Tu James Form 3 December 21, 2012

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

OMB APPROVAL

OMB Number:

3235-0104

Expires:

response...

January 31, 2005

0.5

Estimated average burden hours per

SECURITIES

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF

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

(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 ENERGY FOCUS, INC/DE [EFOI] Tu James (Month/Day/Year) 12/12/2012 (Last) (First) (Middle) 4. Relationship of Reporting 5. If Amendment, Date Original Person(s) to Issuer Filed(Month/Day/Year) 32000 AURORA ROAD (Check all applicable) (Street) 6. Individual or Joint/Group Filing(Check Applicable Line) 10% Owner \_X\_\_ Director \_X\_ Form filed by One Reporting Officer Other Person (give title below) (specify below) SOLON, OHÂ 44139 Form filed by More than One Reporting Person (City) (State) (Zip) Table I - Non-Derivative Securities Beneficially Owned 1. Title of Security 2. Amount of Securities 4. Nature of Indirect Beneficial (Instr. 4) Beneficially Owned Ownership Ownership (Instr. 4) Form: (Instr. 5) Direct (D) or Indirect (I) (Instr. 5) Shares held by 5 Elements Global  $I^{(1)}$ Common Stock 1,800,000 Fund LP Shares held by 5 Elements Common Stock  $I^{(2)}$ 3,800,000 Energy Efficiency Ltd 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

currently valid OMB control number.

information contained in this form are not required to respond unless the form displays a

| 1. Title of Derivative | 2. Date Exercisable and | 3. Title and Amount of | 4.          | 5.        | 6. Nature of Indirect |
|------------------------|-------------------------|------------------------|-------------|-----------|-----------------------|
| Security               | Expiration Date         | Securities Underlying  | Conversion  | Ownership | Beneficial            |
| (Instr. 4)             | (Month/Day/Year)        | Derivative Security    | or Exercise | Form of   | Ownership             |

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

#### Edgar Filing: Tu James - Form 3

|          | Date<br>Exercisable | Expiration<br>Date | (Instr. 4) Title | Amount or<br>Number of<br>Shares | Price of<br>Derivative<br>Security | Derivative<br>Security:<br>Direct (D)<br>or Indirect<br>(I)<br>(Instr. 5) | (Instr. 5)  |
|----------|---------------------|--------------------|------------------|----------------------------------|------------------------------------|---|---|
| Warrant  | 02/27/2012          | 02/27/2015         | Common<br>Stock  | 900,000                          | \$ 0.54                            | I (1)   | Warrants held by<br>5 Elements<br>Global Fund LP            |
| Warranty | 02/27/2012          | 02/27/2015         | Common<br>Stock  | 1,900,000                        | \$ 0.54                            | I (2)   | Warrants held by<br>5 Elements<br>Energy<br>Efficiency Ltd. |

### **Reporting Owners**

| Reporting Owner Name / Address                   | Relationships |           |         |       |  |  |
|--|---------------|-----------|---------|-------|--|--|
| 1 8  | Director      | 10% Owner | Officer | Other |  |  |
| Tu James<br>32000 AURORA ROAD<br>SOLON, OH 44139 | ÂΧ            | Â         | Â       | Â     |  |  |

## **Signatures**

/s/ Mark J. Plush 12/21/2012

\*\*Signature of Pate 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) James Tu is Founder, Chief Executive Officer and Chief Investment Officer of 5 Elements Global Fund.
- (2) Communal International Ltd. is a 50% owner of 5 Elements Energy Efficiency Ltd. James Tu is Co-Founder of Communal International Ltd, and has shared voting and power to dispose of the shares.

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.

Reporting Owners 2