

BERKSHIRE HATHAWAY INC

Form 4

August 13, 2009

# 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 \*  
BILL & MELINDA GATES  
FOUNDATION TRUST

2. Issuer Name and Ticker or Trading Symbol  
BERKSHIRE HATHAWAY INC  
[BRK/B]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)  
1551 EASTLAKE AVENUE E.  
(Street)

3. Date of Earliest Transaction (Month/Day/Year)  
08/12/2009

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

SEATTLE, WA 98102

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

(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) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|
|                                 |                                      |  |                                | (A) or (D)  | Price   |  |   |
| Class B Common Stock            | 08/12/2009                           |  | S <sup>(1)</sup>               | 40  | D \$ 3,362.8  | 1,656,738  | D   |
| Class B Common Stock            | 08/12/2009                           |  | S                              | 20  | D \$ 3,362.81   | 1,656,718  | D   |
| Class B Common Stock            | 08/12/2009                           |  | S                              | 90  | D \$ 3,363  | 1,656,628  | D   |
| Class B Common                  | 08/12/2009                           |  | S                              | 40  | D \$ 3,363.05   | 1,656,588  | D   |

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|                            |            |  |   |    |   |                |           |   |
|----------------------------|------------|--|---|----|---|----------------|-----------|---|
| Stock                      |            |  |   |    |   |                |           |   |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 10 | D | \$<br>3,363.31 | 1,656,578 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 80 | D | \$ 3,366       | 1,656,498 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 20 | D | \$<br>3,366.03 | 1,656,478 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 20 | D | \$ 3,370       | 1,656,458 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 80 | D | \$<br>3,370.03 | 1,656,378 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 70 | D | \$<br>3,370.05 | 1,656,308 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 10 | D | \$<br>3,370.06 | 1,656,298 | D |
| Class B<br>Common<br>Stock | 08/12/2009 |  | S | 20 | D | \$<br>3,370.07 | 1,656,278 | D |

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<br>Derivative<br>Security<br>(Instr. 3) | 2. 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. Transaction<br>Code<br>(Instr. 8) | 5. Number<br>of<br>Derivative<br>Securities<br>Acquired<br>(A) or<br>Disposed<br>of (D)<br>(Instr. 3,<br>4, and 5) | 6. Date Exercisable and<br>Expiration Date<br>(Month/Day/Year) | 7. Title and<br>Amount of<br>Underlying<br>Securities<br>(Instr. 3 and 4) | 8. Price of<br>Derivative<br>Security<br>(Instr. 5) | 9. Nu<br>Deriv<br>Secur<br>Bene<br>Own<br>Follo<br>Repor<br>Trans<br>(Instr |       |              |  |
|---|--|---|---|--------------------------------------|--|--|---|---|---|-------|--------------|--|
|   |  |   |   | Code                                 | V  | (A)  | (D)   | Date<br>Exercisable                                 | Expiration<br>Date  | Title | Amount<br>or |  |

Number  
of  
Shares

## Reporting Owners

| Reporting Owner Name / Address  | Relationships |           |         |       |
|---|---------------|-----------|---------|-------|
|   | Director      | 10% Owner | Officer | Other |
| BILL & MELINDA GATES FOUNDATION TRUST<br>1551 EASTLAKE AVENUE E.<br>SEATTLE, WA 98102 |               | X         |         |       |

## Signatures

Bill & Melinda Gates Foundation Trust By: /s/ Laurie A. Smiley, Attorney-in-Fact for each of the Co-Trustees, William H. Gates III and Melinda French Gates

08/13/2009

\_\_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 in this filing were made pursuant to Bill & Melinda Gates Foundation Trust's 10b5-1 sales plan to facilitate compliance with federal excise tax rules limiting excess business holdings by private foundations.

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