## Edgar Filing: HEMISPHERX BIOPHARMA INC - Form 5

#### HEMISPHERX BIOPHARMA INC

Form 5

January 26, 2007

# FORM 5

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Check this box if Washington, D.C. 20549

Number: 3235-0362 Expires: January 31, 2005

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

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,
Form 3 Holdings Section 17(a) of the Public Utility Holding Company Act of 1935 or Section
Reported
Form 4 30(h) of the Investment Company Act of 1940

Transactions Reported

1. Name and Address of Reporting Person \* 2. Issuer Name and Ticker or Trading 5. Relationship of Reporting Person(s) to Issuer SPENCE STEVEN D Symbol HEMISPHERX BIOPHARMA INC (Check all applicable) [HEB] (Middle) 3. Statement for Issuer's Fiscal Year Ended (Last) (First) \_X\_ Director 10% Owner Other (specify Officer (give title (Month/Day/Year) below) below) 12/31/2005 250 EAST 54TH STREET **APARTMENT 36C** (Street) 4. If Amendment, Date Original 6. Individual or Joint/Group Reporting Filed(Month/Day/Year) (check applicable line)

## NEW YORK, NYÂ 10022

(State)

(Zin)

(City)

\_X\_ Form Filed by One Reporting Person \_\_ Form Filed by More than One Reporting

(City)	(State)	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. Securit (A) or Dis (Instr. 3, 4	sposed	of (D)	5. Amount of Securities Beneficially Owned at end of Issuer's	6. Ownership Form: Direct (D) or Indirect (I)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
				Amount	(A) or (D)	Price	Fiscal Year (Instr. 3 and 4)	(Instr. 4)	
Common Stock	03/11/2005	Â	P4	5,000	A	\$ 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         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</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         \$ 1.9         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         \$ 1.9         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         \$ 1.52         132,883           Common Stock         09/30/2005         Â         A         A         7,353         A         \$ 1.7         132,883           Common Stock         11/29/2005         Â         P         11,600         A</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         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	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         \$ 1.9         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         \$ 1.9         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         \$ 1.52         132,883           Common Stock         09/30/2005         Â         A         A         7,353         A         \$ 1.7         132,883           Common Stock         11/29/2005         Â         P         11,600         A	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)

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

Security or l (Instr. 3) Pric		, ,		Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D)	6. Date Exercisable and Expiration Date (Month/Day/Year)	7. Title and Amount of Underlying Securities (Instr. 3 and 4)
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(Instr. 3, 4, and 5)

(A) (D) Date Expiration Title Exercisable Date

or Numbe

Amour

of Shar

15,00

Options \$ 1.75 04/26/2005 Â A4 15,000 Â 04/26/2005 04/26/2015 Common Stock

# **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).

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.

Reporting Owners 3

<sup>\*\*</sup> Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).