

**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

November 22, 2023

Date of Report (date of earliest event reported)

**Desktop Metal, Inc.**

(Exact name of Registrant as specified in its charter)

Delaware  
(State or other jurisdiction of  
incorporation or organization)

001-38835  
(Commission File Number)

83-2044042  
(IRS Employer  
Identification No.)

63 Third Avenue  
Burlington, Massachusetts 01803  
(Address of principal executive offices)

(978) 224-1244  
(Registrant's telephone number, including area code)

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 (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.

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Class A Common Stock, par value \$0.0001 per share	DM	New York Stock Exchange

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

On November 22, 2023, Desktop Metal, Inc. (the "Company," "we," "us" or "our") was notified by the New York Stock Exchange (the "NYSE") that it is not in compliance with Section 802.01C of the NYSE Listed Company Manual because the average closing price of the Company's common stock was less than \$1.00 over a consecutive 30 trading-day period. The notice does not result in the immediate delisting of the Company's common stock from the NYSE.

Pursuant to Section 802.01C, the Company has a period of six months from receipt of the notice to regain compliance with the minimum stock price listing requirement. The Company may regain compliance at any time during the six-month cure period if on the last trading day of any calendar month during the six-month cure period the common stock has a closing share price of at least \$1.00 and an average closing share price of at least \$1.00 over the 30 trading-day period ending on the last trading day of that month. If the Company is unable to regain compliance with the minimum share price requirement within the cure period, the NYSE will initiate procedures to suspend and delist the common stock. The Company intends to consider available alternatives, including, but not limited to, a reverse stock split, subject to stockholder approval no later than at the Company's next annual meeting of stockholders, if necessary, to cure the stock price non-compliance. Under the NYSE's rules, if the Company determines that it will cure the stock price deficiency by taking an action that will require stockholder approval at its next annual meeting of stockholders, the price condition will be deemed cured if the price promptly exceeds \$1.00 per share, and the price remains above that level for at least the following 30 trading days.

The Company has notified the NYSE of its intent to regain compliance with the requirements of Section 802.01C.

The Company's common stock will continue to be listed and trade on the NYSE during this period, subject to the Company's compliance with other NYSE continued listing standards.

#### **Item 7.01 Regulation FD Disclosure.**

As required by Section 802.01C of the NYSE Listed Company Manual, the Company issued a press release on November 29, 2023 announcing that it had received the notice of noncompliance with the NYSE's continued listing standard. A copy of the press release is attached as Exhibit 99.1 to this Current Report and is incorporated by reference to this Item 7.01.

The information in this Item 7.01, including Exhibit 99.1, is being furnished and shall not be deemed "filed" for the purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), and is not to be incorporated by reference into any filing by Company under the Securities Act of 1933, as amended, or the Exchange Act, regardless of any general incorporation language contained in such filing, unless otherwise expressly stated in such filing.

---

#### **Forward-Looking Statements**

This Current Report on Form 8-K includes forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. These statements include, but are not limited to, express or implied forward-looking statements relating to the Company's ability to maintain the listing of its common stock on the NYSE and any potential plans of the Company to cure the stock price deficiency, including by action that would require a stockholder vote. You are cautioned that such statements are not guarantees of future performance and that the Company's actual results may differ materially from those set forth in the forward-looking statements. All of these forward-looking statements are subject to risks and uncertainties that may change at any time. Factors that could cause the Company's actual expectations to differ materially from these forward-looking statements include the Company's ability to regain compliance with the continued listing standards of the NYSE within the applicable cure period, the Company's ability to continue to comply with applicable listing standards of the NYSE and the other factors under the heading "Risk Factors" set forth in the Company's Annual Report on Form 10-K, as supplemented by the Company's quarterly reports on Form 10-Q. Such filings are available on our website or at [www.sec.gov](http://www.sec.gov). You should not place undue reliance on these forward-looking statements, which are made only as of the date of this press release. The Company undertakes no obligation to publicly update or revise forward-looking statements to reflect subsequent developments, events, or circumstances, except as may be required under applicable securities laws.

