

BYFUGLIN MAX S  
Form 4  
January 07, 2010

**FORM 4**

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

OMB APPROVAL

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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

(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)  
01/05/2010

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

CALABASAS HILLS, CA 91301

(City) (State) (Zip)

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

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

**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)
				(A) or (D)	Price		
Common stock	01/05/2010		S	150 <sup>(2)</sup> D	\$ 21.62 43,850	I	By Trust
Common stock	01/05/2010		S	900 <sup>(2)</sup> D	\$ 21.655 42,950	I	By trust
Common stock	01/05/2010		S	100 <sup>(2)</sup> D	\$ 21.66 42,850	I	By trust
Common stock	01/05/2010		S	100 <sup>(2)</sup> D	\$ 21.69 42,750	I	By trust
Common stock	01/05/2010		S	400 <sup>(2)</sup> D	\$ 21.7 42,350	I	By trust

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Common stock	01/05/2010	S	200 <sup>(2)</sup>	D	\$ 21.73	42,150	I	By trust
Common stock	01/05/2010	S	300 <sup>(2)</sup>	D	\$ 21.74	41,850	I	By trust
Common stock	01/05/2010	S	600 <sup>(2)</sup>	D	\$ 21.745	41,250	I	By trust
Common stock	01/05/2010	S	400 <sup>(2)</sup>	D	\$ 21.75	40,850	I	By trust
Common stock	01/05/2010	S	300 <sup>(2)</sup>	D	\$ 21.76	40,550	I	By trust
Common stock	01/05/2010	S	200 <sup>(2)</sup>	D	\$ 21.77	40,350	I	By trust
Common stock	01/05/2010	S	100 <sup>(2)</sup>	D	\$ 21.8	40,250	I	By trust
Common stock	01/05/2010	S	100 <sup>(2)</sup>	D	\$ 21.82	40,150	I	By trust
Common stock	01/05/2010	S	200 <sup>(2)</sup>	D	\$ 21.83	39,950	I	By trust <sup>(1)</sup>
Common stock						16,500	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.**

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(9-02)

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

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)	7. Title and Amount of Underlying Securities (Instr. 3 and 4)	8. Price of Derivative Security (Instr. 5)	9. Number of Derivative Securities Beneficially Owned Following Reported Transaction (Instr. 6)
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares

## Reporting Owners

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

## Signatures

Max Byfuglin by Debby Zurzolo, his attorney in fact	01/07/2010
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\_\_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/a 9/27/2003 of which Mr. Byfuglin and his wife are trustees.
  - (2) Sale of shares pursuant to 10b5-1 trading plan to satisfy tax withholding on vesting of restricted stock. Proceeds were tendered to the Company in satisfaction of tax withholding obligation.

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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