

BIOCRYST PHARMACEUTICALS INC

Form 8-K

December 22, 2006

Table of Contents

**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 December 18, 2006**  
**BioCryst Pharmaceuticals, Inc.**  
*(Exact Name of Registrant as Specified in Charter)*

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

**000-23186**  
*(Commission  
File Number)*

**62-1413174**  
*(IRS Employer  
Identification #)*

**2190 Parkway Lake Drive, Birmingham, Alabama 35244**  
*(Address of Principal Executive Office)*

**(205) 444-4600**

*(Registrant's telephone number, including area code)*

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 (see General Instruction A.2 below):

- 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 210.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
-

**TABLE OF CONTENTS**

Item 5.03 Amendments to Articles of Incorporation

Item 9.01. Financial Statements and Exhibits

SIGNATURES

EXHIBIT INDEX

Third Restated Certificate of Incorporation

---

**Table of Contents**

**Item 5.03 Amendments to Articles of Incorporation:**

On December 18 and 20, 2006 BioCryst Pharmaceuticals, Inc. amended its certificate of incorporation in two ways:

1. We formally retired 1.8 million shares of Series A Convertible Preferred Stock, which had previously been converted to Common Stock. These shares were returned to the status of authorized but unissued shares of Preferred Stock without designation as to Series.
2. We filed a Third Restated Certificate of Incorporation, a copy of which is filed with this Form 8-K as Exhibit 3.1. The Third Restated Certificate of Incorporation restates and integrates all changes previously made to, and does not further amend, the Second Restated Certificate of Incorporation.

**Item 9.01. Financial Statements and Exhibits:**

**Exhibit No. Description**

- |     |   |
|-----|---|
| 3.1 | Third Restated Certificate of Incorporation of BioCryst Pharmaceuticals, Inc. |
|-----|---|
-

**Table of Contents**

**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.

Dated: December 22, 2006

**BioCryst Pharmaceuticals, Inc.**

By: /s/ Michael A. Darwin  
Michael A. Darwin  
Chief Financial Officer and Chief  
Accounting Officer

---

**Table of Contents**

**EXHIBIT INDEX**

<b>Exhibit No.</b>	<b>Description</b>
3.1	Third Restated Certificate of Incorporation of BioCryst Pharmaceuticals, Inc.