

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**
Washington, D.C. 20549

FORM 8-K

**CURRENT REPORT
PURSUANT TO SECTION 13 OR 15(d)
OF THE SECURITIES EXCHANGE ACT OF 1934**

Date of Report (Date of earliest event reported): March 20, 2023

Akoya Biosciences, Inc.
(Exact name of registrant as specified in its charter)

Delaware
(State or other jurisdiction
of incorporation)

001-40344
(Commission
File Number)

47-5586242
(IRS Employer
Identification No.)

100 Campus Drive, 6th Floor
Marlborough, MA
(Address of principal executive offices)

01752
(Zip Code)

(855) 896-8401
(Registrant's telephone number, including area code)

Check the appropriate box below if the Form 8-K is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- 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	Name of each exchange on which registered
Common stock, par value \$0.00001 per share	AKYA	The Nasdaq Stock Market LLC

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 5.02 Departure of Directors or Certain Officers; Election of Directors; Appointment of Certain Officers; Compensatory Arrangements of Certain Officers.

On March 20, 2023, Akoya Biosciences, Inc. (the “*Company*”) announced that Joseph Driscoll is retiring from his position as Chief Financial Officer of the Company, effective March 20, 2023. Mr. Driscoll will continue as a consultant for the Company in order to facilitate the transition of the Company’s new Chief Financial Officer.

On March 20, 2023, the Company’s Board of Directors appointed Johnny Ek as Chief Financial Officer of the Company, effective immediately. Mr. Ek will also serve as the Company’s principal financial officer and principal accounting officer.

Prior to joining the Company, Mr. Ek, age 47, was the Chief Financial Officer of Specific Diagnostics, Inc., a producer of a rapid antimicrobial susceptibility test, from August 2021 until its acquisition by bioMérieux SA (Euronext: BIM), a French multinational biotechnology company, in May 2022 and served as Chief Financial Officer of the Specific Diagnostics business following the acquisition until March 2023. From February 2019 until its acquisition by Roche Holding AG in August 2021, he served as Chief Financial Officer of GenMark Diagnostics, Inc. (formerly Nasdaq: GNMK), a provider of multiplex molecular diagnostic solutions. Prior to serving as GenMark’s Chief Financial Officer, Mr. Ek served as GenMark’s Vice President, Finance and Accounting and Corporate Controller from November 2013 to February 2019. Prior to that, Mr. Ek served as Vice President and International Controller for Affymetrix, Inc., a leading provider of cellular and genetic analysis products, from May 2013 to November 2013 and as Controller of eBioscience, Inc., a privately held provider of flow cytometry and immunoassay reagents, from October 2010 through eBioscience’s acquisition by Affymetrix in May 2013. Prior to joining eBioscience, Mr. Ek held various roles with Ernst & Young LLP from May 2001 to October 2010. Mr. Ek is a licensed Certified Public Accountant, and holds a B.S. in finance from Brigham Young University and a Master’s degree in accountancy from the University of Notre Dame’s Mendoza College of Business.

In connection with his appointment as Chief Financial Officer, Mr. Ek has entered into an employment offer letter with the Company that provides for an annual salary of \$400,000 per year and a target bonus equal to 50% of his base salary. Mr. Ek will also receive a restricted stock unit award representing 160,000 shares of the Company’s common stock, which vests in four equal annual installments beginning on April 1, 2024. In addition, Mr. Ek will receive a stock option award to purchase 160,000 shares of the Company’s common stock, with the stock option award vesting 25% on April 1, 2024 and 1/48th of the stock option award vesting each month for the next 36 months thereafter. Mr. Ek will also become a party to the Company’s Executive Severance Plan, the terms of which are described in the Company’s definitive proxy statement, filed with the Securities and Exchange Commission on April 19, 2022.

There is no arrangement or understanding with any person pursuant to which Mr. Ek was appointed as Chief Financial Officer, and there are no family relationships between Mr. Ek and any director or executive officer of the Company. Additionally, there are no transactions between Mr. Ek and the Company that would be required to be reported under Item 404(a) of Regulation S-K.

Item 7.01 Regulation FD Disclosure.

On March 20, 2023, the Company issued a press release announcing the retirement of Mr. Driscoll and the appointment of Mr. Ek as Chief Financial Officer.

A copy of the press release is furnished as Exhibit 99.1, and the information set forth therein is incorporated herein by reference.

The information furnished in this Item 7.01, including Exhibit 99.1, shall not be deemed to be “filed” for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the “*Exchange Act*”), or otherwise subject to the liabilities of that section, and is not incorporated by reference into any filing under the Securities Act of 1933, as amended, or the Exchange Act.

Item 9.01 Financial Statements and Exhibits.

(d) Exhibits.

