

Edgar Filing: TRANSGENOMIC INC - Form 8-K

TRANSGENOMIC INC  
Form 8-K  
November 08, 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): November 8, 2005

TRANSGENOMIC, INC.

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(Exact name of registrant as specified in its charter)

|                          |                             |   |
|--------------------------|-----------------------------|---|
| Delaware                 | 000-30975                   | 911789357                               |
| -----                    | -----                       | -----                                   |
| (State of Incorporation) | (Commission<br>File Number) | (IRS Employer<br>Identification Number) |

|  |            |
|--|------------|
| 12325 Emmet Street, Omaha, Nebraska      | 68164      |
| -----                                    | -----      |
| (Address of principal executive offices) | (Zip Code) |

(402) 452-5400

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(Registrant's telephone number, including area code)

Not applicable

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(Former name or former address, if changed since last report)

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 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 November 8, 2005, Transgenomic, Inc. issued a press release announcing its financial results for the third quarter of 2005. A copy of the press release is being furnished herewith as Exhibit 99.1 to this Current Report on Form 8-K.

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The information referenced in this Current Report on Form 8-K (including Exhibit 99 referenced in Item 9.01 below) is being "furnished" under "Item 2.02. Results of Operations and Financial Condition" and, as such, shall not be deemed to be "filed" for the 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. The information set forth in this Current Report on Form 8-K (including Exhibit 99 referenced in Item 9.01 below) shall not be incorporated by reference into any registration statement or other document pursuant to the Securities Act of 1933, as amended (the "Securities Act"), except as shall be expressly set forth by specific reference in such filing.

### ITEM 9.01. FINANCIAL STATEMENTS AND EXHIBITS.

#### (c) Exhibits.

- (99) Press release dated November 8, 2005, announcing Transgenomic, Inc.'s financial results for the third quarter of 2005.

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### SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Dated: November 8, 2005

TRANSGENOMIC, INC.

By: /s/ Mitchell L. Murphy  
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Mitchell L. Murphy,  
VP, Secretary & Treasurer

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