

CHEESECAKE FACTORY INC

Form 8-K

October 24, 2008

**UNITED STATES**

**SECURITIES AND EXCHANGE COMMISSION**

**FORM 8-K**



**CURRENT REPORT**

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**PURSUANT TO SECTION 13 OR 15(d) OF**

**THE SECURITIES EXCHANGE ACT OF 1934**





**Date of Report (Date of earliest event reported):**

October 23, 2008



**THE CHEESECAKE FACTORY INCORPORATED**

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(Exact Name of Registrant as Specified in its Charter)

**Delaware**  
(State or other jurisdiction  
of incorporation)

**0-20574**  
(Commission File Number)

**51-0340466**  
(IRS Employer Identification No.)

**26901 Malibu Hills Road**

**Calabasas Hills, California 91301**

(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code:

**(818) 871-3000**

**Not Applicable**

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- o Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - o Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - o Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14.d-2(b))
  - o Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**SECTION 2 FINANCIAL INFORMATION**

**ITEM 2.02**

**CONDITION**

**RESULTS OF OPERATIONS AND FINANCIAL**

In a press release dated October 23, 2008, The Cheesecake Factory Incorporated announced financial results for the Company's third quarter of fiscal 2008, which ended on September 30, 2008.

The full text of the press release is attached as Exhibit 99.1 to this report and is hereby incorporated by reference herein.

**ITEM 8 OTHER EVENTS**

**ITEM 8.01**

**OTHER EVENTS**





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In a press release dated October 24, 2008, The Cheesecake Factory Incorporated announced the opening of its newest Cheesecake Factory restaurant at the Towson Town Center in Towson, Maryland, a suburb of Baltimore, on October 23, 2008. The restaurant contains approximately 10,700 square feet and 290 seats.

The full text of the press release is attached as Exhibit 99.2 to this report and is hereby incorporated by reference herein.

**SECTION 9 FINANCIAL STATEMENTS AND EXHIBITS**

ITEM 9.01

## **FINANCIAL STATEMENTS AND EXHIBITS**

(d) Exhibits

**99.1 Press release dated October 23, 2008 entitled, The Cheesecake Factory Reports Results for Third Quarter of Fiscal 2008**

**99.2 Press release dated October 24, 2008 entitled, The Cheesecake Factory Opens in Towson, Maryland**



**SIGNATURES**

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Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: October 24, 2008

THE CHEESECAKE FACTORY INCORPORATED

By:

/s/ CHERYL M. SLOMANN  
Cheryl M. Slomann  
Interim Chief Financial Officer and Vice President,  
Controller



**EXHIBIT INDEX**

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<b>Exhibit</b>	<b>Description</b>
99.1	Press release dated October 23, 2008 entitled, The Cheesecake Factory Reports Results for Third Quarter of Fiscal 2008
99.2	Press release dated October 24, 2008 entitled, The Cheesecake Factory Opens in Towson, Maryland