

FORM PTO-1619A

Expires 06/30/99

OMB 0651-0027

10-08-1998



100849505

U.S. Department of Commerce

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Conveyance Type

☐ Assignment☐ License☐ Merger☒ Security Agreement☐ Change of Name☐ Other

U.S. Government

(For Use ONLY by U.S. Government Agencies)

☐ Departmental File☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) Pharmaceutical Discovery Corporation

Name (line 2)

Execution Date
Month Day Year

09161998

Second Party

Execution Date

Name (line 1)

Name (line 2)

Receiving Party

☐ Mark if additional names of conveying parties attached

Name (line 1) Encap Technologies LLC

Name (line 2) c/o Aaron Grunfeld, Resch Polster Alpert & Berger LLP

Address (line 1) 10390 Santa Monica Blvd.

Address (line 2) 4th Floor

Address (line 3) Los Angeles

California

90025

City

State/Country

Zip Code

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

Enter the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

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10/07/1998 SSN: 00000002 00441370

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Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

PATENT
REEL: 9479 FRAME: 0968

Correspondent Name and Address

Area Code and Telephone Number

404 873 8794

Name **Patrea L. Pabst, Esq.**Address (line 1) **ARNALL GOLDEN & GREGORY, LLP**Address (line 2) **2800 One Atlantic Center**Address (line 3) **1201 West Peachtree Street**Address (line 4) **Atlanta, GA 30309-3450****Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

2

Application Number(s) or Patent Number(s)

Enter either the Patent Application or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Mark if additional numbers attached

Patent Application Number(s)

Patent Number(s)

08441378

5352461

5468854

5712269

5503852

5576436

Month Day Year

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

#

6

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

240.00

Method of Payment:

Enclosed

☒

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

01-2507

Authorization to charge additional fees:

Yes

☒

No

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Patrea L. Pabst, Esq.

Name of Person Signing

Signature

October 2, 1998

Date

PATENT RIGHTS SECURITY AGREEMENT

Pharmaceutical Discovery Corporation, 33 West Main Street, Elmsford, NY 10523, a corporation of Delaware, ("Assignor"), hereby assigns and grants to Encap Technologies LLC, c/o Aaron Grunfeld, Resch Polster Alpert & Berger LLP, 10390 Santa Monica Blvd. Fourth Floor, Los Angeles, CA 90025, a Delaware limited liability company, ("Assignee"), a first priority security interest in all rights, title and interest of Assignor in the Patents listed in Appendix A, together with any division, continuation, continuation-in-part, foreign patent application or the corresponding equivalent, Letters Patent or the equivalent issuing or reissuing, extension or reexamination (the "Collateral").

16th day of September, 1998. Assignor has caused this Assignment to be duly executed by its duly authorized officer as of the

PHARMACEUTICAL DISCOVERY CORPORATION

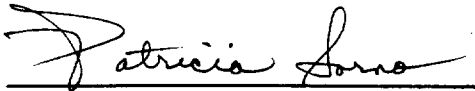
By: 

Name: Solomon S. Steiner

Title: C.E.O.

STATE OF NEW YORK
COUNTY OF Westchester

On this 16th day of September, 1998, before me personally appeared the above-named Solomon S. Steiner, to me known, who being by me duly sworn according to law, on his oath stated that he is the _____ of PHARMACEUTICAL DISCOVERY CORPORATION and acknowledged that he signed, sealed and delivered the foregoing instrument as the free and voluntary act and deed of said corporation.



Notary Public

PATRICIA SARNO
Notary Public, State of New York
No. 4662363
Qualified in Westchester County
Term Expires Nov. 30, 1999
NOV.

My Commission Expires: Nov. 30, 1999

593176

20138/1

Appendix A. List of U.S. and Foreign Patents

1. United States Patent No. 5,352,461 issued October 4, 1994, entitled "Self Assembling Diketopiperazine Drug Delivery System" by Robert Feldstein, John Glass, Solomon S. Steiner from United States Serial No. 07/849,186 filed March 11, 1992.

United States Patent No. 5,503,852 issued April 2, 1996, entitled "Method for making Self-Assembling Diketopiperazine Drug Delivery System" by Solomon S. Steiner, Christopher A. Rhodes, Gregory S. Shen, and R. Tyler McCabe from United States Serial No. 08/299,842 filed September 1, 1994 which is a continuation-in-part of U.S. Patent Application Serial No. 07/849,186 entitled "Self-Assembling Diketopiperazine Drug Delivery" by Robert Feldstein, John Glass and Solomon S. Steiner filed March 11, 1992, now United States Patent No. 5,352,461.

