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HEMISPHERX BIOPHARMA INC

Form 5

January 26, 2007

OMB APPROVAL FORM 5 **OMB**

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

3235-0362 Number: January 31, Expires: 2005

no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction

Check this box if

ANNUAL STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Estimated average burden hours per response... 1.0

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, 1(b). Form 3 Holdings Section 17(a) of the Public Utility Holding Company Act of 1935 or Section Reported 30(h) of the Investment Company Act of 1940

Form 4

Transactions Reported

1. Name and Ad SPENCE ST	•	ting Person *	2. Issuer Name and Ticker or Trading Symbol HEMISPHERX BIOPHARMA INC [HEB]	5. Relationship of Reporting Person(s) to Issuer (Check all applicable)		
(Last)	(First)	(Middle)	3. Statement for Issuer's Fiscal Year Ended (Month/Day/Year) 12/31/2005	X Director 10% Owner Officer (give title below) Other (specify below)		
250 EAST 54 APARTMEN		Т				
(Street)			4. If Amendment, Date Original Filed(Month/Day/Year)	6. Individual or Joint/Group Reporting		
				(check applicable line)		
NEW YORK	. NY 10	022				

X Form Filed by One Reporting Person Form Filed by More than One Reporting

(City)	(State) (Zip) Table	e I - Non-Deri	vative Seco	urities	Acquir	ed, Disposed of	, or Beneficiall	y 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) (A) or		5. Amount of Securities Beneficially Owned at end of Issuer's Fiscal Year (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
Common Stock	03/11/2005	Â	P4	Amount 5,000	(D)	Price \$ 1.48	132,883	D	Â
Common Stock	03/11/2005	Â	P4	5,000	A	\$ 1.5	132,883	D	Â
Common Stock	03/11/2005	Â	P4	5,000	A	\$ 1.46	132,883	D	Â
Common	03/11/2005	Â	P4	5,000	A	\$	132,883	D	Â

