

01-28-2003

FORM PTO-1595
P20938.P10

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To the Honorable Commissioner

checked original documents or copy thereof.



102349684

1. Name of Conveying party(ies):
MICROCIDE PHARMACEUTICALS, INC.

2. Name and address of receiving party(ies)

Name: ESSENTIAL THERAPEUTICS, INC.

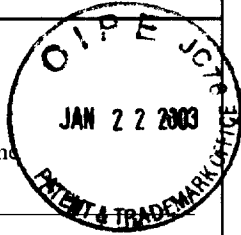
1-22-03

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

Internal Address: _____

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____



Street Address: 1365 Main Street

City: Waltham State: MA ZIP: 02451

Execution Date: September 12, 2002

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

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)
09/842,234

B. Patent No.(s)

Additional numbers attached: Yes No

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

Name: Bruce H. Bernstein

Internal Address: P20938

Street Address: GREENBLUM & BERNSTEIN, P.L.C.

1950 Roland Clarke Place

City: Reston State: VA ZIP: 20191

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:

19-0089

(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.

Bruce H. Bernstein, Reg. No. 29,027

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 2

01/27/2003 6T0111 00000090 09842234

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40.00 OP

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

PATENT
REEL: 013688 FRAME: 0429



CERTIFICATE OF MERGER

I, the undersigned, do hereby certify that MICROCID PHARMACEUTICALS, INC., a Delaware corporation, of 850 Maude Avenue, Mountain View, CA 94043, U.S.A., merged with the Althexis Company on October 24, 2001, to form a new company known as ESSENTIAL THERAPEUTICS, INC., a Delaware corporation, of 1365 Main Street, Waltham, MA 02451, U.S.A.

George H. Miller, Ph. D.
Executive Vice-President
Essential Therapeutics, Inc.

Dated this 12th day of September, 2002

State of California, County of Santa Clara
On 9/12/02 before me, Karen Wright, Notary Public
Personally appeared George H. Miller
personally known to me
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 entity upon behalf of which the person(s) acted,
executed the instrument.

(seal)



Witness my hand and official seal.
Karen Wright
Notary Public

Corporate Headquarters
1365 Main Street, Waltham, MA 02451-1264
Tel: (617) 552-1100 Fax: (617) 647-5552

850 Maude Avenue, Mountain View, CA 94043
ph: (650) 428-1550 fax: (650) 428-3550