

EXEGENICS INC
Form DEFA14A
October 24, 2003

OMB APPROVAL

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**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

SCHEDULE 14A

Proxy Statement Pursuant to Section 14(a) of the Securities
Exchange Act of 1934 (Amendment No.)

Filed by the Registrant x
Filed by a Party other than the Registrant o

Check the appropriate box:

- o Preliminary Proxy Statement
- o Confidential, for Use of the Commission Only (as permitted by Rule 14a-6(e)(2))
- o Definitive Proxy Statement
- x Definitive Additional Materials
- o Soliciting Material Pursuant to §240.14a-12

eXegenics Inc.

(Name of Registrant as Specified In Its Charter)

(Name of Person(s) Filing Proxy Statement, if other than the Registrant)

Payment of Filing Fee (Check the appropriate box):

- x No fee required.
- o Fee computed on table below per Exchange Act Rules 14a-6(i)(1) and 0-11.

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3) Per unit price or other underlying value of transaction computed pursuant to Exchange Act Rule 0-11 (set forth the amount on which the filing fee is calculated and state how it was determined):

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SEC 1913 (02-02)

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FOR IMMEDIATE RELEASE

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***eXegenics* ANNOUNCES INTENTION TO APPEAL POTENTIAL NASDAQ DELISTING**

DALLAS, October 24, 2003 *eXegenics* Inc. (Nasdaq: EXEG) announced today that it intends to appeal, under NASD Marketplace Rule 4820, a determination to delist its common stock. This appeal comes after *eXegenics* had received official notification from The Nasdaq Stock Market that it is not in compliance with the minimum \$1.00 closing bid price per share requirement, as set forth in NASD Marketplace Rule 4310(c)(4), nor the requirement for a minimum of three independent members of the audit committee as set forth in NASD Marketplace Rule 4350(d)(2). Accordingly, *eXegenics* common stock is subject to delisting from The Nasdaq SmallCap Market effective October 29, 2003.

eXegenics is appealing the determination to delist its common stock by requesting a hearing under NASD Marketplace Rule 4820. *eXegenics* has been advised that the delisting will be stayed pending The Nasdaq Listing Qualifications Panel's decision on the appeal.

There can be no assurance that the panel will grant *eXegenics* request for continued listing on The Nasdaq SmallCap Market. In the event the panel does not grant *eXegenics* request for continued listing on The Nasdaq SmallCap Market, *eXegenics* anticipates that its common stock will be eligible for immediate quotation on the Over-the-Counter Bulletin Board of the National Association of Securities Dealers (OTCBB), under the symbol EXEG.OB.

The OTCBB is a regulated quotation service that displays real-time quotes, last sale prices and volume information in over-the-counter equity securities that are not listed on The Nasdaq Stock Market or a national securities exchange. OTCBB securities are traded by a community of registered market makers that enter quotes and trade reports through a computer network. Information regarding the OTCBB, including stock quotes, can be found at www.otcbb.com. Investors should contact their broker for further information about executing trades in *eXegenics* common stock on the OTCBB.

Safe Harbor

This release contains forward-looking statements. The words believe, expect, intend, anticipate, variations of such words, and similar expressions identify forward-looking statements, but their absence does not mean that the statement is not forward-looking. These statements are subject to certain risks, uncertainties and assumptions that are difficult to predict. Readers are cautioned not to place undue reliance on these forward-looking statements, which speak only as of the date of this release. *eXegenics* undertakes no obligation to update any forward-looking statement to reflect new information, events or circumstances after the date of this release or to reflect the occurrence of unanticipated events.