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Fuelcell Energy, Inc.

Extract: Bylaws Amended/Restated (Plain English Desc) from a [8-K](#) on 02/22/2024

[SEC Document](#)

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On and effective as of February 22, 2024, the Board of Directors of FuelCell Energy, Inc. (the "Company") amended and restated the Company's Second Amended and Restated By-laws (the "By-laws") to revise Sections 1.11(c) and 2.3(c) to remove the definition of "Acting in Concert" and all references to "Acting in Concert" therein (as so amended and restated, the "Amended By-laws"). Prior to such amendment and restatement, these provisions required stockholders seeking to submit proposals or to nominate director candidates at meetings of stockholders to provide the Company with certain information including, in certain instances, information regarding persons with whom such stockholders were "acting in concert" as defined in the By-laws.