

10/258570

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Form PTO-1595 (Rev. 03-01) OMB No. 0651-0027 (exp. 5/31/2002)

03-25-2003

Sheet

U.S. Department of Commerce U.S. Patent and Trademark Office

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UT93 Dad's PCT/PWO 25 OCT 2002

To the Honorable Commis

the attached original documents or copy thereof to address of receiving party(ies)

1. Name of conveying party(ies): 102398604

Genoveffa Franchini; Zdenek Hel; George Pavlakis; James Tartaglia

10-25-02

Name: The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services

Additional name(s) of conveying parties attached? Yes No.

Internal Address: National Institutes of Health - OTT

3. Nature of conveyance:

- Assignment, Merger, Security Agreement, Change of Name, Other

Street Address: 6011 Executive Boulevard, Suite 325

City: Rockville State: Maryland ZIP: 20852

Execution Dates: October 3, 2002; September 27, 2002; September 30, 2002; October 2, 2002

Name: Aventis Pasteur, Inc.

Street Address: Connaught Campus, 1755 Steeles Avenue West

City: Toronto Province: Ontario ZIP: M2R3T4

Country: Canada

Additional names and addresses 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: N/A

A. Patent Application No(s): herewith PCT/US01/13968

B. Patent No(s):

10258570

Additional numbers attached? Yes No

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

Name: Jean M. Lockyer TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834 (415) 576-0200

6. Total number of applications and patents involved ONE

7. Total fee (37 CFR 3.41): \$40.00

- Enclosed, Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(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 is true and correct and any attached copy is a true of copy of the original document.

Jean M. Lockyer Name of Person Signing Atty. Reg. No. 44,879

Signature

October 25, 2002 Date

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

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

WHEREAS, We, **Genoveffa Franchini** of 4400 17th Street N.W., Washington, District of Columbia, 20011, a citizen of the United States; **Zdenek Hel** of 10436 Rockville Pike #101, Rockville, Maryland, 20852, a citizen of the Czech Republic; **George Pavlakis** of 9 Purdue Court, Rockville, Maryland, 20850, a citizen of the United States; all inventors being employees of the Department of Health and Human Services at the time the invention was made, have invented: IMMUNOGENICITY USING A COMBINATION OF DNA AND VACCINIA VIRUS VECTOR VACCINES , for which an application to the Assistant Commissioner for Patents for grant of Letters Patents of the United States of America has been executed by the undersigned

on (date(s) Declaration signed):

is identified as U.S. Patent Application:
Serial No.

Filed ; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (hereinafter THE GOVERNMENT), and his successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

AND, we hereby authorize and request the Assistant Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend and Crew LLP, the power 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.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Genoveffa Franchini

Genoveffa Franchini

October 3, 2002

(date)

STATE OF Maryland)

COUNTY OF Montgomery)

UNITED STATES OF AMERICA

On Oct 3 2002, before me, John W. Harwell, Notary (here insert name and title of the officer), personally appeared Genoveffa Franchini, personally known to me (or 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 the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature John W. Harwell

(Seal)

JOHN W. HARWELL
NOTARY PUBLIC
MONTGOMERY COUNTY, MARYLAND
MY COMMISSION EXPIRES
MARCH 28, 2006

Zdenek Hel

Zdenek Hel

9/27/2002

(date)

STATE OF MARYLAND)

COUNTY OF Montgomery)

UNITED STATES OF AMERICA

On 27th 2002 before me, HODA NASR (here insert name and title of the officer), personally appeared X ZDENEK HEL, personally known to me (or 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 the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Hoda Nasr
HODA NASR
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 22, 2004

(Seal)

Attorney Docket No.: 015280-419100US
DHHS Ref. No.: E-009-00/1

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, James Tartaglia, residing at 62 Brookeview Drive, Aurora, Ontario, L4G 6R6, Canada, a citizen of the United States of America, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified patent application:

Title of Invention: IMMUNOGENICITY USING A COMBINATION OF DNA
AND VACCINIA VIRUS VECTOR VACCINES

Filing Date: April 30, 2001

Application No.: PCT/US01/13968

WHEREAS, Aventis Pasteur, Inc., Connaught Campus, 1755 Steeles Avenue West, Toronto, Ontario, M2R3T4, Canada, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on any patent application claiming priority from the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agrees that s/he will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Sole Assignment
Attorney Docket No.: 015280-418100US
DHHS Ref. No.: E-157-00/1
Page 2

IN TESTIMONY WHEREOF, Assignor has signed his name on the dates indicated.

Dated: October 2 2002

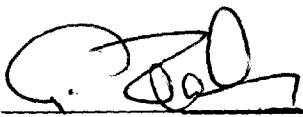

James Tartaglia

PROVINCE OF ONTARIO
CITY OF TORONTO

CANADA

On October 2 2002, before me, GAVIN ZEALEY (here insert name and title of the officer), personally appeared JAMES TARTAGLIA, personally known to me (or 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 the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature 
Director of Intellectual Property

(Seal)

GAVIN ROSS ZEALEY, Notary Public, City of Toronto,
limited to the attestation of instruments and the taking of
affidavits, for Aventis Pasteur Limited.
Expires March 24, 2003.

