

Edgar Filing: FALCONSTOR SOFTWARE INC - Form 10-K/A

FALCONSTOR SOFTWARE INC  
Form 10-K/A  
March 28, 2003

SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549  
FORM 10-K/A

/x/ ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES  
EXCHANGE ACT OF 1934 For the fiscal year ended December 31, 2002.

OR

/ / TRANSITION REPORT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF  
1934 For the transition period from \_\_\_\_\_ to \_\_\_\_\_

Commission file number 0-23970

FALCONSTOR SOFTWARE, INC.  
(Exact name of registrant as specified in its charter)

DELAWARE  
(State or other jurisdiction of  
incorporation or organization)

77-0216135  
(I.R.S. Employer  
Identification No.)

125 Baylis Road  
Melville, New York  
(Address of principal executive offices)

11747  
(Zip code)

Registrant's telephone number, including area code: 631-777-5188

Securities registered pursuant to Section 12(b) of the Act: None

Securities registered pursuant to Section 12(g) of the Act: Common Stock, \$.001  
par value

Indicate by check mark whether the Registrant (1) has filed all reports  
required to be filed by Section 13 or 15(d) of the Securities Exchange Act of  
1934 during the preceding 12 months (or for such shorter period that the  
Registrant was required to file such reports) and (2) has been subject to such  
filing requirements for the past 90 days.

Yes  No  
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Indicate by check mark if disclosure of delinquent filers pursuant to  
Item 405 of Regulation S-K is not contained herein, and will not be contained,  
to the best of Registrant's knowledge, in definitive proxy or information  
statements incorporated by reference in Part III of this Form 10-K or any  
amendment to this Form 10-K.

Indicate by check mark whether the registrant is an accelerated filer (as  
defined in Exchange Act Rule 12b-2). Yes  No  
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Aggregate market value of Common Stock held by non-affiliates of the  
Registrant as of June 30, 2002 was \$90,962,009, which value, solely for the  
purposes of this calculation excludes shares held by Registrant's officers,  
directors, and their affiliates. Such exclusion should not be deemed a  
determination by Registrant that all such individuals are, in fact, affiliates  
of the Registrant. The number of shares of Common Stock issued and outstanding  
as of March 7, 2003 was 45,805,826 and 45,570,826, respectively.

