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U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office Docket No.: 1946/1F324



LY 2.1.07

To the Honorable Commissioner

attached original documents or copy thereof.

102017066

1. Name of conveying party(ies):

David Gschneidner

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

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

Name: Emisphere Technologies, Inc.

Internal Address:

Street Address: 765 Old Saw Mill River Road

City: Tarrytown State: NY Zip: 10591

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

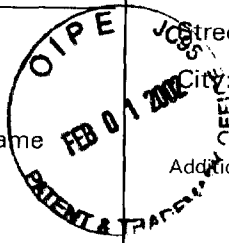
3. Nature of conveyance:

Assignment Merger

Security Agreement Change of Name

Other

Execution Date: 1/25/02



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)

09/913,049

EXPRESS MAIL CERTIFICATE

Date: 2/1/02 Label No: 87723804-15

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patent, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

J. Perez (Name: Print)

(Signature)

Additional numbers attached? Yes No

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

Name: Darby & Darby P.C.

Internal Address: Jay P. Lessler

Street Address: 805 Third Avenue, 27th Floor

City: New York State: New York Zip: 10022-7513

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:

04-0100

(Attach duplicate copy of this page if paying by deposit account)

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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.

Jay P. Lessler (41,151)
Name of Person Signing

(Signature)

February 1, 2002
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 & Trademarks, Box Assignments Washington, D.C. 20231

ASSIGNMENT

I, **David Gschneidner**, a citizen of U.S., residing at 44 Ceretta Street, Stamford, CT 06907, (hereinafter called "ASSIGNOR") in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, paid to me by

Emisphere Technologies, Inc.

a corporation organized under the laws of **New York**, located at 765 Old Saw Mill River Road, Tarrytown, NY 10591, (hereinafter called the "ASSIGNEE"), do hereby sell and assign to said ASSIGNEE, its successors and assigns, all my right, title and interest, **throughout the world, including priority rights**, in and to my invention entitled:

**OXADIAZOLE COMPOUNDS AND COMPOSITIONS FOR DELIVERING
ACTIVE AGENTS**

invented by me, and described in Application Serial No. **09/913,049**, filed **September 12, 2001** for United States Letters Patent therefor, and all divisions, reissues, continuations and extensions thereof, said interest being **my entire ownership interest** in said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters patent may be granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made;

And I hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal or reissue applications, or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

I declare under penalty of perjury under the laws of the United States of America that I have signed this document as my own free act and that all of the foregoing is true and correct.

David Gschneider

David Gschneider

DATED: 1/25/02