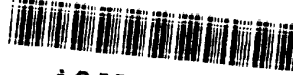


07-27-1998

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

EET



100777560

Attorney's Docket No. 028723-127

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

James F. Doyle  
Robert E. Fenton  
Claron E. Hesse (deceased) by Eloise R. Hesse (wife)  
as Heir

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name

Other: \_\_\_\_\_

Execution Date: July 6, 7, and 9, 1998 respectively

2. Name and address of receiving party(ies):

Name: The Regents of the University of California

Address: 300 Lakeside Drive, 22<sup>nd</sup> Floor  
Oakland, CA 94612-3550

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

09/114468

If this document is being filed together with a new application, the execution date of the application is: July 6, 7 and 9, 1998  
and entitled MARIANNA ROOTSTOCK NAMED 'M40'

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Benton S. Duffett, Jr.  
Address: BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed

☒ Authorized to be charged to deposit account, if necessary

8. Deposit account number:

02-4800

DO NOT USE THIS SPACE

9. Statement and signature.

07/23/1998 02 FC 501 00000004 09114468 I believe, the foregoing information is true and correct and any attached copy is a true copy of the original document.

02 FC 501

Benton S. Duffett, Jr. (22,030)  
Name of Person Signing

40.00 CP

Benton S. Duffett Jr.  
Signature

July 13, 1998  
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

# ASSIGNMENT

(JOINT)

THIS ASSIGNMENT, by JAMES F. DOYLE, ROBERT E. FENTON and CLARON E. HESSE (deceased) by Eloise R. Hesse (wife) as Heir, residing at Clovis, California, Bear Lake, California, and Davis, California (hereinafter referred to as "the Assignors"), respectively, witnesseth:

WHEREAS, the Assignors have invented certain new and useful improvements in MARIANNA ROOTSTOCK NAMED 'M40' set forth in an application for Letters Patent of the United States, ☐ which is a provisional application to be filed herewith; ☒ which is a non-provisional application having an oath or declaration executed on even date herewith prior to filing of application; ☐ bearing Application No. \_\_\_\_\_, and filed on July 13, 1998; and

WHEREAS, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a California corporation having its statewide administrative offices located at 300 Lakeside Drive, 22<sup>nd</sup> Floor, Oakland, California 94612-3550 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignors have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignors had this sale and assignment not been made;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignors are the sole and lawful owners of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

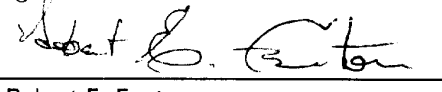
AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns that the Assignors will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent

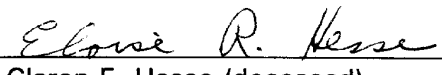
or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement, and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignors hereby authorize and request the attorneys of BURNS, DOANE, SWECKER & MATHIS, L.L.P. of Alexandria, Virginia to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignors hereby request the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee as the Assignee of said inventions, the Letters Patent to be issued for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date 6 July 1998 Signature of Assignor   
James F. Doyle

Date 7 July 1998 Signature of Assignor   
Robert E. Fenton

Date 9 July 1998 Signature of Assignor   
Claron E. Hesse (deceased)  
by Eloise R. Hesse  
(wife) as Heir