

ROCKY MOUNTAIN CHOCOLATE FACTORY INC

Form 8-K

January 08, 2004

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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): January 8, 2004

**Rocky Mountain Chocolate Factory, Inc.**

*(Exact name of registrant as specified in its charter)*

Colorado  
*(State or other jurisdiction  
of incorporation)*

0-14749  
*(Commission  
File Number)*

84-0910696  
*(IRS Employer  
Identification No.)*

265 Turner Drive  
Durango, Colorado 81303  
*(Address, including zip code, of principal executive offices)*

Registrant's telephone number, including area code: (970) 259-0554

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Item 12. Results of Operations and Financial Condition.

Item 7. Financial Statements and Exhibits.

SIGNATURE

INDEX TO EXHIBITS

EX-99.1 Press Release

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**Item 12. Results of Operations and Financial Condition.**

The Company has issued a press release for the three months ending November 30, 2003. The press release includes amounts determined in accordance with Generally Accepted Accounting Principles (GAAP) as well as some amounts which were not determined in accordance with GAAP. Non-GAAP measures include net income before provision for loss on accounts and notes receivable and related foreclosure costs related to the insolvency of a single franchisee.

**Item 7. Financial Statements and Exhibits.**

(c) Exhibits

| <u>Item</u> | <u>Exhibit</u>                        |
|-------------|---------------------------------------|
| 99.1        | Press Release, dated January 8, 2004. |

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**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 thereunto duly authorized.

ROCKY MOUNTAIN CHOCOLATE FACTORY,  
INC.

Date: January 8, 2004

By: /s/ Bryan J. Merryman

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Bryan J. Merryman, Chief  
Operating Officer, Chief  
Financial Officer, Treasurer and  
Director

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**INDEX TO EXHIBITS**

| <b>Item<br/>Number</b> | <b>Exhibit</b>                       |
|------------------------|--------------------------------------|
| 99.1                   | Press Release, dated January 8, 2004 |