

04-14-2004

TO THE DIRECTOR OF THE US PATENT AND
SIR: PLEASE RECORD THE ATTACHED ORIGINAL

102720479

1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. Viatris GMBH & Co. KG

3.

5.

7.

2.

4.

6.

8.

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NORECORDED - 2 MAR 7 2004
OPR/FINANCE

2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: Xcel Pharmaceuticals, Inc.

ADDRESS: 6363 Greenwich Drive, Suite 100, San Diego, CA 92122

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)☒ ASSIGNMENT OF ☒ WHOLE ☐ PART INTEREST
☐ ORIGINAL ☒ FACSIMILE/PHOTOCOPY
☐ CHANGE OF NAME ☐ VERIFIED TRANSLATION
☐ SECURITY ☐ MERGER ☐ OTHER:

EXEC. DATE: January 24, 2004

EXECUTION DATE(S) ON THE DECLARATION IF FILED HEREWITH: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY)

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? ☐ YES ☒ NO

A. PAT. APP. NO.(S) series code/serial no	M#	1* INVENTOR if not in Item 1	B. PATENT NO(S)	M#	1* INVENTOR if not in Item 1
			5,852,053	057602-0309218	Angelika Rostock

5. Name & Address of Party to Whom Correspondence
Concerning Document Should be Mailed:Pillsbury Winthrop LLP
Intellectual Property Group
11682 El Camino Real, Suite 200
San Diego, CA 92130-2092

6. NUMBER INVOLVED:

APPLNS 0 + PATS 1 = TOTAL = 1

7. AMOUNT OF FEE DUE: (Code 581)

ABOVE TOTAL x \$40 = \$40

5. ATTY DKT:

057602-0309218

8. PLEASE CHARGE TO OUR DEPOSIT ACCOUNT

NUMBER: 502212

UNDER ORDER NO

057602

0309218

MATTER NO.

CLIENT REF.

dup. sheet not required

CLIENT NO.

MATTER NO.

9. 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.

10. Total number of pages including this
cover sheet, attachments and document
(do not file dup. Cover sheet)

3

Signature

Attorney: Richard Blaylock

Reg. No. 43,503

Date: April 9, 2004

TEL: (858) 847-3110

FAX: (858) 509-4010

FILE WITH PTO RETURN RECEIPT (PAT-103A)

04/13/2004 GT0N11 00000040 502212 5852053

01 FC:8021 40.00 DA

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PAT-114X 5/03



ASSIGNMENT OF PATENTS

WHEREAS, VIATRIS GmbH & Co. KG, a limited partnership (Kommanditgesellschaft) duly organized under the laws of the Federal Republic of Germany, hereinafter referred to as the "Assignor of Record", is the sole owner of (i) United States Patent Nos. 5,384,330, 5,852,053, 5,849,789, 5,914,425, 6,538,151 and 6,117,900 and (ii) United States Patent Application Serial No. 10/201,296 (published Patent Application No. 20030023111) and No. 10/727,655.

WHEREAS, Xcel Pharmaceuticals, Inc., a corporation duly organized and existing under the laws of the State of Delaware, hereinafter referred to as the "Assignee", is desirous of acquiring the entire right, title and interest in the same.

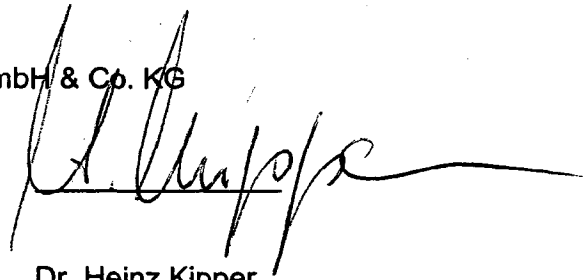
NOW, THEREFORE, for good and valuable consideration, the Assignor of Record hereby sells, assigns and transfers unto the Assignee, its successors, assigns and legal representatives, the entire right, title and interests to United States Patent Nos. 5,384,330, 5,852,053, 5,849,789, 5,914,425, 6,538,151 and 6,117,900 and United States Patent Application Serial No. 10/201,296 (published Patent Application No. 20030023111) and No. 10/727,655, and to all continuations, divisions, reissues and substitutes of these United States patents and patent applications, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of American adheres, and the Assignor of Record hereby authorizes and requests the Commissioner of Patents to issue said patents and patent applications to Assignee, for its interest as Assignee, its successors, assigns and legal representatives.

Executed on the date below indicated.

Date: 28 January 2004

VIATRIS GmbH & Co. KG

Signature:



Print Name: Dr. Heinz Kipper

Title: General Manager &
Chief Executive Officer

No. 583 of the Roll of Deeds of 2004

I hereby certify, that the above is the true signature, respectively acknowledged in my presence of

Dr. Heinz Kipper, born 20.09.1943,
with business address at Weismüllerstraße 45,
60314 Frankfurt am Main,

- who is personally known to me -,

acting on behalf of **VIATRIS GmbH & Co. KG** with registered office at Frankfurt am Main and registered with the Commercial Register of the Local Court Frankfurt under No. HRA 41743.

At the same time I confirm that according to the Commercial Register of the Local Court Frankfurt, which I inspected on 13.01.2004, that

- a) Dr. Kipper is managing director of **VIATRIS Verwaltungs GmbH** at Frankfurt am Main (HRB 72689) and is entitled to represent this company solely,
- b) **VIATRIS Management GmbH** is the sole personally liable partner of **VIATRIS GmbH & Co. KG** at Frankfurt am Main (HRA 41743).

The question as to prior involvement within § 3 clause 1 no. 7 German Notarization Act ("BeurkG") was answered in the negative.

Frankfurt am Main, the 29th day of January 2004

D. Hans Cuyfer

Notary

Kostenberechnung

Geschäftswert: € 50.000,00

5/20 Gebühr §§ 141, 32, 45/1 KostO	€ 33,00
2x Gebühr § 150 I KostO à € 13,00	€ 26,00
16 % Mehrwertsteuer	€ 9,44
Summe	€ 68,44

Cuyfer

Notar