SEC Form 4

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

-	-
	APPROVAL
	AFFRUVAL

OMB Number:	3235-0287					
Estimated average burden						
hours per response:	0.5					

to Sec obligat	this box if no lo tion 16. Form 4 tions may conti tion 1(b).	or Form 5	SI	Filed	pursu	ant to	Sectior	ו 16(a) of th	ne Sec	urities Excha	nge Act	of 1934		HIP	Est		ber: average bu response:	3235-0287 rden 0.5
1. Name and Address of Reporting Person* Andersen Eric				2. Is: <u>M</u>	or Section 30(h) of the Investment Company Act of 1940 2. Issuer Name and Ticker or Trading Symbol <u>MERRIMACK PHARMACEUTICALS</u> <u>INC</u> [MACK]								5. Relationship of Reporting Person(s) to Issuer (Check all applicable) X Director 10% Owner Officer (give title V Other (specify						
(Last) (First) (Middle) 5900 WILSHIRE BOULEVARD, SUITE 650					3. Date of Earliest Transaction (Month/Day/Year) See remarks														
(Street) LOS ANGELES CA 90036				Ameno	dment,	Date	e of Ori	iginal I	Filed (Month/I	Day/Yea	ar)	6. Inc Line) X	Form	i filed by C i filed by M	Ine Re	ing (Check porting Pe an One Re			
(City)	(St		Zip)													- -			
Table I - Non-Deriva 1. Title of Security (Instr. 3) 2. Transaction Date (Month/Day/Ye)			2A. Deemed Execution Date, ar) if any		3. Transaction Code (Instr. 8)		4. Securities	Acquir f (D) (Ins	Acquired (A) or D) (Instr. 3, 4 ar		5. Amou Securiti Benefic Owned Reporte	unt of ies ially Following ed	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)		7. Nature of Indirect Beneficial Ownership (Instr. 4)				
									Code	v	Amount	(A) or (D)	Price		Transac (Instr. 3				6
Common	Stock			04/13/202	1				Р		9,874	A	\$6.25	568 ⁽¹⁾	906	5,591		Ι	See footnote ⁽²⁾
Common	Stock															5,757		Ι	See footnote ⁽³⁾
		Та	ble	II - Derivati (e.g., pu							sposed of s, convert				Owne	d			
1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	Exe if a	Deemed ecution Date, ny onth/Day/Year)		action (Instr.	5. Nu of Deriv Secu Acqu (A) o Disp of (D (Inst and)	vativo uritie: uired or osed) r. 3, 4	e (Mo s	oiratio	kercisable and n Date ay/Year)	Ame Sec Und Der Sec	itle and bunt of urities lerlying vative urity (Ins id 4)	Di Si (li	8. Price of Derivative Security (Instr. 5)		ve Ownersl es Form: ially Direct (E or Indire ng (I) (Instr. d tion(s)		Beneficial Ownershi (Instr. 4)
					Code	v	(A)	(D)	Dat Exe		Expiratio Date		Amou or Numb of Share	ber					
	nd Address of sen Eric	Reporting Person'	r																
(Last) 5900 WI		(First) OULEVARD, S		(Middle) E 650															
(Street) LOS AN	IGELES	CA		90036		_													
(City)		(State)		(Zip)															
	nd Address of n Standar	[:] Reporting Person [*] d <u>LLC</u>	r																
(Last) 5900 WI		(First) OULEVARD, S		(Middle) E 650															
(Street) LOS AN	IGELES	CA		90036		_													
(City)		(State)		(Zip)		_													
		Reporting Person [*]		NERS LP															
(Last) 5900 WI		(First) OULEVARD, S		(Middle) E 650															

(Street) LOS ANGELES (City)	CA (State)	90036 (Zip)
. ,	CA	90036
(Last) 5900 WILSHIRE	(First) BOULEVARD, SUI	(Middle) TE 650
1. Name and Address Western Standa	of Reporting Person [*] ard Partners <u>QP, 1</u>	<u>L.P.</u>
(City)	(State)	(Zip)
(Street) LOS ANGELES	СА	90036

Explanation of Responses:

1. The price reported in Column 4 is a weighted average price. These shares were purchased in multiple transactions at prices ranging from \$6.05 to \$6.40, inclusive. The reporting person undertakes to provide to the Issuer, any security holder of the Issuer, or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the ranges set forth in this footnote (1) to this Form 4.

2. The shares are directly held by WSP. The general partner of the Funds is Western Standard. The managing member of Western Standard and the portfolio manager to the Funds is Mr. Andersen. Each of Western Standard and Mr. Andersen disclaims beneficial ownership of the shares except to the extent of its or his pecuniary interest therein, if any, and this report shall not be deemed an admission that it or he is the beneficial owner of such shares

3. The shares are directly held by WSP QP. The general partner of the Funds is Western Standard. The managing member of Western Standard and the portfolio manager to the Funds is Mr. Andersen. Each of Western Standard and Mr. Andersen disclaims beneficial ownership of the shares except to the extent of its or his pecuniary interest therein, if any, and this report shall not be deemed an admission that it or he is the beneficial owner of such shares.

Remarks:

As a result of an agreement among the persons listed below to vote their respective shares of Common Stock jointly, such persons have formed a "group" under Section 13(d)(1) of the Exchange Act. In addition to Mr. Andersen, Western Standard, LLC ("Western Standard"), Western Standard Partners, L.P. ("WSP") and Western Standard Partners QP, L.P. ("WSP QP" and together with WSP, the "Funds") (collectively, the "Western Standard Parties"), the members of this group are Noah G. Levy, Newtyn Management, LLC, Newtyn Partners, Newtyn TE Partners, LP, Newtyn Capital Partners, LP, and Ledo Capital, LLC (collectively, the "Newtyn Parties") and collectively with the Western Standard Parties, the "13D Group"). As a member of the 13D Group, each Western Standard Party would be deemed to beneficially own the aggregate amount of the Common Stock that each of the 13D Group members beneficially owns, in which case it or he would be deemed to beneficially own 2,741,455 shares of Common Stock. However, none of the Newtyn Parties have the ability to direct the acquisition or disposition or, except through the Cooperation Agreement, voting of the securities held by Newtyn Parties, and none of the Newtyn Parties have the ability to direct the acquisition or disposition or, except through the Cooperation Agreement, voting of the securities held by Newtyn Parties. As members of the 13D Group, the combined holdings of the Western Standard Parties and the Newtyn Parties would result in each Western Standard Party having yoting power equivalent to a combined beneficial ownership of 20.4% of the Issuer's outstanding Common Stock for voting purposes. Each Western Standard Party lesiclaims beneficial ownership of the shares beneficial owner of its or his pecuniary interest therein, if any, and this report shall not be deemed an admission that it or he is the beneficial owner of such shares.

/s/ Eric D. Andersen	04/13/2021
<u>Western Standard, LLC; /s/</u> <u>Eric D. Andersen,Managing</u> <u>Member</u>	<u>04/13/2021</u>
<u>Western Standard Partners,</u> <u>L.P.; By: Western Standard,</u> <u>LLC, General Partner; /s/ Eric</u> <u>D. Andersen, Managing</u> <u>Member</u>	<u>04/13/2021</u>
<u>Western Standard Partners QP,</u> <u>L.P.; By: Western Standard,</u> <u>LLC, General Partner; /s/ Eric</u> <u>D. Andersen, Managing</u> <u>Member</u>	

** Signature of Reporting Person Date

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

* If the form is filed by more than one reporting person, see Instruction 4 (b)(v).

** Intentional misstatements or omissions of facts constitute Federal Criminal Violations See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB Number.