SEC Form 4

FORM 4

Check this box if no longer subject to

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549 STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OMB APPROVAL

OMB Number:	3235-0287
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Section 16. Forn obligations may Instruction 1(b).		Filed	pursuant to Section 16(a) of the Securities Exchange Act of 1934		Estimated average burden hours per response: 0		0.5	
.,			or Section 30(h) of the Investment Company Act of 1940					
1. Name and Addre Burkland Dat	1 0	on [*]	2. Issuer Name and Ticker or Trading Symbol <u>Five9, Inc.</u> [FIVN]		all applicab Director	,	10% Owner	r
(Last) C/O FIVE9, INC	(First)	(Middle)	3. Date of Earliest Transaction (Month/Day/Year) 08/01/2023	X Officer (give title below) Pres. & Chief Reve			Other (specify below) nue Officer	
3001 BISHOP D	Address of Reporting Person* <u>d Daniel P.</u> (First) (Middle) 9, INC. HOP DR., STE. #350		4. If Amendment, Date of Original Filed (Month/Day/Year)	6. Indiv Line)	vidual or Joir	nt/Group Filing	(Check Applic	able
				Х	Form filed	by One Repor	ting Person	
(Street) SAN RAMON	CA	94583			Form filed Person	by More than	One Reporting	3
(City)	(State)	(Zip)	Rule 10b5-1(c) Transaction Indication					
			X Check this box to indicate that a transaction was made pursuant to satisfy the affirmative defense conditions of Rule 10b5-1(c). See In			or written plan t	hat is intended f	to

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. Transac Code (II 8)				5. Amount of Securities Beneficially Owned Following Reported	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership	
			Code	v	Amount	(A) or (D)	Price	Transaction(s) (Instr. 3 and 4)		(Instr. 4)
Common Stock	08/01/2023		М		8,000	A	\$14.39	117,875	D	
Common Stock	08/01/2023		S		1,300 ⁽¹⁾	D	\$85.05 ⁽²⁾	116,575	D	
Common Stock	08/01/2023		S		2,890 ⁽¹⁾	D	\$86.01 ⁽³⁾	113,685	D	
Common Stock	08/01/2023		S		3,810 ⁽¹⁾	D	\$87.12(4)	109,875	D	

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

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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 Securities Underlying Derivative Security (Instr. 3 and 4)		8. Price of Derivative Security (Instr. 5)	9. Number of derivative Securities Beneficially Owned Following Reported Transaction(s) (Instr. 4)	10. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	11. Nature of Indirect Beneficial Ownership (Instr. 4)
				Code	v	(A)	(D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares				L
Employee Stock Option (right to buy)	\$14.39	08/01/2023		М			8,000	(5)	11/14/2026	Common Stock	8,000	\$0	27,459	D	

Explanation of Responses:

1. The sales reported in this Form 4 were effected pursuant to a Rule 10b5-1 trading plan adopted by the reporting person on August 12, 2022.

2. The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$84.67 to \$85.64, inclusive. The reporting person undertakes to provide Five9, Inc., any security holder of Five9, Inc., or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the ranges set forth in this footnote.

3. The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$85.68 to \$86.68, inclusive. The reporting person undertakes to provide Five9, Inc., any security holder of Five9, Inc., or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the ranges set forth in this footnote.

4. The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$86.69 to \$87.63, inclusive. The reporting person undertakes to provide Five9, Inc., any security holder of Five9, Inc., or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the ranges set forth in this footnote.

5. The option granted on November 14, 2016 is fully vested.

Remarks:

/s/ David Hill, Attorney in Fact 08/03/2023

** 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 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).

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.