

OVERSTOCK COM INC  
Form 4  
February 15, 2005

**FORM 4**

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

OMB APPROVAL

OMB Number: 3235-0287  
Expires: January 31, 2005  
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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

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
**HIGH PLAINS INVESTMENTS LLC**

(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)  
02/03/2005

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. Transaction 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 or Price			
Common stock	02/03/2005		P	1,300 (1) A \$ 48.4985	4,877,332	D	
Common stock	02/03/2005		P	1,600 (1) A \$ 48.4994	4,878,932	D	
Common stock	02/03/2005		P	4,000 (1) A \$ 48.5263	4,882,932	D	
Common stock	02/03/2005		P	900 (1) A \$ 48.53	4,883,832	D	
Common stock	02/03/2005		P	700 (1) A \$ 48.58	4,884,532	D	

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Common stock	02/03/2005	P	<u>2,000</u> (1)	A	\$ 48.595	4,886,532	D
Common stock	02/03/2005	P	<u>2,600</u> (1)	A	\$ 48.6	4,889,132	D
Common stock	02/03/2005	P	<u>2,000</u> (1)	A	\$ 48.685	4,891,132	D
Common stock	02/03/2005	P	900 (1)	A	\$ 48.74	4,892,032	D
Common stock	02/03/2005	P	<u>2,000</u> (1)	A	\$ 48.7431	4,894,032	D
Common stock	02/03/2005	P	<u>2,000</u> (1)	A	\$ 48.75	4,896,032	D

Common stock						201,693	I (2)	Held by High Meadows Finance, L.C.
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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.**

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(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. Number of Derivative Securities Beneficially Owned (Instr. 6)
				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

HIGH PLAINS INVESTMENTS LLC  
6322 SOUTH 3000 EAST  
SUITE 100  
SALT LAKE CITY, UT 84121

X

## Signatures

/s/John B.  
Pettway

02/15/2005

\_\_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).
- (1) The acquisition of the shares reported herein were previously reported on a Form 4 filed on February 4, 2005 as acquisitions by Patrick M. Byrne. Dr. Byrne is concurrently filing an amendment to his Form 4 to report his ownership of the shares as "Indirect" ownership.
  - (2) The reporting entity disclaims beneficial ownership of these securities, and this report shall not be deemed an admission that the reporting entity 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.