commercial manufacturers	$ 2,453	$ 2,281
Prepaid FDA user fee and advances to clinical research organizations	1,228	1,830
Prepaid insurance	993	705
Prepaid income taxes	9,424	9,051
Prepaid research and development	723	1,226
Litigation insurance reimbursement	10,966	4,227
Advanced chargeback	1,537	1,538
Other	4,271	4,377
Total prepaid expenses and other current assets	$ 31,595	$ 25,235

7. Other Noncurrent Assets

Other noncurrent assets consisted of the following:

(In thousands)	March 31, 2025	December 31, 2024
Lease assets	$ 3,845	$ 4,193
Prepaid research and development	4,542	4,526
Investment in Enalare	5,307	5,567
Other	823	917
Total other noncurrent assets	$ 14,517	$ 15,203

8. Property and Equipment, net

Property and equipment consisted of the following:

(In thousands)	March 31, 2025	December 31, 2024	Estimated Useful Life (years)
Furniture and fixtures	$ 1,198	$ 1,198	7
Office equipment	1,077	1,077	5
Equipment	3,572	3,572	5
Leasehold improvements	1,155	1,155	4
	7,002	7,002	
Less: accumulated depreciation	(6,677)	(6,660)	
Total property and equipment, net	$ 325	$ 342	

Depreciation expense was $17 thousand and $74 thousand for the three months ended March 31, 2025 and 2024, respectively.

9. Intangible Assets

The Company had one intangible asset that was not fully amortized as of March 31, 2025. It represents a one-time payment made to reduce the royalties payable to a third party on Ryanodex net sales. The intangible asset was fully amortized by June 30, 2025. Amortization expense was $1.2 million and $2.5 million for the three months ended March 31, 2025 and 2024, respectively.

The Company determined that no indicators of impairment of finite-lived intangible assets or long-lived assets existed as of March 31, 2025.

10. Accrued Expenses and Other Liabilities

Accrued expenses and other liabilities consist of the following:

(In thousands)	March 31, 2025	December 31, 2024
Accrued product sales reserves	$ 56,607	$ 54,076
Accrued litigation settlement	20,808	18,363
Accrued salary and other compensation	7,690	6,144
Accrued professional fees	4,352	4,167
Royalties payable to commercial partners	2,414	3,400
Accrued research & development	3,298	3,335
Inventory received but not invoiced	3,031	1,618
Current portion of lease liability	950	1,236
Income taxes payable	347	1,680
All other	629	548
Total accrued expenses and other liabilities	$ 100,126	$ 94,567

11. Other Long-Term Liabilities

Other long-term liabilities consisted of the following:

(In thousands)	March 31, 2025	December 31, 2024
Deferred tax liability	$ 7,148	$ 7,252
Lease liabilities	3,158	3,270
Other long-term liabilities	3,156	3,185
Total other long-term liabilities	$ 13,462	$ 13,707

12. Debt

Third Party Debt Agreements

Third Amended and Restated Credit Agreement

On November 1, 2022, the Company entered into the Third Amended and Restated Credit Agreement (the "Amended Credit Agreement"), with JPMorgan Chase Bank, N.A., as administrative agent (the "Administrative Agent") and the lenders party thereto, which was terminated as of March 31, 2025, as described below. The Credit Agreement included a $50.0 million term loan facility (the "Revolving Credit Facility") and a $100.0 million revolving credit facility. On the effective date of the Credit Agreement, the Company borrowed $50.0 million under the term loan facility and $15.0 million under the Revolving Credit Facility. All amounts outstanding under the Credit Agreement were to become due and payable on October 31, 2025, unless otherwise accelerated or extended pursuant to the terms of the Credit Agreement.

During 2024, the Company entered into several waiver and amendment agreements with respect to the Amended Credit Agreement, which subjected the Company to certain additional restrictive and affirmative covenants.

During the first quarter of 2025, the Company repaid, in full, all amounts outstanding under the Amended Credit Agreement, which included $32.5 million under the term loan and $25.0 million under the revolving loans. In connection with the repayment the Amended Credit Agreement was terminated and may no longer be utilized for borrowings. The Company recognized a loss on early extinguishment of debt of $0.5 million, representing the

difference between the carrying amount of the loans outstanding under the Credit Agreement and the settlement amount paid. This loss was included within interest expense in the consolidated statements of operations.

Interest Expense

The following table sets forth interest expense recognized related to the Company's debt for the three months ended March 31, 2025 and 2024, respectively:

(In thousands)	March 31, 2025	March 31, 2024
Contractual interest expense	$ 1,014	$ 1,816
Loss on early extinguishment of debt	$ 466	$ —
Amortization of deferred financing	$ 200	$ 421

The Company recognized amortization of deferred financing costs on a straight-line basis.

