

LUNA INNOVATIONS INC  
Form 8-K  
July 17, 2009

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**

Washington, DC 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): July 17, 2009**

**Luna Innovations Incorporated**

(Exact name of registrant as specified in its charter)

**Delaware**  
(State or other jurisdiction

of incorporation)

**000-52008**  
(Commission File Number)

**1 Riverside Circle, Suite 400**

**Roanoke, Virginia 24016**

**54-1560050**  
(IRS Employer

Identification No.)

Edgar Filing: LUNA INNOVATIONS INC - Form 8-K

(Address of principal executive offices, including zip code)

**540-769-8400**

(Registrant's telephone number, including area code)

(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))

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

In response to the announcement by Luna Innovations Incorporated (the Company) that it filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, the Nasdaq Stock Market Listing Qualifications Staff (the Staff) issued a delisting determination letter to the Company on July 17, 2009. The letter indicated that the Staff has determined to delist the Company's common stock from the Nasdaq Global Market as a result of the Company's decision to file such a petition for relief under Chapter 11, pursuant to the discretionary authority provided under Marketplace Rules 5101, 5110(b) and IM 5101-1.

The Staff's letter further advises the Company that trading of the Company's common stock will be suspended at the opening of business on July 28, 2009 unless it requests a hearing with a Nasdaq Listing Qualifications Hearing Panel (the Panel) to appeal the proposed delisting. The Company intends to request a hearing with the Panel to appeal the proposed delisting. The Company's common stock will remain listed on the Nasdaq Global Market pending the outcome of the hearing.

A copy of the press release announcing the Staff's determination is attached to this Current Report on Form 8-K as Exhibit 99.1 and is incorporated herein by reference.

**Item 9.01. Financial Statements and Exhibits.**

**(d) Exhibits.**

<b>Exhibit No.</b>	<b>Description</b>
99.1	Press Release dated July 17, 2009, by Luna Innovations Incorporated

**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.

**Luna Innovations Incorporated**

By: /s/ Talfourd H. Kemper, Jr.  
Talfourd H. Kemper, Jr.

Vice President and General Counsel

Date: July 17, 2009

**EXHIBIT INDEX**

<b>Exhibit No.</b>	<b>Description</b>
99.1	Press Release dated July 17, 2009, by Luna Innovations Incorporated