

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): May 25, 2021

## SYNTHETIC BIOLOGICS, INC.

(Exact name of registrant as specified in its charter)

Nevada

(State or other jurisdiction of  
incorporation)

001-12584

(Commission File No.)

13-3808303

(IRS Employer Identification No.)

9605 Medical Center Drive, Suite 270  
Rockville, MD 20850

(Address of principal executive offices and zip code)

Registrant's telephone number, including area code: (301) 417-4364

N/A

(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))

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Common stock, par value \$0.001 per share	SYN	NYSE American

Indicate by check mark whether the registrant is an emerging growth company as defined in in Rule 405 of the Securities Act of 1933 (17 CFR §230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (17 CFR §240.12b-2 of this chapter).

Emerging growth company ☐

If an emerging growth company, indicate by checkmark 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. "

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#### Item 8.01. Other Events

On May 26, 2021, Synthetic Biologics, Inc. (the "Company") issued a press release announcing that it had received on May 25, 2021 notification from the NYSE American LLC (the "Exchange") that the Company has regained compliance with all of the NYSE American LLC continued listing standards set forth in Part 10, Section 1003 of the NYSE American Company Guide (the "Company Guide"). The Company previously received notification from the NYSE American citing failure to comply with the minimum stockholders' equity continued listing standard as set forth in Part 10, Section 1003 of Company Guide. As a result of management's efforts to regain compliance, the Exchange has informed the Company that it has cured the previously cited deficiencies and is in full compliance with the continued listing standards set forth in Part 10, Sections 1003 (i), (ii), and (iii) of the Company Guide. The Company reported stockholders' equity of approximately \$79.6 million in its most recent Form 10-Q, filed with the Securities and Exchange Commission on May 5, 2021. Effective at the start of trading on May 26, 2021, the ".BC" designation, signifying non-compliance with NYSE American listing standards, will be removed from the "SYN" trading symbol.

The press release attached as Exhibit 99.1 to this Current Report on Form 8-K, which is incorporated herein by reference, includes "safe harbor" language pursuant to the Private Securities Litigation Reform Act of 1995, as amended, indicating that certain statements contained in the slide presentation are "forward-looking" rather than historical.

The Company undertakes no duty or obligation to update or revise information included in this Current Report on Form 8-K or the press release attached as Exhibit 99.1 hereto.

#### Item 9.01. Financial Statements and Exhibits.

##### (d) Exhibits

##### Exhibit

##### No.

##### Description

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[99.1](#) [Press release issued by Synthetic Biologics, Inc. dated May 26, 2021](#)

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#### 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.

Dated: May 26, 2021

SYNTHETIC BIOLOGICS, INC.

By: /s/ Steven A. Shallcross

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Name: Steven A. Shallcross

Title: Chief Executive Officer  
and Chief Financial Officer

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EXHIBIT INDEX

Exhibit  
Number

Description

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[99.1](#)

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[Press release issued by Synthetic Biologics, Inc. dated May 26, 2021](#)

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