

04-03-2000

FORM PTO-1595
1-31-92

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office



ET
Express Mail No. EM530826891US

Docket No. 251/262

MKP
3-20-00

RE

101303168

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

<p>1. Name of conveying party(ies): Gary Ward Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party: Name: <u>DURA PHARMACEUTICALS, INC.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>7475 Lusk Boulevard</u> City: <u>San Diego</u> State: <u>CA</u> Zip: <u>92121</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>March 20, 2000</u></p>	

36675 U.S. PTO
09/528519
03/20/00

4. Application number(s) or patent number(s):
If this document is being filed together with a new application, the execution date of the application is: March 20, 2000

<p>A. Patent Application No(s). <u>09/528519</u></p>	<p>B. Patent No(s).: Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	---

<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Kenneth H. Ohriner, Esq.</u> Internal Address: <u>LYON & LYON LLP</u> <u>633 West Fifth Street, Suite 4700</u> <u>Los Angeles, CA 90071-2066</u></p>	<p>6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41): \$ 40.00 <input checked="" type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required 8. Deposit Account Number: <u>12-2475</u></p>
--	---

DO NOT USE THIS SPACE

9. 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.
Kenneth H. Ohriner
Kenneth H. Ohriner, Reg No. 31,646
Date: March 20, 2000
Total number of pages including cover sheet: 8

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

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

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

03/20/2000 KHR/LIN 09528519 40.00 DP
FC:561
PATENT

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, I, GARY WARD, a citizen of the United States of America (hereinafter referred to as "ASSIGNOR"), have invented and own a certain invention entitled STABILIZED DRY POWDER FORMULATIONS for which application for Letters Patent of the United States of America has been executed on even date herewith; and

WHEREAS, DURA PHARMACEUTICALS, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware and having its principal place of business at 7475 Lusk Boulevard, San Diego, CA 92121 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged. ASSIGNOR hereby sells, assigns, transfers and sets over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

LA-135836 1

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at San Diego, CA

California, this 20 day of March, 2000.

[Signature]
GARY WARD 3/20/00

STATE OF CALIFORNIA)

) ss

COUNTY OF)

Juanice Brewster

On 3-20-00 before me, ~~GARY WARD~~, personally appeared

Gary Ward

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Juanice Brewster
Notary Public in and for said County and State

