

MEDICIS PHARMACEUTICAL CORP

Form 8-K

August 21, 2008

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**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**

**August 18, 2008**

**Date of Report (Date of earliest event reported)**

**Medicis Pharmaceutical Corporation**

(Exact name of registrant as specified in its charter)

**Delaware**  
(State of Incorporation)

**0-18443**  
(Commission File Number)

**52-1574808**  
(IRS Employer  
Identification Number)

**8125 North Hayden Road**  
**Scottsdale, Arizona 85258-2463**  
(Address of principal executive offices) (Zip Code)

**(602) 808-8800**  
(Registrant's telephone number, including area code)

**N/A**

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

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:

- 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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**Item 8.01 Other Events.**

Medicis Pharmaceutical Corporation (the Company ) reported that the United States Patent and Trademark Office ( USPTO ) granted a Request for Ex Parte Reexamination of the Company s U.S. Patent No. 5,908,838 (the 838 patent ) related to SOLODYN®. During the reexamination process, the USPTO will review the patent and could determine that the patent claims, as written, were properly allowed. This determination would assist the Company in defending challenges to the validity of the 838 patent. Alternatively, the USPTO could narrow or reject certain or all of the claims of the 838 patent. Depending upon the specifics of what narrowing amendments are required and the claims rejected, these determinations of the USPTO could have a material adverse impact on the Company s results of operations. The timing of the USPTO s completion of the reexamination is uncertain. The Company believes that the USPTO should reconfirm the validity of the 838 patent. However, there can be no guarantee as to the outcome.

The disclosures set forth in this Item 8.01 speak only as of the date of this Current Report on Form 8-K, and the Company disclaims any intention or obligation to update or revise any such statements to reflect new information, future events or developments or otherwise, except as required by law.

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**SIGNATURES**

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

Date: August 21, 2008

By: /s/ Jason D. Hanson  
Jason D. Hanson  
Executive Vice President, General  
Counsel and Corporate Secretary