13. Blue Owl Transaction

On March 31, 2025, the Company entered into a royalty purchase agreement (the "Blue Owl Agreement") with an entity affiliated with Blue Owl Capital Inc. ("Blue Owl"), pursuant to which the Company sold a royalty interest related to U.S. net sales of BENDEKA, which is marketed by the Company's commercial partner Cephalon, Inc., a subsidiary of Teva Pharmaceutical Industries Ltd. Under the terms of the Blue Owl Agreement, the Company received an upfront payment of $69.0 million before transaction costs of $4.2 million, in exchange for (i) the first $11.1 million of the Company's royalty interest for net sales of BENDEKA for the quarter ending December 31, 2024, and (ii) 100% of the Company's royalty interest thereafter, up to an aggregate cap of up to 1.3 times the purchase price, depending on when the royalty cap is achieved. After the cap is achieved, all future royalty payments from net sales of BENDEKA will revert back to the Company.

The Blue Owl Agreement did not impact the Company's revenue recognition policies related to its royalty interest in sales of BENDEKA. Rather, the arrangement was accounted for as a financing transaction. Accordingly, the Company recognized a $53.7 million financing liability as of March 31, 2025.

The liability is being amortized using the effective interest method, with imputed interest expense recognized over the term of the arrangement. The difference between the total expected payments to Blue Owl and the initial proceeds received is recognized as interest expense over the estimated term of the liability. The estimate of the total expected payments is based on projected royalty payments and is subject to periodic re-evaluation. Any changes in estimated future payments will result in a prospective adjustment to the effective interest rate. At execution, the Company estimated the effective annual interest rate to be 33.3%. This estimate contained significant assumptions that impact both the amount recorded at execution and the interest expense that will be recognized over the life of the Blue Owl Agreement. To the extent the amount or timing of such payments is materially different from the original estimates, an adjustment will be recorded prospectively to increase or decrease the interest expense. There are a number of factors that could materially affect the amount and timing of royalty payments and, correspondingly, the amount of interest expense recorded by the Company, most of which are not under the Company's control. Such factors include, but are not limited to, changing standards of care, the initiation of competing products, manufacturing or other delays, generic competition, intellectual property matters, adverse events that result in government health authority imposed restrictions on the use of products, and other events or circumstances that are not currently foreseen. Changes to any of these factors could result in increases or decreases to both royalty revenue and interest expense related to the sale of future revenue.

As of March 31, 2025, the carrying value of the royalty financing liability was $53.7 million of which $9.7 million was recorded as a long-term liability related to the sale of future revenue, net on the condensed consolidated balance sheet as of March 31, 2025. As the transaction was entered into on March 31, 2025 minimal interest was recognized during the three months ended March 31, 2025.

14. Common Stock and Stock-Based Compensation

Common Stock Delisting

On November 15, 2024, the Company notified The Nasdaq Stock Market, LLC ("Nasdaq") of its intent to file its own Form 25 (Notification of Removal of Listing) with the SEC to complete the previously disclosed process to delist the Company's common stock from the Nasdaq Global Market in advance of Nasdaq's anticipated filing of a Form 25 with the SEC. This followed the suspension of the Company's common stock from trading on Nasdaq as of October 3, 2024, pursuant to a final delisting notice sent to the Company by the Listing Qualifications Department of Nasdaq due to the Company's inability to regain compliance with Nasdaq Listing Rule 5250(c)(1). The Company filed a Form 25 with the SEC on November 26, 2024 and subsequently filed a Form 15 (Certification and Notice of Termination of Registration Under Section 12(G) of the Securities Exchange Act of 1934 or Suspension of Duty to File Reports Under Sections 13 and 15(d) of the Securities Exchange Act of 1934) which together served to deregister the Company's common stock under Section 12(b) and 15(d) of the Securities Exchange Act of 1934, as amended. The Company's common stock has traded on the OTC Expert Market since October 4, 2024.

Stockholder Rights Agreement

On October 30, 2024, the Company's board of directors declared a dividend of one preferred share purchase right to purchase one-thousandth of one share of the Company's newly designated preferred shares for each outstanding share of the Company's common stock to the stockholders of record as of the close of business on November 11, 2024, and adopted a limited duration stockholder rights plan (the "Rights Plan"), effective immediately, as set forth in the Rights Agreement, dated as of October 30, 2024, by and between the Company and Equiniti Trust Company, LLC, as rights agent (the "Rights Agreement"). In general terms, the Rights Agreement is designed to impose a penalty upon any person or group that acquires beneficial ownership of 10% (15% in the case of a passive institutional investor) or more of the outstanding shares of the Company's common stock without the approval of the Company's board of directors. On December 2, 2024, the Company entered into Amendment No. 1 to the Rights Agreement to make certain technical amendments to the rights and obligations of the Company's board of directors to administer and make determinations with respect to the Rights Agreement and the rights issued thereunder. On March 21, 2025, the Company's board of directors approved Amendment No. 1 to the Rights Agreement to increase the initial purchase price of each preferred share purchase right issued under the Rights Plan from $10.00 to $20.00, effective immediately. The Rights Plan otherwise remains unmodified and in full force and effect in accordance with its terms.

