

Form PTO-1595 (Rev. 09/04)  
OMB No. 0651-0027 (exp. 6/30/2005)U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

AVANT IMMUNOTHERAPEUTICS, Inc.

Execution Date(s) March 9, 2005Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No**3. Nature of conveyance:**

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

**2. Name and address of receiving party(ies)**Name: Presidents and Fellows of Harvard CollegeInternal Address: Office of Technology LicensingStreet Address: 25 Shattuck StreetCity: BostonState: MassachusettsCountry: USA Zip: 02115Additional name(s) & address(es) attached? ☐ Yes ☒ No**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)

U.S. Patent No. 6,841,373 issued January 11, 2005

Additional numbers attached? ☐ Yes ☒ No**5. Name and address to whom correspondence concerning document should be mailed:**Name: Leon R. YankwichInternal Address: Yankwich & Associates, P.C.Street Address: 201 BroadwayCity: CambridgeState: Massachusetts Zip: 02139Phone Number: 617-374-3700Fax Number: 617-374-0055Email Address: lryankwich@yankwich.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 50-0268

Authorized User Name \_\_\_\_\_

**9. Signature:**

Signature

March 25, 2005

Date

Leon R. Yankwich

Name of Person Signing

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

3Documents 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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**DEED OF ASSIGNMENT OF PATENT**

THIS DEED OF ASSIGNMENT is made the 9<sup>TH</sup> day of March, 2005

BETWEEN:

- (1) **AVANT IMMUNOTHERAPEUTICS, INC.**, a company incorporated in the state of Delaware and having a principal place of business at 119 Fourth Avenue, Needham, Massachusetts 02494-2725 ("AVANT"); and
- (2) **PRESIDENT AND FELLOWS OF HARVARD COLLEGE**, having offices at the Office of Technology Licensing, 25 Shattuck Street, Boston, MA 02115 ("HARVARD").

**INTRODUCTION**

- (A) AVANT is the sole legal and beneficial owner of the Patent and ATCC Deposit # PTA-2403 (all as herein further defined).
- (B) HARVARD wishes to acquire said Patent and ATCC Deposit # PTA-2403 and become the sole legal and beneficial owner thereof.
- (C) AVANT wishes to enter into this Deed in order to formally assign to HARVARD the Patent and transfer title and control of the ATCC Deposit # PTA-2403.
- (D) HARVARD has directly paid legal expenses related to Patent since 2002.
- (E) The parties wish to confirm their agreement as to the above on the terms and conditions set out below.

**AGREED TERMS****1. Definitions**

In this Deed, unless the context requires otherwise, the following words and expressions shall have the following meanings:

- 1.1 "Patent" means U.S. Patent No. 6,841,373; all divisionals, continuations and continuations-in-part thereof; and all patent applications and applications for rights of similar nature made now or in the future anywhere in the world claiming priority from or common priority with PCT/US01/11775.
- 1.2 "Accumulated Patent Costs" means all monetary costs incurred by AVANT for the drafting, filing, and prosecution, to date, of Patent Application.
- 1.3 "ATCC Deposit # PTA-2403" means a Vero cell line (African Green Monkey Kidney Cells (V295)) expressing the UL5 and ICP8 proteins of Herpes Simplex Virus as deposited with the International Depository Authority: American Type Culture

Collection in Manassas, VA on August 22, 2000 under accession number PTA-2403 and described in PCT/US01/11775.

**2. Assignment of Patent Applications and Transfer of ATCC Deposit # PTA-2403**

2.1 In consideration of reimbursement of AVANT's Accumulated Patent Costs totalling \$12,686.20 (twelve thousand six hundred eighty six dollars and twenty cents), payable by HARVARD to AVANT within thirty days receipt of an invoice from AVANT, AVANT hereby assigns to HARVARD absolutely all its property, right, title and interest in and to:

- (a) the Patent,
- (b) the inventions which are the subject of such Patent including ATCC Deposit # PTA-2403 and the right to apply for patents or other protection in respect of such inventions in any part of the world, and

TOGETHER WITH all rights of action, powers and benefits belonging or accrued to the same, including the right to take action and claim relief in respect of infringements occurring prior to the date hereof.

2.2 AVANT will at HARVARD'S cost take all reasonable and necessary steps requested by HARVARD in connection with transferring to HARVARD and perfecting in HARVARD ownership of the Patent.

**3. AVANT'S Warranties**

AVANT warrants the following:

- 3.1 AVANT is the sole legal and beneficial owner of the Patent, free from encumbrances by other third party rights.
- 3.2 So far as AVANT is aware, American Type Tissue Collection tested and confirmed the viability of ATCC Deposit # PTA-4203 on September 22, 2000.
- 3.3 So far as AVANT is aware, all fees and steps relating to the maintenance of any issued or pending Patent have been paid or taken as of the date of execution hereof.
- 3.4 AVANT has not granted any licences in relation to the Patent.
- 3.5 All the rights that any third parties may have had over the inventions disclosed in the Patent Applications have been fully and validly assigned to AVANT. For the purposes of this warranty "third parties" shall include but shall not be limited to any parties that have worked for or on behalf of AVANT in developing the aforementioned inventions (whether as employees, contractors or otherwise).

**4. Maintenance and Prosecution**

AVANT shall deliver to HARVARD or its nominee, AVANT'S files relating to the prosecution and maintenance (as applicable) of the Patent no later than 14 days after the date of signing this Deed.

**5. Miscellaneous**

This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

This Deed of Assignment has been executed and delivered as a deed on the date first written above.

Executed by  
AVANT IMMUNOTHERAPEUTICS, INC.  
(Assignor)

by Una S. Ryan  
Name: Una S. Ryan, Ph.D.  
Title: President and C.E.O.

Acknowledged by  
HARVARD MEDICAL SCHOOL  
(Assignee)

by O. Prem Das  
Name: O. Prem Das, Ph.D.  
Title: Director  
Office of Technology Licensing  
Harvard Medical School