

Edgar Filing: Bacterin International Holdings, Inc. - Form 8-K

(406) 388-0480

(Registrant's Telephone Number, Including Area Code)

(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 (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))

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

On November 19, 2013, we received a letter from the NYSE MKT LLC (the "Exchange") notifying us that we are not in compliance with Section 1003(a)(i) of the Company Guide with stockholders' equity of less than \$2,000,000 as of September 30, 2013 and net losses in two of three of our most recent fiscal years. As discussed in our Form 8-K filed with the Securities and Exchange Commission on June 25, 2013, we previously submitted a plan of compliance ("Plan"), which was accepted by the Exchange on June 21, 2013, and we intend to amend and supplement our Plan.

This Form 8-K contains forward-looking statements that are subject to various assumptions, risks and uncertainties. These forward-looking statements include statements or assumptions regarding our expectations and beliefs. The Company believes that its expectations, as expressed in these statements are based on reasonable assumptions regarding the risks and uncertainties inherent in achieving those expectations. These statements are not, however, guarantees of performance and actual results may differ materially. Risks and uncertainties which may cause actual results to be different than expressed or implied in our forward-looking statements include, but are not limited to, the risk factors described under the heading "Risk Factors" in our Annual Report on Form 10-K and our Quarterly Reports on Form 10-Q. The Company expressly disclaims any current intention to update any forward-looking statement as a result of new information or future events or developments.

Item 7.01 Regulation FD Disclosure.

The Company has issued a press release entitled "Bacterin Receives Deficiency Notice from NYSE MKT" which is attached as Exhibit 99.1 and incorporated herein.

The information in this Item 7.01 and the document attached as Exhibit 99.1 are being furnished and shall not be deemed "filed" for purposes of Section 18 of the Securities and Exchange Act of 1934, as amended (the "Exchange Act"), nor otherwise subject to the liabilities of that section, nor incorporated by reference in any filing under the Securities Act of 1933 or the Exchange Act, except as shall be expressly set forth by specific reference in such a filing.

Item 9.01. Financial Statements and Exhibits.

(d) Exhibits.

Description

**Exhibit
No**

99.1

Press Release of Bacterin International Holdings, Inc. dated November 22, 2013 entitled “Bacterin Receives Deficiency Notice from NYSE MKT”

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.

Dated: November 22, 2013 **BACTERIN
INTERNATIONAL
HOLDINGS, INC.**

By: /s/ Daniel Goldberger
Name: Daniel Goldberger
Title: CEO

EXHIBIT INDEX

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