

SECURITIES AND EXCHANGE COMMISSION

FORM 8-K

Current report filing

Filing Date: **2004-08-12** | Period of Report: **2004-08-11**  
SEC Accession No. **0001193125-04-139256**

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FILER

**ISTA PHARMACEUTICALS INC**

CIK: **930553** | IRS No.: **330511719** | State of Incorpor.: **CA** | Fiscal Year End: **1231**  
Type: **8-K** | Act: **34** | File No.: **000-31255** | Film No.: **04971202**  
SIC: **2835** In vitro & in vivo diagnostic substances

Mailing Address

15279 ALTON PARKWAY 100  
IRVINE CA 92618

Business Address

15279 ALTON PARKWAY 100  
IRVINE CA 92618  
9497886000

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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)**  
**August 11, 2004**

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**ISTA PHARMACEUTICALS, INC.**

(Exact name of registrant as specified in its charter)

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**Delaware**  
(State or other jurisdiction  
of incorporation)

**000-31255**  
(Commission File Number)

**33-0511729**  
(IRS Employer  
Identification No.)

**15279 Alton Parkway, Suite 100, Irvine, CA**  
(Address of principal executive offices)

**92618**  
(Zip Code)

**Registrant's telephone number, including area code: (949) 788-6000**

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**Item 5. - Other Events and Regulation FD Disclosure**

On August 11, 2004, the Registrant completed the previously announced sale of 1,570,000 shares of its common stock to certain institutional investors, at a price of \$8.50 per share for aggregate proceeds of \$13,345,000, before placement agent fees and other offering expenses. The Registrant also completed the previously announced sale of 250,000 shares of its common stock to certain affiliates of Kilkenny Capital Management at a price of \$8.50 per share, for aggregate proceeds of \$2,125,000, before offering expenses. Net proceeds of these two sales will be used for general corporate purposes, which may include business development opportunities.

Any statements contained in this Form 8-K that refer to future events or other non-historical matters are forward-looking statements. The Registrant disclaims any intent or obligation to update any forward-looking statements. Such statements are based on the Registrant's current expectations and are subject to risks and uncertainties that could cause actual results to differ materially. Important factors that could cause actual results to differ from current expectations include, among others, risks and uncertainties as detailed from time to time in the Registrant's public filings with the U.S. Securities and Exchange Commission, including but not limited to the Registrant's Annual Report on Form 10-K for the year ended December 31, 2003 and its Quarterly Reports on Form 10-Q for the quarterly periods ended March 31, 2004 and June 30, 2004, respectively.

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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.

ISTA PHARMACEUTICALS, INC.

By:

Vicente Anido, Jr. \_\_\_\_\_

Vicente Anido, Jr., Ph.D.

President and Chief Executive Officer

August 12, 2004