

ATHEROGENICS INC  
Form 8-K  
December 03, 2007

---

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): December 3, 2007  
ATHEROGENICS, INC.

(Exact Name of Registrant as Specified in its Charter)

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

**8995 Westside Parkway**  
**Alpharetta, GA 30004**  
(Address of principal executive offices)

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

---

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 3.01 Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing.**

Earlier today, Atherogenics, Inc. issued a press release and filed an Item 8.01 current report on Form 8-K to announce that it received a NASDAQ Staff Deficiency Letter on November 28, 2007. The company is filing this 8-K to include the same information under Item 3.01. 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.

<u>Exhibit No.</u>	<u>Description</u>
99.1	– Press Release dated December 3, 2007

---

---

**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: December 3, 2007

/s/MARK P. COLONNESE

Mark P. Colonnese  
Executive Vice President, Commercial  
Operations  
and Chief Financial Officer

---

**EXHIBIT INDEX**

<u>Exhibit No.</u>	<u>Description</u>
99.1	- Press Release dated December 3, 2007

---