**BYFUGLIN MAX S** Form 4

July 31, 2009

## FORM 4

# UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

Check this box if no longer subject to Section 16. Form 4 or

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF **SECURITIES** 

2. Issuer Name and Ticker or Trading

CHEESECAKE FACTORY INC

Form 5 Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, obligations Section 17(a) of the Public Utility Holding Company Act of 1935 or Section may continue. 30(h) of the Investment Company Act of 1940 See Instruction

Symbol

[CAKE]

1(b).

(Print or Type Responses)

(Last)

Common

stock

1. Name and Address of Reporting Person \* BYFUGLIN MAX S

(First) (Middle)

26901 MALIBU HILLS ROAD

CALABASAS HILLS, CA 91301

07/29/2009

(Street)

3. Date of Earliest Transaction (Month/Day/Year) 07/29/2009

4. If Amendment, Date Original

S

Filed(Month/Day/Year)

**OMB APPROVAL** 

**OMB** Number:

3235-0287

Expires:

January 31, 2005

Estimated average burden hours per

response... 0.5

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

Director 10% Owner X\_ Officer (give title Other (specify

below) below)

President (Subsidiary)

6. Individual or Joint/Group Filing(Check Applicable Line)

\_X\_ Form filed by One Reporting Person Form filed by More than One Reporting

I

Person

(City) (State) (Zip) Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned 1. Title of 2. Transaction Date 2A. Deemed 3. 4. Securities Acquired 5. Amount of 7. Nature of Security (Month/Day/Year) Execution Date, if Transaction(A) or Disposed of (D) Securities Ownership Indirect Form: Direct (Instr. 3) Code (Instr. 3, 4 and 5) Beneficially Beneficial Ownership (Month/Day/Year) Owned (D) or (Instr. 8) Following Indirect (I) (Instr. 4) Reported (Instr. 4) (A) Transaction(s) (Instr. 3 and 4) Code V Amount Price Common 26,500 (1) D stock Common 07/29/2009 S 900 D \$ 18.55 48,412 I By trust Stock Common 400 Ι S D 07/29/2009 48,012 By trust stock Common By trust 07/29/2009 S 100 47,912 Ι stock

3,200

D

\$ 18.56 44,712

By trust

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Common stock	07/29/2009	S	2,480	D	\$ 18.565	42,232	I	By trust
Common stock	07/29/2009	S	800	D	\$ 18.568	41,432	I	By trust
Common stock	07/29/2009	S	1,520	D	\$ 18.57	39,912	I	By trust
Common stock	07/29/2009	S	100	D	\$ 18.579	39,812	I	By trust
Common stock	07/29/2009	S	400	D	\$ 18.58	39,412	I	By trust
Common stock	07/29/2009	S	800	D	\$ 18.59	38,612	I	By trust
Common stock	07/29/2009	S	900	D	\$ 18.6	37,712	I	By trust
Common stock	07/29/2009	S	700	D	\$ 18.605	37,012	I	By trust
Common stock	07/29/2009	S	320	D	\$ 18.608	36,692	I	By trust
Common stock	07/29/2009	S	1,300	D	\$ 18.61	35,392	I	By trust
Common stock	07/29/2009	S	80	D	\$ 18.618	35,312	I	By trust
Common stock	07/29/2009	S	1,012	D	\$ 18.62	34,300	I	By trust
Common stock	07/29/2009	S	300	D	\$ 18.63	34,000 (2)	I	By trust

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who 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.

SEC 1474

(9-02)

 $\label{thm:convergence} \begin{tabular}{ll} Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned \\ (e.g., puts, calls, warrants, options, convertible securities) \end{tabular}$ 

1. Title of	2.	3. Transaction Date	3A. Deemed	4.	5.	6. Date Exercisable and	7. Title and	8. Price of	9. Nu
Derivative	Conversion	(Month/Day/Year)	Execution Date, if	TransactionNumber		Expiration Date	Amount of	Derivative	Deriv
Security	or Exercise		any	Code	of	(Month/Day/Year)	Underlying	Security	Secui
(Instr. 3)	Price of		(Month/Day/Year)	(Instr. 8)	Derivativ	e	Securities	(Instr. 5)	Bene
	Derivative			Securities		(Instr. 3 and 4)		Owne	
	Security			Acquired				Follo	
					(A) or				Repo
					Disposed				Trans
					of (D)				(Instr
					(Instr. 3,				

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4, and 5)

Date Expiration Exercisable Date

Code V (A) (D)

Amount or Number of Shares

## **Reporting Owners**

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

BYFUGLIN MAX S

26901 MALIBU HILLS ROAD President (Subsidiary)
CALABASAS HILLS, CA 91301

**Signatures** 

Max Byfuglin by Debby Zurzolo, his attorney in fact 07/31/2009

\*\*Signature of Reporting Person Date

## **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) Of this amount, 10,000, 6,000, 2,000 and 2,000 shares represent restricted stock awards vesting on 1/4/2010, 2/5/2012, 2/5/2013 and 2/5/2014, respectively.
- (2) Shares are held by the Byfuglin Family Trust u/a 09/27/2003, of which Mr. Byfuglin and his wife are trustees.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential 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 number.

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