

mkd 2-16-99

02-19-1999

Form 1595  
1-31-92 (modified)

RECC

U.S. Department of Commerce  
Patent and Trademark Office



100967138

To the Honorable Assist

original document

Please record the attached  
file

1. Name of conveying party(ies):  
Richard K. Bestwick

Add'l names of conveying parties attached?  
 Yes  No

3. Nature of conveyance:  Assignment  
 Merger  Security Agreement  Other  
 Change of Name  Reassignment

4. Date(s) of execution: 01/22/99.

2. Name/address of receiving party(ies):  
Agritope, Inc.

16160 S.W. Upper Boones Ferry Road  
Portland, Oregon 97224-7744

Add'l names of receiving parties attached?  Yes  No

5. Application number(s) and/or patent number(s):

If this document is being filed with a new application, the date of signature by the first named inventor was: \_\_\_\_\_.

A. Patent Application No. (s)  
09/199,871 filed 11/25/98

B. Patent No. (s)

Additional numbers attached:  Yes  No

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

Dehlinger & Associates  
P.O. Box 60850  
Palo Alto, CA 94306  
(650) 324-0880

7. Total No. of applications and patents involved:  
one (1)

8. Total fee (37 CFR §3.41): \$40.00  
 Enclosed  
 Charge to Deposit Account 04-0531

9. Total number of pages, including cover sheet, attachments and document: 9

(02/19/1999 DNGUYEN 00000074 09199871  
01 FC:581 40.00 OP)

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10. 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.*

Judy M. Mohr  
Name of Person Signing

Judy Mohr  
Signature

2/12/99  
Date

## Assignment

THIS ASSIGNMENT, by Pamela Gail Marrone, Sherry D. Heins, Denise C. Manker, Desmond R. Jimenez, Richard K. Bestwick, and George J. Vandemark (hereinafter referred to as the Assignors), residing at Davis, California, Davis California, Davis, California, Woodland, California, Portland, Oregon, and Prosser, Washington, witnesseth:

WHEREAS, the said Assignors have invented certain new and useful improvements in BIOLOGICAL CONTROL OF PLANT FUNGAL INFECTIONS, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/199,871 and filed on November 25, 1998;

WHEREAS, Agritope, Inc., a corporation duly organized under and pursuant to the laws of Oregon, and having its principal place of business at 16160 S.W. Upper Boones Ferry Road, Portland, Oregon, 97224-7744, (hereinafter referred to as the Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon;

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, the said Assignors have sold, assigned, transfer and set over, and by these presents does sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or 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 said Assignee, for its own use and behoof and the use and behoof 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 Assignor, had this sale and assignment not been made.

AND, for the same consideration, the said Assignors hereby covenant and agree to and with the said Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, the said Assignors are the joint and lawful owners of the entire right, title and interest in and to the said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that the said 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 said Assignors hereby covenant and agree to and with the said Assignee, its successors, legal representatives and assigns, that the said Assignors will, whenever counsel of the said Assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation, or continuation-in-part of any application for Letters patent, or any reissue or extension of any Letters Patent, 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 for said inventions, without charge to said Assignees, their successors, legal representatives and assigns, but at the cost and expense of the said Assignee, its successors, legal representatives and assigns.

AND, the said Assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said Assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, it successors, legal representatives and assigns.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Pamela Gail Marrone

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Sherry D. Heins

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Denise C. Manker

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Desmond R. Jimenez

Date: JANUARY 22, 1999  
 \_\_\_\_\_  
 Richard K. Bestwick

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 George J. Vandemark

WITNESSES TO SIGNATURE BY Pamela Gail Marrone

1. \_\_\_\_\_  
 (Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

2. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

WITNESSES TO SIGNATURE BY Sherry D. Heins

1. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

2. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

\* \* \* \* \*

WITNESSES TO SIGNATURE BY Denise C. Manker

1. \_\_\_\_\_  
 (Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

2. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

WITNESSES TO SIGNATURE BY Desmond R. Jimenez

1. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

2. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

\* \* \* \* \*

WITNESSES TO SIGNATURE BY Richard K. Bestwick

1. \_\_\_\_\_  
 (Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

2. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

WITNESSES TO SIGNATURE BY George J. Vandemark

1. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

2. \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

Street Address

\_\_\_\_\_

City, State & Zip

\_\_\_\_\_  
(date)

\* \* \* \* \*

Note: May be notarized in lieu of witnessing.

\* \* \* \* \*

STATE OF OREGON )  
 )  
COUNTY OF WASHINGTON )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared Pamela Gail Marrone, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

(Seal)

\* \* \* \* \*

STATE OF OREGON )  
 )  
COUNTY OF WASHINGTON )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared Sherry D. Heins, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

(Seal)

\* \* \* \* \*

Note: May be notarized in lieu of witnessing.

Note: May be notarized in lieu of witnessing.

\* \* \* \* \*

STATE OF OREGON )  
 )  
COUNTY OF WASHINGTON )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared Denise C. Manker, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

(Seal)

\* \* \* \* \*

STATE OF OREGON )  
 )  
COUNTY OF WASHINGTON )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared Desmond R. Jimenez, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

(Seal)

\* \* \* \* \*

Note: May be notarized in lieu of witnessing.



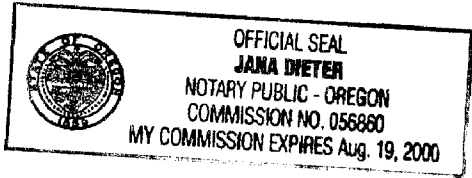
Note: May be notarized in lieu of witnessing.

\* \* \* \* \*

STATE OF OREGON )  
 )  
COUNTY OF WASHINGTON )

On 01/22/99 before me, JANA DIETER, personally appeared Richard K. Bestwick, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



(Seal)

Jana Dieter  
Signature

\* \* \* \* \*

STATE OF OREGON )  
 )  
COUNTY OF WASHINGTON )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared George J. Vandemark, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

(Seal)

\* \* \* \* \*

Note: May be notarized in lieu of witnessing.