#### Edgar Filing: LANDRYS RESTAURANTS INC - Form 3

#### LANDRYS RESTAURANTS INC

Form 3

November 15, 2007

# FORM 3 UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

OMB APPROVAL

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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

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF

**SECURITIES** 

30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting 2. Date of Event Requiring 3. Issuer Name and Ticker or Trading Symbol Person \* Statement LANDRYS RESTAURANTS INC [LNY] À DEUTSCHE BANK AG\ (Month/Day/Year) 11/05/2007 (Last) (First) (Middle) 4. Relationship of Reporting 5. If Amendment, Date Original Person(s) to Issuer Filed(Month/Day/Year) TAUNUSANLAGE 12 D-60325 (Check all applicable) (Street) 6. Individual or Joint/Group Filing(Check Applicable Line) \_X\_\_ 10% Owner Director \_X\_ Form filed by One Reporting Officer Other Person (give title below) (specify below) FRANKFURT AM Form filed by More than One MAIN, I8Â Reporting Person (City) (State) (Zip) Table I - Non-Derivative Securities Beneficially Owned 2. Amount of Securities 4. Nature of Indirect Beneficial 1. Title of Security Beneficially Owned Ownership (Instr. 4) Ownership (Instr. 4) Form: (Instr. 5) Direct (D) or Indirect (I) (Instr. 5) D Â LANDRYS RESTAURANTS INC. 1,797,402 Reminder: Report on a separate line for each class of securities beneficially SEC 1473 (7-02) 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

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

currently valid OMB control number.

1. Title of Derivative Security	2. Date Exercisable and		3. Title and Amount of Securities		4.	5.	6. Nature of	
(Instr. 4)	Expiration Date		Underlying Derivative Security		Conversion	Ownership	Indirect	
(Month/Day/Year)			(Instr. 4)		or Exercise	Form of	Beneficial	
	D. (	Expiration Date	Title	Amount or Number of Shares	Price of	Derivative	Ownership	
					Derivative	Security:	(Instr. 5)	
					Security	Direct (D)		
					•	or Indirect		

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						(I) (Instr. 5)	
LANDRYS RESTAURANTS INC. Total Return Swap	(1)	(1)	LANDRYS RESTAURANTS INC.	(1)	\$ <u>(1)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(2)	(2)	LANDRYS RESTAURANTS INC.	(2)	\$ <u>(2)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(3)	(3)	LANDRYS RESTAURANTS INC.	(3)	\$ <u>(3)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(4)	(4)	LANDRYS RESTAURANTS INC.	<u>(4)</u>	\$ <u>(4)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(5)	(5)	LANDRYS RESTAURANTS INC.	<u>(5)</u>	\$ <u>(5)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(6)	(6)	LANDRYS RESTAURANTS INC.	<u>(6)</u>	\$ <u>(6)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(7)	(7)	LANDRYS RESTAURANTS INC.	(7)	\$ <u>(7)</u>	D	Â
LANDRYS RESTAURANTS INC. Total Return Swap	(8)	(8)	LANDRYS RESTAURANTS INC.	(8)	\$ <u>(8)</u>	D	Â

## **Reporting Owners**

Reporting Owner Name / Address	Relationships					
	Director	10% Owner	Officer	Othe		
DEUTSCHE BANK AG\ TAUNUSANLAGE 12 D-60325 FRANKFURT AM MAIN, I8Â	Â	ÂX	Â	Â		

## **Signatures**

Jeffrey A. Ruiz 11/15/2007

\*\*Signature of Reporting Person Date

## **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 5(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) On December 5, 2006, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive periodic payment representing the market performance of a hypothetical position of 207,300 shares of Landry's common stock

Reporting Owners 2

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and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.

- On March 21, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive periodic payment representing the market performance of a hypothetical position of 97,800 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.
- On April 5, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive (3) periodic payment representing the market performance of a hypothetical position of 26,100 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.
- On April 20, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive periodic payment representing the market performance of a hypothetical position of 4,900 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.
- On May 4, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive (5) periodic payment representing the market performance of a hypothetical position of 165,500 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.
- On Jun 1, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive (6) periodic payment representing the market performance of a hypothetical position of 92,000 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.
- On June 15, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive (7) periodic payment representing the market performance of a hypothetical position of 37,500 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.
- On July 7, 2007, the reporting person entered into a security-based swap agreement under which the reporting person (a) will receive periodic payment representing the market performance of a hypothetical position of 148,800 shares of Landry's common stock and (b) will make periodic LIBOR-based cash payments based on the notional amount of the swap agreement.

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.