

BERKSHIRE HATHAWAY INC
Form POS AM
February 26, 2003

As filed with the Securities and Exchange Commission on February 26, 2003

Registration No. 333-44448

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

POST-EFFECTIVE AMENDMENT NO. 1 TO

FORM S-3

REGISTRATION STATEMENT

UNDER

THE SECURITIES ACT OF 1933

BERKSHIRE HATHAWAY INC.

(Exact name of Registrant as specified in its Charter)

Delaware

(State or Other Jurisdiction

of Incorporation or Organization)

47-0813844

(I.R.S. Employer

Identification Number)

1440 Kiewit Plaza

Omaha, Nebraska 68131

(402) 346-1400

Edgar Filing: BERKSHIRE HATHAWAY INC - Form POS AM

(Address, Including Zip Code, and Telephone Number, Including

Area Code, of Registrant's Principal Executive Offices)

Marc D. Hamburg

Berkshire Hathaway Inc.

1440 Kiewit Plaza

Omaha, Nebraska 68131

(402) 346-1400

(Name, Address, Including Zip Code, and Telephone Number,

Including Area Code, of Agent For Service)

Copy To:

Mary Ann Todd

Munger, Tolles & Olson LLP

355 South Grand Avenue

Los Angeles, California 90071

(213) 683-9100

EXPLANATORY NOTE

The sole purpose of this amendment is to remove from registration shares of common stock remaining unsold at the termination of an offering by selling shareholders.

This Post-Effective Amendment No. 1 amends the Registration Statement on Form S-3, file number 333-44448 (the Registration Statement), originally filed with the Securities and Exchange Commission on August 24, 2000 by Berkshire Hathaway Inc. (Berkshire). Berkshire filed the Registration Statement to register 2,529 shares of its Class A common stock and 1,363 shares of its Class B common stock for resale from time to time by the former shareholders of U.S. Investment Corporation (U.S. Investment), who acquired the shares in the acquisition of U.S. Investment by Berkshire. The Commission declared the Registration Statement effective on October 5, 2000. The offer of shares pursuant to the Registration Statement has terminated.

Pursuant to the undertaking in Item 17 of the Registration Statement, Berkshire hereby removes from registration, by means of this Post-Effective Amendment No. 1, the registered shares that were unsold at the termination of the offering pursuant to the Registration Statement.

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the Registrant certifies that it has reasonable grounds to believe that it meets all of the requirements for filing on Form S-3 and has duly caused this Post-Effective Amendment No. 1 to the Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of Omaha, State of Nebraska, on February 26, 2003.

BERKSHIRE HATHAWAY INC.

By: /s/ Marc D. Hamburg

Marc D. Hamburg

Vice President and Chief Financial Officer

Edgar Filing: BERKSHIRE HATHAWAY INC - Form POS AM

Pursuant to the requirements of the Securities Act of 1933, this Post-Effective Amendment No. 1 to the Registration Statement has been signed below by the following persons in the capacities and on the dates indicated.

| <u>Signature</u> | <u>Title</u> | <u>Date</u> |
|-------------------|---|-------------------|
| * _____ | Chairman of the Board and Director | February 26, 2003 |
| Warren E. Buffett | (principal executive officer) | |
| * _____ | Vice President and Chief Financial | February 26, 2003 |
| Marc D. Hamburg | Officer (principal financial officer) | |
| * _____ | Controller (principal accounting officer) | February 26, 2003 |
| Daniel J. Jaksich | | |
| * _____ | Vice-Chairman of the Board and Director | February 26, 2003 |
| Charles T. Munger | | |
| * _____ | Director | February 26, 2003 |
| Susan T. Buffett | | |
| * _____ | Director | February 26, 2003 |
| Malcolm G. Chace | | |
| * _____ | Director | February 26, 2003 |
| Walter Scott, Jr. | | |
| * _____ | Director | February 26, 2003 |
| Howard G. Buffett | | |
| * _____ | Director | February 26, 2003 |

Ronald L. Olson

*By /s/ Marc D. Hamburg _____

Marc D. Hamburg

Attorney-in-Fact pursuant to Power of Attorney previously

filed as part of this Registration Statement