Stock-Based Compensation

A summary of stock option, RSU and PSU activity during the three months ended March 31, 2025 and March 31, 2024 is presented below:

	Stock Options	RSUs	PSUs
Outstanding as of December 31, 2023	2,681,022	377,687	294,600
Granted	—	—	—
Stock options exercised/RSUs vested/PSUs vested	—	(113,734)	(20,450)
Forfeited	(28,666)	(36,034)	(205,350)
Expired	—	—	—
Outstanding as of March 31, 2024	2,652,356	227,919	68,800
Outstanding as of December 31, 2024	2,497,913	136,059	168,800
Granted	1,156,727	—	50,000
Stock options exercised/RSUs vested/PSUs vested	—	(57,715)	—
Forfeited	(3,250)	(19,248)	(23,400)
Expired	(216,312)	—	—
Outstanding as of March 31, 2025	3,435,078	59,096	195,400

Stock Options

In March 2025, the Company's board of directors approved a plan to reset the exercise price of approximately 1.4 million options, representing all outstanding options held by then-current employees, directors and other service providers. The exercise price was reduced from the original exercise price to the current estimated fair value of the Company's stock of $1.69 as estimated with the assistance of a third-party valuation. The $1.69 price was derived by weighting the current value method and secondary market at 90% and 10%, respectively. Additionally, 345,287 of the options were further modified to increase their exercisability term by three years. As a condition of the modification, option holders may not exercise options using the revised prices until one year following the modification. Because the options were significantly out of the money, this one-year period is presumed to be an additional derived service period. The cost of this modification resulted in incremental cost of $1.1 million that the Company will recognize as additional expense over the next one-year service period.

There were an additional 1,230,400 new options granted in the first quarter of 2025 at an estimated grant date fair value of $1.6 million which will be recognized as expense over the requisite service periods of 3-4 years.

The fair value of stock options granted to employees, directors, and consultants was estimated using the following assumptions:

	Three Months Ended March 31,	
	2025	2024
Risk-free interest rate	4.12%	—% - —%
Volatility	93.50%	—%
Expected term (in years)	5.39 years	0.00 years
Expected dividend yield	0.0%	0.0%

PSUs

During the first quarter of 2025, the Company granted 50,000 performance based ("Milestone") PSUs with a grant date fair value of $1.69 per PSU. The Milestone PSUs vest as follows: 50% of the PSUs will vest on the 60th day following achievement of the Performance Goal (as defined below) and the remaining 50% of the PSUs

will vest on the one-year anniversary of the date of achievement of the Performance Goal. The "Performance Goal" means achievement of both of the following two conditions on or before June 30, 2026, as determined by the Board: (1) the Company has filed all periodic reports covering all fiscal periods required to be filed with the U.S. Securities and Exchange Commission prior to such date which the Company's board of directors may, at its option, certify the achievement of on the basis of the Company's filing and effectiveness of one or more registration statements or reports which cover all financial information required by the SEC as of such date or dates, which the Company's board of directors may, at its option, certify the achievement of on the basis of the Company's filing and effectiveness of one or more registration statements or reports which cover all financial information required by the SEC as of such date or dates, and (2) the Company's common stock is listed on The Nasdaq Stock Market LLC, the NYSE American, or the New York Stock Exchange (or any successors to any of the foregoing). The contractual term of these awards is through June 2026. All vesting is subject to the recipient remaining in continuous service (as defined in the 2014 Plan) through the vesting date, provided that vesting will accelerate in full upon a change in control (as defined in the 2014 Plan). The fair value of Milestone PSUs granted was estimated based on a 409A valuation performed by the Company with the assistance of an independent valuation specialist. As of March 31, 2025, the Company has not recognized any stock-based compensation expense related to the Milestone PSUs given that achievement of the Performance Goal was deemed improbable.

The Company recognized stock-based compensation in its condensed consolidated statements of operations for the three months ended March 31, 2025 and 2024 as follows:

	Three Months Ended March 31,	
(In thousands)	2025	2024
Stock options	$ 347	$ 863
RSUs	352	1,153
PSUs	(1,064)	(1,523)
Time Vesting Common Stock	69	69
Stock-based compensation expense	$ (296)	$ 562
Selling, general and administrative	$ (642)	$ (19)
Research and development	346	581
Stock-based compensation expense	$ (296)	$ 562

15. Related Parties

The Company executed a promissory note with an employee ("Borrower") in May 2018 for $0.6 million. The promissory note was amended and restated effective in May 2019, and as further amended and restated effective in November 2020 and May 2022 (as so amended, the "Promissory Note"). The Borrower made two payments of $0.1 million in 2020 and 2021. Under the terms of the Promissory Note, the Borrower promised to repay the Company a principal payment of $0.4 million together with all accrued and unpaid interest. The maturity date of the Promissory Note was the earliest of the following: (i) January 15, 2025, (ii) ninety days after the earlier of the resignation by Borrower of his employment with the Company or the termination of the Borrower's employment for any or no reason whatsoever, or (iii) any event of default as described in the Promissory Note. As of March 31, 2025 and December 31, 2024, the outstanding balance, including interest, of the Promissory Note was $0.4 million, which was recorded in Other Assets on the Company's consolidated balance sheets. In April 2025, the Borrower repaid $0.2 million of the principal amount outstanding under the Promissory Note.

