



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
OPERATIONS CENTER  
6432 GENERAL GREEN WAY  
ALEXANDRIA, VA 22312-2413

OFFICE OF FILINGS AND  
INFORMATION SERVICES

Mail Stop O-5

June 15, 2006

David E. Patch

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. 06-05783-FOIA

Dear Mr. Patch:

This letter is our final response to your request for information concerning Overstock.com.

After consulting with the staff, we have determined to release the requested information (copy enclosed), which may be responsive to your request.

If you have any questions, please contact me at (202) 551-8352.

Sincerely,

A handwritten signature in cursive script that reads "Jason Luetkenhaus".

Jason Luetkenhaus  
FOIA/Privacy Act Research Specialist

Enclosure

FOIA05783

**Total Fails by Date for Overstock.com  
January 1, 2005 to December 31, 2005**

<b>Date</b>	<b>Total Fails (shares)</b>
20050103	36,681
20050104	37,113
20050105	37,144
20050106	38,354
20050107	25,314
20050110	86,953
20050111	28,675
20050112	44,367
20050113	146,039
20050114	69,054
20050118	54,468
20050119	98,960
20050120	91,416
20050121	120,814
20050124	191,556
20050125	140,805
20050126	271,985
20050127	281,055
20050128	373,396
20050131	437,238
20050201	639,018
20050202	593,320
20050203	475,629
20050204	446,201
20050207	341,969
20050208	277,428
20050209	245,039
20050210	332,472
20050211	395,683
20050214	247,270
20050215	243,687
20050216	277,034
20050217	277,191
20050218	343,255
20050222	246,488
20050223	230,959
20050224	181,524
20050225	145,262
20050228	67,625
20050301	67,379
20050302	94,060
20050303	106,599
20050304	81,503
20050307	196,222
20050308	224,163
20050309	176,812
20050310	145,595
20050311	196,127

FOIA05783

20050314	210,392
20050315	42,497
20050316	49,204
20050317	90,840
20050318	142,950
20050321	65,922
20050322	30,048
20050323	68,578
20050324	69,616
20050328	22,898
20050329	13,197
20050330	23,151
20050331	24,432
20050401	34,119
20050404	23,101
20050405	41,089
20050406	40,131
20050407	85,190
20050408	74,848
20050411	32,895
20050412	175,366
20050413	38,072
20050414	20,392
20050415	61,585
20050418	185,909
20050419	163,839
20050420	188,089
20050421	253,483
20050422	215,998
20050425	191,935
20050426	508,172
20050427	374,802
20050428	513,152
20050429	424,497
20050502	455,334
20050503	596,307
20050504	911,402
20050505	1,217,695
20050506	1,096,251
20050509	903,294
20050510	645,866
20050511	543,022
20050512	468,267
20050513	504,995
20050516	535,493
20050517	623,532
20050518	624,069
20050519	787,261
20050520	700,148
20050523	748,422
20050524	747,875
20050525	827,877

FOIA05783

20050526	463,336
20050527	286,744
20050531	266,630
20050601	182,434
20050602	258,481
20050603	417,273
20050606	475,498
20050607	483,486
20050608	432,019
20050609	336,105
20050610	395,607
20050613	388,571
20050614	180,316
20050615	202,481
20050616	185,556
20050617	96,206
20050620	209,769
20050621	95,817
20050622	476,412
20050623	485,598
20050624	494,381
20050627	494,790
20050628	453,930
20050629	333,929
20050630	202,728
20050701	238,415
20050705	214,952
20050706	235,927
20050707	203,218
20050708	355,417
20050711	401,312
20050712	466,726
20050713	568,789
20050714	526,255
20050715	584,153
20050718	584,138
20050719	456,870
20050720	503,574
20050721	445,819
20050722	492,312
20050725	472,453
20050726	417,918
20050727	422,271
20050728	448,603
20050729	504,123
20050801	550,185
20050802	591,021
20050803	989,744
20050804	1,092,516
20050805	1,133,014
20050808	1,127,782
20050809	1,006,632

FOIA05783

20050810	994,948
20050811	945,792
20050812	874,639
20050815	870,509
20050816	866,105
20050817	1,040,286
20050818	1,223,226
20050819	1,198,478
20050822	1,209,616
20050823	1,262,626
20050824	979,699
20050825	1,068,887
20050826	1,043,878
20050829	1,046,328
20050830	1,061,091
20050831	1,036,244
20050901	1,062,460
20050902	1,089,422
20050906	1,103,302
20050907	1,249,861
20050908	1,224,503
20050909	1,154,985
20050912	1,199,625
20050913	1,203,792
20050914	1,090,950
20050915	1,106,487
20050916	1,045,236
20050919	1,203,140
20050920	1,319,187
20050921	1,295,651
20050922	1,348,562
20050923	1,503,029
20050926	1,747,719
20050927	1,841,123
20050928	1,869,245
20050929	1,877,718
20050930	1,903,825
20051003	1,921,371
20051004	1,965,903
20051005	1,973,726
20051006	1,776,791
20051007	1,973,085
20051011	1,871,592
20051012	1,869,643
20051013	1,874,587
20051014	1,892,639
20051017	2,096,239
20051018	2,195,093
20051019	2,175,433
20051020	2,076,836
20051021	2,190,774
20051024	2,321,990

## FOIA05783

20051025	2,308,434
20051026	2,076,317
20051027	2,051,781
20051028	2,094,374
20051031	2,158,703
20051101	2,219,904
20051102	2,254,706
20051103	2,208,882
20051104	2,136,209
20051107	2,063,731
20051108	1,875,256
20051109	1,927,953
20051110	2,050,243
20051114	2,103,252
20051115	2,100,628
20051116	2,066,507
20051117	2,082,433
20051118	2,120,031
20051121	2,130,961
20051122	2,069,399
20051123	2,075,771
20051125	2,122,541
20051128	2,100,865
20051129	2,099,440
20051130	2,068,314
20051201	2,087,263
20051202	2,074,615
20051205	2,139,819
20051206	2,130,889
20051207	1,949,787
20051208	1,837,230
20051209	1,965,407
20051212	1,953,691
20051213	1,879,452
20051214	1,753,786
20051215	1,768,461
20051216	1,899,010
20051219	1,812,231
20051220	1,848,852
20051221	2,166,747
20051222	2,062,349
20051223	2,105,501
20051227	2,111,883
20051228	2,131,278
20051229	2,026,646
20051230	2,062,328

Note: Includes all dates with at least 10,000 shares in total fails.

Source: DTCC