

UTSTARCOM INC  
Form 8-K  
March 13, 2007

## 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): March 7, 2007

### UTSTARCOM, INC.

(Exact name of registrant as specified in its charter)

**Delaware**

(State or other jurisdiction of incorporation)

**000-29661**

(Commission File Number)

**52-1782500**

(I.R.S. Employer Identification No.)

**1275 Harbor Bay Parkway**

**Alameda, California 94502**

(Address of principal executive offices) (Zip code)

**(510) 864-8800**

(Registrant's telephone number, including area code)

**N/A**

(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))

- o Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 3.01 Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing.**

On March 7, 2007, UTStarcom, Inc. (the Company) received an additional Nasdaq Staff Determination letter stating that the Company is not in compliance with the continued listing requirements set forth in Nasdaq Marketplace Rule 4310(c)(14). As anticipated, the letter was issued in accordance with Nasdaq procedures due to the Company's delay in filing its Annual Report on Form 10-K for the fiscal year ended December 31, 2006. In response to the receipt of this letter, the Company will provide Nasdaq an update on the status of the ongoing voluntary review of the Company's historical equity award grant practice. Pending a decision by the Nasdaq Listing Qualifications Panel (the Panel), the Company's shares will remain listed on the Nasdaq Stock Market. There can be no assurance the Panel will grant the Company's request for continued listing.

A copy of the press release relating to this announcement is attached as Exhibit 99.1 and is incorporated herein by reference.

**Item 9.01 Financial Statements and Exhibits.**

(d) Exhibits

99.1 Press release entitled "UTStarcom Receives Nasdaq Notification Related to Late Filing of Its Form 10-K for the Full Year 2006."

**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.

**UTSTARCOM, INC.**

Date: March 13, 2007

By:

/s/ Francis P. Barton

Name:

Francis P. Barton

Title:

Executive Vice President and Chief Financial  
Officer

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**INDEX TO EXHIBITS**

Exhibit

Number

99.1

**Exhibit Title**

Press Release entitled UTStarcom Receives Nasdaq Notification Related to Late Filing of Its Form 10-K for the Full Year 2006.

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