16. Legal Proceedings

In addition to the below legal proceedings, from time to time, the Company is party to litigation or other proceedings and subject to claims incident to the ordinary course of business. Unless otherwise noted below, the Company is not presently a party to any litigation the outcome of which, the Company believes, if determined adversely to the Company, would individually, or taken together, have a material adverse effect on its business,

operating results, cash flows, or financial condition. The Company may receive unfavorable preliminary or interim rulings in the course of litigation, and there can be no assurances that favorable final outcomes will be obtained. Regardless of the outcome, litigation can have an adverse impact on the Company because of defense and settlement costs, diversion of management resources and other factors. With respect to the specific legal proceedings and claims described below, unless otherwise noted, the amount or range of possible losses is not reasonably estimable. Any adverse outcome in these matters could expose the Company to substantial damages or penalties that may have a material adverse impact on the Company's operations and cash flows.

Patent Litigation

Teva Pharmaceuticals Int'l GmbH et al v. BendaRX Corp. - (BENDEKA)

The Company, Cephalon, LLC, and/or Teva Pharmaceuticals International GMBH (together, "Patentees") filed two suits against BendaRX Corp. ("BendaRX") on May 4, 2023 and June 9, 2023 in the District of Delaware (together, the "BendaRX Delaware Actions"). Patentees originally asserted that BendaRX's submission of NDA No. 215291 to FDA for the approval of a bendamustine generic infringes claims of U.S. Patent Nos. 8,436,190, 8,445,524, 8,609,863, 8,669,279, 8,791,270, 8,883,836, 8,895,756, 9,533,955, 9,572,887, 8,076,366, and 8,461,350. On February 27, 2025, the parties stipulated to the dismissal of the '270, '863, '756 and '350 Patents. The Patentees seek, *inter alia*, an injunction enjoining BendaRX from marketing its product, if approved, before the expiration of the asserted patents.

Patentees also filed suit against BendaRX USA Corp. ("BendaRX USA") in the Eastern District of Virginia on the same grounds as the BendaRX Delaware Actions on June 16, 2023 (the "BendaRX Virginia Action").

On June 23, 2023, BendaRX filed a motion to dismiss the BendaRX Delaware Actions, seeking a dismissal on all patents for lack of jurisdiction. Following briefing, on February 7, 2024 in the District of Delaware actions, the parties stipulated to the substitution of BendaRX USA for BendaRX. The parties further stipulated that BendaRX would be bound by the judgment of the court in the actions and that BendaRX's motion to dismiss be denied as moot. The court entered the stipulation on February 9, 2024. On March 26, 2024, Patentees moved to transfer the BendaRX Virginia Action to the District of Delaware, which was granted on March 27, 2024. The case was subsequently consolidated with the District of Delaware lawsuits on April 15, 2024.

On February 25, 2025, the parties stipulated to stay the case and vacate all case deadlines pending the submission of BendaRX's complete response to a Complete Response Letter it received from the FDA regarding its NDA. The Court ordered the stay on March 4, 2025. The parties are to meet and confer and file a joint letter addressing whether the stay should be lifted within five days of BendaRX submitting its complete response to the FDA.

Eagle Pharmaceuticals, Inc. v. Slayback Pharma Limited Liability Company, Apotex, Inc. and Apotex Corp.,

Celerity Pharmaceuticals, LLC, and Baxter Healthcare Corp. - (BELRAPZO)

The Company filed suit against Slayback Pharma LLC ("Slayback") in the United States District Court for the District of Delaware on August 31, 2021 alleging infringement of U.S. Patent No. 11,103,483 seeking, inter alia, injunctions enjoining Slayback from marketing their infringing bendamustine products. On the same day, the Company filed suit against Apotex Inc. and Apotex Corp. ("Apotex") in the same court alleging infringement on the same patent and seeking the same remedies. On January 11, 2022, the Company filed suit against Celerity Pharmaceuticals LLC ("Celerity") in the same court alleging infringement of the same patent and seeking the same remedies.

On September 29, 2022, trial was held in the suit against Slayback and Apotex, and on October 25, 2022, the Court entered a judgment of non-infringement with respect to Slayback and Apotex. In light of the Slayback and Apotex decisions, the Company stipulated that Celerity did not infringe the asserted patent on October 28, 2022, but preserved its right to appeal the Slayback and Apotex decisions.

The Company filed a notice of appeal of the Slayback and Apotex decisions on October 26, 2022. Following briefing by the parties, the United States Court of Appeals affirmed the judgment of the lower court on January 16, 2023.

The Company filed new suits in the United States District Court for the District of Delaware on January 17, 2024 against Slayback, Apotex and Baxter Healthcare Corp. ("Baxter"), who now owns the NDA formerly owned by Celerity referencing the Company's BELRAPZO. The Company alleges infringement of U.S. Patent Nos. 11,844,783 and 11,872,214 and seeks, inter alia, damages for lost profits and/or a reasonable royalty and injunctions enjoining Slayback, Apotex and Baxter from selling their infringing bendamustine products.

