

01-15-2002

FORM PTO-1595

Docket No. [94,564-B]

EET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

01.4.2



101947217

To The Honorable Commissioner of Patents and Trademarks

ents or copy thereof.

1. Name of conveying party(ies):

Kalyx Biosciences, Inc.

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

2. Name and address of receiving party(ies)

Name: 567782 B.C. Ltd.

Address: 736 Broughton Street, 3rd Floor  
Victoria, British Columbia  
V8W 1E1  
Canada

Name:

Address:

3. Nature of conveyance:

☐ Assignment☐ Merger☐ Security Agreement☐ Change of Name☒ Other Affidavit of Randall William Marusyk and Exhibit A  
(Certificate of Appointment, Bill of Sale, and List of  
Assets)Additional name(s) & address(es) attached? ☐ Yes ☒ No

Execution Date: December 21, 2001

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:

A. Patent Application No.(s)

Filing Date

B. Patent No.(s)

6,306,657

Additional numbers attached? ☐ Yes ☒ No

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

Name: Emily Miao

Registration No.: 35,285

Company Name: McDonnell, Boehnen, Hulbert &amp; Berghoff

Street Address: 300 South Wacker Drive - 32<sup>nd</sup> Floor

City: Chicago

State: Illinois

Country: U.S.A.

ZIP: 60606

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

8. Deposit account number:

13-2490

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.

Emily Miao

Printed Name of Person Signing

Signature

Date: 1/4/01

Express Mail Certificate: EL904285841US

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

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

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

1/14/2002 LMUELLER 00000387 6306657

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PATENT  
REEL: 012447 FRAME: 0459

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RE: U.S. PATENT NO. 6,306,657**

In re: U.S. Patent No. 6,306,657  
entitled Polynucleotide Probe and Kit for Amplifying Signal Detection in Hybridization Assays

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**AFFIDAVIT**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assignee: Kalyx Biosciences Inc.  
Inventors: Sithian PANDIAN; Eng J. AW; David I. SMITH  
Patent No.: 6,306,657  
Issued: October 23, 2001  
Title: Polynucleotide Probe and Kit for Amplifying Signal Detection in Hybridization Assays

**AFFIDAVIT OF RANDALL WILLIAM MARUSYK**

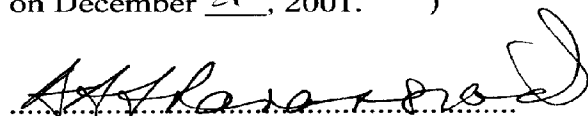
In re U.S. Patent No. 6,306,657  
entitled Polynucleotide Probe and Kit for Amplifying Signal Detection in Hybridization Assays

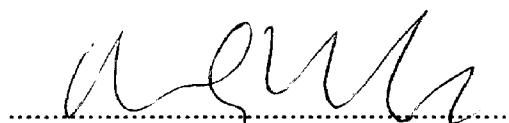
**AND IN THE MATTER OF** the transfer of ownership of the above U.S. patent from  
Kalyx Biosciences Inc. to 567782 B.C. Ltd.

I, Randall William Marusyk, of the City of Ottawa, in the Province of Ontario MAKE OATH  
AND SAY AS FOLLOWS:

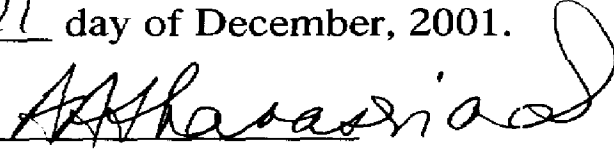
1. THAT I am a partner of MBM & Co. which is the worldwide coordination patent attorney firm by the assignee to oversee and direct the prosecution of the above-referenced U.S. patent.
2. I was informed by Ernst & Young Inc., in its capacity as trustee of Kalyx Biosciences Inc. and verily believe that:
  - a. Kalyx Biosciences Inc. was assigned into bankruptcy on May 1, 1998;
  - b. Ernst & Young Inc. was appointed the trustee in bankruptcy of the estate of Kalyx Biosciences Inc.; and
  - c. the worldwide ownership of all of the intellectual property of Kalyx Biosciences Inc. including U.S. Patent No. 6,306,657 was transferred from Ernst & Young Inc., as trustees, to 567782 B.C. Ltd. on July 16, 1998.
3. Attached as Exhibit A, to this my affidavit, is a copy of: (1) Certificate of Appointment Sec.49; (2) Bill of Sale; and (3) Schedule A with attached chart which supports the information supplied by Ernst & Young Inc.
4. I attest to the fact that the purchase price and terms and conditions of sale were severed from the bill of sale document in order to maintain confidentiality.

Sworn before me at the )  
City of Ottawa in the )  
Province of Ontario, )  
on December 21<sup>st</sup>, 2001. )

  
.....  
Commissioner for Taking Affidavits

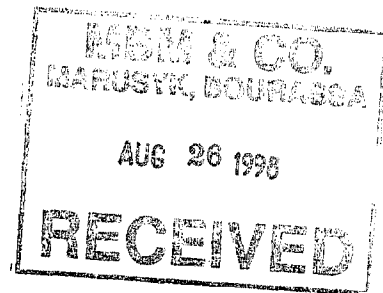
  
.....  
Randall William Marusyk

**Exhibit A** as to the Affidavit  
of Randall Marusyk sworn  
this 21 day of December, 2001.

  
A commissioner, etc.

