

05-08-2003
102443319
PATENT

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

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

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

1. Name of conveying party(ies):

Phillip D. COOK, Ph.D., Guangyi WANG, Ph.D.,
Thomas W. BRUCE, M.D., Nicholas A. BOYLE, Ph.D.,
Janet M. LEEDS, Ph.D.,

Additional name(s) of conveying party(ies)
attached?

☒ Yes ☐ No

3. Nature of Conveyance:

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

Execution Date: April 10, 2003

2. Name and address of receiving party(ies)

Name: BIOTA, INC.

Internal Address:

Street Address:

2232 Rutherford Road

City: Carlsbad

State: CA

Zip: 92008

Additional name(s) &
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 new application is:

A. Patent Application No.(s):

10/376,655 Filed: 02/28/2003

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

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

Name: Carolyn A. Favorito
MORRISON & FOERSTER LLP

Internal Address: Atty. Dkt.: 524312000400

Street Address:

3811 Valley Centre, Suite 500

City:
San Diego

State: CA Zip: 92130

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
☐ Authorized to be charged to credit card
(Form 2038 enclosed)

8. Deposit account number:

03-1952

(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.

Carolyn A. Favorito - 39,183
Name of Person Signing

Signature

May 1, 2003
Date

05/07/2003

BYRNE

00000039 031952

10376655

Total number of pages including cover sheet, attachments, and documents:

11

01 FC:8021

40.00 CH

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in
an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 5/1/03

Signature: Marian L. Christopher (Marian L. Christopher)

SD-142872

PATENT
REEL: 014037 FRAME: 0439

**RECORDATION FORM COVER SHEET
(continued)****Additional Conveying Party(ies) (1. Continued):**

Jennifer L. BROOKS, Marija PRHAVC, Ph.D., M E. ARIZA, M.D., Patrick C. FAGAN, B.A. , Yi JIN , Vivek K. RAJWANSHI, Ph.D., and Kathleen D. TUCKER, B.A

Additional Assignees (2. Continued):

Assignee Name: _____

Internal Address: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Assignee Name: _____

Internal Address: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Assignee Name: _____

Internal Address: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Additional Applications and/or Patents (4. Continued):

Additional Patent Application Numbers

4A. Continued:

Additional Patent Numbers

4B. Continued:

Additional numbers attached?

☐

Yes

☐

No

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by Phillip D. COOK, Ph.D.; Guangyi WANG, Ph.D.; Thomas W. BRUICE, M.D.; Nicholas A. BOYLE, Ph.D.; Janet M. LEEDS, Ph.D.; Jennifer L. BROOKS; Marija PRHAVC, Ph.D.; M. E. ARIZA, M.D.; Patrick C. FAGAN, B.A.; Yi JIN; Vivek K. RAJWANSHI, Ph.D.; and Kathleen D. TUCKER, B.A. (hereinafter referred to as Assignors), residing at 5237 Olive Hill Road, Fallbrook, California 92028; 5066 Millay Court, Carlsbad, California 92008; 6880 Shearwaters Drive, Carlsbad, California 92009; 1715 Greentree Road, Encinitas, California 92024; 443 Dunsmore Court, Encinitas, California 92024; 1352 Ahlrich Avenue, Encinitas, California 92024; 1122 Cambria Way, Encinitas, California 92024; 1123 Calistoga Way, San Marcos, California 92078; 714 Calle Montera, Escondido, California 92025; 3643 Barranca Court, Carlsbad, California 92008; 1920 Wellington Lane #159, Vista, California 92983; and 714 Calle Montera, Escondido, California 92025, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in NUCLEOTIDE MIMICS AND THEIR PRODRUGS, set forth in a Patent application for Letters Patent of the United States, already filed on February 28, 2003 as U.S. application No. 10/376,655; and

WHEREAS, BIOTA, INC., a Corporation organized under and pursuant to the laws of Delaware having its principal place of business at 2232 Rutherford Road, Carlsbad, California 92008 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any

and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters

Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals 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:

