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TERRAGEN DISCOVERY, INC.

Execution Date(s) December 22, 2003

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

2. Name and address of receiving party(ies)

Name: CUBIST PHARMACEUTICALS, INC.

Internal Address:

Street Address: 65 Hayden Avenue

City: Lexington

State: Massachusetts

Country: United States of America Zip: 02421

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

3. Nature of conveyance:

☑ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)
5,565,486

Additional numbers attached? ☐ Yes ☑ No

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

Name: Timothy J. Douros

Internal Address: Cubist Pharmaceuticals, Inc.

Street Address: 65 Hayden Avenue

City: Lexington

State: Massachusetts Zip: 02421

Phone Number: 781 860 8660

Fax Number: 781 860 1407

Email Address: tim.douros@cubist.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) $ 40.00

☐ Authorized to be charged by credit card
☑ Authorized to be charged to deposit account
☐ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers
Expiration Date

b. Deposit Account Number 50-1986

Authorized User Name Timothy J. Douros

9. Signature:

Timothy J. Douros
Signature

October 7, 2004
Date

Timothy J. Douros
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 2

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

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ASSIGNMENT

WHEREAS, TerraGen Discovery, Inc., a corporation organized under the laws of British Columbia, Canada ("TERRAGEN"), desires to sell, assign, and transfer by assignment, all right, title, and interest in and to the patent applications and patents identified in Exhibit A (10 pages attached hereto and incorporated herein by reference) and any invention(s) claimed or described therein, in all countries throughout the world; and

WHEREAS, Cubist Pharmaceuticals, Inc., a Delaware corporation having a place of business at 65 Hayden Avenue, Lexington, Massachusetts 02421 ("CUBIST"), desires the patent applications and patents listed in Exhibit A and any invention(s) claimed or described therein, in all countries throughout the world.

NOW THEREFORE, be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, TERRAGEN hereby sells, assigns, and transfers to CUBIST, its lawful successors and assigns, TERRAGEN's entire right, title, and interest in and to the patent applications and patents listed in Exhibit A and any inventions claimed or described therein, any related patent application directed to the invention, including any parent, counterpart, continuation, continuation-in-part, or divisional application, and all Letters Patent of the United States that may be granted thereon, and all reissues, reexaminations, and extensions thereof; and all rights to claim priority on the basis of such application, and any related applications for Letters Patent that may be filed for the invention in any foreign country, any related foreign patent application directed to the invention, including any continuation, continuation-in-part, or divisional application, and all Letters Patent that may be granted on the invention in any foreign country, and all extensions, renewals, and reissues thereof; and TERRAGEN hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this invention to Cubist, its successors and assigns, in accordance with the terms of this Assignment. Nothing in this Assignment abridges any continuing obligation of TERRAGEN to CUBIST.

IN WITNESS WHEREOF, TERRAGEN has caused its authorized representative to execute this Assignment.

TERRAGEN DISCOVERY, INC.

By: _____

Name: Scott M. Rocklage

Title: Chief Executive Officer

Dated: December 22, 2003

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
US		08/119,180	Pharmaceutical xanthone derivatives		11/18/1993
EP		92906754.4	Pharmaceutical xanthone derivatives		3/22/1992
JP		40506408	Pharmaceutical xanthone derivatives		3/23/1992
WO		GB92/00526	Pharmaceutical xanthone derivatives		3/23/1992
GB	2269382-A	9319494.2	Pharmaceutical xanthone derivatives	2/9/1994	3/23/2012
GB		9106184.6	Pharmaceutical xanthone derivatives	3/22/1991	
GB		9111736.6	Pharmaceutical xanthone derivatives		5/31/1991
GB		9116593.6	Pharmaceutical xanthone derivatives		8/01/1991
GB		92053201.6	Pharmaceutical xanthone derivatives		3/11/1992
US		60/032,142	Microorganism capable of producing Compounds where a Pyrole is fused with 4-oxo-1, 3-Benzoxanine and Method of Use as Antibacterial and Antifungal		12/09/1996
WO		US97/21694	Microorganism capable of producing Compounds where a Pyrole is fused with 4-oxo-1, 3-Benzoxanine and Method of Use as Antibacterial and Antifungal		11/20/1997
US	5,849,491	08/716,942	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby	12/15/1998	09/20/1996
US	6,441,148	09/130,337	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby	8/27/2002	8/6/1998
US		10/229,363	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby		8/26/2002

Initials: _____

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
US		60/004,157	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby		9/22/1995
AU	725144	69221/96	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby	8/14/2000	9/20/1996
CA	2,232,709	2,232,709	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby	11/19/2002	9/20/1996
EP		96930002.9	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby		9/20/1996
JP		513831/97	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby		9/20/1996
WO		CA96/00627	Method for isolating xylanase gene sequences from soil DNA, compositions useful in such method and compositions obtained thereby		9/20/1996
US	5,770,392	08/733,686	Method and composition for identifying inhibitors of eukaryotic cell processes	6/23/1998	10/17/1996
AU		46970/97	Method and composition for identifying inhibitors of eukaryotic cell processes		10/17/1997

Initials:

