

02-26-2004

FORM PTO-1595
(Rev. 6-93)

RECO



U.S. Department of Commerce

OMB No. 0651-0011 (exp. 4/94)

102678664

Patent and Trademark Office

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

1. Name of conveying party(ies):

Cyternex, Inc.

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

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

Name: Cylene Pharmaceuticals, Inc.

Street Address: 11045 Roselle Street, Suite C

City: San Diego State: CA Zip: 92121

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

3. Nature of conveyance:

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

Execution Date:

4. Application number(s) or registration 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):

10/152,152

B. Patent No.(s):

Additional numbers attached? Yes No

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

Name: Steven L. Highlander
FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Avenue, Suite 2400

City: Austin State: Texas Zip: 78701

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41)----- \$ 40.00

- Enclosed
- Authorized to be charged to deposit account if check insufficient or inadvertently omitted

8. Deposit account number: 50-1212/UTSB:706US
(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.

Steven L. Highlander

02/12/2004

Name of Person Signing, Reg. No. 37,642

Signature

Date

Total number of pages including cover sheet, attachments and documents: 7

Mail documents to be recorded with required cover sheet information to:
Director of the U.S. Patent and Trademark, MS Assignment, P.O. Box 1450, Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

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: Director of the U.S. Patent and Trademark, MS Assignment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

February 12, 2004
Date

Steven L. Highlander

Error! Unknown document property name.

PATENT
REEL: 015016 FRAME: 0960

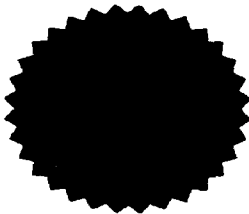
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "CYTERNEX, INC.", CHANGING ITS NAME FROM "CYTERNEX, INC." TO "CYLENE PHARMACEUTICALS, INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF OCTOBER, A.D. 2003, AT 2:50 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3379338 8100

AUTHENTICATION: 2722348

030698296

DATE: 10-31-03

PATENT
REEL: 015016 FRAME: 0961

**CERTIFICATE OF AMENDMENT OF
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION OF
CYTERNEX, INC.**

Cyternex, Inc. (the "*Corporation*"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify that:

ONE: The name of the Corporation is Cyternex, Inc.

TWO: The date on which the Corporation's Certificate of Incorporation was originally filed with the Secretary of State of the State of Delaware was April 20, 2001.

THREE: The Board of Directors of the Corporation, acting in accordance with the provisions of Sections 141 and 242 of the General Corporation Law of the State of Delaware, adopted resolutions amending its Amended and Restated Certificate of Incorporation as follows:

Article I is hereby amended to read in its entirety as follows:

"I

The name of this company is Cylene Pharmaceuticals, Inc. (the "*Company*")"

FOUR: The foregoing amendment was submitted to the stockholders of the Corporation for their approval, and was duly adopted in accordance with the provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, Cyternex, Inc. has caused this Certificate of Amendment of Amended and Restated Certificate of Incorporation to be signed by its President and Chief Executive Officer this 30th day of October, 2003.

CYTERNEX, INC.

By: /s/ William G. Rice
William G. Rice
President and Chief Executive Officer

397637 v1/SD
85TF001.DOC

*State of Delaware
Secretary of State
Division of Corporations
Delivered 03:41 PM 10/30/2003
FILED 02:50 PM 10/30/2003
SRV 030698296 - 3379338 FILE*