

Edgar Filing: APPIANT TECHNOLOGIES INC - Form 8-K

APPIANT TECHNOLOGIES INC  
Form 8-K  
September 20, 2002

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

September 19, 2002

-----  
Date of Report (Date of earliest event reported)

APPIANT TECHNOLOGIES, INC.

-----  
(Exact Name of Registrant as Specified in its Charter)

Delaware	0-21999	84-1360852
-----	-----	-----
(State or other Jurisdiction of Incorporation)	(S.E.C. File Number)	(IRS Employer Identification No.)

6663 Owens Drive  
Pleasanton, CA 94588

-----  
(Address of principal executive offices, including zip code)

(925) 251-3200

-----  
(Registrant's telephone number, including area code)

Not applicable

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

Item 5. Other events.

On September 12, 2002, the Company requested a hearing before a NASDAQ Listing Qualifications Panel in order to appeal a NASDAQ Staff Determination indicating that, in association with its recent private placement of \$3.525 million to accredited investors, the Company does not comply with the shareholder approval provisions set forth in Marketplace Rules 4350(i)(1)(B) and 4350(i)(1)(D)(ii), and that the Company's securities are subject to delisting from the NASDAQ Small Cap Market on September 13, 2002. The Staff Determination found that certain provisions of the placement documents as drafted required shareholder approval prior to finalization of the placement, and that other provisions provided for prohibited alternative outcomes should shareholder approval not be granted.

1

In light of the Company's request, the delisting of the Company's securities will be stayed pending the Panel's decision. There can be no assurance that the Panel will grant the Company's request for continued listing.

SIGNATURES

Edgar Filing: APPIANT TECHNOLOGIES INC - Form 8-K

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.

Appiant Technologies, Inc.  
-----

September 19, 2002  
-----

By: /s/ Douglas S. Zorn  
-----

Douglas S. Zorn  
President & CEO