On April 9, 2024, Apotex filed a Motion for Judgment on the Pleadings seeking a judgment of non-infringement for all asserted claims. Following briefing, the Court *sua sponte* dismissed Apotex's Motion as moot following the Company's filing of an Amended Complaint on April 26, 2024.

The Court issued a Scheduling Order on June 10, 2024 coordinating the cases against Slayback, Apotex and Baxter.

On January 17, 2025 the Company filed additional complaints against all three defendants to add newly issued U.S. Patent No. 12,138,248 to the litigation. The Court held a consolidated claim construction hearing on January 30, 2025 and issued a claim construction Order on January 31, 2025.

On June 27, 2025, the Court issued an Amended Scheduling Order. Under the Amended Scheduling Order, fact discovery closes December 5, 2025 and expert Discovery closes May 1, 2026. Separate five-day jury trials are scheduled for each matter with Apotex beginning December 14, 2026, Slayback beginning May 17, 2027, and Baxter beginning September 13, 2027.

Eagle Pharmaceuticals, Inc. v. Accord Healthcare Inc., Accord Healthcare Ltd., and Intas Pharmaceuticals Ltd. - (BELRAPZO)

The Company filed a suit against Accord Healthcare Inc., Accord Healthcare Ltd., and Intas Pharmaceuticals Ltd ("Accord") in the United States District Court in the Eastern District of North Carolina on February 16, 2024 asserting that Accord's submission of NDA No. 216987 to FDA for the approval of a bendamustine generic infringes claims of U.S. Patent Nos. 11,844,783 and 11,872,214. On November 20, 2024, the parties informed the Court that they had reached a settlement agreement and stipulated to the dismissal of the litigation.

Eagle Pharmaceuticals, Inc. v. Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, LLC (collectively, "DRL") – (BELRAPZO)

The Company filed suit against DRL in the United States District Court for the District of New Jersey on February 2, 2024 asserting that DRL's submission of NDA No. 219014 to FDA for the approval of a bendamustine generic infringes claims of U.S. Patent Nos. 11,844,783 and 11,872,214. The Court entered a Scheduling Order on November 8, 2024. Briefing on claim construction was completed on June 3, 2025.

On August 1, 2025, Eagle filed on Amended Complaint adding newly issued U.S. Patent No. 12,138,248 to the case. On September 12, 2025, DRL filed its Answer to the Amended Complaint.

Eagle Pharmaceuticals, Inc. & SymBio Pharmaceuticals Ltd. v. Towa Pharmaceutical Co., Ltd.; Eagle Pharmaceuticals, Inc. & SymBio Pharmaceuticals Ltd. v. Pfizer Japan Inc. - (TREAKISYM)

The Company, together with its exclusive licensee SymBio Pharmaceuticals Ltd. ("SymBio"), initiated lawsuits in the Tokyo District Court against Towa Pharmaceutical Co., Ltd. ("Towa") on December 16, 2022 and against Pfizer Japan Inc. ("Pfizer Japan") on December 26, 2022 asserting that their generic bendamustine products infringe the Company's Japanese Patent No. 6570601 for TREAKISYM injection solution 100 mg/4mL (bendamustine hydrochloride hydrate). In their complaint, the Company and SymBio sought remedies that include an injunction against the manufacture or sale of Towa and Pfizer Japan's generic products and compensation for damages.

On September 30, 2024, the Company and Towa reached a settlement agreement and the Court closed the proceedings.

In the Pfizer Japan infringement action, a first hearing occurred before the Tokyo District Court on April 25, 2023, in which the Court determined a timetable for the case. The parties gave a technical presentation before the judges on December 13, 2023, and the court confidentially provided its view on infringement and validity on January 15, 2024. The court held conferences to discuss settlement with the parties on March 26, 2024, May 13, 2024, July 1, 2024 and September 9, 2024. On November 6, 2024, the Company waived its claims against Pfizer Japan, and the Court closed the proceedings.

Acacia Pharma Ltd., et al. v. Galenicum Health S.L.U. – (BYFAVO)

The Company filed suit against Galenicum Health S.L.U. on January 3, 2025 in the U.S. District Court for the District of Delaware asserting that Galenicum's submission of its ANDA No. 219794 infringed U.S. Patent Nos. 9,561,236 and 9,827,251. Galenicum filed its Answer to the Complaint on June 25, 2025 and asserted no Counterclaims.

On July 23, 2025, the Court ordered a Scheduling Conference to be held on September 15, 2025. No Scheduling Order has been entered and no trial set.

