## SEC Form 4

 $\square$ 

## 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

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 or Section 30(h) of the Investment Company Act of 1940

|                          | OMB APPROVAL |  |  |  |  |  |  |  |  |  |
|--------------------------|--------------|--|--|--|--|--|--|--|--|--|
| OMB Number:              | 3235-0287    |  |  |  |  |  |  |  |  |  |
| Estimated average burden |              |  |  |  |  |  |  |  |  |  |
| hours per response:      | 0.5          |  |  |  |  |  |  |  |  |  |

| 1. Name and Address of Reporting Person*<br><u>ESTEVE ANTONIO PHD</u> |               |                | 2. Issuer Name and Ticker or Trading Symbol<br>DISCOVERY LABORATORIES INC /DE/<br>[ DSCO ] |                        | ationship of Reporting Pe<br>k all applicable)<br>Director<br>Officer (give title<br>below) | erson(s) to Issuer<br>10% Owner<br>Other (specify<br>below) |
|---|---------------|----------------|--|------------------------|---|---|
| (Last)<br>2600 KELLY RC<br>SUITE 100                                  | (First)<br>AD | (Middle)       | 3. Date of Earliest Transaction (Month/Day/Year)<br>05/13/2005                             |                        |   | Delowy  |
| (Street)<br>WARRINGTON<br>(City)                                      | PA<br>(State) | 18976<br>(Zip) | 4. If Amendment, Date of Original Filed (Month/Day/Year)                                   | 6. Indiv<br>Line)<br>X | ividual or Joint/Group Fili<br>Form filed by One Re<br>Form filed by More th<br>Person      | porting Person  |

## Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction<br>Date<br>(Month/Day/Year) | 2A. Deemed<br>Execution Date,<br>if any<br>(Month/Day/Year) |      |   | 4. Securities Acquired (A) or<br>Disposed Of (D) (Instr. 3, 4 and<br>5) |               |       | Securities<br>Beneficially         | 6. Ownership<br>Form: Direct<br>(D) or Indirect<br>(I) (Instr. 4) | 7. Nature<br>of Indirect<br>Beneficial<br>Ownership |
|---------------------------------|--|---|------|---|---|---------------|-------|------------------------------------|---|---|
|                                 |  |   | Code | v | Amount  | (A) or<br>(D) | Price | Transaction(s)<br>(Instr. 3 and 4) |   | (Instr. 4)  |

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

| 1. Title of<br>Derivative<br>Security<br>(Instr. 3)                      | 2.<br>Conversion<br>or Exercise<br>Price of<br>Derivative<br>Security | 3. Transaction<br>Date<br>(Month/Day/Year) | 3A. Deemed<br>Execution Date,<br>if any<br>(Month/Day/Year) | 4.<br>Transa<br>Code (<br>8) |   | 5. Numb<br>of<br>Derivati<br>Securiti<br>Acquire<br>(A) or<br>Dispose<br>of (D) (II<br>3, 4 and | ve<br>es<br>d<br>ed<br>nstr. | 6. Date Exerc<br>Expiration Da<br>(Month/Day/Y | ite                | 7. Title and Amount<br>of Securities<br>Underlying<br>Derivative Security<br>(Instr. 3 and 4) |  | Derivative<br>Security | 9. Number of<br>derivative<br>Securities<br>Beneficially<br>Owned<br>Following<br>Reported<br>Transaction(s)<br>(Instr. 4) | 10.<br>Ownership<br>Form:<br>Direct (D)<br>or Indirect<br>(I) (Instr. 4) | 11. Nature<br>of Indirect<br>Beneficial<br>Ownership<br>(Instr. 4) |
|--|---|--|---|------------------------------|---|---|------------------------------|--|--------------------|---|--|------------------------|--|--|--|
|  |   |  |   | Code                         | v | (A)   | (D)                          | Date<br>Exercisable                            | Expiration<br>Date | Title   | Amount<br>or<br>Number<br>of<br>Shares |                        |  |  |  |
| Non-<br>Qualified<br>Stock<br>Option<br>(right to<br>buy) <sup>(1)</sup> | \$6.28  | 05/13/2005                                 |   | A                            |   | 25,000  |                              | 05/13/2006                                     | 05/13/2015         | Common<br>Stock   | 25,000                                 | \$0                    | 25,000   | D  |  |

Explanation of Responses:

1. This stock option shall vest 100% on the first anniversary of the date of the grant.

Antonio Esteve

05/17/2005

Date

\*\* Signature of Reporting Person

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.