

Edgar Filing: XSUNX INC - Form 8-K

XSUNX INC  
Form 8-K  
October 01, 2004

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: September 22, 2004

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

Colorado ----- (State or other jurisdiction of incorporation)	000-29621 ----- (Commission File Number)	84-1384159 ----- (IRS Employer Identification No.)
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65 Enterprise, Aliso Viejo, CA 92656  
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(New address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code: (949) 330-8060

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))

Section 1 - Registrant's Business and Operations

Item 1.01 Entry into a Material Definitive Agreement

XsunX, Inc. has increased its patent and technology assets by acquiring an

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exclusive royalty free license to a suite of patents and technologies specific to the design and manufacture of its semi-transparent solar electric glazing initiative.

The patent portfolio and technologies of MVSystems, Inc., an internationally recognized authority in the field of solar cell design and manufacturing processes, are now part of the intellectual property assets of XsunX. The technologies licensed encompass a wide spectrum of both material and device sciences that the Company believes provides them with key aspects to the commercial viability of integrating electrical power generating properties on to millions of square feet of modern architectural glass facades.

### Item 1.02 Termination of a Material Definitive Agreement

None

### Item 1.03 Bankruptcy or Receivership

None

## Section 2 - Financial Information

### Item 2.01 Completion of Acquisition or Disposition of Assets

None

### Item 2.02 Results of Operations and Financial Condition

None

### Item 2.03 Creation of a Direct Financial Obligation or an Obligation Under an Off-Balance Sheet Arrangement of a Registrant

None

### Item 2.04 Triggering Events That Accelerate or Increase a Direct Financial Obligation or an Obligation Under an Off-Balance Sheet Arrangement

None

### Item 2.05 Costs Associated with Exit or Disposal Activities

None

### Item 2.06 Material Impairments

None

## Section 3 - Securities Trading Markets

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

None

### Item 3.02 - Unregistered Sales of Equity Securities

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None

### Item 3.03 Material Modification to Rights of Security Holders

None

## Section 4 - Matters Related to Accountants and Financial Statements

### Item 4.01 Changes in Registrant's Certifying Account

None

### Item 4.02 Non-Reliance on Previously Issued Financial Statements or a Related Audit Report or Completed Interim Review

None.

## Section 5 - Corporate Governance and Mangement

### Item 5.01 Changes in Control of Registrant

None

### Item 5.02 Departure of Directors or Principal Officers; Election of Directors; Appointment of Principal Officers

None

### Item 5.03 Amendments to Articles of Incorporation or Bylaws; Change in Fiscal Year

None

### Item 5.04 Temporary Suspension of Trading Under Registrant's Employee Benefit Plans

None

### Item 5.05 Amendments to the Registrant's Code of Ethics, or Waiver of a Provision of the Code of Ethics.

## Section 6 - [Reserved]

## Section 7 - Reulation FD

### Item 7.01 Regulation FD Disclosure

None

## Section 8 - Other Events

### Item 8.01 Other Events

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None

Section 9 - Financial Statements and Exhibits

Item 9.01 Financial Statements and Exhibits

None

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 thereunto duly authorized.

Date: October 1, 2004

XSUNX, INC.

By: /s/ Tom Djokovich

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Tom Djokovich, CEO/President