#### FALCONSTOR SOFTWARE INC

Form 4/A August 28, 2015

## FORM 4

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

**OMB APPROVAL OMB** 3235-0287

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subject to Section 16. Form 4 or Form 5 obligations may continue.

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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

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

**SECURITIES** 

30(h) of the Investment Company Act of 1940

1(b).

(Print or Type Responses)

See Instruction

1. Name and Address of Reporting Person * HALE MARTIN M JR			2. Issuer Name <b>and</b> Ticker or Trading Symbol FALCONSTOR SOFTWARE INC [FALC]					5. Relationship of Reporting Person(s) to Issuer  (Check all applicable)			
(Last) 17 STATE	(First) (N	Middle) 3230	3. Date of Earliest Transaction (Month/Day/Year) 08/05/2015				X DirectorX 10% Owner Officer (give titleX Other (specify below) See Remarks				
			4. If Amendment, Date Original Filed(Month/Day/Year) 08/07/2015				6. Individual or Joint/Group Filing(Check Applicable Line) _X_ Form filed by One Reporting Person Form filed by More than One Reporting Person uired, Disposed of, or Beneficially Owned				
1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	Execution any	ned	3.	4. Securitie on(A) or Disp (Instr. 3, 4	es Acq	uired of (D)	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	
Common Stock	08/05/2015			P	372,186	A	\$ 1.52	595,377	I	See footnotes (1) (2) (3)	

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

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

### Edgar Filing: FALCONSTOR SOFTWARE INC - Form 4/A

1. Title of	2.	3. Transaction Date	3A. Deemed	4.	5.	6. Date Exerc	cisable and	7. Titl	e and	8. Price of	9. Nu
Derivative	Conversion	(Month/Day/Year)	Execution Date, if	Transacti	orNumber	Expiration D	ate	Amou	nt of	Derivative	Deriv
Security	or Exercise		any	Code	of	(Month/Day/	Year)	Under	lying	Security	Secui
(Instr. 3)	Price of		(Month/Day/Year)	(Instr. 8)	Derivativ	e		Securi	ities	(Instr. 5)	Bene
	Derivative				Securities	S		(Instr.	3 and 4)		Owne
	Security				Acquired						Follo
	•				(A) or						Repo
					Disposed						Trans
					of (D)						(Instr
					(Instr. 3,						,
					4, and 5)						
									Amount		
						Date	Expiration		or		
						Exercisable Date	•	Title Numb	Number		
									of		
				Code V	(A) (D)				Shares		

# **Reporting Owners**

Reporting Owner Name / Address	Relationships						
reporting owner rune, runess	Director	10% Owner	Officer	Other			
HALE MARTIN M JR 17 STATE STREET, SUITE 3230	X	X		See Remarks			
NEW YORK, NY 10004	Α	Α		See Remarks			

## **Signatures**

/s/ Martin M.
Hale, Jr.

\*\*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 shares of common stock (the "Common Stock") of Falconstor Software Inc. (the "Issuer") reported herein are held by Hale Capital Partners, LP, a Delaware limited partnership ("HCP").

MH is the Chief Executive Officer of HCP. MH is also (i) the sole owner and managing member of Hale Fund Partners, LLC, a

- Delaware limited liability company ("HFP"), the general partner of HCP and (ii) the sole owner and Chief Executive Officer of Hale
  Fund Management, LLC, a Delaware limited liability company ("HFM"). HFM is (i) the general partner of Hale Capital Management,
  LP ("HCM"), the manager of HCP and (ii) the manager of HCP-FVA, LLC, a Delaware limited liability company ("HCP-FVA") that
  owns shares of the Issuer's Series A Convertible Preferred Stock. Each of MH, HFP, HFM and HCM disclaims beneficial ownership of
  the securities reported herein, except to the extent of his or its pecuniary interest.
- (3) This Form 4 Amendment is being filed to correct that HCP is the owner of shares of Common Stock reported as being purchased on August 5, 2015. The initial Form 4 had inadvertently reported that HCP-FVA was the owner of such shares of Common Stock.

#### **Remarks:**

MH serves as a director on the board of directors of the Issuer as a representative of HCP-FVA. Accordingly, HCP, HFP, HFM

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.

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