

SECURITIES AND EXCHANGE COMMISSION

FORM 8-K

Current report filing

Filing Date: **2013-06-10** | Period of Report: **2013-06-10**
SEC Accession No. [0001062993-13-002991](#)

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FILER

CHINA BAK BATTERY INC

CIK: [1117171](#) | IRS No.: [880442833](#) | State of Incorporation: **NV** | Fiscal Year End: **0930**
Type: **8-K** | Act: **34** | File No.: [001-32898](#) | Film No.: [13903826](#)
SIC: **3690** Miscellaneous electrical machinery, equipment & supplies

Mailing Address

*BAK INDUSTRIAL PARK, NO. 1 BAK STREET
KUICHONG TOWN,
LONGGANG DISTRICT
SHENZHEN PEOPLE F4
518119*

Business Address

*BAK INDUSTRIAL PARK, NO. 1 BAK STREET
KUICHONG TOWN,
LONGGANG DISTRICT
SHENZHEN PEOPLE F4
518119
86-755-8977-0093*

**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): June 5, 2013

CHINA BAK BATTERY, INC.

(Exact name of registrant as specified in its charter)

Nevada
*(State or other jurisdiction
of incorporation)*

001-32898
(Commission File No.)

86-0442833
*(IRS Employer
Identification No.)*

**BAK Industrial Park, No. 1 BAK Street
Kuichong Town, Longgang District
Shenzhen, 518119
People's Republic of China**
(Address, including zip code, of principal executive offices)
(86-755) 6188-6818, ext 6856
(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))
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Item 3.01 Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing.

On June 5, 2013, China BAK Battery, Inc. (the “Company”) received notice from the Listing Qualifications Department of The NASDAQ Stock Market indicating that, for the last 30 consecutive business days, the bid price for the Company’s common stock had closed below the minimum \$1.00 per share required for continued inclusion on The NASDAQ Global Market under NASDAQ Listing Rule 5450(a)(1). The notification letter states that the Company will be afforded 180 calendar days, or until December 2, 2013, to regain compliance with the minimum bid price requirement. In order to regain compliance, shares of the Company’s common stock must maintain a minimum closing bid price of at least \$1.00 per share for a minimum of ten consecutive business days.

In the event that the Company does not regain compliance within this period, it may be eligible for additional time to regain compliance by filing a listing application to transfer its common stock to The NASDAQ Capital Market and satisfying certain other requirements.

The Company intends to actively monitor the bid price for its common stock between now and December 2, 2013, and will consider all available options to resolve the deficiency and regain compliance with the NASDAQ minimum bid price requirement.

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 hereunto duly authorized.

CHINA BAK BATTERY, INC.

Date: June 10, 2013

By: /s/ Xiangqian Li
Xiangqian Li
Chief Executive Officer