Other Matters

In Re: Taxotere (Docetaxel)

Beginning in May 2022, the Company was named as a defendant, among various other manufacturers, in several product liability suits that are consolidated in the United States District Court for the Eastern District of Louisiana as part of a multi-district litigation 3023 (Civil Action No 22-1347 H(5)). The claims are for personal injuries allegedly arising out of the use of docetaxel. As of June 30, 2025, discovery in the suits against the Company has been stayed while other suits chosen as bellwethers proceed. On December 5, 2022, the Court granted defendants' motions to dismiss plaintiffs' fraudulent misrepresentation and fraudulent concealment claims, but allowed plaintiffs' claims for products liability, negligence and negligent misrepresentation to move forward. Document discovery was completed on February 15, 2024. On March 28, 2024, the Court entered an order identifying bellwether cases which did not include a case naming Eagle as a defendant. All non-bellwether actions, including those in which Eagle has been named as a defendant, have been stayed while the bellwether cases proceed through litigation and to trial. The Company intends to defend the suits vigorously. The Company cannot predict with any degree of certainty the outcome of the suits or determine the extent of any potential liability or damages, nor can it provide an estimate of the possible loss or range of loss. While it is not feasible to predict the outcome of this litigation with certainty, the Company maintains insurance that covers exposure related to products liability matters, the Company does not believe this matter should have a material adverse impact on the Company's operations and cash flows.

Curia's Claims in Arbitration and Litigation

On January 23, 2023, Curia Global, Inc. ("Curia") filed a demand for arbitration against the Company with the American Arbitration Association (the "Arbitration"). Curia made claims for breach of contract, account stated and breach of the implied covenant of good faith and fair dealing arising from the parties' supply agreement relating to the vasopressin (now discontinued) product. Curia originally sought damages in excess of $76.7 million and later increased the amount of damages sought to more than $90.0 million. On March 10, 2023, the Company responded to the demand denying the allegations and asserting counterclaims for breach of contract, unjust enrichment, breach of the implied covenant of good faith and fair dealing, and a declaration that the supply agreement for the vasopressin product is terminated. On February 28, 2023, Curia and its subsidiary Curia New Mexico, LLC filed an action against the Company in New York State Court, making claims for breach of contract and account stated arising from the parties' supply agreement relating to the PEMFEXY product (the "NY Action") in which Curia sought damages in excess of $4.2 million. On April 21, 2023, the Company filed a motion to dismiss certain claims in the NY Action. On September 28, 2023, the New York State Court denied the motion to dismiss in part and granted it in part. On October 3, 2023, the Company appealed the portion of the decision denying its motion to dismiss.

On July 3, 2024, the Company and Curia entered into a Settlement Agreement and Release ("Settlement Agreement") relating to the settlement of all their claims and counterclaims in the Arbitration and the NY Action and other claims and disputes relating to these proceedings. Pursuant to the Settlement Agreement, the Company agreed to pay Curia $26.5 million in accordance with the following payment schedule: $10.0 million on July 5, 2024, $10.0 million on or before February 17, 2025, and $6.5 million on or before July 7, 2025 (the "Original Payment Schedule").

The Company recognized the $26.5 million litigation settlement in the consolidated statement of operations and $10 million were recognized in accrued expenses and $16.5m was recognized in other liabilities and other long-term liabilities in the consolidated balance sheet for the year ended December 31, 2023.

On July 5, 2024, the Company paid Curia $10.0 million in accordance with the Original Payment Schedule.

During the first quarter of 2025, the Company and Curia agreed upon a revised payment schedule as follows: $5.0 million on February 18, 2025, $3.0 million on April 2, 2025, $2.0 million on June 30, 2025, and $6.5 million on July 7, 2025 (the "Revised Payment Schedule").

The Company made all payments in accordance with the Revised Payment Schedule and made the final interest payment on July 11, 2025.

SEC Subpoena

In October 2023, the Company received a subpoena from the SEC's Division of Enforcement, requesting that the Company produce certain documents and information. On March 25, 2024 and November 19, 2024, the Company received supplemental subpoenas from the SEC, requesting additional documents and information. The Company has cooperated with the SEC's investigation, and intends to continue to do so.

Miller v. Eagle Pharmaceuticals, Inc. et al

In December 2023, the Company, its former Chief Executive Officer, and its former Chief Financial Officer were named as defendants in a putative class action filed in the United States District Court for the District of New Jersey. Plaintiffs allege that the Company and the individual defendants violated the federal securities laws by failing to disclose material adverse facts about the Company's business, operations and prospects relating to its product PEMFEXY between August 8, 2023, and November 28, 2023. Lead counsel and a lead plaintiff were appointed on August 19, 2024. On April 29, 2025, the parties participated in a confidential mediation. No settlement was reached, though informal discussions have continued. On July 11, 2025, plaintiffs filed an amended complaint which the Company moved to dismiss on August 25, 2025. On September 30, 2025, the parties reached an agreement in principle to settle the securities class action for $9.5 million. The settlement, which is contingent on court approval, will be funded by the Company's insurance carriers.

17. Restructuring of Operations

On February 28, 2024, the Company approved and began implementing a plan designed to improve operational efficiencies and realign the Company's sales and marketing expenditures (the "Realignment Plan").

The Realignment Plan reduced the Company's then current workforce by approximately 37%. Substantially all affected employees were dedicated to or primarily supported the commercialization of BYFAVO, BARHEMSYS and RYANODEX. The Company is utilizing a reduced team dedicated to these products in addition to resources from the Company's oncology sales team to continue the commercialization of BYFAVO, BARHEMSYS and RYANODEX. Affected employees received separation benefits, including severance payments and healthcare coverage assistance.

