

FALCONSTOR SOFTWARE INC  
Form 8-K  
February 07, 2008

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): February 7, 2008

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

|   |  |  |
|---|--|--|
| Delaware<br>(State or other jurisdiction<br>of incorporation)                           | 0-23970<br>(Commission<br>File Number) | 77-0216135<br>(IRS Employer<br>Identification No.) |
| 2 Huntington Quadrangle, Melville, New York<br>(Address of principal executive offices) |  | 11747<br>(Zip Code)                                |

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

(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))
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Item Results of Operations and Financial Condition

2.02.

On February 7, 2008, the Company issued a press release announcing its results of operations for the fiscal quarter and full year ended December 31, 2007.

The text of a press release issued by the Company is furnished as Exhibit 99.1 and is incorporated herein by reference.

Item Other Events

8.01

On February 7, 2008, the Company announced that its Board of Directors had approved an increase in the size of its Stock Repurchase Program, which increases the number of shares that may be repurchased from 2 million to 5 million shares. The Company has previously repurchased 1.2 million shares leaving an additional 3.8 million shares available to be repurchased. The repurchases may be made from time to time in open market transactions in such amounts as determined at the discretion of the Company's management. The terms of the stock repurchases will be determined by management based on market conditions.

Item Financial Statements and Exhibits

9.01.

(c) Exhibits

| <u>Exhibit Number</u> | <u>Description</u>                                   |
|-----------------------|--|
| 99.1                  | Press release of the Company dated February 7, 2008. |

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.

FALCONSTOR SOFTWARE, INC.

Dated: February 7, 2008

By: /s/ James Weber  
Name: James Weber  
Title: Chief Financial Officer and Vice  
President