

ZIX CORP  
Form 8-K  
September 07, 2004

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

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**FORM 8-K**

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**CURRENT REPORT  
Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

**Date of Report (Date of earliest event reported):  
September 7, 2004 (September 3, 2004)**

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**ZIX CORPORATION  
(Exact name of registrant as specified in its charter)**

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**Texas**

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**0-17995**

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**75-2216818**

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**(State or other jurisdiction of  
incorporation)**

**(Commission File Number)**

**(IRS Employer Identification No.)**

**2711 North Haskell Avenue  
Suite 2300, LB 36  
Dallas, Texas 75204-2960**

**(Address of principal executive offices) (Zip Code)**

**Registrant's telephone number, including area code: (214) 370-2000**

**(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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**Section 8 Other Events**

**Item 8.01 Other Events.**

Zix Corporation ( ZixCorp ) learned, by means of a press release issued September 3, 2004, of the filing of a putative class action lawsuit in the U.S. District Court for the Northern District of Texas against ZixCorp and certain of its current and former officers. The suit, which has not yet been served, alleges that defendants made false and misleading statements and/or omissions in violation of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934. The suit seeks unspecified damages on behalf of a purported class of purchasers of ZixCorp common stock during the period from October 30, 2003 to May 4, 2004. ZixCorp believes that the allegations are without merit and plans to defend the action vigorously. ZixCorp issued a press release on September 6, 2004 in response to learning of this matter. A copy of the press release is attached hereto as Exhibit 99.1 and is incorporated herein by reference.

**Section 9 Financial Statements and Exhibits**

**Item 9.01 Financial Statements and Exhibits.**

**(c) Exhibits.**

99.1 Press Release issued by the registrant on September 6, 2004, titled Zix Corporation Calls Purported Class Action Lawsuit Without Merit and Plans Vigorous Defense.

**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.

ZIX CORPORATION

Date: September 7, 2004

By: /s/ Bradley C. Almond  
Bradley C. Almond  
Vice President, Finance and  
Administration, Chief Financial Officer  
and Treasurer (Principal Financial  
Officer)

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<b><u>Exhibit No.</u></b>	<b><u>Description</u></b>
99.1	Press Release issued by the registrant on September 6, 2004, titled Zix Corporation Calls Purported Class Action Lawsuit Without Merit and Plans Vigorous Defense.