

GILEAD SCIENCES INC
Form 8-K
October 21, 2004

**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):
October 21, 2004**

GILEAD SCIENCES, INC.

(Exact name of registrant as specified in its charter)

DELAWARE
(State or other jurisdiction of
incorporation or organization)

0-19731
(Commission File Number)

94-3047598
(I.R.S. Employer
Identification No.)

333 LAKESIDE DRIVE, FOSTER CITY, CALIFORNIA
(Address of principal executive offices)

94404
(Zip Code)

(650) 574-3000

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(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:

- 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 14-2(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))
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SECTION 2 FINANCIAL INFORMATION

Item 2.02 Results of Operations and Financial Condition

On October 21, 2004, Gilead Sciences, Inc., a Delaware corporation, issued a press release announcing earnings for the third quarter ended September 30, 2004. A copy of the earnings press release is filed as Exhibit 99.1 to this report.

Each non-GAAP financial measure reflected in the earnings press release is included because our management uses this information to monitor and evaluate on-going results and trends excluding certain items. Our management believes the non-GAAP information is also useful for investors because these transactions, which include the fair value gain on our EyeTech Pharmaceuticals, Inc. (EyeTech) warrants as a result of EyeTech completing an initial public offering in February 2004, the in-process research and development charge of \$488.6 million from the acquisition of Triangle Pharmaceuticals, Inc. in January 2003 and the \$13.2 million settlement payment in September 2003 resulting from a contractual dispute with a vendor, were unusual due to their nature, size and infrequency. Consequently, excluding these transactions from our results provides users of the financial statements an important insight into our results and related trends that affect our core business.

SECTION 9 FINANCIAL STATEMENTS AND EXHIBITS

Item 9.01 Financial Statements and Exhibits

(c) Exhibits

| Exhibit Number | Description |
|----------------|--|
| | |
| 99.1 | Press Release, issued by Gilead Sciences, Inc. on October 21, 2004 |

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.

| | | |
|--|---|--|
| | GILEAD SCIENCES, INC. | |
| | (Registrant) | |
| | | |
| | /s/ John F. Milligan | |
| | John F. Milligan | |
| | Executive Vice President and Chief Financial Officer | |

Date: October 21, 2004

Exhibit Index

| Exhibit Number | Description |
|-------------------|--|
| | |
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