

12-31-2002

FORM PTO-1595  
(Rev. 3-01)  
OMB No. 0651-0027 (exp. 5/31/2002)



U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

102324610

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

1. Name of conveying party(ies):  
  
Edward M. Rudnic  
James D. Isbister  
Donald J. Treacy, Jr.  
Sandra E. Wassink  
  
Additional name(s) of conveying party(ies) attached:  
 Yes  No

12.26.02

2. Name and address of receiving party(ies):  
  
Name: Advancis Pharmaceutical Corporation  
  
Internal Address:  
  
Street Address: 656 Orchard Road, Suite 220  
  
City: Gaithersburg  
  
State: Maryland  
  
Zip: 20878  
  
Additional name(s) & address(es) attached:  Yes  No

3. Nature of conveyance:  
  
 Assignment  Merger  
 Security/Agreement  Change of Name  
 Other  
  
Execution Date: 12/2/02, 12/4/02, 12/5/02 & 12/12/02

4. Application number(s) or patent number(s): 1  
  
If this document is being filed together with a new application, the execution date of the application is:  
  
A. Patent Application No.(s) 10027864  
  
Additional numbers attached?  Yes  No

B. Patent No.(s)  
  
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DEC 21 7:10  
COMMERCIAL

5. Name and address of party to whom correspondence concerning document should be mailed:  
  
Name: Raymond E. Stauffer  
  
Internal Address: Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein  
  
Street Address: 6 Becker Farm Road  
  
City: Roseland State: New Jersey Zip: 07068

6. Total number of applications and patents involved: 1  
  
7. Total fee (37 CFR 3.41)....\$40.00  
 Enclosed  
 Additional fees, if any, authorized to be charged to deposit account  
  
8. Deposit account number: 03-0678  
(Attach duplicate copy of this page if paying by deposit account)

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.*  
  
Raymond E. Stauffer      [Signature]      December 19, 2002  
Name of Person Signing      Signature      Date  
  
Total number of pages including cover sheet, attachments, and document: 3

#164299 v1

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

12/30/2002 LMUELLER 00000144 10027866  
01 FC:8021      40.00 GP

PATENT  
REEL: 013606 FRAME: 0503

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, Edward M. Rudnic, James D. Isbister, Donald J. Treacy, Jr. and Sandra E. Wassink, hereby sells, assigns and transfers to Advancis Pharmaceutical Corporation ("Assignee"), having a place of business at 656 Quince Orchard Road, Suite 220, Gaithersburg, Maryland 20878, a Maryland corporation, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as: United States Application Serial No. 10/027,866, filed December 20, 2001 and/or executed on even date herewith and is entitled:

METRONIDAZOLE ANTIBIOTIC PRODUCT, USE AND FORMULATION THEREOF

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original, re-examined and reissued patents and extensions thereof which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Improvements").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said Improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such Improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said Improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said Improvements and for vesting title to said Improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Alan J. Grant (Reg. No. 33,389); Francis C. Hand (Reg. No. 22,280); G. Glennon Troublefield (Reg. No. 39050); and Raymond E. Stauffer (Reg. No. 47,109) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Raymond E. Stauffer, c/o Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068.

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: [Signature] Date: 12-02-02  
Edward M. Rudnic

STATE OF MD COUNTY OF Montgomery  
Before me this 2nd day of Dec., 2002, personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

[Signature]  
Notary Public  
Julie M. Clifford, Notary Public  
Montgomery County  
State of Maryland  
My Commission Expires F

Inventor's Signature: [Signature] Date: 12-12-02  
James D. Isbister

STATE OF MD COUNTY OF MONT SS:  
Before me this 12th day of Dec, 2002, personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

[Signature]  
Notary Public  
Julie M. Clifford, Notary Public  
Montgomery County  
State of Maryland  
My Commission Expires Feb. 1, 2003

Inventor's Signature: Donald J. Treacy, Jr.  
Donald J. Treacy, Jr.

Date: 12/5/02

STATE OF MD, COUNTY OF Mont. SS.:

Before me this 5<sup>th</sup> day of Dec, 2002, personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Julie M. Clifford  
Notary Public

Julie M. Clifford, Notary Public  
Montgomery County  
State of Maryland  
My Commission expires Feb 7, 2003

Inventor's Signature: Sandra E. Wassink  
Sandra E. Wassink

Date: 12/4/02

STATE OF MD, COUNTY OF Mont. SS.:

Before me this 4<sup>th</sup> day of Dec, 2002, personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Julie M. Clifford  
Notary Public

Julie M. Clifford, Notary Public  
Montgomery County  
State of Maryland  
My Commission expires Feb 7, 2003

**CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN**  
6 Becker Farm Road - Roseland, NJ 07068 - (973) 994-1700

Docket No. 206200-31  
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