

DIEBOLD INC
Form NT 10-Q
November 09, 2007

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**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549
FORM 12b-25
NOTIFICATION OF LATE FILING**

(Check one): ☐ Form 10-K ☐ Form 20-F ☐ Form 11-K ☒ Form 10-Q ☐ Form 10-D ☐ Form N-SAR ☐ Form N-CSR

For Period Ended: September 30, 2007

☐ Transition Report on
Form 10-K

☐ Transition Report on
Form 20-F

☐ Transition Report on
Form 11-K

☐ Transition Report on
Form 10-Q

☐ Transition Report on
Form N-SAR

For the Transition Period
Ended:

Read Instruction (on back page) Before Preparing Form. Please Print or Type.

Nothing in this form shall be construed to imply that the Commission has verified any information contained herein.

If the notification relates to a portion of the filing checked above, identify the Item(s) to which the notification relates:

PART I REGISTRANT INFORMATION

Diebold, Incorporated

Full Name of Registrant

Former Name if Applicable

5995 Mayfair Road, PO Box 3077

Address of Principal Executive Office (*Street and Number*)

North Canton, Ohio 44720-8077

City, State and Zip Code

PART II RULES 12b-25(b) AND (c)

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check box if appropriate)

- (a) The reason described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense
 - ☐ (b) The subject annual report, semi-annual report, transition report on Form 10-K, Form 20-F, Form 11-K, Form N-SAR or Form N-CSR, or portion thereof, will be filed on or before the fifteenth calendar day following the prescribed due date; or the subject quarterly report or transition report on Form 10-Q or subject distribution report on Form 10-D, or portion thereof, will be filed on or before the fifth calendar day following the prescribed due date; and
 - (c) The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.
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PART III NARRATIVE

State below in reasonable detail why Forms 10-K, 20-F, 11-K, 10-Q, 10-D, N-SAR, N-CSR, or the transition report or portion thereof, could not be filed within the prescribed time period.

As previously announced, Diebold, Incorporated (the Company) has been in discussions with the Office of the Chief Accountant (the OCA) of the Securities and Exchange Commission (the SEC) with regard to its practice of recognizing certain revenue on a bill and hold basis in its North America business segment. As a result of those discussions, as previously announced the Company determined that it would discontinue its use of bill and hold as a method of revenue recognition in its North America business segment and international businesses. The Company is in the process of determining the most appropriate method to replace its bill and hold practice, and has sought additional guidance from the OCA. In addition, with regard to the SEC's on-going formal, non-public investigation, in October the Company received a further request for documentation with regards to certain bill and hold transactions and select prepaid and accrual accounts.

The Company will be unable to complete its financial statements for the quarter ended September 30, 2007 until it determines the most appropriate revenue recognition method and completes a review of these other outstanding accounting items described above. Accordingly, the Company will be unable to file its Quarterly Report on Form 10-Q for the quarter ended September 30, 2007 within the prescribed time period. The delays could not be eliminated without unreasonable effort or expense. The Company's Quarterly Reports on Form 10-Q for the quarters ended June 30, 2007 and September 30, 2007 will be filed as soon as practicable after resolution of these issues.

SEC 1344 (03-05) **Persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

(Attach extra Sheets if Needed)

PART IV OTHER INFORMATION

(1) Name and telephone number of person to contact in regard to this notification

Kevin J. Krakora
(Name)

(330)
(Area Code)

490-4000
(Telephone Number)

(2) Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the preceding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If answer is no, identify report(s).

Yes o No x

The Company has not yet filed its Quarterly Report on Form 10-Q for the quarter ended June 30, 2007.

(3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof?

Yes o No x

If so, attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

Diebold, Incorporated

(Name of Registrant as Specified in Charter)

has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Date November 9, 2007

By Kevin J. Krakora
Title: Executive Vice President and
Chief Financial Officer