10/258570

RECORDED 10 OCT 2002

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: Genoveffa Franchini, Zdenek Hel, George Pavlakis

Application No.: Unassigned Filed: Herewith

For: IMMUNOGENICITY USING A COMBINATION OF DNA AND VACCINIA VIRUS VECTOR VACCINES

United States Department of Health and Human Services, a government agency
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. X An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: October 25, 2002

Name and Reg. No.: JACK SPIEGEL 34,477

Title: DIRECTOR, DIVISION OF TECH DEV. + TRANSFER, NIA, OTT

Signature: *Jack Spiegel*

WHEREAS, We, **Genoveffa Franchini** of 4400 17th Street N.W., Washington, District of Columbia, 20011, a citizen of the United States; **Zdenek Hel** of 10436 Rockville Pike #101, Rockville, Maryland, 20852, a citizen of the Czech Republic; **George Pavlakis** of 9 Purdue Court, Rockville, Maryland, 20850, a citizen of the United States; all inventors being employees of the Department of Health and Human Services at the time the invention was made, have invented: IMMUNOGENICITY USING A COMBINATION OF DNA AND VACCINIA VIRUS VECTOR VACCINES , for which an application to the Assistant Commissioner for Patents for grant of Letters Patents of the United States of America has been executed by the undersigned

on (date(s) Declaration signed):

is identified as U.S. Patent Application:
Serial No.

Filed ; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (hereinafter THE GOVERNMENT), and his successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

NOT FOR RECORDATION

AND, we hereby authorize and request the Assistant Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend and Crew LLP, the power 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.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Genoveffa Franchini
Genoveffa Franchini

October 3, 2002
(date)

STATE OF Maryland)

COUNTY OF Montgomery)

UNITED STATES OF AMERICA

On Oct 3 2002, before me, John W. Harwell, Notary (here insert name and title of the officer), personally appeared Genoveffa Franchini, personally known to me (or 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 the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature John W. Harwell

(Seal)

JOHN W. HARWELL
NOTARY PUBLIC
MONTGOMERY COUNTY, MARYLAND
MY COMMISSION EXPIRES
MARCH 28, 2006

Zdenek Hel

Zdenek Hel

9/27/2002

(date)

STATE OF MARYLAND)
COUNTY OF Montgomery)

UNITED STATES OF AMERICA

On 27TH-2002 before me, HODA NASIR (here insert name and title of the officer), personally appeared X ZDENEK HEL, personally known to me (or 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 the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Hoda Nasir
HODA NASR
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 22, 2004

(Seal)

George Pavlakis
George Pavlakis

Sep 30, 2002

(date)

STATE OF Maryland)
)
COUNTY OF Frederick)

UNITED STATES OF AMERICA

On Sept 30, 2002, before me, Jenifer Bear Notary (here insert name and title of the officer), personally appeared George Pavlakis, personally known to me (or 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 the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Jenifer Bear

My commission expires Apr 1, 2004

(Seal)

SF 1387304 v1

10/258570

27 OCT 2002

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: James Tartaglia

Application No.: Unassigned Filed: Herewith

For: IMMUNOGENICITY USING A COMBINATION OF DNA AND VACCINIA VIRUS VECTOR VACCINES

Aventis Pasteur, Inc. a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

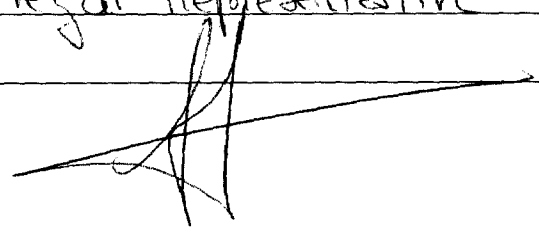
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: October 25, 2002

Name: Nathalie Schaeffer

Title: legal representative

Signature: 

SF 1387335 v1

Attorney Docket No.: 015280-419100US
DHHS Ref. No.: B-009-00/1

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, James Tartaglia, residing at 62 Brookeview Drive, Aurora, Ontario, L4G 6R6, Canada, a citizen of the United States of America, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified patent application:

Title of Invention: IMMUNOGENICITY USING A COMBINATION OF DNA
AND VACCINIA VIRUS VECTOR VACCINES
Filing Date: April 30, 2001
Application No.: PCT/US01/13968

WHEREAS, Aventis Pasteur, Inc., Connaught Campus, 1755 Steeles Avenue West, Toronto, Ontario, M2R3T4, Canada, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on any patent application claiming priority from the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agrees that s/he will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

NOT FOR RECORDATION
