

ALPERT MICHAEL E
Form 4
June 02, 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 *
ALPERT MICHAEL E

2. Issuer Name and Ticker or Trading Symbol
JACK IN THE BOX INC /NEW/ [JACK]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

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

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

9330 BALBOA AVENUE

06/01/2009

(Street)

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

SAN DIEGO, CA 92123

(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 Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|
| | | | | (A) or (D) | Price | | |
| | | | | Code | V | Amount | |

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.

SEC 1474 (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 | 2. Conversion or Exercise | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any | 4. Transaction Code | 5. Number of Derivative Securities | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount of Underlying Security (Instr. 3 and 4) |
|---------------------------------|---------------------------|--------------------------------------|-----------------------------------|---------------------|------------------------------------|--|---|
|---------------------------------|---------------------------|--------------------------------------|-----------------------------------|---------------------|------------------------------------|--|---|

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| (Instr. 3) | Price of Derivative Security | (Month/Day/Year) | (Instr. 8) | Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | | | | | | | |
|---|------------------------------|------------------|------------|---|-------|-----|---------------------------|-----------------|--------------|--|--|
| | | | Code | V | (A) | (D) | Date Exercisable | Expiration Date | Title | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 1,000 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 900 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 1,269 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 1,743 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 345 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 1,500 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED STOCK OPTION (right to buy) | \$ 9.45 | 06/01/2009 | M | | 100 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |
| NON QUALIFIED | \$ 9.45 | 06/01/2009 | M | | 1,243 | | 05/06/2004 ⁽¹⁾ | 11/06/2013 | COMMON STOCK | | |

STOCK
OPTION
(right to buy)

NON
QUALIFIED
STOCK \$ 9.45 06/01/2009 M 600 05/06/2004⁽¹⁾ 11/06/2013 COMMON STOCK
OPTION
(right to buy)

NON
QUALIFIED
STOCK \$ 9.45 06/01/2009 M 1,137 05/06/2004⁽¹⁾ 11/06/2013 COMMON STOCK
OPTION
(right to buy)

NON
QUALIFIED
STOCK \$ 9.45 06/01/2009 M 200 05/06/2004⁽¹⁾ 11/06/2013 COMMON STOCK
OPTION
(right to buy)

NON
QUALIFIED
STOCK \$ 9.45 06/01/2009 M 9,963 05/06/2004⁽¹⁾ 11/06/2013 COMMON STOCK
OPTION
(right to buy)

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|---|---------------|-----------|---------|-------|
| | Director | 10% Owner | Officer | Other |
| ALPERT MICHAEL E 9330 BALBOA AVENUE SAN DIEGO, CA 92123 | | X | | |

Signatures

STEPHANIE BRINSFIELD by Power of Attorney for Michael E Alpert 06/01/2009

__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 stock option becomes exercisable at 100% commencing six months after the date of grant.

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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