05-20-2002 Rec'd PCT/PTO 02 APR 2002 1 COVER SHEET **DNLY** 102096567. Please record the attached original documents or copy thereof. To The Honorable Commi 1. Name of conveying party(ies): Name and address of receiving party(ies): Roger W. INNES December 20, 2001 Name: Advanced Research & Technology Institute First Assignor Date of Execution Street Address: Indiana University Research Park Catherine A. FRYE January 15, 2002 5012 North Morton Street, Suite 111 Second Assignor Date of Execution City: Bloomington Third Assignor Date of Execution State: Indiana ZIP: 47404 Additional name(s) & address attached? ()YES (X)NO Fourth Assignor Date of Execution 3. Nature of Conveyance (check only one): (X) New Assignment Fifth Assignor Date of Execution () Merger () License Agreement () Security Agreement () Change of Name () Other: Sixth Assignor Date of Execution ()Cross-reference of Assignment filed in United States Application No.__/___, recorded on_____ Reel No. ___and Frame No. Additional name(s) of conveying party(ies) attached? () YES () NO 4. Identification of Application number(s), patent number(s) OR date of execution of application to which assignment refers: Application Nos.: Patent Nos.: Date application was signed by the first named executing inventor 09/979,195 (Fill-in this date only if assignment is filed together with a new application) 5. Name and address of party to whom correspondence concerning documents should be mailed: 6. Total number of applications and patents involved: 1 Name: Janet E. Reed 7. Total fee (37 CFR 3.41):.....\$40.00 WOODCOCK WASHBURN LLP (X) Enclosed One Liberty Place - 46th Floor () Authorized to be charged to Deposit Account Philadelphia, Pernsylvania 19103-7301 Number 23-3050 215-568-3100 4/09/2002 MAL111 00000050 09979195 8. Please charge any deficiency or credit any overpayment to Deposit Account Number 23-3050 40.00 DP FC:581

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.

Scott E. Scioli/47,930 Name of Person Signing/Reg. No.

INDU-0009

Total number of pages including cover sheet, assignment document and additional pages attached thereto:

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

Commissioner of Patents and Trademarks Box Assignments Washington, D.C. 20231

> PATENT REEL: 012894 FRAME: 0972

DOCKET NO.: INDU-0009

PATENT Joint Inventors

(Pending Application; Serial No. Unknown)

ASSIGNMENT

WHEREAS, we Roger W. INNES and Catherine A. FRYE, hereinafter referred to as the assignors, residing respectively at 2432 Rock Creek Drive, Bloomington, Indiana 47401 and 2432 Rock Creek Drive, Bloomington, IN 42401 are the joint inventors of certain inventions or improvements for which we have made application for Letters Patent to the United States, identified as Case No. INDU-0009, entitled GENE FOR REGULATING DISEASE RESISTANCE IN PLANTS; and

WHEREAS, Advanced Research & Technology Institute, hereinafter referred to as the assignee, of Indiana University Research Park, 5012 North Morton Street, Suite 111, Bloomington, Indiana 47404, a corporation of Indiana, is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements and in and to the said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in any and all countries:

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to each of us in hand paid by said assignee, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said assignors, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over to said assignee, the entire right, title and interest in and to said inventions or improvements and said application and any and all continuations, divisions and renewals of and substitutes for said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in the United States and any and all other countries, and any reissue or reissues or extension or extensions of said Letters Patent, and assign to and authorize said assignee, to file in our names applications for Letters Patent in all countries, the same to be held and enjoyed by said assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us had this assignment, sale and transfer not been made.

AND we hereby covenant that we have full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith, and we further covenant and agree that we will each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent to said assignee, its successors, assigns, nominees, or legal representatives, and each of us agrees to communicate to said assignee or to its nominee all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid said

PATENT REEL: 012894 FRAME: 0973

and purposes therein set forth.

assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit proper patent protection for said inventions or improvements in any and all countries.

AND we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to said assignee, as assignee of the entire right, title and interest, any and all Letters Patent for said inventions or improvements, including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

AND this Assignment may be executed in multiple counterparts, each of which shall be deemed to be an original of this Assignment. Additionally, we hereby authorize our attorneys to collect the signature pages of each executed counterpart and to attach those signature pages to a single copy of this instrument, which single copy and attached signature pages together shall constitute an original of this Assignment.

We further authorize and direct our attorneys to insert below* the serial number and filing date of said application now identified as Case No. **INDU-0009** as soon as the same shall have been made known to them by the United States Patent Office.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

12/20/01	May W. ames (L.S.)
Date	Roger W. INNES
STATE OF <u>INDIANA</u>	: : SS
COUNTY OF MORIOR	:
On this <u>20</u>	day of <u>December</u> , year of <u>201</u> , before me personally came <u>Innec</u> to me personally known and known
the above named Roser W	<i>Innec</i> to me personally known and known
to me to be the same inc	lividual who executed the foregoing assignment, and who
acknowledged to me that exe	cution of the same was of that person's own free will for the use

Notary Public Frederick E. O reschen

Date Catherine A. Frye (L.S.)
STATE OF North Coolina: SS COUNTY OF Man : On this 15th day of toman, year of 02, before me personally came the above named to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.
Barakay Blackian Notary Public
*The above assignment covers application Serial No. 09/979,195, filed on <u>herewith</u> , year of The above insertion made by me this day of, year of, year of,
of WOODCOCK WASHBURN LLP Name: Scott Scioli Registration No. 47,930

RECORDED: 04/02/2002