

OVERSTOCK COM INC

Form 4

September 01, 2005

**FORM 4**
**UNITED STATES SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

Check this box  
if no longer  
subject to  
Section 16.  
Form 4 or  
Form 5  
obligations  
may continue.  
See Instruction  
1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF  
SECURITIES**

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

## OMB APPROVAL

OMB  
Number: 3235-0287  
Expires: January 31,  
2005  
Estimated average  
burden hours per  
response... 0.5

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
**BYRNE JOHN JOSEPH**

(Last) (First) (Middle)

6322 SOUTH 3000 EAST, SUITE  
100

(Street)

SALT LAKE CITY, UT 84121

(City) (State) (Zip)

2. Issuer Name **and** Ticker or Trading  
Symbol

**OVERSTOCK COM INC [OSTK]**

3. Date of Earliest Transaction  
(Month/Day/Year)

08/31/2005

4. If Amendment, Date Original  
Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to  
Issuer

(Check all applicable)

☒ Director ☐ 10% Owner  
☐ Officer (give title below) ☐ Other (specify below)

6. Individual or Joint/Group Filing(Check  
Applicable Line)  
☒ Form filed by One Reporting Person  
☐ Form filed by More than One Reporting  
Person

**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. Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
			Code	V	Amount	(A) or (D)	Price	
Common stock	08/31/2005		P		100	A	\$ 40.11	114,644 D
Common stock	08/31/2005		P		100	A	\$ 40.14	114,744 D
Common stock	08/31/2005		P		3,558	A	\$ 40.15	118,302 D
Common stock	08/31/2005		P		1,740	A	\$ 40.2	120,042 D
Common stock	08/31/2005		P		22,465	A	\$ 40.25	142,507 D

Edgar Filing: OVERSTOCK COM INC - Form 4

Common stock	08/31/2005	P	300	A	\$ 40.26	142,807	D	
Common stock	08/31/2005	P	300	A	\$ 40.29	143,107	D	
Common stock	08/31/2005	P	5,143	A	\$ 40.3	148,250	D	
Common stock	08/31/2005	P	400	A	\$ 40.31	148,650	D	
Common stock	08/31/2005	P	20,400	A	\$ 40.32	169,050	D	
Common stock	08/31/2005	P	300	A	\$ 40.33	169,350	D	
Common stock	08/31/2005	P	300	A	\$ 40.34	169,650	D	
Common stock	08/31/2005	P	5,577	A	\$ 40.35	175,227	D	
Common stock	08/31/2005	P	19,711	A	\$ 40.37	194,938	D	
Common stock	08/31/2005	P	1,000	A	\$ 40.38	195,938	D	
Common stock	08/31/2005	P	500	A	\$ 40.4	196,438	D	
Common stock	08/31/2005	P	400	A	\$ 40.44	196,838	D	
Common stock	08/31/2005	P	1,100	A	\$ 40.45	197,938	D	
Common stock	08/31/2005	P	100	A	\$ 40.49	198,038	D	
Common stock	08/31/2005	P	1,962	A	\$ 40.5	200,000	D	
Common stock						49,929	I	Held by spouse.
Common stock						415,468	I <sup>(1)</sup>	Held by Haverford Utah, LLC.
Common stock						201,693	I <sup>(1)</sup>	Held by High Meadows Finance, L.C.

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

**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 control number.**

SEC 1474  
(9-02)

**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 Underlying Securities (Instr. 3 and 4)	8. Price of Derivative Security (Instr. 5)	9. Nu Deriv Secur Bene Own Follo Repor Trans (Instr
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
BYRNE JOHN JOSEPH 6322 SOUTH 3000 EAST SUITE 100 SALT LAKE CITY, UT 84121	X			

## Signatures

/s/ John J. Byrne 08/31/2005

\_\_Signature of  
Reporting Person

Date

## Explanation of Responses:

\* 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).

The reporting person disclaims beneficial ownership of these securities, except to the extent of his pecuniary ownership therein, and this (1) report shall not be deemed an admission that the reporting person is the beneficial owner of the securities for purposes of Section 16 or any other purpose.

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.