## Edgar Filing: SWOBODA CHARLES M - Form 5

|   |                | Lugi         | -   |   |   |           |  |   |   |                |  |
|---|----------------|--------------|---|---|---|-----------|--|---|---|----------------|--|
| SWOBODA C   | CHARLES M      | 1            |   |   |   |           |  |   |   |                |  |
| Form 5<br>July 15, 2009   |                |              |   |   |   |           |  |   |   |                |  |
| FORM  | 5              |              |   |   |   |           |  |   | OMB AF  | PROVAL         |  |
|   | -              | ED STATE     | S SECURI  | TIES AND  | EXCHA   | NGI       | E COI                                  | MMISSION  | OMB   | 3235-0362      |  |
| Check this b  | ox if          |              |   | ington, D.C   |   |           |  |   | Number:   | January 31,    |  |
| no longer sul<br>to Section 16  | 5.             |              | PATENTEN.   |   |   |           |  |   | Expires:<br>Estimated a                             | 2005<br>Verage |  |
| Form 4 or Form ANNUAL S'I<br>5 obligations<br>may continue.           |                |              | ATEMENT OF CHANGES IN BENEFICIAL<br>OWNERSHIP OF SECURITIES   |   |   |           |  | ICIAL   | burden hours per<br>response                        |                |  |
| See Instruction 1(b).   | on<br>Filed    | pursuant to  | Section 16(   | (a) of the Se   | curities I  | Excha     | inge A                                 | Act of 1934,  |   |                |  |
| Form 3 Hold<br>Reported   |                | 17(a) of the | Public Util   | ity Holding   | Compan  | y Ac      | t of 19                                | 935 or Section  | 1   |                |  |
| Form 4<br>Transactions<br>Reported                                    |                | 30(h         | ) of the Inve   | estment Con   | npany Ao  | ct of     | 1940                                   |   |   |                |  |
| 1. Name and Address of Reporting Person <u>*</u><br>SWOBODA CHARLES M |                |              | 2. Issuer Name <b>and</b> Ticker or Trading<br>Symbol         |   |   |           |  | 5. Relationship of Reporting Person(s) to Issuer          |   |                |  |
| (7)   |                |              |   | CREE INC [CREE]   |   |           |  | (Check all applicable)                                    |   |                |  |
| (Last)  | (First)        | (Middle)     |   | 3. Statement for Issuer's Fiscal Year Ended<br>(Month/Day/Year) |   |           |  | X Director  | 10%   | Owner          |  |
| C/O CREE, II  | NC Â 4600      | SILICON      | 06/28/200   | )9  |   |           |  | X_Officer (give low)                                      | title Othe below)                                   | r (specify     |  |
| DRIVE   | NC.,A 4000     | SILICON      |   |   |   |           |  | CHAIRMAN, I   | PRESIDENT A   | ND CEO         |  |
| (Street)  |                |              | 4. If Amendment, Date Original<br>Filed(Month/Day/Year)       |   |   | 6.        | 6. Individual or Joint/Group Reporting |   |   |                |  |
|   |                |              | (   | ,   |   |           |  | (check  | applicable line)                                    |                |  |
| DURHAM,Â  | NCÂ 27703      | ,            |   |   |   |           |  |   |   |                |  |
|   | 1101121103     | ,            |   |   |   |           | _                                      | K_ Form Filed by C<br>_ Form Filed by M<br>rson           | One Reporting Pe<br>fore than One Re                |                |  |
| (City)  | (State)        | (Zip)        | Table ]   | I - Non-Deriva  | ative Secu  | rities 4  | Acquir                                 | ed, Disposed of   | , or Beneficiall                                    | y Owned        |  |
| 1.Title of  | 2. Transaction | n Date 2A. D |   | 3.  | 4. Securi   |           |  | 5. Amount of  | 6.  | 7. Nature of   |  |
| Security<br>(Instr. 3)  | any            |              | ution Date, if Transaction<br>Code<br>th/Day/Year) (Instr. 8) |   | Acquired (A) or<br>Disposed of (D)<br>(Instr. 3, 4 and 5) |           | )                                      | Securities<br>Beneficially<br>Owned at end<br>of Issuer's | Ownership<br>Form: Direct<br>(D) or<br>Indirect (I) | Ownership      |  |
|   |                |              |   |   |   | (A)<br>or |  | Fiscal Year<br>(Instr. 3 and                              | (Instr. 4)  | (Instr. 4)     |  |
|   |                |              |   |   | Amount  |           | Price                                  | 4)  |   |                |  |
| COMMON  |                |              |   |   |   |           |  |   |   |                |  |

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

Persons who respond to the collection of information SEC 2270 contained in this form are not required to respond unless the form displays a currently valid OMB control number.

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

(9-02)

| 1. Title of<br>Derivative<br>Security<br>(Instr. 3) | 3. Transaction Date<br>(Month/Day/Year) | 4.<br>Transaction<br>Code<br>(Instr. 8) | 5.<br>Number<br>of<br>Derivative<br>Securities<br>Acquired<br>(A) or<br>Disposed<br>of (D)<br>(Instr. 3,<br>4, and 5) |                     | ate                | Secur | int of<br>rlying                       | 8. Price of<br>Derivative<br>Security<br>(Instr. 5) | 9.<br>O<br>Se<br>B<br>O<br>Eı<br>Is<br>Fi<br>(I |
|---|---|---|---|---------------------|--------------------|-------|--|---|---|
|   |   |   | (A) (D)   | Date<br>Exercisable | Expiration<br>Date | Title | Amount<br>or<br>Number<br>of<br>Shares |   |   |

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## **Reporting Owners**

| Reporting Owner Name / Add  | Iress      | Relationships |                             |       |  |  |  |  |  |  |
|---|------------|---------------|-----------------------------|-------|--|--|--|--|--|--|
|   |            | 10% Owner     | Officer                     | Other |  |  |  |  |  |  |
| SWOBODA CHARLES M<br>C/O CREE, INC.<br>4600 SILICON DRIVE<br>DURHAM, NC 27703 | X          | Â             | CHAIRMAN, PRESIDENT AND CEO | Â     |  |  |  |  |  |  |
| Signatures  |            |               |                             |       |  |  |  |  |  |  |
| Tamara<br>Cappelson   | 07/15/2009 |               |                             |       |  |  |  |  |  |  |
| <u>**</u> Signature of<br>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) Number of shares reported includes 1,136 shares purchased on April 30, 2009 under the Cree, Inc. 2005 Employee Stock Purchase Plan.

Note: File three copies of this Form, one of which must be manually signed. If space provided 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.