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DUSA PHARMACEUTICALS INC

Form 8-K

February 20, 2004

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC 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): February 19, 2004

DUSA PHARMACEUTICALS, INC.  
(Exact name of registrant as specified in its charter)

NEW JERSEY  
(State or other  
jurisdiction of  
incorporation)

0-19777  
(Commission  
File Number)

22-3103129  
(IRS Employer  
Identification  
Number)

25 UPTON DRIVE  
WILMINGTON, MASSACHUSETTS 01887  
(Address of principal executive offices, including ZIP code)

(978) 657-7500  
(Registrant's telephone number, including area code)

ITEM 9. REGULATION FD DISCLOSURE.

DUSA Pharmaceuticals, Inc. ("DUSA") reports that during a presentation by its President and Chief Executive Officer on Thursday, February 19, 2004, at the Roth Capital Conference, several inadvertent disclosures were orally made as follows: (i) DUSA had a net loss of \$15,000,000 and a cash and government securities balance of \$36,000,000 as of December 31, 2003; and (ii) DUSA now plans to hire additional direct sales representatives to its sales force.

DUSA's audited financial statements for the fiscal year ended December 31, 2003 will be available upon the filing of its annual report on Form 10-K on or before the required filing date, i.e. March 30, 2004.

Except for historical information, this report contains certain forward-looking statements that involve known and unknown risks and uncertainties, which may cause actual results to differ materially and adversely from any future results, performance or achievements expressed or implied by the statements made. These forward-looking statements relate to the availability of DUSA's audited financial statements and DUSA's intention to file its annual report on Form 10-K on or before the required filing date. Such risks and uncertainties include, but are not limited to, the timely filing of DUSA's annual report on Form 10-K, the completion of the audit of DUSA's financial records, and other risks identified in DUSA's SEC filings from time to time.

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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.

DUSA PHARMACEUTICALS, INC.

Dated: February 19, 2004

By: /s/ Peter M. Chakoutis

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Peter M. Chakoutis  
Vice President and  
Chief Financial Officer