

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 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 2, 2021

EVOKE PHARMA, INC.

(Exact Name of Registrant as Specified in its Charter)

**Delaware
(State or Other Jurisdiction
of Incorporation)**

**001-36075
(Commission
File Number)**

**20-8447886
(IRS Employer
Identification No.)**

**420 Stevens Avenue, Suite 370
Solana Beach, California
(Address of Principal Executive Offices)**

**92075
(Zip Code)**

Registrant's telephone number, including area code: (858) 345-1494

(Former Name or Former Address, if Changed Since Last Report.)

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

**Title of each class
Common Stock,
par value \$0.0001 per share**

**Trading symbol
EVOK**

**Name of each exchange on which registered
The Nasdaq Capital Market**

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))

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 8.01. Other Events.

On June 2, 2021, Evoke Pharma, Inc. (the Company) announced that the United States Patent and Trademark Office (USPTO) issued US patent No. 11,020,361 to the Company for Gimoti® (metoclopramide) nasal spray. The patent covers methods of use for nasal delivery of metoclopramide for the treatment of gastroparesis. Gimoti is Evoke's nasal spray product for the relief of symptoms in acute and recurrent diabetic gastroparesis. The U.S. Food and Drug Administration (FDA) approved the New Drug Application for Gimoti in June 2020. This new patent, entitled "*Nasal Formulations of Metoclopramide*," carries a patent term to at least 2029 and is expected to be listed in the FDA's Orange Book.

Safe Harbor Statement

The Company cautions you that statements included in this press release that are not a description of historical facts are forward-looking statements. In some cases, you can identify forward-looking statements by terms such as "may," "will," "should," "expect," "plan," "anticipate," "could," "intend," "target," "project," "contemplates," "believes," "estimates," "predicts," "potential" or "continue" or the negatives of these terms or other similar expressions. These statements are based on the Company's current beliefs and expectations. These forward-looking statements include statements regarding: whether the new patent will be listed in the FDA Orange Book and the Company's expectations on the scope of any patent protections. The inclusion of forward-looking statements should not be regarded as a representation by the Company that any of its plans will be achieved. Actual results may differ from those set forth in this report due to the risks and uncertainties inherent in the Company's business, including, without limitation: the risk that the patent will not be added to the FDA Orange Book and the timing thereof; the Company's ability to obtain and maintain intellectual property protection for Gimoti and other risks detailed in the Company's prior reports and in the periodic reports it files with the Securities and Exchange Commission. You are cautioned not to place undue reliance on these forward-looking statements, which speak only as of the date hereof, and the Company undertakes no obligation to revise or update this report to reflect events or circumstances after the date hereof. All forward-looking statements are qualified in their entirety by this cautionary statement. This caution is made under the safe harbor provisions of the Private Securities Litigation Reform Act of 1995.

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.

EVOKE PHARMA, INC.

Date: June 2, 2021

By: /s/ Matthew J. D'Onofrio
Name: Matthew J. D'Onofrio
Title: Executive Vice President,
Chief Business Officer and Secretary