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OMB No. 0651-0027 (exp. 5/31/2002)

4-28-03 PAT

102433954

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

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security/Agreement ☐ Change of Name
☐ Other

Execution Date: 4-11-03 and 4-15-03

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

Name: Advancis Pharmaceutical Corporation

Internal Address:

Street Address: 656 Quince Orchard RoadCity: GaithersburgState: MarylandZip: 20878Additional name(s) & address(es) attached: ☐ Yes ☒ No4. 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)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Raymond E. StaufferInternal Address: Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & OlsteinStreet Address: 6 Becker Farm RoadCity: Roseland State: New Jersey Zip: 070686. 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 account8. 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
Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

78043 /1

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

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PATENT
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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, 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. 10/320,113, filed December 16, 2002 and/or executed on even date herewith and is entitled:

ANTIFUNGAL COMPOSITION


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, Esq., 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):

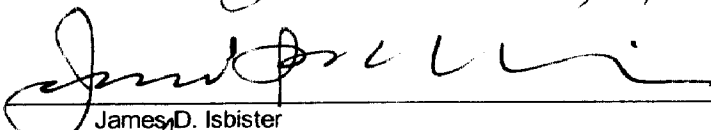
Inventor's Signature:  4-11-03 Date:
Edward M. Rudnic

STATE OF MD, COUNTY OF Montgomery, SS:

Before me this 11th day of April, 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.


Notary Public

my commission expires 7/1/05

Inventor's Signature:  7/11/03 Date:
James D. Isbister

STATE OF MD, COUNTY OF Montgomery, SS:

Before me this 11th day of April, 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.


Notary Public

my commission expires 7/1/05
PATENT

Inventor's Signature: Donald J. Treacy, Jr. Date: 4/15/03
Donald J. Treacy, Jr.

STATE OF MD, COUNTY OF Montgomery: SS.:

Before me this 15th day of April, 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.

Carolyn M. Kidwell
Notary Public MY COMMISSION EXPIRES 7/1/05

Inventor's Signature: Sandra E. Wassink Date: 4/15/03
Sandra E. Wassink

STATE OF MD, COUNTY OF Montgomery: SS.:

Before me this 15th day of April, 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.

Carolyn M. Kidwell
Notary Public MY COMMISSION EXPIRES 7/1/05

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

Docket No. 206200-65

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