

DYNAVAX TECHNOLOGIES CORP

Form 8-K

February 15, 2005

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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): February 15, 2005**

**DYNAVAX TECHNOLOGIES CORPORATION**

(Exact name of registrant as specified in its Charter)

**DELAWARE**

(State or other jurisdiction of incorporation)

**000-1029142**  
(Commission File Number)

**33-0728374**  
(I.R.S. Employee Identification  
No.)

**2929 Seventh St., Suite 100  
Berkeley, CA 94710-2753**  
(Address of principal executive offices)

**(510) 848-5100**  
(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 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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**Item 2.02 Results of Operations and Financial Condition.**

On February 15, 2005, Dynavax Technologies Corporation (the Company ) issued a press release announcing the Company s results for its fourth quarter ended December 31, 2004 and year-end 2004 financial results and 2005 outlook. A copy of the Company s press release is attached hereto as Exhibit 99.1.

In accordance with General Instruction B.2 of Form 8-K, the information in this Item 2.02, including Exhibit 99.1, shall not be deemed filed for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the Exchange Act ), or otherwise subject to the liabilities of that section, nor shall it be deemed incorporated by reference in any filing under the Securities Act of 1933, as amended, or the Exchange Act, except as expressly set forth by specific reference in such a filing.

**Item 9.01 Financial Statements and Exhibits.**

(c) Exhibits.

| <b><u>Exhibit No.</u></b> | <b><u>Description</u></b>   |
|---------------------------|---|
| 99.1                      | Press Release of Dynavax Technologies Corporation, dated February 15, 2005. |

**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: February 15, 2005

DYNAVAX TECHNOLOGIES  
CORPORATION

By: /s/ Timothy G. Henn

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Timothy G. Henn  
Chief Accounting Officer and Vice  
President, Finance and Administration