

ATHEROGENICS INC  
Form 8-K  
January 22, 2009

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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

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FORM 8-K

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

Date of report (Date of earliest event reported): January 22, 2009

ATHEROGENICS, INC.  
(Exact Name of Registrant as Specified in its Charter)

|                                                                 |                                        |                                                             |
|-----------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------|
| Georgia<br>(State or other<br>jurisdiction<br>of incorporation) | 0-31261<br>(Commission<br>File Number) | 58-2108232<br>(I.R.S. Employer<br>Identification<br>Number) |
|-----------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------|

8995 Westside Parkway  
Alpharetta, GA 30009  
(Address of principal executive offices)

Registrant's telephone number, including area code (678) 336-2500

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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))



Item 8.01. Other Events.

On January 22, 2009, AtheroGenics, Inc. issued a press release to provide an update on its bankruptcy proceedings. A copy of the press release is attached to this current report on Form 8-K as Exhibit 99.1.

Item 9.01. Financial Statements and Exhibits.

The following exhibit is furnished as part of this current report on Form 8-K.

| Exhibit No. | Description                            |
|-------------|----------------------------------------|
| 99.1        | – Press Release dated January 22, 2009 |

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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.

ATHEROGENICS, INC.

Date: January 22, 2009

/s/MARK P. COLONNESE  
Mark P. Colonnese  
Executive Vice President, Commercial  
Operations  
and Chief Financial Officer

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EXHIBIT INDEX

| Exhibit No. | Description                            |
|-------------|----------------------------------------|
| 99.1        | – Press Release dated January 22, 2009 |

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