

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP**

Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

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
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1. Name and Address of Reporting Person * <u>SEGAL ROBERT-MD</u>  (Last) (First) (Middle) 2600 KELLY ROAD  (Street) WARRINGTON PA 18976  (City) (State) (Zip)	2. Issuer Name and Ticker or Trading Symbol <u>DISCOVERY LABORATORIES INC /DE/</u> [ DSCO ]	5. Relationship of Reporting Person(s) to Issuer (Check all applicable)  Director 10% Owner <input checked="" type="checkbox"/> Officer (give title below) Other (specify below) Sr VP, Chief Medical Officer
	3. Date of Earliest Transaction (Month/Day/Year) 12/12/2008	
4. If Amendment, Date of Original Filed (Month/Day/Year)		

**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	(A) or (D)	Price			
Common Stock <sup>(1)</sup>	12/31/2007		A	V	901	A	\$2.15	15,392	D	
Common Stock <sup>(1)</sup>	03/31/2008		A	V	918	A	\$2.11	16,310	D	
Common Stock <sup>(1)</sup>	06/30/2008		A	V	1,174	A	\$1.65	17,484	D	
Common Stock <sup>(1)</sup>	09/30/2008		A	V	1,059	A	\$1.83	18,543	D	

**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 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
Incentive Stock Option (right to buy)	\$1.21	12/12/2008		A		11,111		(2)	12/12/2018	Common Stock	11,111	\$0	11,111	D	
Incentive Stock Option (right to buy)	\$1.93	12/12/2008		A		22,223		(2)	12/12/2018	Common Stock	22,223	\$0	22,223	D	
Non-Qualified Stock Option (right to buy)	\$1.21	12/12/2008		A		22,222		(2)	12/12/2018	Common Stock	22,222	\$0	22,222	D	
Non-Qualified Stock Option (right to buy)	\$1.93	12/12/2008		A		44,444		(2)	12/12/2018	Common Stock	44,444	\$0	44,444	D	

**Explanation of Responses:**

- Transaction reported on Table I represents Issuer's matching stock contribution pursuant to 401(k) plan.
- This employee stock option shall vest in a series of three successive equal annual installments beginning with the first year anniversary of the grant.

Robert Segal, MD

12/16/2008

\*\* 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.