United States Serial No. 08/441,378 filed May 15, 1995, entitled "Method for drug delivery to the pulmonary system" by Solomon S. Steiner, Robert Feldstein, Christopher A. Rhodes, Gregory S. Shen, and Lian Huiling.

Australian Patent 38044/93; JP 5-516624; CA 2,131,366; EP 93920574.6 (Austria, Belgium, Switzerland (& LI), Germany, Denmark, Spain, France, Greece, Great Britain, Ireland, Italy, Luxembourg, Monaco, Netherlands, Portugal, Sweden).

2. United States Patent No. 5,468, 854 issued November 21, 1995, entitled "Characterization of specific drug receptors with fluorescent ligands" by R. Tyler McCabe and Brian de Costa from United States Application Serial No. 08/095,937 filed July 22 1993 which is a continuation of United States Serial No. 07/739,183 entitled "Characterization of specific drug receptors with fluorescent ligands" filed August 1, 1991 by R. Tyler McCabe.
3. United States Patent No. 5,576,436 issued November 19, 1996, entitled "Fluorescent ligands" by R. Tyler McCabe, Christopher A. Rhodes, and Bruce F. de Costa from United States Serial No. 08/204,559 filed March 2, 1994 which is a continuation-in-part of U.S. Serial No. 07/923,837 filed July 31, 1992, by R. Tyler McCabe and Christopher A. Rhodes, now abandoned which is a continuation-in-part of U.S. Serial No. 07/739,183, filed August 1 1991, by R. Tyler McCabe, now abandoned.
4. United States Patent No. 5,712,269 issued January 27, 1998, entitled "M₂ Receptor Ligand for the Treatment of Neurological Disorders" by Bryan R. Wilson, Christopher A. Rhodes, R. Tyler McCabe from United States Serial No. 08/377,667 filed January 24, 1995 which is a continuation of United States Serial No. 08/042 872 filed August 5, 1993.

Australian application 66261/94; CA 2,159,815; EPA 94914039.6; JPA6-52246.

CERTIFICATE UNDER 37 CFR 3.73(b)

Patentees: Robert Felsteein, John Glass, and Solomon S. Steiner

U.S. Patent No.: 5,352,461 Issued: October 4, 1994

For: Self Assembling Diketopiperazine Drug Delivery System

Pharmaceutical Discovery Corporation, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. An Assignment from Robert Feldstein, John Glass, and Solomon S. Steiner to Pharmaceutical Delivery Technologies. The Assignment was recorded in the U.S. Patent and Trademark Office at Reel 6132, Frame 0959, on May 14, 1992.
2. An Assignment from Pharmaceutical Delivery Technologies to Pharmaceutical Discovery Corporation. The Assignment was recorded in the U.S. Patent and Trademark Office at Reel 6464, Frame 0613, on March 22, 1993.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

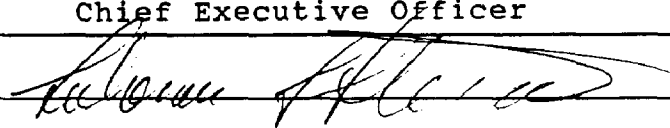
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and believe are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : May 30, 1995

Name : Solomon S. Steiner

Title : Chief Executive Officer

Signature : 

CERTIFICATE UNDER 37 CFR 3.73(b)Applicant: R. Tyler McCabe, and Brian R. de CostaU. S. Patent No. 5,468,854U.S. Patent Application No.: 08/095,937 Filed: July 22, 1993For: Characterization of Specific Drug Receptors with Fluorescent LigandsPharmaceutical Discovery Corporation a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is an assignee of rights, title and interest in the patent application identified above by virtue of:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent identified above, to the current assignee as shown below:

1. From: R. Tyler McCabe To: Pharmaceutical Discovery Corporation
The document was recorded in the Patent and Trademark Office at Reel 5879, Frame 0309, or for which a copy thereof is attached.
2. From: Brian R. de Costa To: Pharmaceutical Discovery Corporation
The document was recorded in the Patent and Trademark Office at Reel 7557, Frame 0279, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplement sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and believe are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : September 16, 1998Name : Solomon E. SteinerTitle : Chairman/Chief Executive OfficerSignature: 

Applicants: Solomon S. Steiner, et al.