MORRISON & FOERSTER LLP

Randolph Ted Apple	36,429	Deborah S. Gladstein	43,636	Scott C. Moore	52,047
Mehran Arjomand	48,231	Debra J. Glaister	33,888	Philip A. Morin	45,926
Laurie A. Axford	35,053	Bruce D. Grant	47,608	Kate H. Murashige	29,959
Erwin J. Basinski	34,773	Carol Gruppi	37,341	Martin Noonan	44,264
Shantanu Basu	43,318	Alicia J. Hager	44,140	Catherine M. Polizzi	40,130
Richard Batt	43,485	Johnney U. Han	45,565	Philip D. Reilly	41,415
Vincent J. Belusko	30,820	Laurie L. Hill	51,804	James Remenick	36,902
Jonathan Bockman	45,640	Douglas G. Hodder	41,840	Robert A. Saltzberg	36,910
Kimberly A. Bolin	44,546	Alan S. Hodes	38,185	Debra A. Shetka	33,309
Barry E. Bretschneider	28,055	Charles D. Holland	35,196	Rebecca Shortle	47,083
Nicholas S. Buffinger	39,124	Arthur S. Hsieh	48,247	J. David Smith	39,839
Robert K. Cerpa	39,933	Jill Jacobsen	40,030	Kevin R. Spivak	43,148
Alex Chartove	31,942	Wayne C. Jaechke	38,503	Shannon Thomas	52,285
Peng Chen	43,543	Madeline I. Johnston	36,174	Thomas L. Treffert	48,279
Thomas E. Ciotti	21,013	Parisa Jorjani	46,813	Brenda J. Wallach	45,193
Cara M. Coburn	46,631	Ararat Kapouytian	40,044	Michael R. Ward	38,651
Raj S. Dave'	42,465	Richard C. Kim	40,046	E. Thomas Wheelock	28,825
Peter J. Davis	36,119	Cameron A. King	41,897	Todd W. Wight	45,218
David L. Devernoe	50,128	Glenn M. Kubota	44,197	Eric H. Witt	44,408
Karen B. Dow	29,684	Kawai Lau	44,461	Frank Wu	41,386
Stephen C. Durant	31,506	Otis Littlefield	48,751	David Yang	44,415
Christopher B. Eide	48,375	Hugh H. Matsubayashi	43,779	Peter J. Yim	44,417
Carolyn A. Favorito	39,183	Michael J. Mauriel	44,226	Karen Zachow	46,332
David L. Fehrman	28,600	Mika Mayer	47,777	Jie Zhou	52,395
Hector G. Gallegos	40,614	Gladys H. Monroy	32,430		

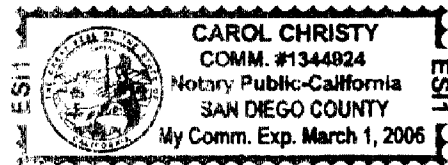
AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Thomas W. Bruce
Thomas W. Bruce, M.D.

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003 before me, CAROL CHRISTY, personally
appeared Thomas W. Bruce, M.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.



Carol Christy

Nicholas A. Boyle
Nicholas A. Boyle, Ph.D.

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, CAROL CHRISTY, personally
appeared Nicholas A. Boyle, Ph.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.



Carol Christy

Janet M. Leeds
Janet M. Leeds, Ph.D.

