

Edgar Filing: JACK IN THE BOX INC /NEW/ - Form 8-K/A

JACK IN THE BOX INC /NEW/  
Form 8-K/A  
August 10, 2005

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

FORM 8-K/A

CURRENT REPORT

Pursuant to Section 13 OR 15(d) of The Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): August 10, 2005  
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JACK IN THE BOX INC.

(Exact name of registrant as specified in its charter)

DELAWARE	1-9390	95-2698708
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(State or other jurisdiction of incorporation)	(Commission File Number)	(I.R.S. Employer Identification Number)
9330 BALBOA AVENUE, SAN DIEGO, CA		92123
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(Address of principal executive offices)		(Zip Code)

(858) 571-2121  
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(Registrant's telephone number, including area code)

N/A  
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(Former Name or Former Address, if Changed Since Last Report)

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 (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))

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### EXPLANATORY NOTE:

This Form 8-K/A amends the Form 8-K filed on August 10, 2005, in order to attach financial statements for the correct quarter. On August 10, 2005 Jack in the Box Inc. furnished on Form 8-K a press release announcing the company's third-quarter results and fourth-quarter guidance and updating its fiscal 2005 forecast. Inadvertently, the company's first quarter Unaudited Condensed Consolidated Balance Sheet was attached to that press release rather than the appropriate third-quarter Unaudited Condensed Consolidated Balance Sheet.

### ITEM 2.02 RESULTS OF OPERATIONS AND FINANCIAL CONDITION

Attached hereto as Exhibit 99.1 and incorporated herein by reference is the press release announcing the company's third-quarter results, fourth-quarter guidance and updating its fiscal 2005 forecast and including financial statements for the third quarter, fiscal 2005.

In the press release announcing third-quarter operating results, the company provides both earnings per diluted share determined in accordance with generally accepted accounting principles (GAAP) and earnings per diluted share excluding both (i) a fiscal 2004 charge related to refinancing, which was recorded in interest expense and (ii) the effect of the 53rd week of fiscal year 2004. This non-GAAP financial measure is used by management to evaluate financial and operating performance. Management does not consider the refinancing charge to be directly related to operating results for the period. Not all fiscal years have 53 weeks. Use of this non-GAAP measure also facilitates comparisons between current and prior period financial results and to the results of the company's competitors. This financial measure is also comparable to forecasts made by securities analysts and others, which generally exclude special items, as they are difficult to predict in advance. Non-GAAP measures are not intended to be a substitute for net earnings determined in accordance with GAAP.

### ITEM 9.01. FINANCIAL STATEMENTS AND EXHIBITS

#### (C) EXHIBITS

The following exhibits are furnished with this Report:

#### Exhibit

No.	Description
99.1	Press Release of Jack in the Box Inc. dated August 10, 2005

### 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.

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JACK IN THE BOX INC.

By: JERRY P. REBEL

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Jerry P. Rebel  
Senior Vice President  
Chief Financial Officer  
(Principal Financial Officer)  
(Duly Authorized Signatory)

Date: August 10, 2005