SEC Form 3

FORM 3

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

## 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

| LEVINE JOSHUA  | 2. Date of Event<br>Requiring Statement<br>(Month/Day/Year)<br>10/11/2012 |              | 3. Issuer Name and Ticker or Trading Symbol <u>ACCURAY INC</u> [ ARAY ]                   |  |                                   |  |   |   |  |
|--|---|--------------|---|--|-----------------------------------|--|---|---|--|
| (Last) (First) (Middle)<br>1310 CHESAPEAKE TERRACE   |   |              | . Relationship of Reporting Perso<br>Check all applicable)<br>Director                    | on(s) to Issuer<br>10% Owner           |                                   | 5. If Amendment, Date of Original Filed<br>(Month/Day/Year)  |   |   |  |
| (Street)   |   |              | X Officer (give title<br>below)<br>President & C  | Other (specify below)                  |                                   | 6. Individual or Joint/Group Filing (Check<br>Applicable Line)<br>X Form filed by One Reporting Person |   |   |  |
| SUNNYVALE CA 94089   |   |              | President & C   | EO                                     |                                   | л  |   | More than One   |  |
| (City) (State) (Zip)   |   |              |   |  |                                   |  |   |   |  |
| Table I - Non-Derivative Securities Beneficially Owned   |   |              |   |  |                                   |  |   |   |  |
| 1. Title of Security (Instr. 4)  |   |              | 2. Amount of Securities<br>Beneficially Owned (Instr. 4)<br>or Indirect (I)<br>(Instr. 5) |  | ;t(D)   (I                        |  |   |   |  |
| 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<br>Expiration Date<br>(Month/Day/Year)            |              | 3. Title and Amount of Securi<br>Underlying Derivative Securi                             | y (Instr. 4) Conve<br>or Exe           |                                   | rsion O<br>rcise F   | 5.<br>Ownership<br>Form:                    | 6. Nature of Indirect<br>Beneficial Ownership<br>(Instr. 5) |  |
|  | Date Exp<br>Exercisable Dat   | iration<br>e | Title   | Amount<br>or<br>Number<br>of<br>Shares | Price of<br>Derivativ<br>Security | ve o   | Direct (D)<br>or Indirect<br>(I) (Instr. 5) |   |  |

Explanation of Responses:

No securities are beneficially owned.

<u>By: Oria De La Cerda For:</u> Joshua H Levine

10/19/2012

\*\* 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.

## Power OF ATTORNEY

Known all by these presents, that the undersigned hereby authorizes (i) Oria De La Cerda or Darren Milliken of Accuray Incorporated (the "Company") and (ii) any attorney employed in the Palo Alto, CA office of Wilson Sonsini Goodrich & Rosati, to execute for and on behalf of the undersigned, in the undersigned's capacity as an officer and/or director of the Company, Forms 3, 4, and 5, and any amendments thereto, and cause such form(s) to be filed with the U.S. Securities and Exchange Commission (the "SEC") pursuant to Section 16(a) of the Securities Act of 1934, relating to the undersigned's beneficial ownership of securities in the Company. The undersigned hereby grants to each such attorney-in-fact full power and authority to do and perform any and every act and thing whatsoever requisite, necessary, or proper to be done in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as the undersigned might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that such attorney-in-fact, or such attorney-in-fact's substitute or substitutes shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted. The undersigned acknowledges that the foregoing attorneys-in-fact, in serving in such capacity at the request of the undersigned, are not assuming, nor is the Company assuming, any of the undersigned's responsibilities to comply with Section 16 of the Securities Exchange Act of 1934. This power of attorney shall remain in full force and effect until the undersigned is no longer required to file Forms 3, 4, and 5 with respect to the undersigned's holdings of, and transactions in, securities issued by the Company, unless earlier revoked by the undersigned in a signed writing delivered to the foregoing attorneys-in-fact.

IN WITNESS WHEREOF, the undersigned has caused this Power of Attorney to be executed as of this 12th day of October, 2012.

/s/ Joshua H Levine Signature

Joshua H Levine Print Name