For the three months ended March 31, 2024, the Company recognized restructuring expense of $2.4 million, included in the Company's condensed consolidated statements of operations. All restructuring activities were completed by the third quarter of 2024.

Restructuring related costs are presented in the line item restructuring charges within the Company' consolidated statements of operations.

18. Segment Information

The Company operates as a single reportable segment focused on taking a molecule from preclinical research through regulatory approval and into the marketplace, including development, manufacturing and commercialization. The Company sells BENDEKA and TREAKISYM (Japan market) to its Commercial Partners and sells RYANODEX, BELRAPZO, BARHEMSYS, and BYFAVO primarily to wholesalers and distributors, with a limited amount of sales to Healthcare Providers. The Company derives its revenues from Customers and Teva, a Commercial Partner, in the United States. TREAKISYM is sold to the Japan market through the Company's Commercial Partner. TREAKISYM generated total product and royalty income of $0.5 million and $0.4 million for the three months ending March 31, 2025 and 2024 respectively.

The Company's determination that it operates as a single segment is consistent with the nature of its operations and the financial information regularly reviewed by the CEO and Chairman of the Board in his capacity as the chief operating decision maker (CODM), for the purposes of evaluating performance, allocating resources, setting incentive compensation targets, and planning and forecasting for future periods. For those purposes, the CODM uses consolidated net income or loss as reported on the consolidated statements of operations, the primary measure of the Company's single segment's profit or loss. The measure of segment assets is reported on the balance sheet as total consolidated assets.

The following table represents the significant segment expenses regularly provided to the CODM, other than the expenses reported on the consolidated statements of operations:

	Three Months Ended March 31,	
(In thousands)	2025	2024
Sales and marketing	$ 6,212	$ 11,064
General and administrative	14,448	18,009
Total Selling, general and administrative	$ 20,660	$ 29,073

19. Income Taxes

The Company's income tax benefit (provision) and effective tax rate were as follows:

	Three Months Ended March 31,	
(In thousands)	2025	2024
Income tax benefit (provision)	$ (40,928)	$ (721)
Effective tax rate [1]	(431)%	(22)%

(1) The losses associated with equity in losses of equity method investment are included in loss before income taxes when calculating the effective tax rates.

The Company's income tax provision during interim reporting periods has historically been calculated by applying an estimate of the annual effective tax rate for the full fiscal year to income/(loss) before income taxes excluding unusual or infrequently occurring discrete items for the reporting period. For the three months ended March 31, 2025, the Company computed its income tax provision based on the actual effective tax rate for the year-to-date period by applying the discrete method in accordance with ASC 740-270-30-18. The actual effective tax rate is calculated based on the statutory tax rates then in effect, as adjusted for changes in estimated year-to-date permanent differences, and certain discrete items. The Company determined that the effective rate method would not provide a reliable estimate for the three months ended March 31, 2025 and has calculated the provision on a discrete method for this period.

The effective tax rate for the three months ended March 31, 2025, reflects an interim tax provision resulting primarily from the Company establishing a valuation allowance on its U.S. federal and state deferred tax balances, discussed further below.

The effective tax rate for the three months ended March 31, 2024, reflects an interim tax benefit resulting from the impact of credits for research and development activity partially offset by the tax impact of stock-based compensation activity that occurred during the first quarter.

The Company reviews the realizability of its deferred tax assets on a quarterly basis, or whenever events or changes in circumstances indicate that a review is required. In determining the requirement for a valuation allowance, the historical and projected financial results of the legal entity or consolidated group recording the net deferred tax assets are considered, along with any other positive or negative evidence. During the interim period, the Company evaluated the realizability of its net deferred tax assets based on available positive and negative evidence. The Company concluded that its U.S. federal and state deferred tax assets do not meet the more-likely-than-not recognition threshold and will not be realized in the foreseeable future due to the Company's uncertainty associated with the generation of future income and its substantial doubt to continue as a going concern, see Note 2, "Summary of Significant Accounting Policies". Thus, in the first quarter of 2025 the Company recorded a valuation allowance against its U.S. deferred tax assets, resulting in income tax expense of $41.0 million. The Company no longer has a net deferred tax asset recognized on its consolidated balance sheet. To the extent that tax benefits related to these deferred tax assets are realizable in the future, the reduction of the valuation allowance will decrease income tax expense accordingly.

Deferred income tax assets, as of March 31, 2025, consisted of net operating losses of Acacia Pharma Limited, temporary differences primarily related to stock-based compensation and capitalized research and development expenses, offset by a full valuation allowance.

The Company files income tax returns in the U.S. federal jurisdiction and several states. In the third quarter of 2024, the Internal Revenue Service ("IRS") concluded its examination of the Company's 2018 U.S. federal income tax return. In the fourth quarter of 2024, New York State ("NYS") concluded its examination of the Company's 2017 through 2022 NYS tax return filings. As of March 31, 2025, the Company is no longer under audit by the Internal Revenue Service ("IRS") and NYS. The Company is currently under audit by one state tax jurisdiction. The Company has $5.2 million recorded for unrecognized tax benefits excluding interest and penalties as of March 31, 2025. The Company regularly evaluates its tax positions for additional unrecognized tax benefits and associated interest and penalties, if applicable. There are many factors that are considered when evaluating these tax positions including: interpretation of tax laws, recent tax litigation on a position, past audit or examination history, and subjective estimates and assumptions. The Company reflects interest and penalties attributable to income taxes, to the extent they arise, as a component of income tax provision or benefit.

