FORM 4

# **UNITED STATES SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

OMB APPROVAL

| OMB Number:            | 3235-0287 |
|------------------------|-----------|
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| hours per response.    | 0.5       |

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

Check this box to indicate that a transaction was made pursuant to a contract, instruction or written plan for the purchase or sale of equity securities of the issuer that is intended to satisfy the affirmative defense conditions of Rule

### STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 or Section 30(h) of the Investment Company Act of 1940

| 10b5-1(c). See Ins   | struction 10. |                |   |  |
|--|---------------|----------------|---|--|
| 1. Name and Address of Reporting Person *  Musket David B                    |               |                | 2. Issuer Name <b>and</b> Ticker or Trading Symbol CAPRICOR THERAPEUTICS, INC. [ CAPR ] | Relationship of Reporting Person(s) to Issuer (Check all applicable)      Property 40% Over 15 (Check all applicable)                              |
| (Last)   | (First)       | (Middle)       | 3. Date of Earliest Transaction (Month/Day/Year) 10/12/2023                             | X Director 10% Owner Officer (give title Other (specify below) below)  |
| C/O CAPRICOR THERAPEUTICS, INC.  10865 ROAD TO THE CURE, SUITE 150  (Street) |               |                | If Amendment, Date of Original Filed (Month/Day/Year)                                   | Individual or Joint/Group Filing (Check Applicable Line)     X Form filed by One Reporting Person     Form filed by More than One Reporting Person |
| SAN DIEGO (City)   | CA<br>(State) | 92121<br>(Zip) | _   |  |

## Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction<br>Date<br>(Month/Day/Year) | 2A. Deemed<br>Execution Date,<br>if any<br>(Month/Day/Year) | 3.<br>Transac<br>Code (Ir<br>8) |   | 4. Securities Acquired (A) or<br>Disposed Of (D) (Instr. 3, 4 and 5) |               |        | 5. Amount of<br>Securities<br>Beneficially Owned<br>Following Reported | 6. Ownership<br>Form: Direct (D)<br>or Indirect (I)<br>(Instr. 4) | Beneficial<br>Ownership                 |
|---------------------------------|--|---|---------------------------------|---|--|---------------|--------|--|---|---|
|                                 |  |   | Code                            | v | Amount   | (A) or<br>(D) | Price  | Transaction(s)<br>(Instr. 3 and 4)                                     |   | (Instr. 4)                              |
| Common Stock                    | 10/12/2023                                 |   | P                               |   | 410  | A             | \$2.75 | 31,536   | D   |   |
| Common Stock                    |  |   |                                 |   |  |               |        | 7,096  | I   | Held by<br>Reporting<br>Person's<br>IRA |

# Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

|  | 1. Title of<br>Derivative<br>Security (Instr. 3) | 2.<br>Conversion<br>or Exercise<br>Price of<br>Derivative<br>Security | <br>3A. Deemed<br>Execution Date,<br>if any<br>(Month/Day/Year) | Transaction<br>Code (Instr.<br>8) |   | Derivative |     | 6. Date Exercisable and<br>Expiration Date<br>(Month/Day/Year) |                    | 7. Title and Amount of<br>Securities Underlying<br>Derivative Security<br>(Instr. 3 and 4) |                                     | Derivative<br>Security<br>(Instr. 5) | 9. Number of<br>derivative<br>Securities<br>Beneficially<br>Owned<br>Following<br>Reported | Ownership<br>Form:<br>Direct (D) | 11. Nature<br>of Indirect<br>Beneficial<br>Ownership<br>(Instr. 4) |
|--|--|---|---|-----------------------------------|---|------------|-----|--|--------------------|--|-------------------------------------|--------------------------------------|--|----------------------------------|--|
|  |  |   |   | Code                              | v | (A)        | (D) | Date<br>Exercisable  | Expiration<br>Date | Title  | Amount<br>or<br>Number<br>of Shares |                                      | Transaction(s)<br>(Instr. 4)   |                                  |  |

Explanation of Responses:

/s/ Linda Marban, Attorney-in-Fact

10/13/2023

\*\* Signature of Reporting Person

Date

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

- $^{\star}$  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.