

Edgar Filing: DIGITAL POWER CORP - Form 8-K

DIGITAL POWER CORP
Form 8-K
July 06, 2005

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): June 28, 2005

DIGITAL POWER CORPORATION
(Exact name of registrant as specified in its charter)

California	1-12711	94-1721931
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(State or other jurisdiction of incorporation)	(Commission File No.)	(I.R.S. Employer Identification No.)

41920 Christy Street, Fremont, California 94538

(Address of principal executive offices) (Zip Code)

(510) 657-2635

(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))

Section 3 - Securities and Trading Markets

Item 3.01 Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing

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On June 28, 2005, American Stock Exchange (the "AMEX") approved Digital Power Corp.'s (the "Company") recovery plan and will continue uninterrupted trading of the Company's common stock on the AMEX. The recovery plan submitted to the AMEX advises it of actions the Company has taken or will take to bring the Company into compliance with the continued listing standards. The targeted completion date of the plan is November 3, 2006.

The Company is not currently in compliance with the AMEX's listing requirements (contained in Section 1003(a)(ii) of the AMEX Company Guide) because it has a shareholders equity of less than \$4,000,000 and losses from continuing operations and/or net losses in three out of its four most recent fiscal years. Listing is being continued pursuant to an extension. During the plan period, the Company will be subject to periodic review to determine whether it is making progress consistent with the plan. If the Company is not in compliance with the listing standards by November 3, 2006 or fails the periodic reviews, the AMEX will likely initiate delisting proceedings. If the Company's shares of common stock are delisted, this may affect the trading market of the Company's shares.

Section 9 - Financial Statements and Exhibits

Item 9.01 Financial Statements and Exhibits

Exhibit No. -----	Exhibit Description -----
99	Press release dated July 5, 2005, titled "AMEX Approved Digital Power's Recovery Plan"

SIGNATURE

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.

DIGITAL POWER CORPORATION,
a California Corporation

Dated: July 5, 2005

/s/ Johnathan Wax

Jonathan Wax,
Chief Executive Officer and President

EXHIBIT INDEX

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