

UNITED THERAPEUTICS CORP

Form 8-K

November 03, 2004

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): November 3, 2004

United Therapeutics Corporation

(Exact Name of Registrant as Specified in Charter)

| | | |
|------------------------------------------------------|-----------------------------|--------------------------------------------|
| Delaware | 000-26301 | 52-1984749 |
| (State or Other Jurisdiction of Incorporation) | (Commission File Number) | (I.R.S. Employer Identification Number) |
| 1110 Spring Street Silver Spring, MD | | 20910 |
| (Address of Principal Executive Offices) | | (Zip Code) |

Registrant's telephone number, including area code:

(301) 608-9292

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))

Item 2.02. Results of Operations and Financial Condition.

On November 3, 2004, United Therapeutics Corporation (the Company) issued a press release setting forth its earnings for the Company s quarterly fiscal period ended September 30, 2004. A copy of this press release is attached hereto as Exhibit 99.1. The Company does not intend for Exhibit 99.1 to be incorporated by reference into filings under the Securities Act of 1933 or the Securities Exchange Act of 1934.

Item 8.01. Other Events.

As the Company previously disclosed in its Form 10-Q for the quarter ended June 30, 2004, Medicare was reimbursing distributors for Remodulin sold to certain Medicare patients at a payment level significantly less than the acquisition price paid by these distributors to the Company. On October 29, 2004, the Centers for Medicare and Medicaid Services (CMS) issued an instruction, effective January 1, 2004, requiring Medicare to use the payment limit previously established by CMS for the pricing of Remodulin, which is \$61.75 per milligram. As a result, the Company believes this under-reimbursement situation has been resolved.

Item 9.01. Exhibits

(c) Exhibits

| <u>Exhibit No.</u> | <u>Description of Exhibit</u> |
|--------------------|--------------------------------------|
| 99.1 | Press release dated November 3, 2004 |

SIGNATURE

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.

UNITED THERAPEUTICS
CORPORATION

Dated: November 3,
2004

By: /s/ Paul A. Mahon

Name: Paul A. Mahon
Title: General Counsel

EXHIBIT INDEX

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