

ACCURAY INC  
Form 8-K  
December 04, 2017

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

Washington, D.C. 20549

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**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): **December 4, 2017**

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**ACCURAY INCORPORATED**

(Exact name of registrant as specified in its charter)

**Delaware**

(State or other jurisdiction of incorporation)

**001-33301**  
(Commission File Number)

**20-8370041**  
(IRS Employer Identification No.)

**1310 Chesapeake Terrace**  
**Sunnyvale, California 94089**

## Edgar Filing: ACCURAY INC - Form 8-K

(Address of principal executive offices, including zip code)

(Registrant's telephone number, including area code): **(408) 716-4600**

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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))

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 of this chapter).

Emerging Growth Company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

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**Item 1.01 Entry into a Material Definitive Agreement.**

On December 4, 2017, Accuray Incorporated (the Company ) and The Bank of New York Mellon Trust Company, N.A., as trustee (the Trustee ), entered into a First Supplemental Indenture (the Supplemental Indenture ) to the Indenture, dated as of August 7, 2017, between the Company and the Trustee (the Original Indenture ), which governs the Company's 3.75% Convertible Senior Notes due 2022. The Company and the Trustee entered into the Supplemental Indenture to effect an amendment to cure a defect in the form of the Original Indenture. A copy of the Supplemental Indenture is filed as Exhibit 4.1 to this Current Report on Form 8-K.

The foregoing description of the Supplemental Indenture does not purport to be complete and is qualified in its entirety by reference to the First Supplemental Indenture, a copy of which is filed as Exhibit 4.1 to this Current Report on Form 8-K and is incorporated herein by reference.

**Item 2.03 Creation of a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement of a Registrant.**

The description of the Supplemental Indenture in Item 1.01 above is incorporated into this Item 2.03 by reference.

**Item 9.01 Financial Statements and Exhibits.**

*(d) Exhibits.*

Exhibit No.	Description
4.1	First Supplemental Indenture, dated as of December 4, 2017, between the Company and The Bank of New York Mellon Trust Company, N.A., as trustee.

EXHIBIT INDEX

Exhibit  
No.  
4.1

Description

First Supplemental Indenture, dated as of December 4, 2017, between the Company and The Bank of New York Mellon Trust Company, N.A., as trustee.

**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.

**Accuray Incorporated**

By: /s/ Alaleh Nouri  
Name: Alaleh Nouri  
Title: Senior Vice President, General Counsel

Date: December 4, 2017

*[Signature Page to 8-K]*