20. Loss Per Share

Basic earnings per share common share is computed using the weighted average number of shares outstanding during the period. Diluted earnings per share is computed in a manner similar to the basic earnings per share, except that the weighted-average number of shares outstanding is increased to include all common stock, including those with the potential to be issued upon exercise of options and the vesting and settlement of other stock-based awards. Diluted earnings per share contemplate a complete conversion to common stock of all common stock equivalents only if they are dilutive in nature with regards to earnings per share, as calculated under the treasury method.

The anti-dilutive common share equivalents outstanding for the three months ended March 31, 2025 and 2024 were as follows:

	Three Months Ended March 31,	
	2025	2024
Options	3,426,953	2,652,356
Restricted stock units	59,096	138,369
Time-vesting restricted common stock	36,000	36,000
Total	3,522,049	2,826,725

The following table sets forth the computation for basic and diluted net loss per share for the three months ended March 31, 2025 and 2024:

	Three Months Ended March 31,	
(In thousands, except share and per share amounts)	2025	2024
Numerator		
Numerator for basic and diluted earnings per share - net loss	$ (50,434)	$ (3,960)
Denominator		
Basic weighted average common stock outstanding	12,998,495	12,917,606
Dilutive effect of stock awards	—	—
Diluted weighted average common stock outstanding	12,998,495	12,917,606
Basic net loss per share		
Basic net (loss) income per share	$ (3.88)	$ (0.31)
Diluted net loss per share		
Diluted net loss per share	$ (3.88)	$ (0.31)

All potentially dilutive items were excluded from the diluted share calculation for the three months ended March 31, 2025 and 2024 because their effect would have been anti-dilutive, as the Company was in a loss position.

21. Subsequent Events

The Company has evaluated subsequent events through October 6, 2025 which is the date the consolidated financial statements were available to be issued.

Assets Held for Sale

In April 2025, the Company determined certain net assets related to the Acacia business, including its BARHEMSYS and BYFAVO products, met the criteria required to be classified as held-for-sale. The Company is conducting a process for potential sale of the Acacia assets that is expected to be completed within the next 12 months; however, there is no assurance that the Acacia assets will be sold.

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On April 29, 2025, the parties participated in a confidential mediation. No settlement was reached, though informal discussions have continued. On July 11, 2025, plaintiffs filed an amended complaint which the Company moved to dismiss on August 25, 2025. On September 30, 2025, the parties reached an agreement in principle to settle the securities class action for $9.5 million. The settlement, which is contingent on court approval, will be funded by the Company’s insurance carriers.

Related Parties

In April 2025, the Borrower repaid $0.2 million of the principal amount outstanding under the Promissory Note described in Note 15, "Related Parties". As of June 30, 2025, the outstanding balance, including interest, of the Promissory Note was $0.2 million.

Lease Renewal

In June 2025, the Company entered into an amendment to its office lease in Woodcliff Lake, New Jersey. The amendment extends the lease term through June 30, 2028, and includes a partial reduction of the leased premises effective July 1, 2025. Total lease payments over the term are approximately $1.9 million, payable in monthly installments. The amendment includes a renewal option for an additional 3-year term until June 30, 2031.

One Big Beautiful Bill Act

On July 4, 2025, the One Big Beautiful Bill Act ("OBBBA") was signed into law. The OBBBA includes significant tax provisions, such as the permanent extension of certain expiring provisions of the Tax Cuts and Jobs Act and modifications to the U.S. international tax framework. Among the favorable business provisions are the permanent expensing for domestic R&D costs and permanent bonus depreciation. These provisions have various effective dates. The Company is currently evaluating the impact the new legislation will have on its consolidated financial statements.

PEMFEXY Inventory Demand

Beginning in late August of 2025, increased competitive market dynamics indicated a substantial negative change in the Company's market share and customer demand for PEMFEXY. This has resulted in the Company materially increasing its reserve for potential inventory spoilage for products primarily manufactured in the second quarter of 2025, as well as a reduction of forecasted funds anticipated from future sales of PEMFEXY, which has impacted the Company's ability to continue as a going concern for a period of at least one year from the date of issuance of these unaudited interim financial statements.

U.S. Government Shutdown

On October 1, 2025, the U.S. government commenced a shutdown. The FDA is operating in accordance with its contingency plan posted by the U.S. Department of Health and Human Services ("HHS") on it's website. The Company is reliant on regulators having the resources necessary to evaluate and approve its product. A subsequent extended shutdown, or significant reductions of, or disruptions to, staffing and resources available to government agencies or changes to the FDA contingency plan could result in reductions or delays of FDA's activities, including with respect to the Company's ongoing clinical programs, our manufacturing of our products and product candidates and our product approvals.