Edgar Filing: Sirgo Mark A - Form 4

| Sirgo Mark A Form 4 September 2 | | | | | | | | | | |
|---|--|--|---|------------------------------|--|--|---------------------|---|------------------|--|
| | | | | | | | | | OMB AI | PPROVAL |
| FORM | I 4 UNITE | CD STAT | | | | | NGE C | COMMISSION | OMB Number: | 3235-0287 |
| Check th if no long subject to Section 1 Form 4 o Form 5 obligatio | ger 5 66. 5 Filed | STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, | | | | | | | | January 31, 2005 average irs per 0.5 |
| may cont See Instr 1(b). (Print or Type I | uction | | (h) of the In | • | • | • • | | 1935 or Sectior 0 | I | |
| | Address of Report | ing Person | Symbol BIODEI | Name and LIVERY NATION | SCIENC | ES | - | 5. Relationship of Issuer (Check | Reporting Pers | |
| | ^(First) ELIVERY SCI ,, 4131 PARK SUITE 225 | | 3. Date of (Month/D 09/14/20 | - | ansaction | | | X Director X Officer (give below) Presi | | 9 Owner er (specify |
| RALEIGH, | (Street) NC 27612 | | | ndment, Dat th/Day/Year) | - | | | 6. Individual or Jo Applicable Line) _X_ Form filed by O Form filed by M Person | one Reporting Pe | erson |
| (City) | (State) | (Zip) | Table | e I - Non-D | erivative S | ecuri | ties Acq | uired, Disposed of | , or Beneficial | lly Owned |
| 1.Title of Security2. Transaction Date (Month/Day/Year)2A. Deemed Execution Date any (Month/Day/Year)(Instr. 3)any (Month/Day/Year) | | Deemed cution Date, if | 3. 4. Securities Acquired Transaction(A) or Disposed of (D) Code (Instr. 3, 4 and 5) (Instr. 8) (A) or | | 5. Amount of Securities Beneficially | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of | | | |
| Common Stock | 09/14/2017 | | | Code V S | Amount 50,000 | (D) D | Price \$ 2.95 | 1,509,262 | D | |
| Common Stock | 09/15/2017 | | | М | 45,421 | А | | 1,554,683 | D | |
| Common Stock (2) | 09/15/2017 | | | М | 33,026 | А | \$ 1.96 | 1,587,709 | D | |
| Common Stock | 09/15/2017 | | | S | 54,833 | D | \$ 2.9 | 1,532,876 | D | |

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| Common Stock | 09/18/2017 | S | 6,000 | D | \$ 2.85 | 1,526,876 | D |
|---------------------|------------|---|--------|---|-------------------|-----------|---|
| Common Stock (3) | 09/19/2017 | М | 13,661 | А | \$ 2.01 | 1,540,537 | D |
| Common Stock | 09/19/2017 | S | 24,516 | D | \$ 2.75 | 1,516,022 | D |
| Common Stock | 09/20/2017 | М | 25,000 | А | \$ 2.26 | 1,541,022 | D |
| Common Stock (4) | 09/20/2017 | М | 34,265 | А | \$ 2.43 | 1,575,286 | D |
| Common Stock | 09/20/2017 | S | 65,405 | D | \$ 2.75 (5) | 1,509,881 | D |
| Common Stock | 09/21/2017 | S | 619 | D | \$ 2.75 | 1,509,262 | D |

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.

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. Transactio Code (Instr. 8) | 5. Number of orDerivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | | rivative Expiration Date (Month/Day/Year) aquired (A) Disposed of) Istr. 3, 4, | | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) | |
|---|---|---|---|--|--|--------|--|--------------------|---|-------------------------------------|
| | | | | Code V | (A) | (D) | Date Exercisable | Expiration Date | Title | Amount or Number of Shares |
| Options | \$ 1.78 | 09/15/2017 | | М | | 45,421 | 02/09/2013 | 02/09/2022 | Common Stock | 45,421 |
| Options (2) | \$ 1.96 | 09/15/2017 | | М | | 33,026 | 02/15/2013 | 02/15/2022 | Common Stock | 33,026 |
| Options (3) | \$ 2.01 | 09/19/2017 | | М | | 13,661 | 07/24/2009 | 07/24/2018 | Common Stock | 6,902 |
| Options | \$ 2.26 | 09/20/2017 | | М | | 25,000 | 07/21/2011 | 07/21/2020 | Common Stock | 25,000 |
| Options | \$ 2.43 | 09/20/2017 | | М | | 34,265 | 07/21/2011 | 07/21/2020 | Common | 34,265 |

(4)

Reporting Owners

| Reporting Owner Name / Address | | Relationships | | | | | | |
|--|------------|---------------|-----------|-------------------|-------|--|--|--|
| |] | | 10% Owner | Officer | Other | | | |
| Sirgo Mark A C/O BIODELIVERY 4131 PARKLAKE A RALEIGH, NC 2761 | ' | Х | | President and CEO | | | | |
| Signatures | | | | | | | | |
| /s/ Mark A. Sirgo | 09/22/2017 | | | | | | | |
| <u>**</u> 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).

On September 14, 2017, the Reporting Person sold an aggregate of 50,000 shares of the Issuer's Common Stock at a weighted average price of \$2.95 per share. The highest sale price for the Common Stock was \$2.98 per share and the lowest sale price was \$2.90 per share.

- (1) The Reporting Person undertakes to provide the Company, any security holder of the Company or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the range set forth in this footnote.
- (2) The options exercised were acquired from September 15, 2017 to September 19, 2017.
- (3) The options exercised were acquired from September 19, 2017 to September 20, 2017.
- (4) The options exercised were acquired from September 20, 2017 to September 21, 2017.

On September 20, 2017, the Reporting Person sold an aggregate of 65,405 shares of the Issuer's Common Stock at a weighted average price of \$2.75 per share. The highest sale price for the Common Stock was \$2.78 per share and the lowest sale price was \$2.75 per share.

(5) The Reporting Person undertakes to provide the Company, any security holder of the Company or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the range set forth in this footnote.

Remarks:

The Form 4 was due on September 18, 2017 but filed on September 22, 2017 to accommodate multiple connected transactions

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