U. S. Patent No. 5,503,852

Application No.: 08/299,842

Filed: September 1, 1994

For: METHOD FOR MAKING SELF-ASSEMBLING DIKETOPIPERAZINE DRUG DELIVERY SYSTEM

Pharmaceutical
Discovery Corporation

(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor of the patent application identified above.
The assignment was recorded in the Patent and Trademark Office at Reel _____,
Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above,
to the current assignee as shown below:

1. From: Solomon S. Steiner, Christopher A. Rhodes, Gregory S. Shen, and R. Tyler McCabe
To: Pharmaceutical Discovery Corporation
The document was recorded in the Patent and Trademark Office at
Reel 7259, Frame 0598, or for which a copy thereof is attached.

2. From:
To:
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplement sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

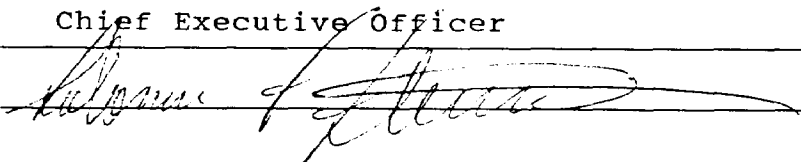
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and believe are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : April 6, 1995

Name : Solomon S. Steiner, Ph.D.

Title : Chief Executive Officer

Signature :



CERTIFICATE UNDER 37 CFR 3.73(b)Applicant: R. Tyler McCabe, et al.

U. S. Patent No.: 5,576,436

U.S. Patent Application No.: 08/204,559 Filed: March 2, 1994For: Fluorescent LigandsPharmaceutical Discovery Corporation a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is an assignee of rights, title and interest in the patent application identified above by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7005, Frame 0700, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplement sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and believe are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : September 16, 1998Name : Solomon E. SteinerTitle : Chairman-Chief Executive OfficerSignature: 

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: R. Tyler McCabe, Bryan R. Wilson and Christopher A. Rhodes

U. S. Patent No. 5,712,269

Application No.: 08/377,667 Filed: January 24, 1995

For: M₂ Receptor Ligand For The Treatment Of Neurological Disorders

Pharmaceutical Discovery Corporation a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An assignment from R. Tyler McCabe, Bryan R. Wilson and Christopher A. Rhodes to Pharmaceutical Discovery Corporation of U.S.S.N. 08/042,872, to which this application is a continuation. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 6520, Frame 0609 on 4/5/93.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

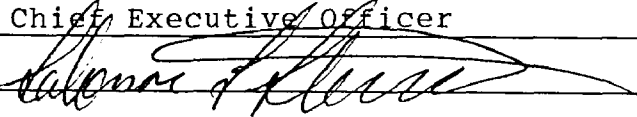
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 25, 1996

Name: Solomon S. Steiner, Ph.D.

Title: Chief Executive Officer

Signature: 

CERTIFICATE UNDER 37 CFR 3.73(b)Applicant: Solomon S. Steiner, et al.U.S. Patent Application No.: 08/441,378 Filed: May 15, 1995For: Method for Drug Delivery to the Pulmonary SystemPharmaceutical Discovery Corporation a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is an assignee of rights, title and interest in the patent application identified above by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7548, Frame 0849, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent identified above, to the current assignee as shown below:

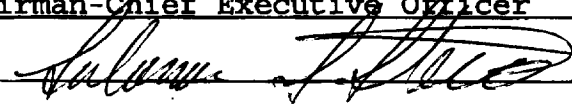
1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplement sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

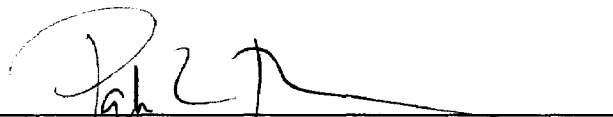
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and believe are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : September 16, 1998Name : Solomon E. SteinerTitle : Chairman-Chief Executive OfficerSignature: 

CERTIFICATE OF MAILING UNDER 37 CFR § 1.10

I hereby certify that the Assignments and Certificates Under 37 CFR §3.73(b) and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, October 2, 1998 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, Mailing Label Number EM 500 209 676 US, addressed to Box Assignments, Assistant Commissioner of Patents, Washington, D.C. 20231.


Patrea L. Pabst

Date: October 2, 1998

ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3450
(404) 873-8794
(404) 873-8795 (fax)