

UTSTARCOM INC  
Form 8-K  
May 02, 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): May 1, 2008

## 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)

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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))

Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

**Item 8.01 Other Events.**

On May 1, 2008, UTStarcom, Inc. (the Company ) issued a press release announcing a final settlement with the Securities and Exchange Commission (the SEC ) regarding the previously-disclosed SEC investigation of the Company s financial disclosures during prior reporting periods, historic option grant awards practices, certain historical sales contracts in China and other matters. A copy of the press release is attached as Exhibit 99.1, and the information in Exhibit 99.1 is incorporated herein by reference.

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

(d) Exhibits

The following exhibit is filed pursuant to Item 8.01:

| Exhibit No. | Description                     |
|-------------|---------------------------------|
| 99.1        | Press release dated May 1, 2008 |

**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: May 1, 2008

|        |   |
|--------|---|
| By:    | /s/ Francis P. Barton                                   |
| Name:  | Francis P. Barton                                       |
| Title: | Executive Vice President and Chief<br>Financial Officer |

**Exhibits**

| <b>Exhibit No.</b> | <b>Description</b>              |
|--------------------|---------------------------------|
| 99.1               | Press release dated May 1, 2008 |

4

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