FORM 5

Check this box if no longer subject to

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington,	D.C.	20549

OWNERSHIP

ANNUAL STATEMENT OF CHANGES IN BENEFICIAL

OMB APPROVAL									
OMB Number:	3235-0362								
Estimated average burden									
hours per response:	1.0								

Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b) T Form 2 Holdings Poported

File	1					ities Excha ompany Ac								
	Ta													
	2. Issuer Name and Ticker or Trading Symbol DISCOVERY LABORATORIES INC /DE/ [DSCO]					5. Relationship of Reporting Person(s) to Issuer (Check all applicable) Director 10% Owner Officer (give title Other (specify								
ddle)	3. Statement for Issuer's Fiscal Year Ended (Month/Day/Year) 12/31/2009						Year)	SVP, Manufacturing Operations						
(Street) WARRINGTON PA 18976 (City) (State) (Zip)					nal File	d (Month/D	ay/Year			Form Form	filed by O	ne Re	porting Per	son
I - Non-Deriv	ative Secu	uritie	s Ac	quire	d, Dis	sposed (of, or	Benefici	ally (Owne	d			
Date (Month/Day/Year)		if any Code (Instr.		4. Securities Acquired (A) or Dispose Of (D) (Instr. 3, 4 and 5)			or Disposed	Securities Beneficially		es ally	6. Ownership Form: Direct	ership I : Direct I	7. Nature of Indirect Beneficial Ownership	
			8)		Amour	nt	(A) or (D)	Price	ls Y	Issuer's Fiscal In		Ìndire	ect (I)	(Instr. 4)
03/31/2009			A		1,	562	A	\$1.2	1		562		I I	y Trust
06/30/2009	A			1,	769	A	\$1.06		3,331			I I	y Trust	
09/30/2009		A			3,	074	A	\$0.61		6,405			I I	y Trust
12/31/2009		A		2,	976	A	\$0.63	\$0.63		9,381		I l	y Trust	
									20,000		000		D	
Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)														
f any ´	Code (Instr.	of Deriva Secur Acqui (A) or Dispo of (D) (Instr. and 5	ative rities ired sed . 3, 4	6. Date Exercisable and Expiration Date (Month/Day/Year) Date Expiration		Amour or Numbe of		nt er		derivative Securities Beneficially Owned Following Reported	ly	Ownershi Form: Direct (D) or Indirec (I) (Instr. 4	Beneficial Ownership ct (Instr. 4)	
	076 - Non-Deriv - Transaction - Non-Deriv - Transaction - Non-Deriv - Transaction - Non-Deriv - O3/31/2009 03/31/2009 06/30/2009 12/31/2009 12/31/2009 e II - Derivati (e.g., pu	3. Stateme 12/31/200 4. If Amend 176 1 - Non-Derivative Sector	3. Statement for 12/31/2009 4. If Amendment, Transaction late Execution Date, if any (Month/Day/Year) 03/31/2009 06/30/2009 12/31/2009 e II - Derivative Securities (e.g., puts, calls, warrany (An Deemed Execution Date, any Month/Day/Year) A. Deemed Execution Date, if any (Month/Day/Year) 5. Number of Code (Instr. Securities (nother parts) (A) of Derivative Securities (A) of Derivati	3. Statement for Issuer's 12/31/2009 4. If Amendment, Date of 24. Deemed Execution Date, if any (Month/Day/Year) 03/31/2009 AMEDIE II - Derivative Securities Acque (e.g., puts, calls, warrants, any Month/Day/Year) A. Deemed Xecution Date, any Month/Day/Year) 4. Transaction Code (Instr. 8) 5. 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Transaction (A) or Disposed Of (D) (Month/Day/Year) 14. Securities Acquired (A) or Disposed Of (D) (Month/Day/Year) 15. Number (Month/Day/Year) 16. Date Expiration Date (Month/Day/Year) 17. Title and Amount or (Month/Day/Year) 18. Date Expiration Date (Mon	A. Statement for Issuer's Fiscal Year Ended (Month/Day/Year) 4. If Amendment, Date of Original Filed (Month/Day/Year) 4. If Amendment, Date of Original Filed (Month/Day/Year) 4. If Amendment, Date of Original Filed (Month/Day/Year) 5. Transaction Plate (Month/Day/Year) 6. India Line) 7. Transaction (Day/Year) 8. Association Fired (Month/Day/Year) 8. Association Fired (Month/Day/Year) 8. Association Fired (Month/Day/Year) 9. A sociation (A) or Disposed Of (D) (Instr. 3, 4 and 5) 1. Amount (A) or Price (D) 1. Amount (A) or Price (D) 1. Association Fired (Month/Day/Year) 2. Association Fired (Month/Day/Year) 2. Association Fired (Month/Day/Year) 3. Transaction Fired (Month/Day/Year) 4. 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Explanation of Responses:

1. Transaction reported on Table I represents Issuer's matching stock contribution pursuant to 401(k) plan.

Charles F Katzer

02/09/2010

** 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.