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
CA		2,267,616	Method and composition for identifying inhibitors of eukaryotic cell processes		10/17/1997
EP	0934431	97909100.6	Method and composition for identifying inhibitors of eukaryotic cell processes	12/18/2002	10/17/1997
JP			Method and composition for identifying inhibitors of eukaryotic cell processes		10/17/1997
WO		CA97/00781	Method and composition for identifying inhibitors of eukaryotic cell processes		10/17/1997
US	6,297,007	08/861,774	Method for isolation of biosynthesis genes for bioactive molecules	10/2/2001	5/22/1997
US		09/924,256	Method for isolation of biosynthesis genes for bioactive molecules		8/8/2001
WO		CA98/00488	Method for isolation of biosynthesis genes for bioactive molecules		5/21/1998
US	6,319,898	09/174,263	Method for inhibiting eukaryotic protein kinases	11/20/2001	10/16/1998
US		60/062,515	Method for inhibiting eukaryotic protein kinases		10/17/1997
WO		CA98/00970	Method for inhibiting eukaryotic protein kinases		10/16/1998
US	6,132,984	09/174,261	Method for inhibiting eukaryotic protein kinases	10/17/2000	10/16/1998
US	6,455,270	09/688,545	Method for inhibiting eukaryotic protein kinases	9/24/2002	10/16/2000
US		60/062,516	Method for inhibiting eukaryotic protein kinases		10/17/1997
WO		CA98/00971	Method for inhibiting eukaryotic protein kinases		10/16/1998
US		09/724,532	Enhanced production of secondary metabolites in the presence of organic additives		11/28/2000

Initials: _____

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
US		60/193,140	Enhanced production of secondary metabolites in the presence of organic additives		3/28/2000
WO		US01/40398	Enhanced production of secondary metabolites in the presence of organic additives		3/28/2001
US	5,824,485	08/639,255	Methods for generating and screening novel metabolic pathways	10/20/1998	4/24/1996
US	5,783,431	08/738,944	Methods for generating and screening novel metabolic pathways	7/21/1998	10/24/1996
US		08/986,186	Methods for generating and screening novel metabolic pathways		12/5/1997
US		09/385,512	Methods for generating and screening novel metabolic pathways		8/27/1999
US	6,242,211	09/263,352	Methods for generating and screening novel metabolic pathways	6/5/2001	5/5/1999
US		08/427,244	Methods for generating and screening novel metabolic pathways		4/24/1995
US		08/472,348	Methods for generating and screening novel metabolic pathways		4/24/1995
US		09/718,541	Methods for generating and screening novel metabolic pathways		11/22/2000
AU	723619	58049/96	Methods for generating and screening novel metabolic pathways	8/7/2000	4/24/1996
AU	744960	51632/98	Methods for generating and screening novel metabolic pathways	6/20/2002	10/23/1997
AU	762810	41700/00	Methods for generating and screening novel metabolic pathways	5/20/2003	3/3/2000
CA		2,219,136	Methods for generating and screening novel metabolic pathways		4/23/1996
CA		2,269,123	Methods for generating and screening novel metabolic pathways		10/23/1997
CA		2,362,989	Methods for generating and screening novel metabolic pathways		3/3/2000
CN		96194988.0	Methods for generating and screening novel metabolic pathways		4/23/1996

Initials: _____

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
CR		0518645	Methods for generating and screening novel metabolic pathways		10/24/1997
EP		96913270.3	Methods for generating and screening novel metabolic pathways		4/23/1996
EP		97946473.2	Methods for generating and screening novel metabolic pathways		10/23/1997
EP		00921364.6	Methods for generating and screening novel metabolic pathways		3/3/2000
HK		99100095.6	Methods for generating and screening novel metabolic pathways		1/8/1999
HK		02104238.2	Methods for generating and screening novel metabolic pathways		6/4/2002
HU		P9801871	Methods for generating and screening novel metabolic pathways		4/23/1996
IN		2395/MAS/97	Methods for generating and screening novel metabolic pathways		10/23/1997
IL		129577	Methods for generating and screening novel metabolic pathways		10/24/1997
JP		08-532786	Methods for generating and screening novel metabolic pathways		4/23/1996
JP		10-519751	Methods for generating and screening novel metabolic pathways		10/24/1997
JP		2000-602790	Methods for generating and screening novel metabolic pathways		3/3/2000
KR		97-0707524	Methods for generating and screening novel metabolic pathways		4/24/1996
KR		7003609/99	Methods for generating and screening novel metabolic pathways		10/23/1997
MX		978186	Methods for generating and screening novel metabolic pathways		4/23/1996
WO		US96/06003	Methods for generating and screening novel metabolic pathways		4/24/1996
WO		US97/19958	Methods for generating and screening novel metabolic pathways		10/23/1997