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Stock						1.38			
Common Stock	03/11/2005	Â	P4	5,000	A	\$ 1.4	132,883	D	Â
Common Stock	04/01/2006	Â	P	19,877	A	\$ 1.5	132,883	D	Â
Common Stock	06/10/2005	Â	P	9,500	A	\$ 1.89	132,883	D	Â
Common Stock	06/10/2005	Â	P	1,600	A	\$ 1.9	132,883	D	Â
Common Stock	06/10/2006	Â	P	3,600	A	\$ 1.92	132,883	D	Â
Common Stock	06/17/2005	Â	P	6,409	A	\$ 1.93	132,883	D	Â
Common Stock	06/17/2005	Â	P	8,100	A	\$ 1.94	132,883	D	Â
Common Stock	06/30/2005	Â	A4	6,684	A	\$ 1.87	132,883	D	Â
Common Stock	08/18/2005	Â	P	10,000	A	\$ 1.52	132,883	D	Â
Common Stock	09/30/2005	Â	A4	7,353	A	\$ 1.7	132,883	D	Â
Common Stock	11/29/2005	Â	P	2,000	A	\$ 2.37	132,883	D	Â
Common Stock	11/29/2005	Â	P	11,600	A	\$ 2.34	132,883	D	Â
Common Stock	11/29/2005	Â	P	12,200	A	\$ 2.35	132,883	D	Â
Common Stock	11/29/2005	Â	P	3,200	A	\$ 2.36	132,883	D	Â
Common Stock	12/31/2005	Â	A4	5,760	A	\$ 2.17	132,883	D	Â
	Common Stock	Common Stock 03/11/2005 Common Stock 04/01/2006 Common Stock 06/10/2005 Common Stock 06/10/2006 Common Stock 06/10/2006 Common Stock 06/17/2005 Common Stock 06/17/2005 Common Stock 06/30/2005 Common Stock 09/30/2005 Common Stock 11/29/2005 Common Stock 11/29/2005	Common Stock 03/11/2005 Â Common Stock 04/01/2006 Â Common Stock 06/10/2005 Â Common Stock 06/10/2005 Â Common Stock 06/10/2006 Â Common Stock 06/17/2005 Â Common Stock 06/17/2005 Â Common Stock 06/30/2005 Â Common Stock 08/18/2005 Â Common Stock 09/30/2005 Â Common Stock 11/29/2005 Â	Common Stock 03/11/2005 Â P4 Common Stock 04/01/2006 Â P Common Stock 06/10/2005 Â P Common Stock 06/10/2005 Â P Common Stock 06/10/2006 Â P Common Stock 06/17/2005 Â P Common Stock 06/17/2005 Â P Common Stock 06/30/2005 Â A4 Common Stock 08/18/2005 Â P Common Stock 09/30/2005 Â A4 Common Stock 11/29/2005 Â P Common Stock 11/29/2005 Â P	Common Stock 03/11/2005 Â P4 5,000 Common Stock 04/01/2006 Â P 19,877 Common Stock 06/10/2005 Â P 9,500 Common Stock 06/10/2005 Â P 1,600 Common Stock 06/10/2006 Â P 3,600 Common Stock 06/17/2005 Â P 6,409 Common Stock 06/17/2005 Â P 8,100 Common Stock 06/30/2005 Â A4 6,684 Common Stock 08/18/2005 Â P 10,000 Common Stock 09/30/2005 Â A4 7,353 Common Stock 11/29/2005 Â P 2,000 Common Stock 11/29/2005 Â P 11,600 Common Stock 11/29/2005 Â P 3,200 Common Stock 11/29/2005 Â P 3,200	Common Stock 03/11/2005 Â P4 5,000 A Common Stock 04/01/2006 Â P 19,877 A Common Stock 06/10/2005 Â P 9,500 A Common Stock 06/10/2005 Â P 1,600 A Common Stock 06/10/2006 Â P 3,600 A Common Stock 06/17/2005 Â P 6,409 A Common Stock 06/17/2005 Â P 8,100 A Common Stock 06/30/2005 Â A A 6,684 A Common Stock 08/18/2005 Â P 10,000 A Common Stock 09/30/2005 Â A A4 7,353 A Common Stock 11/29/2005 Â P 11,600 A Common Stock 11/29/2005 Â P 12,200 A Common Stock 11/29/2005 Â P <td< td=""><td>Common Stock 03/11/2005 Â P4 5,000 A \$ 1.4 Common Stock 04/01/2006 Â P 19,877 A \$ 1.5 Common Stock 06/10/2005 Â P 9,500 A \$ 1.89 Common Stock 06/10/2005 Â P 1,600 A \$ 1.9 Common Stock 06/10/2006 Â P 3,600 A \$ 1.92 Common Stock 06/17/2005 Â P 6,409 A \$ 1.92 Common Stock 06/17/2005 Â P 8,100 A \$ 1.93 Common Stock 06/30/2005 Â A A 4 6,684 A \$ 1.87 Common Stock 08/18/2005 Â P 10,000 A \$ 1.52 Common Stock 11/29/2005 Â P 2,000 A \$ 2.37 Common Stock 11/29/2005 Â P 11,600 A \$ 2.34</td><td>Common Stock 03/11/2005 Â P4 5,000 A \$ 1.4 132,883 Common Stock 04/01/2006 Â P 19,877 A \$ 1.5 132,883 Common Stock 06/10/2005 Â P 9,500 A \$ 1.99 132,883 Common Stock 06/10/2005 Â P 1,600 A \$ 1.9 132,883 Common Stock 06/10/2006 Â P 3,600 A \$ 1.92 132,883 Common Stock 06/17/2005 Â P 6,409 A \$ 1.92 132,883 Common Stock 06/17/2005 Â P 8,100 A \$ 1.94 132,883 Common Stock 06/30/2005 Â A A 6,684 A \$ 1.87 132,883 Common Stock 09/30/2005 Â P 10,000 A \$ 1.52 132,883 Common Stock 11/29/2005 Â P 2,000 A \$ 2.37</td><td>Common Stock 03/11/2005 Â P4 5,000 A \$ 1.4 132,883 D Common Stock 04/01/2006 Â P 19,877 A \$ 1.5 132,883 D Common Stock 06/10/2005 Â P 9,500 A \$ 1.89 132,883 D Common Stock 06/10/2005 Â P 1,600 A \$ 1.9 132,883 D Common Stock 06/10/2006 Â P 3,600 A \$ 1.9 132,883 D Common Stock 06/17/2005 Â P 6,409 A \$ 1.93 132,883 D Common Stock 06/17/2005 Â P 8,100 A \$ 1.94 132,883 D Common Stock 06/30/2005 Â P 10,000 A \$ 1.52 132,883 D Common Stock 09/30/2005 Â P 10,000 A \$ 1.7 132,883 D <th< td=""></th<></td></td<>	Common Stock 03/11/2005 Â P4 5,000 A \$ 1.4 Common Stock 04/01/2006 Â P 19,877 A \$ 1.5 Common Stock 06/10/2005 Â P 9,500 A \$ 1.89 Common Stock 06/10/2005 Â P 1,600 A \$ 1.9 Common Stock 06/10/2006 Â P 3,600 A \$ 1.92 Common Stock 06/17/2005 Â P 6,409 A \$ 1.92 Common Stock 06/17/2005 Â P 8,100 A \$ 1.93 Common Stock 06/30/2005 Â A A 4 6,684 A \$ 1.87 Common Stock 08/18/2005 Â P 10,000 A \$ 1.52 Common Stock 11/29/2005 Â P 2,000 A \$ 2.37 Common Stock 11/29/2005 Â P 11,600 A \$ 2.34	Common Stock 03/11/2005 Â P4 5,000 A \$ 1.4 132,883 Common Stock 04/01/2006 Â P 19,877 A \$ 1.5 132,883 Common Stock 06/10/2005 Â P 9,500 A \$ 1.99 132,883 Common Stock 06/10/2005 Â P 1,600 A \$ 1.9 132,883 Common Stock 06/10/2006 Â P 3,600 A \$ 1.92 132,883 Common Stock 06/17/2005 Â P 6,409 A \$ 1.92 132,883 Common Stock 06/17/2005 Â P 8,100 A \$ 1.94 132,883 Common Stock 06/30/2005 Â A A 6,684 A \$ 1.87 132,883 Common Stock 09/30/2005 Â P 10,000 A \$ 1.52 132,883 Common Stock 11/29/2005 Â P 2,000 A \$ 2.37	Common Stock 03/11/2005 Â P4 5,000 A \$ 1.4 132,883 D Common Stock 04/01/2006 Â P 19,877 A \$ 1.5 132,883 D Common Stock 06/10/2005 Â P 9,500 A \$ 1.89 132,883 D Common Stock 06/10/2005 Â P 1,600 A \$ 1.9 132,883 D Common Stock 06/10/2006 Â P 3,600 A \$ 1.9 132,883 D Common Stock 06/17/2005 Â P 6,409 A \$ 1.93 132,883 D Common Stock 06/17/2005 Â P 8,100 A \$ 1.94 132,883 D Common Stock 06/30/2005 Â P 10,000 A \$ 1.52 132,883 D Common Stock 09/30/2005 Â P 10,000 A \$ 1.7 132,883 D <th< td=""></th<>

