

SECURITIES AND EXCHANGE COMMISSION

FORM 5

Annual statement of changes in beneficial ownership of securities

Filing Date: **2009-01-26** | Period of Report: **2008-12-31**
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REPORTING OWNER

BUFFETT WARREN E

CIK: **315090**

Type: **5** | Act: **34** | File No.: **001-14905** | Film No.: **09545391**

Mailing Address

1400 KIEWIT PLZ 3555
FARNAM ST
STE 1440
OMAHA NE 68131

Business Address

1440 KIEWIT PLZ 3555
FARNAM ST
STE 1440
OMAHA NE 68131

ISSUER

BERKSHIRE HATHAWAY INC

CIK: **1067983** | IRS No.: **470813844** | State of Incorporation: **DE** | Fiscal Year End: **1231**
SIC: **6331** Fire, marine & casualty insurance

Mailing Address

1440 KIEWIT PLAZA
OMAHA NE 68131

Business Address

1440 KIEWIT PLZ
OMAHA NE 68131
4023461400

FORM 5

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).

Form 3 Holdings Reported

Form 4 Transactions Reported

ANNUAL STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP

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

| | | | | | | | | |
|--|---------|----------|--|--|--|--|--|--|
| 1. Name and Address of Reporting Person BUFFETT WARREN E | | | 2. Issuer Name and Ticker or Trading Symbol BERKSHIRE HATHAWAY INC [BRK.A] | | | 5. Relationship of Reporting Person(s) to Issuer (Check all applicable) <input checked="" type="checkbox"/> Director <input checked="" type="checkbox"/> 10% Owner <input checked="" type="checkbox"/> Officer (give title below) <input type="checkbox"/> Other (specify below) Chairman and CEO | | |
| (Last) | (First) | (Middle) | 3. Statement for Issuer's Fiscal Year Ended (Month/Day/Year) 12/31/2008 | | | 6. Individual or Joint/Group Reporting (Check applicable line) <input checked="" type="checkbox"/> Form Filed by One Reporting Person <input type="checkbox"/> Form Filed by More than One Reporting Person | | |
| 1440 KIEWIT PLAZA | | | 4. If Amendment, Date Original Filed(Month/Day/Year) | | | | | |
| (Street) | | | | | | | | |
| OMAHA, NE 68131 | | | | | | | | |
| (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 at end of Issuer's Fiscal Year (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|------------|-------|--|--|---|
| | | | | Amount | (A) or (D) | Price | | | |
| Class B Common Stock | 09/26/2008 ⁽¹⁾ | | G | 676 | D | \$ 0 | 2,019,592 | D | |
| Class B Common Stock | 12/11/2008 ⁽¹⁾ | | G | 595 | D | \$ 0 | 2,018,997 | D | |

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

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any (Month/Day/Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | | 6. Date Exercisable and Expiration Date (Month/Day/Year) | | 7. Title and Amount of Securities Underlying Derivative Security (Instr. 3 and 4) | 8. Price of Derivative Security (Instr. 5) | 9. Number of Derivative Securities Beneficially Owned Following Reported Transaction(s) (Instr. 4) | 10. Ownership Form of Derivative Security: Direct (D) or Indirect (I) (Instr. 4) | 11. Nature of Indirect Beneficial Ownership (Instr. 4) |
|--|--|--------------------------------------|--|--------------------------------|---|-----|--|-----------------|---|--|--|--|--|
| | | | | | (A) | (D) | Date Exercisable | Expiration Date | | | | | |
| Class A Common Stock | | | | | | | (3) | (3) | See Footnote 2. ⁽²⁾ | | 350,000 | D | |

Explanation of Responses:

1. Each of these reported transactions was a gift from Warren E. Buffett to a charitable organization.

2. Each share of Class A Common Stock is convertible at any time at the option of the holder into 30 shares of Class B Common Stock. In accordance with instructions to Form 4, my holdings of shares of Class A Common Stock are reported in Table II.

3. Not applicable.

Signatures

/s/ Warren E. Buffett

** Signature of Reporting Person

01/26/2009

Date

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

* 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).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure.

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 Number.