

FUELCELL ENERGY INC  
Form 8-K/A  
January 07, 2013

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**  
**WASHINGTON, DC 20549**

**FORM 8-K/A**

**(Amendment No. 1)**

**CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of the**  
**Securities Exchange Act of 1934**

**Date of report (Date of earliest event reported): October 31, 2012**

**FUELCELL ENERGY, INC.**

**(Exact Name of Registrant as Specified in Charter)**

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**Delaware**  
(State or Other Jurisdiction  
of Incorporation)

**1-14204**  
(Commission  
File Number)

**06-0853042**  
(IRS Employer  
Identification No.)

**3 Great Pasture Road, Danbury, Connecticut**  
(Address of Principal Executive Offices)

**06813**  
(Zip Code)

**Registrant's telephone number, including area code: (203) 825-6000**

**Not Applicable**

(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:

- .. 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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FuelCell Energy, Inc. (the Company) is filing this Form 8-K/A to amend the Company's Current Report on Form 8-K, originally filed with the Securities and Exchange Commission on November 6, 2012. The purpose of the amendment is to remove confidential treatment from certain items in Exhibit 10.2.

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

(d) Exhibits.

Exhibit

No. Description

10.2 Cell Technology Transfer and License Agreement dated October 31, 2012

Confidential treatment has been requested as to certain portions of Exhibit 10.2. Redacted portions of the exhibits are marked with an \* and have been filed separately with the SEC.

**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.

FUELCELL ENERGY, INC.

Date: January 7, 2013

By: /s/ Michael S. Bishop  
Michael S. Bishop

Senior Vice President, Chief Financial Officer, Corporate Secretary  
and Treasurer

**EXHIBIT INDEX**

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