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

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 control number.

SEC 2270 (9-02)

 $\label{thm:convertible} \textbf{Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned} \\ \textit{(e.g., puts, calls, warrants, options, convertible securities)}$

2.	3. Transaction Date	3A. Deemed	4.	5. Number of	6. Date Exercisable and	7. Title and Amount of
Conversion	(Month/Day/Year)	Execution Date, if	Transaction	Derivative	Expiration Date	Underlying Securities
or Exercise		any	Code	Securities	(Month/Day/Year)	(Instr. 3 and 4)
Price of		(Month/Day/Year)	(Instr. 8)	Acquired (A)		
Derivative				or Disposed of		
Security				(D)		
	or Exercise Price of Derivative	Conversion (Month/Day/Year) or Exercise Price of Derivative	Conversion (Month/Day/Year) Execution Date, if or Exercise any Price of (Month/Day/Year) Derivative	Conversion (Month/Day/Year) Execution Date, if Transaction or Exercise any Code Price of (Month/Day/Year) (Instr. 8) Derivative	Conversion or Exercise(Month/Day/Year)Execution Date, if anyTransaction CodeDerivativePrice of Derivative(Month/Day/Year)(Instr. 8)Acquired (A) or Disposed of	Conversion (Month/Day/Year) Execution Date, if Transaction Derivative Expiration Date or Exercise any Code Securities (Month/Day/Year) Price of (Month/Day/Year) (Instr. 8) Acquired (A) or Disposed of

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(Instr. 3, 4, and 5)

(A) (D) Date Expiration Title Exercisable Date

or Numbe

Amour

15,00

Numbe of Shar

Reporting Owners

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

SPENCE STEVEN D 250 EAST 54TH STREET APARTMENT 36C Â X Â Â NEW YORK, NYÂ 10022

Signatures

Steven Spence 01/26/2007

**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).

Note: File three copies of this Form, one of which must be manually signed. If space provided 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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