

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

OMB APPROVAL	
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Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 or Section 30(h) of the Investment Company Act of 1940

1. Name and Address of Reporting Person* <u>RUBIN JAMES S</u> (Last) (First) (Middle) <u>667 MADISON AVENUE, 19TH FLOOR</u> (Street) <u>NEW YORK NY 10065</u> (City) (State) (Zip)	2. Date of Event Requiring Statement (Month/Day/Year) <u>06/23/2009</u>	3. Issuer Name and Ticker or Trading Symbol <u>OFFICE DEPOT INC [ODP]</u>	
		4. Relationship of Reporting Person(s) to Issuer (Check all applicable) <input checked="" type="checkbox"/> Director 10% Owner Officer (give title below) Other (specify below)	5. If Amendment, Date of Original Filed (Month/Day/Year) 6. Individual or Joint/Group Filing (Check Applicable Line) <input checked="" type="checkbox"/> Form filed by One Reporting Person Form filed by More than One Reporting Person

Table I - Non-Derivative Securities Beneficially Owned

1. Title of Security (Instr. 4)	2. Amount of Securities Beneficially Owned (Instr. 4)	3. Ownership Form: Direct (D) or Indirect (I) (Instr. 5)	4. Nature of Indirect Beneficial Ownership (Instr. 5)
<u>No securities are beneficially owned</u>	<u>0</u>	<u>D</u>	

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

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

Explanation of Responses:

Remarks:

No securities are beneficially owned. See Exhibit 99.1

/S/ JAMES RUBIN

07/02/2009

** Signature of Reporting Person

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 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).

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.

Mr. Rubin is associated with BC Partners, Inc., which acts as an advisor to (i) BC European Capital VIII-1 to 12 (inclusive), each a United Kingdom limited partnership ("Funds 1-12"); (ii) BC European Capital VIII-14 to 34 (inclusive), each a United Kingdom limited partnership ("Funds 14-34" and together with Funds 1-12, the "CIE Investors"); (iii) BC European Capital VIII-35 SC to 39 SC (inclusive), each a Societe Civiles organized under the laws of (the "LMBO Investors" and together with the CIE Investors, the "Investors"); (iv) LMBO Europe SAS, a Societe par actions simplifiee organized under the laws of France ("LMBO"); and (v) CIE Management II Limited, a limited corporation organized under the laws of Guernsey, Channel Islands ("CIE"). BC Partners, Inc. has no discretionary authority with respect to the investment decisions of any of the foregoing entities.

CIE is the general partner of each of the CIE Investors and LMBO is Gerant as to each of the LMBO Investors. BC Partners Holdings Limited, a limited corporation organized under the laws of Guernsey, Channel Islands ("BCHL"), is the controlling entity of each of (i) BC Partners, Inc.; (ii) CIE; and (iii) LMBO. The Investors, CIE and LMBO may be deemed to be a "group" (within the meaning of Section 13(d)(3) of the Securities Exchange Act) and, as such, may be deemed to be beneficial owners of (y) 274,596 shares of 10% Series A Redeemable Convertible Participating Perpetual Preferred Stock, par value \$0.01 per share and (z) 75,404 shares of 10% Series B Redeemable Conditional Convertible Participating Perpetual Preferred Stock, par value \$0.01 per share, of Office Depot, Inc. (the "Issuer"), each Investor, however, disclaims beneficial ownership with respect to the shares owned by each of the other Investors, CIE and LMBO.

This Form 3 report does not include any securities of the Issuer that may be deemed beneficially owned by the Investors, CIE or LMBO and Mr. Rubin disclaims beneficial ownership of all such securities. This report shall not be deemed an admission that Mr. Rubin is the beneficial owner of, or has any pecuniary interest in, such securities for the purposes of Section 16 of the Securities Exchange Act of 1934, as amended, or for any other purpose.