

AVI BIOPHARMA INC  
Form 8-K  
September 02, 2003

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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

Date of Report (Date of earliest event reported): **September 2, 2003**

**AVI BioPharma, Inc.**

(Exact name of Registrant as specified in its charter)

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

**000-22613**  
(Commission  
File Number)

**93-0797222**  
(I.R.S. Employer  
Identification No.)

**One SW Columbia, Suite 1105  
Portland, Oregon 97258  
(503) 227-0554**

(Address, including zip code, and telephone number,  
including area code, of principal executive offices)

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**Item 5. Other Events and Required FD Disclosure.**

On July 16, 2003, AVI BioPharma, Inc. ("AVI") issued a press release announcing that it had signed an Agreement and Plan of Merger (the "Merger Agreement") by and among AVI, Elk Acquisition, Inc. ("Elk Acquisition"), a wholly owned subsidiary of AVI, and eXegenics, Inc. ("eXegenics"), pursuant to which AVI agreed to acquire eXegenics in a stock-for-stock transaction. A copy of the press release and related Merger Agreement were filed as Exhibits 99.1 and 2.1, respectively, to AVI's current report on Form 8-K, filed on July 16, 2003.

On September 2, 2003, AVI issued a press release announcing that it had provided eXegenics with a notice of termination of the Merger Agreement. A copy of the press release is filed as Exhibit 99.1 hereto.

**Item 7. Financial Statements, Pro Forma Financial Information and Exhibits.**

(c)

**Exhibits.**

99.1

Press Release of AVI BioPharma, Inc., dated September 2, 2003 (incorporated herein by reference to AVI's Form 425 filed on September 2, 2003).

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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.

**AVI BIOPHARMA, INC.**

Date: September 2, 2003

By: /s/ ALAN TIMMINS

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Alan Timmins  
President and Chief Operating Officer

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**EXHIBIT INDEX**

<b>Exhibit No.</b>	<b>Description</b>
99.1	Press Release of AVI BioPharma, Inc., dated September 2, 2003 (incorporated herein by reference to AVI's Form 425 filed on September 2, 2003).

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