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, CAROL CHRISTY, personally
appeared Janet M. Leeds, Ph.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Carol Christy



Jennifer L. Brooks
Jennifer L. Brooks

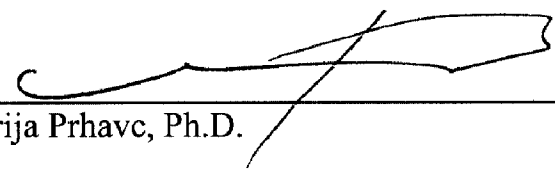
State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, CAROL CHRISTY, personally
appeared Jennifer L. Brooks ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Carol Christy

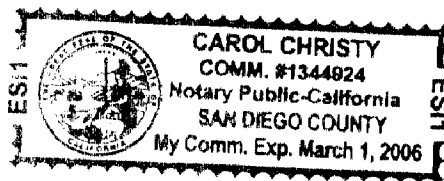



Marija Prhavic, Ph.D.

State of California)
County of SAN DIEGO) ss.
)

On APR 11, 2003, before me, CAROL CHRISTY, personally
appeared Marija Prhavic, Ph.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.



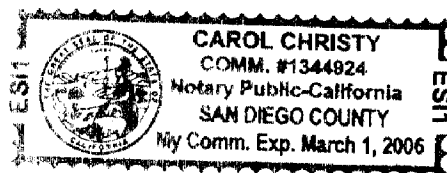
Carol Christy

Maria E. Ariza
M. E. Ariza, M.D.

State of California)
County of SAN DIEGO) ss.
)

On APR 11, 2003, before me, CAROL CHRISTY, personally
appeared M. E. Ariza, M.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.



Carol Christy

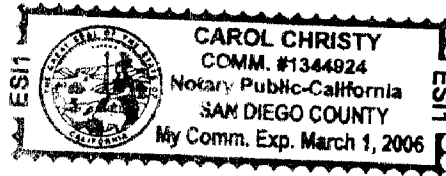
Patrick C. Fagan
Patrick C. Fagan, B.A.

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, Carol Christy, personally
appeared Patrick C. Fagan, B.A. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Carol Christy



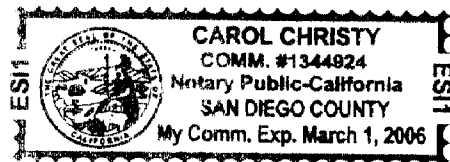
Yi Jin
Yi Jin

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, Carol Christy, personally
appeared Yi Jin ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Carol Christy



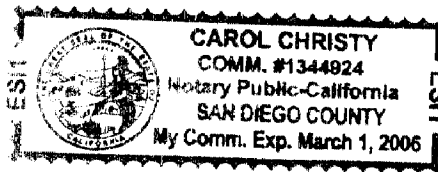
Kumar

Vivek K. Rajwanshi, Ph.D.

State of California)
County of SAN DIEGO) ss.
)

On APRIL 10, 2003, before me, Carol Christy, personally
appeared Vivek K. Rajwanshi, Ph.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.



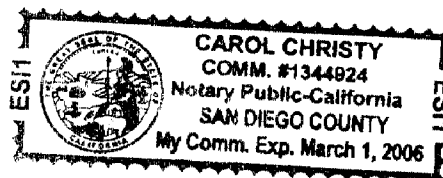
Carol Christy

Kathleen D. Tucker
Kathleen D. Tucker, B.A.

State of California)
County of SAN DIEGO) ss.
)

On APRIL 10, 2003, before me, Carol Christy, personally
appeared Kathleen D. Tucker, B.A. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.



Carol Christy

Phillip D. Cook

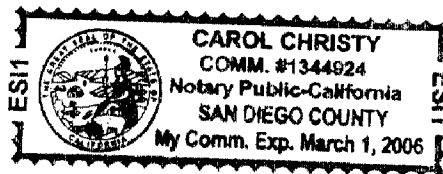
Phillip D. Cook, Ph.D.

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, CAROL CHRISTY, personally
appeared Phillip D. Cook, Ph.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Carol Christy



Guangyi Wang
Guangyi Wang, Ph.D.

State of California)
County of SAN DIEGO) ss.

On APRIL 10, 2003, before me, CAROL CHRISTY, personally
appeared Guangyi Wang, Ph.D. ☐ 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 on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Carol Christy

