

Form **PCT-1595**

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U.S. Department of Commerce
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To the Honorable Commis:

1. Name of conveying party(ies):

David J. FitzGerald

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

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other: _____

Execution Dates: May 12, 2003

he attached original documents or copy thereof

2. Name and address of receiving party(ies)

Name: The Government of the United States of America
as represented by the Secretary of the Department of Health
and Human ServicesInternal Address: National Institutes of Health - OTTStreet Address: 6011 Executive Boulevard, Suite 325City: Rockville State: Maryland ZIP: 20852

Name: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

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/AA. Patent Application No(s): **herewith PCT/US01/49143**

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

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

Name: **Kenneth A. Weber**
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-02006. 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)

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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.

Kenneth A. Weber
 Name of Person Signing
 Atty. Reg. No. 31,677

Signature

May 21, 2003
 Date

Total number of pages including cover sheet, attachments and document **FOUR**

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

ASSIGNMENT

SOLE

WHEREAS, I, **David J. FitzGerald** of 1202 Azalea Drive, Rockville, Maryland, 20850, a citizen of the United States; being an employee of the Department of Health and Human Services at the time the invention was made, has invented: A CHIMERIC PROTEIN COMPRISING NON-TOXIC PSEUDOMONAS EXOTOXIN A and TYPE IV PILIN SEQUENCES, 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.

David J. Fitzgerald
David J. Fitzgerald

MAY 12th 2003
(date)

STATE OF MARYLAND)

COUNTY OF MONTGOMERY)

UNITED STATES OF AMERICA

On May 12, 2003, before me, Ann Schombert, Notary (here insert name and title of the officer), personally appeared David Fitzgerald, 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 Ann Schombert, Notary

my commission expires 10/01/2005

(Seal)

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