

CREE INC

Form 4

October 26, 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
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 *
SWOBODA CHARLES M

(Last) (First) (Middle)

**C/O CREE, INC., 4600 SILICON
DRIVE**

(Street)

DURHAM, NC 27703

(City) (State) (Zip)

2. Issuer Name **and** Ticker or Trading
Symbol
CREE INC [CREE]

3. Date of Earliest Transaction
(Month/Day/Year)
10/22/2009

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

5. Relationship of Reporting Person(s) to
Issuer

(Check all applicable)

☒ Director ☐ 10% Owner
☒ Officer (give title below) ☐ Other (specify below)
CHAIRMAN, PRESIDENT AND CEO

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)
			Code	V	Amount	(A) or (D)	Price		
COMMON STOCK	10/22/2009		M		6,000	A	\$ 25.47	237,314	D
COMMON STOCK	10/22/2009		M		50,000	A	\$ 31.24	287,314	D
COMMON STOCK	10/22/2009		M		280,000	A	\$ 34.625	567,314	D
COMMON STOCK	10/22/2009		M		20,661	A	\$ 41.9688	587,975	D
COMMON STOCK	10/22/2009		S ⁽¹⁾		1,400	D	\$ 44.3	586,575	D

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COMMON STOCK	10/22/2009	<u>S(1)</u>	1,000	D	\$ 44.3001	585,575	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	600	D	\$ 44.3016	584,975	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	200	D	\$ 44.3025	584,775	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	1,000	D	\$ 44.3032	583,775	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	600	D	\$ 44.31	583,175	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	400	D	\$ 44.3125	582,775	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	1,000	D	\$ 44.3132	581,775	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	200	D	\$ 44.315	581,575	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	4,100	D	\$ 44.32	577,475	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	2,600	D	\$ 44.34	574,875	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	1,000	D	\$ 44.3401	573,875	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	4,500	D	\$ 44.35	569,375	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	2,800	D	\$ 44.36	566,575	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	2,500	D	\$ 44.37	564,075	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	2,800	D	\$ 44.39	561,275	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	5,400	D	\$ 44.4	555,875	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	1,900	D	\$ 44.41	553,975	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	3,400	D	\$ 44.42	550,575	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	8,500	D	\$ 44.44	542,075	D
COMMON STOCK	10/22/2009	<u>S(1)</u>	11,800	D	\$ 44.45	530,275	D
	10/22/2009	<u>S(1)</u>	4,000	D	\$ 44.46	526,275	D

COMMON
STOCK

COMMON STOCK	10/22/2009	S ⁽¹⁾	14,240	D	\$ 44.47	512,035	D
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Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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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 Underlying (Instr. 3)	
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title
NONQUALIFIED STOCK OPTION (RIGHT TO BUY)	\$ 25.47	10/22/2009		M	6,000	09/01/2006 ⁽²⁾	09/01/2012	COMMON STOCK
NONQUALIFIED STOCK OPTION (RIGHT TO BUY)	\$ 31.24	10/22/2009		M	50,000	04/15/2005	10/01/2011	COMMON STOCK
NONQUALIFIED STOCK OPTION (RIGHT TO BUY)	\$ 34.625	10/22/2009		M	280,000	02/01/2002 ⁽³⁾	02/01/2011	COMMON STOCK
NONQUALIFIED STOCK OPTION (RIGHT TO BUY)	\$ 41.9688	10/22/2009		M	20,661	07/01/2000 ⁽⁴⁾	01/03/2010	COMMON STOCK

Reporting Owners

Reporting Owner Name / Address	Relationships
	Director 10% Owner Officer Other
SWOBODA CHARLES M C/O CREE, INC. 4600 SILICON DRIVE DURHAM, NC 27703	X CHAIRMAN, PRESIDENT AND CEO

Signatures

Tamara Cappelson,
Attorney-In-Fact

10/26/2009

__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) The sales reported on this Form 4 were effected pursuant to a Rule 10b5-1 trading plan adopted by Mr. Swoboda on June 5, 2009.
- (2) Option vested as to 2,000 shares on September 1, 2006, September 1, 2007 and September 1, 2008.
- (3) Option vested as to 200,000 shares on February 1, 2002 and as to 80,000 shares on February 1, 2003.
- (4) Option vested as to 30,000 shares on July 1, 2000 and July 1, 2001.

Remarks:

Form 1 of 2

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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