

WINMARK CORP  
Form 8-K  
October 17, 2008

# 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): **October 16, 2008**

## 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)

**4200 Dahlberg Drive, Suite 100 Golden Valley, MN 55422-4837**

(Address of Principal Executive Offices) (Zip Code)

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(612) 520-8500

(Registrant's Telephone Number, Including Area Code)

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 2.02 Results of Operations and Financial Conditions

On October 16, 2008, Winmark Corporation ( Company ) announced in a press release its results of operations and financial condition for the third quarter ended September 27, 2008. A copy of the press release is attached as Exhibit 99.1 of this Current Report on Form 8-K.

### Item 7.01 Regulation FD Disclosure

On October 16, 2008, Winmark Corporation ( Company ) announced in a press release its results of operations and financial condition for the third quarter ended September 27, 2008. 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, Pro Forma Financial Information and Exhibits.

#### (c) Exhibits

99.1 Press Release dated October 16, 2008

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

WINMARK CORPORATION

Date: October 17, 2008

By:

*/s/ Catherine P. Heaven*

Catherine P. Heaven

Vice President and General Counsel

EXHIBIT INDEX

to

Form 8-K

Winmark Corporation

**Exhibit Number**

**Exhibit Description**

99.1 Press Release dated October 16, 2008

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