Ernst & Young Canada  
Office of the Superintendent  
of Bankruptcy

Industrie Canada  
Bureau du Surintendant  
des faillites



District of ONTARIO  
Division No. 12 - Ottawa  
Court No. 33-104418  
Estate No. 33-104418

In the Matter of the Bankruptcy of:

KALYX BIOSCIENCES INC  
Debtor

ERNST & YOUNG INC.  
Trustee

ORDINARY ADMINISTRATION

Date of Bankruptcy: May 1, 1998  
Initial Bankruptcy Event Date: May 1, 1998  
Meeting of Creditors: May 22, 1998, 11:00  
1600 - 55 METCALFE STREET  
OTTAWA, ONTARIO

Security: \$0

Chairman: Trustee

CERTIFICATE OF APPOINTMENT SEC. 49

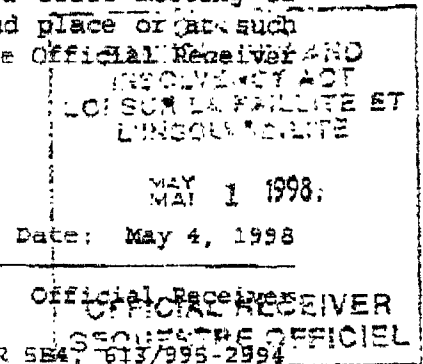
I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that:

- the aforementioned debtor filed an assignment under section 49 of the Bankruptcy and Insolvency Act
- the aforementioned trustee was duly appointed Trustee of the Estate of the Debtor
- provisions for the avoidance of certain settlements and preferences where applicable, begin before the initial bankruptcy event date and end on the date of bankruptcy, both dates included

The said trustee is required:

- to deposit with me, without delay, security in the aforementioned amount
- to mail to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy and
- when applicable to call in the prescribed manner, a first meeting of creditors, to be held at the aforementioned time and place or at such other time and place as may be later requested by the Official Receiver

JEAN LAZARD



Treble Bldg., 473 Albert St., 2nd Fl., Ottawa, ONTARIO, K1R 5B4

## BILL OF SALE

**VENDOR:** ERNST & YOUNG INC., solely in its capacity as a trustee of Kalyx Biosciences Inc. ("Kalyx"), without personal or corporate liability

**PURCHASER:** 567782 B.C. LTD. (the "Purchaser")

In consideration for the following purchase price, Ernst & Young Inc., solely in its capacity as Trustee of Kalyx (hereinafter "Trustee") as noted above, and upon the terms and conditions set out herein, sells to the Purchaser, all the Trustee's and all of Kalyx's rights to and interest in the following assets (the "Assets") of Kalyx:

### DESCRIPTION OF ASSETS

### PURCHASE PRICE

All intellectual property of Kalyx as set out in the attached Schedule "A", together with all other intellectual property of Kalyx including, but not limiting to, its registered name, trade names, trade marks, copyrights, patents, know-how, research and development, customer lists and list of suppliers.

Goods and Services Tax (GST #136347721)

Ernst & Young Inc. solely in its  
capacity as Trustee of Kalyx  
and not in its personal capacity per:

Date

July 16/98

Chris C.  
Authorized signing officer

567782 B.C. LTD. hereby confirms  
its agreement with the terms and  
conditions of this Bill of Sale per

Date

July 13/98

William Kay  
Authorized signing officer

**SCHEDULE "A"**

**LIST OF ASSETS**

All intellectual property of Kalyx Biosciences Inc. as set out in the attached schedule, together with all other intellectual property of Kalyx Biosciences Inc. including, but not limiting to, its registered name, trade names, trade marks, copyrights, patents, know-how, research and development, customer lists and list of suppliers.

W/C  
CN



**INTELLECTUAL PROPERTY**  
**KALYX BIOSCIENCES INC. - PATENT PORTFOLIO**  
**PATENT PORTFOLIO - POLYMACRON**  
**PARCEL #1**

