

WINMARK CORP
Form 8-K
December 03, 2009

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): **December 2, 2009**

Winmark Corporation

(Exact Name of Registrant as Specified in Its Charter)

Minnesota

(State or Other Jurisdiction of Incorporation)

000-22012

(Commission File Number)

41-1622691

(I.R.S. Employer Identification Number)

605 Highway 169 N, Suite 400, Minneapolis, MN 55441

(Address of Principal Executive Offices) (Zip Code)

(763) 520-8500

(Registrant's Telephone Number, Including Area Code)

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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:

- 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 7.01 Regulation FD Disclosure.

On December 2, 2009, Winmark Corporation announced in a press release that it will assume the management of Tomsten, Inc. (dba Archiver s) (Archiver s). John L. Morgan, Winmark s Chairman and Chief Executive Officer will be named to Archiver s Board of Directors and will be named Chairman and Chief Executive Officer of Archiver s. A copy of the press release is attached as Exhibit 99.1 of this Current Report on Form 8-K.

Item 8.01 Other Events.

On December 2, 2009, Winmark Corporation announced in a press release that it will assume the management of Tomsten, Inc. (dba Archiver s) (Archiver s). John L. Morgan, Winmark s Chairman and Chief Executive Officer will be named to Archiver s Board of Directors and will be named Chairman and Chief Executive Officer of Archiver s. A copy of the press release is attached as Exhibit 99.1 of this Current Report on Form 8-K.

Item 9.01 Financial Statements and Exhibits.

(d) Exhibits:

99.1 Press Release dated December 2, 2009.

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.

WINMARK CORPORATION

Date: December 3, 2009

By: /s/ Anthony D. Ishaug
Anthony D. Ishaug
Chief Financial Officer

EXHIBIT INDEX

to

Form 8-K

Winmark Corporation

| Exhibit | Description |
|----------------|---------------------------------------|
| 99.1 | Press Release dated December 2, 2009. |