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

(d) [Exhibits.](#)

<u>Exhibit</u> <u>No.</u>	<u>Description</u>
<a href="#">99.1</a>	<a href="#">Press Release of Desktop Metal, Inc., dated November 29, 2023.</a>
104	Cover Page Interactive Data File (embedded within the Inline XBRL document)

---

#### **SIGNATURE**

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, thereto duly authorized.

**Desktop Metal, Inc.**

Date: November 29, 2023

/s/ Meg Broderick

Name: Meg Broderick

Title: General Counsel and Corporate Secretary

---

**Desktop Metal, Inc. Receives Continued Listing Standard Notice from NYSE**

BOSTON, NOVEMBER 29, 2023 /BUSINESS WIRE/ -- Desktop Metal, Inc. (NYSE: DM) (“Desktop Metal”) today announced that it received notice from the New York Stock Exchange (the “NYSE”) on November 22, 2023, indicating that Desktop Metal is not in compliance with NYSE’s continued listing standards because the average closing price of Desktop Metal’s common stock was less than \$1.00 over a consecutive 30 trading-day period. The notice does not result in the immediate delisting of Desktop Metal’s common stock from the NYSE.

Under NYSE rules, Desktop Metal has a period of six months from receipt of the notice to regain compliance with the NYSE minimum stock price listing requirement. Desktop Metal has notified the NYSE of its intent to cure the stock price deficiency and return to compliance with the NYSE continued listing standards. Desktop Metal intends to consider available alternatives, including, but not limited to, a reverse stock split, subject to stockholder approval no later than at Desktop Metal’s next annual meeting of stockholders, if necessary, to cure the stock price non-compliance. Under the NYSE’s rules, if Desktop Metal determines that it will cure the stock price deficiency by taking an action that will require stockholder approval at its next annual meeting of stockholders, the price condition will be deemed cured if the price promptly exceeds \$1.00 per share, and the price remains above that level for at least the following 30 trading days.

Desktop Metal’s common stock will continue to be listed and trade on the NYSE during this cure period, subject to Desktop Metal’s compliance with other NYSE continued listing standards.

**About Desktop Metal**

Desktop Metal (NYSE:DM) is driving Additive Manufacturing 2.0, a new era of on-demand, digital mass production of industrial, medical, and consumer products. Our innovative 3D printers, materials, and software deliver the speed, cost, and part quality required for this transformation. We’re the original inventors and world leaders of the 3D printing methods we believe will empower this shift, binder jetting and digital light processing. Today, our systems print metal, polymer, sand and other ceramics, as well as foam and recycled wood. Manufacturers use our technology worldwide to save time and money, reduce waste, increase flexibility, and produce designs that solve the world’s toughest problems and enable once-impossible innovations. Learn more about Desktop Metal and our #TeamDM brands at [www.desktopmetal.com](http://www.desktopmetal.com).

**Forward-Looking Statements**

Certain statements in this press release may constitute “forward-looking statements” within the meaning of the federal securities laws. Forward-looking statements generally relate to future events, such as any potential plans of Desktop Metal to cure the stock price deficiency, including by action that would require a stockholder vote. You are cautioned that such statements are not guarantees of future performance and that Desktop Metal’s actual results may differ materially from those set forth in the forward-looking statements. All of these forward-looking statements are subject to risks and uncertainties that may change at any time. Factors that could cause Desktop Metal’s actual expectations to differ materially from these forward-looking statements include Desktop Metal’s ability to regain compliance with the continued listing standards of the NYSE within the applicable cure period, Desktop Metal’s ability to continue to comply with applicable listing standards of the NYSE and the other factors under the heading “Risk Factors” set forth in Desktop Metal’s Annual Report on Form 10-K, as supplemented by Desktop Metal’s quarterly reports on Form 10-Q. Such filings are available on our website or at [www.sec.gov](http://www.sec.gov). You should not place undue reliance on these forward-looking statements, which are made only as of the date of this press release. Desktop Metal undertakes no obligation to publicly update or revise forward-looking statements to reflect subsequent developments, events, or circumstances, except as may be required under applicable securities laws.

**Investor Relations:**

(857) 504-1084  
[DesktopMetalIR@icrinc.com](mailto:DesktopMetalIR@icrinc.com)

**Media Relations:**

Sarah Webster  
(313) 715-6988  
[sarahwebster@desktopmetal.com](mailto:sarahwebster@desktopmetal.com)

---