<u>Title</u>	<u>Country</u>	<u>Inventors</u>	<u>Issued</u>	<u>Patent #</u>	<u>Technology</u>
Antibodies or Antigens Bound to a Macroporous Hydrophobic Synthetic Polymer Cloth for Immunological Techniques.	United States	Hiroshi Yamazaki, Burton W. Bliss	8-Dec-92	5, 189, 757	Polymerization
Antibodies or Antigens Bound to a Macroporous Hydrophobic Synthetic Polymer Cloth for Immunological Techniques.	Canada	Hiroshi Yamazaki, Burton W. Bliss	12-Nov-91	1, 281, 949	Polymerization
Enzyme Immunoassay with a Macroporous Hydrophobic Synthetic Polymer Cloth Containing an Immobilized Antibody or Antigen	United States	Hiroshi Yamazaki, Burton W. Bliss	18-Jun-92	5, 122, 452	Polymerization
Enzyme Immunoassay with a Macroporous Hydrophobic Synthetic Polymer Cloth Containing an Immobilized Antibody or Antigen.	Canada	Hiroshi Yamazaki, Burton W. Bliss	Pending	2, 018, 048 Application Number June 14, 1990	Polymerization
Method and Kit for Detecting Nucleic Acid Sequences Using Macroporous Hydrophobic Cloth	United States	S. Pandian, E. J. Aw, D. Smith	Pending	08/894, 918 Application Number	Polymerization
Nucleic Acids Bound to a Macroporous Hydrophobic Synthetic Polymer Cloth for Hybridization Techniques	Canada	S. Pandian, E. J. Aw, D. Smith	Pending	2, 188, 803 Application Number	Polymerization
Device and Method of Use for Detection of Bacterial Lipopolysaccharides	United States	S. Pandian, E. J. Aw, D. Smith	Pending	08/753, 245 Application Number	Polymerization

W/C

**INTELLECTUAL PROPERTY**  
**KALYX BIOSCIENCES INC. - PATENT PORTFOLIO**  
**PATENT PORTFOLIO - POLYMACRON<sup>®</sup>**  
**PARCEL #1**

<u>Title</u>	<u>Country</u>	<u>Inventors</u>	<u>Issued</u>	<u>Patent #</u>	<u>Technology</u>
Device and Method of Use for Detection of Bacterial Lipopolysaccharides	Canada	S. Pandey, E. J. Aw, D. Smith	Pending	2,183,687 Application Number	Polymerase
Assay Container with Insert and Method of Use	Canada	JR Howell, R. Gosh, D. Smith, S. Pandey, E. J. Aw	Pending	2,186,481 Application Number	Polymerase

\* Trademarks: Polymeron, Polymeron Rapitest, Rapitest

**INTELLECTUAL PROPERTY  
KALYX BIOSCIENCES INC. - PATENT PORTFOLIO  
PATENT PORTFOLIO - KEAR  
PARCEL #2**

<u>Title</u>	<u>Country</u>	<u>Inventors</u>	<u>Issued</u>	<u>Patent #</u>	<u>Technology</u>
Method of Amplification for Increasing the Sensitivity of Detecting Nucleic Acid-Probe Target Hybrids	United States	S. Pandian, E. J. Aw, D. Smith	8-May-97	5,627,030	Kear
Method of Amplification for Increasing the Sensitivity of Detecting Nucleic Acid-Probe Target Hybrids	PCY	S. Pandian, E. J. Aw, D. Smith	Pending	PCT/KAB/00360 Application Number	Kear
Method of Amplification for Increasing the Sensitivity of Detecting Nucleic Acid-Probe Target Hybrids	Europe	S. Pandian, E. J. Aw, D. Smith	Pending	BS922361 B Application Number	Kear
Method of Amplification for Increasing the Sensitivity of Detecting Nucleic Acid-Probe Target Hybrids	Japan	S. Pandian, E. J. Aw, D. Smith	Pending	80767193 Application Number	Kear

\* Trademarks: Kear

**INTELLECTUAL PROPERTY**  
**KALYX BIOSCIENCES INC. - PATENT PORTFOLIO**  
**PATENT PORTFOLIO - AMPLISCRIP<sup>®</sup>**  
**PARCEL #3**

<u>Title*</u>	<u>Country</u>	<u>Inventors</u>	<u>Issued</u>	<u>Patent #</u>	<u>Technology</u>
Method for Enhancing Detection Ability of Nucleic Acid Assays Employing Polymerase Chain Reaction	United States	S. Pandian, E. J. Aw, D. Smith	Notice of Allowance 18-Sept-97	081718, 596 Application Number	Ampliscript
Method for Enhancing Detection Ability of Nucleic Acid Assays Employing Polymerase Chain Reaction	Canada	S. Pandian, E. J. Aw, D. Smith	Pending	2,139,070 Application Number	Ampliscript
Method and Kit for Enhancing Detection Ability of Nucleic Acid Assays Employing Polymerase Chain Reaction (CIP)	United States	S. Pandian, E. J. Aw, D. Smith	Pending	081663, 475 Application Number	Ampliscript
Method and Kit for Enhancing Detection Ability of Nucleic Acid Assays Employing Polymerase Chain Reaction	PCT	S. Pandian, E. J. Aw, D. Smith	Pending	Based on US 081663/475	Ampliscript
Method for Enhancing Detection Ability of Nucleic Acid Assays Employing Nucleic Acid Sequences Based Application	United States	S. Pandian, E. J. Aw, D. Smith	Abandoned	Reinstated 2344/1998	Ampliscript

\* Trademarks: Ampliscript

INTELLECTUAL PROPERTY  
KALYX BIOSCIENCES INC. - PATENT PORTFOLIO  
PATENT PORTFOLIO - AMPLESCRIPT<sup>®</sup>  
PARCEL #3

® Trademark: AmpleScript