

FUELCELL ENERGY INC  
Form 8-K  
November 04, 2003

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 3, 2003

FUELCELL ENERGY, INC.

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(Exact name of registrant as specified in its charter)

Delaware

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(State or other jurisdiction  
of incorporation)

1-14204

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(Commission  
File Number)

06-0853042

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(IRS Employer  
Identification No.)

3 Great Pasture Road,

06813

Danbury, Connecticut

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(Address of principal executive offices)

(Zip Code)

(203) 825-6000

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(Registrant's telephone number, including area code)



ITEM 5. OTHER EVENTS.

On October 31, 2003, FuelCell Energy, Inc., a Delaware corporation, amended its Certificate of Incorporation by filing a Certificate of Designation of Series A Preferred Stock of FuelCell Energy, Inc. with the Secretary of State of the State of Delaware. A copy of the Certificate of Designation of Series A Preferred Stock of FuelCell Energy, Inc. is attached hereto as Exhibit 3.1.1.

| Exhibit<br>Number | Description of Document   |
|-------------------|---|
| 3.1.1.            | Certificate of Designation of Series A Preferred Stock of FuelCell Energy, Inc. |

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.

FUELCELL ENERGY, INC.

Dated: November 3, 2003 By: /s/ Joseph G. Mahler

Joseph G. Mahler  
Senior Vice President,  
Chief Financial Officer,  
Corporate Secretary and  
Treasurer (Principal  
Accounting and Financial  
Officer)

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INDEX TO EXHIBITS

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