<u>Exhibit No.</u>	<u>Description of Exhibits</u>
99.1	Press Release, dated March 20, 2023
104	Cover Page Interactive Data File (formatted as Inline XBRL)

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: March 20, 2023

Akoya Biosciences, Inc.

By: /s/ Brian McKelligon
Brian McKelligon
Chief Executive Officer

Akoya Biosciences Announces Leadership Transition

Joe Driscoll to Retire After More than Four Successful Years as Chief Financial Officer

Johnny Ek Appointed as new Chief Financial Officer

MARLBOROUGH, Mass., Mar. 20, 2023 (GLOBE NEWSWIRE) -- Akoya Biosciences, Inc. (Nasdaq: AKYA) (“Akoya”), The Spatial Biology Company®, today announced that Chief Financial Officer Joe Driscoll is retiring from his position, effective March 20, 2023. Johnny Ek has been appointed as the company’s new Chief Financial Officer, effective immediately. Mr. Driscoll will continue to serve as a consultant for the company as Akoya executes a seamless transition between the two leaders.

Mr. Driscoll joined Akoya in April 2019 and has overseen the company’s financial performance both before and after the company went public in April 2021.

“I deeply value the opportunity I’ve had at Akoya to build a strong organization and support the company’s incredible trajectory over the last four years,” said Mr. Driscoll. “The company has established a strong foundation for continued high growth and I look forward to supporting the transition of responsibilities to Johnny as Akoya enters its next phase of growth.”

“On behalf of the Board and our team, I’d like to extend my sincere gratitude to Joe for his profound contributions to Akoya,” said Brian McKelligon, CEO of Akoya. “He played a pivotal and central role in driving our success and on behalf of all my fellow Akoyans I would like to thank Joe for all he has done for the company. We’re excited to welcome Johnny to the Akoya leadership team. His extensive experience from the research to the diagnostics markets will support our continued growth across all market segments, delivering value to customers and our shareholders.”

Johnny Ek has more than 20 years of financial leadership experience across the diagnostics and life sciences tools industries. He joins Akoya from Specific Diagnostics (acquired by bioMérieux in May 2022) where he served as Chief Financial Officer since August 2021. Prior to that, he served as Chief Financial Officer at GenMark Diagnostics, a provider of multiplex molecular diagnostic solutions, from February 2019 until August 2021 and oversaw the sale to Roche Diagnostics in March 2021. Prior to serving as GenMark’s Chief Financial Officer, Mr. Ek served as GenMark’s Vice President, Finance and Controller from 2013 to 2019 and prior to that as Vice President, Finance and Controller for Affymetrix from 2010 to 2013.

“Spatial biology is poised to change the practice of medicine and the field of discovery biology. Akoya is uniquely positioned to capitalize on this opportunity with its market leading technology, a talented team, and a strong ecosystem of customers and partners,” said Mr. Ek. “I look forward to stepping into this new role helping lead Akoya on this next phase of its journey.”

Forward-Looking Statements

This press release contains forward-looking statements that are based on management’s beliefs and assumptions and on information currently available to management. All statements contained in this release other than statements of historical fact are forward-looking statements. In some cases, you can identify forward-looking statements by the words “may,” “will,” “could,” “would,” “should,” “expect,” “intend,” “plan,” “anticipate,” “believe,” “estimate,” “predict,” “project,” “potential,” “continue,” “ongoing” or the negative of these terms or other comparable terminology, although not all forward-looking statements contain these words. These statements involve risks, uncertainties and other factors that may cause actual results, levels of activity, performance, or achievements to be materially different from the information expressed or implied by these forward-looking statements. These risks, uncertainties and other factors are described under "Risk Factors," "Management's Discussion and Analysis of Financial Condition and Results of Operations" and elsewhere in the documents we file with the Securities and Exchange Commission from time to time. We caution you that forward-looking statements are based on a combination of facts and factors currently known by us and our projections of the future, about which we cannot be certain. As a result, the forward-looking statements may not prove to be accurate. The forward-looking statements in this press release represent our views as of the date hereof. We undertake no obligation to update any forward-looking statements for any reason, except as required by law.

About Akoya Biosciences

As The Spatial Biology Company[®], Akoya Biosciences’ mission is to bring context to the world of biology and human health through the power of spatial phenotyping. The company offers comprehensive single-cell imaging solutions that allow researchers to phenotype cells with spatial context and visualize how they organize and interact to influence disease progression and response to therapy. Akoya offers a full continuum of spatial phenotyping solutions to serve the diverse needs of researchers across discovery, translational and clinical research: PhenoCode[™] Panels and PhenoCycler[®], PhenoImager[®] Fusion and PhenoImager HT Instruments. To learn more about Akoya, visit www.akoyabio.com.

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