Initials: _____

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
WO		US00/05707	Methods for generating and screening novel metabolic pathways		3/8/2000
SG	46864	9705175-9	Methods for generating and screening novel metabolic pathways	6/22/1999	4/24/1996
SG		99-01845-9	Methods for generating and screening novel metabolic pathways		10/23/1997
ZA	97/9557	97/9557	Methods for generating and screening novel metabolic pathways	7/29/1998	10/24/1997
TW		86115710	Methods for generating and screening novel metabolic pathways		10/24/1997
US		09/284,806	Cytokine production inhibitors		4/2/1999
WO		GB97/02907	Cytokine production inhibitors		10/21/1997
GB	2333294	9908624.1	Cytokine production inhibitors	10/18/2000	10/21/1997
GB		9621859.9	Cytokine production inhibitors		10/21/1996
US	6,197,811 B1	09/292,961	Cytokine production inhibitors	3/6/2001	4/16/1999
JP	11335365	109982/99	Cytokine production inhibitors		4/17/1998
GB		9808196.1	Cytokine production inhibitors		4/17/1998
US		09/284,194	Double label immunoassay		4/13/1999
EP		97941088.3	Double label immunoassay		9/22/1997
MY		PI97004396	Double label immunoassay		9/22/1997
WO		GB97/02552	Double label immunoassay		9/22/1997
ZA	97/8504	97/8504	Double label immunoassay	6/24/1998	9/22/1997
TW		86113746	Double label immunoassay		9/22/1997
GB	2335038	9908060.8	Double label immunoassay	3/7/2001	9/22/1997
GB		9621256.8	Double label immunoassay		9/22/1997
US	6,057,315	09/269,492	Antibacterial agents	5/2/2000	12/5/1997
US		60/032,144	Antibacterial agents		12/9/1996
CA		2,274,539	Antibacterial agents		12/5/1997
EP		97950861.1	Antibacterial agents		12/5/1997
WO		US97/22356	Antibacterial agents		12/5/1997

Initials: _____

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
US	5,565,486	464,737	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	10/15/1996	8/29/1995
AU	677,272	57096/94	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	8/7/1997	12/22/1993
BR		PI9307712.2	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
BG		99736	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
CA		2,151,251	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
CZ	284121	PV1646-95	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	6/15/1998	12/22/1993
EP		94902938.3	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
FI		953081	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
HU		P9501840	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
ID	P007302	P007302	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	9/21/1998	12/22/1993

Initials: _____

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COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
IL	108140	108140	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	9/11/1997	12/22/1993
JP		6514956	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
KR		95-702562	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
MY		P19302813	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
MX		94-01714	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
NZ	258986	258986	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	3/12/1997	12/22/1993
NO		952483	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
WO		GB93/02632	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
PL		P309628	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
RO		9501168	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993

Initials:

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COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
RU		95113350	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
SG	67345	9608418-1	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
SK		PV775/95	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
ZA	93/9626	93/9626	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	10/26/1994	12/22/1992
TW	70378	82110885	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	7/3/1995	12/22/1993
UA		95062923	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1993
GB	2284603-A	9503413.8	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor	3/27/1996	12/22/1993
GB		9226724.4	Sesquiterpenes, their preparation and their use as inhibitors acting on the gababenzodiazepine receptor		12/22/1992
US	5,306,732	862,574	Tumor necrosis factor antagonist	4/26/1994	6/24/1992
EP	EPB0502049	90917347.8	Tumor necrosis factor antagonist	2/7/1996	11/22/1990
JP		3-500197	Tumor necrosis factor antagonist		11/22/1990
WO		GB90/01801	Tumor necrosis factor antagonist		11/22/1990
GB	GB-0502049	90917347.8	Tumor necrosis factor antagonist	2/7/1996	11/22/1990
GB		I9890026611	Tumor necrosis factor antagonist		11/24/1989

Initials: _____

EXHIBIT A TO ASSIGNMENT

COUNTRY	PATENT NO.	APP. NO	TITLE	ISSUE DATE	FILING DATE
GB	2280439-A	9418110.4	CD4 binding agents and inhibitors of collagenase and protein kinase C	11/22/1995	3/11/1993
GB		19920005311	CD4 binding agents and inhibitors of collagenase and protein kinase C		3/11/1992
GB		19920007166	CD4 binding agents and inhibitors of collagenase and protein kinase C		4/1/1992
GB		19920007290	CD4 binding agents and inhibitors of collagenase and protein kinase C		4/2/1992
GB		19920008189	CD4 binding agents and inhibitors of collagenase and protein kinase C		4/13/1992
WO		GB93/00511	CD4 binding agents and inhibitors of collagenase and protein kinase C		3/11/1993
US		60/071,046	Methods for screening compounds using encapsulated cells		1/13/1998
US		60/040,888	Methods for screening compounds using encapsulated cells		3/18/1997
US		09/040,810	Methods for screening compounds using encapsulated cells		3/18/1998
CA		2,284,066	Methods for screening compounds using encapsulated cells		3/18/1998
EP		98911863.3	Methods for screening compounds using encapsulated cells		3/18/1998
WO		US98/05462	Methods for screening compounds using encapsulated cells		3/18/1998
US		60/195,911	Positive selection method, compounds host cells and uses thereof		4/10/2000
WO		US01/11567	Positive selection method, compounds host cells and uses thereof		4/10/2001
US		09/102,508	Method for Identifying Tryphostin-Like Inhibitors of Eukaryotic Cell Process		6/22/98

Initials: