

CHEESECAKE FACTORY INC

Form 4

November 20, 2013

**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  
Form 5  
obligations  
may continue.  
See Instruction  
1(b).

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

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934,  
Section 17(a) of the Public Utility Holding Company Act of 1935 or Section  
30(h) of the Investment Company Act of 1940

## OMB APPROVAL

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(Print or Type Responses)

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

2. Issuer Name **and** Ticker or Trading  
Symbol  
CHEESECAKE FACTORY INC  
[CAKE]

5. Relationship of Reporting Person(s) to  
Issuer

(Check all applicable)

(Last) (First) (Middle)  
26901 MALIBU HILLS ROAD  
(Street)

3. Date of Earliest Transaction  
(Month/Day/Year)  
11/18/2013

\_\_\_\_ Director \_\_\_\_ 10% Owner  
\_\_\_\_X\_\_\_\_ Officer (give title below) \_\_\_\_ Other (specify below)  
President (Subsidiary)

CALABASAS HILLS, CA 91301

4. If Amendment, Date Original  
Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check  
Applicable Line)  
\_\_\_\_X\_\_\_\_ Form filed by One Reporting Person  
\_\_\_\_ Form filed by More than One Reporting  
Person

(City) (State) (Zip)

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) |        |                  | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|--------|------------------|---|--|---|
|                                 |                                      |  | Code                           | V   | Amount | (A) or (D) Price |   |  |   |
| Common Stock                    | 11/18/2013                           |  | M                              |   | 15,000 | A \$ 36.87       | 67,803  | I  | By Trust <u>(1)</u>                                   |
| Common Stock                    | 11/18/2013                           |  | S                              |   | 90     | D \$ 47.9        | 67,713  | I  | By Trust <u>(1)</u>                                   |
| Common Stock                    | 11/18/2013                           |  | S                              |   | 410    | D \$ 47.91       | 67,303  | I  | By Trust <u>(1)</u>                                   |
| Common Stock                    | 11/18/2013                           |  | S                              |   | 900    | D \$ 47.92       | 66,403  | I  | By Trust <u>(1)</u>                                   |
| Common Stock                    | 11/18/2013                           |  | S                              |   | 700    | D \$ 47.93       | 65,703  | I  | By Trust <u>(1)</u>                                   |

## Edgar Filing: CHEESECAKE FACTORY INC - Form 4

|              |            |   |       |   |          |        |   |                 |
|--------------|------------|---|-------|---|----------|--------|---|-----------------|
| Common Stock | 11/18/2013 | S | 100   | D | \$ 47.94 | 65,603 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 300   | D | \$ 47.95 | 65,303 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 200   | D | \$ 47.96 | 65,103 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 100   | D | \$ 47.97 | 65,003 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 200   | D | \$ 47.98 | 64,803 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 100   | D | \$ 47.99 | 64,703 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 6,099 | D | \$ 48    | 58,604 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 801   | D | \$ 48.01 | 57,803 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 1,200 | D | \$ 48.02 | 56,603 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 599   | D | \$ 48.04 | 56,004 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 500   | D | \$ 48.05 | 55,504 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 101   | D | \$ 48.06 | 55,403 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 200   | D | \$ 48.07 | 55,203 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 1,179 | D | \$ 48.08 | 54,024 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 921   | D | \$ 48.09 | 53,103 | I | By Trust<br>(1) |
| Common Stock | 11/18/2013 | S | 300   | D | \$ 48.1  | 52,803 | I | By Trust<br>(1) |
| Common Stock |            |   |       |   |          | 25,000 | D |                 |

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)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned**  
(e.g., puts, calls, warrants, options, convertible securities)

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| 1. Title of<br>Derivative<br>Security<br>(Instr. 3) | 2.<br>Conversion<br>or Exercise<br>Price of<br>Derivative<br>Security | 3. Transaction Date<br>(Month/Day/Year) | 3A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | 4.<br>Transaction<br>Code<br>(Instr. 8) | 5. Number of<br>Derivative<br>Securities<br>Acquired (A)<br>or Disposed of<br>(D)<br>(Instr. 3, 4,<br>and 5) | 6. Date Exercisable and<br>Expiration Date<br>(Month/Day/Year) | 7. Title and Amount of<br>Underlying Securities<br>(Instr. 3 and 4) | Amount<br>or<br>Number<br>of Shares |
|---|---|---|---|---|--|--|---|-------------------------------------|
| Employee<br>Stock<br>Option<br>(right to<br>buy)    | \$ 36.87  | 11/18/2013                              |   | M                                       | 15,000   | 01/04/2007 01/04/2016  | Common<br>Stock   | 15,000                              |

## Reporting Owners

| Reporting Owner Name / Address   | Relationships                    |
|--|----------------------------------|
|  | Director 10% Owner Officer Other |
| BYFUGLIN MAX S<br>26901 MALIBU HILLS ROAD<br>CALABASAS HILLS, CA 91301 | President (Subsidiary)           |

## Signatures

Max. S.  
Byfuglin 11/20/2013

\_\_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) Shares held by the Byfuglin Family Trust u/t/a 9/27/2003 of which the reporting person and his spouse 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.

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