

PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Court Ruling Awarding Rights to Technology and Patent Applications to Symbion Research International, Inc.
CONVEYING PARTY DATA	
Name	Execution Date
Ventura Superior Court of Californiat c/o Amerimmune Inc.	09/17/2004
RECEIVING PARTY DATA	
Name:	Symbion Research International, Inc.
Street Address:	29219 Canwood Street, Suite 100
City:	Agoura Hills
State/Country:	CALIFORNIA
Postal Code:	91301
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	10261164
CORRESPONDENCE DATA	
Fax Number:	(602)631-9100
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	602-631-9100
Email:	pto_mfc@ellisvenable.com
Correspondent Name:	Michael F. Campillo
Address Line 1:	101 N. 1st Ave. Ste. 1875
Address Line 4:	Phoenix, ARIZONA 85003
NAME OF SUBMITTER:	Michael F. Campillo
Total Attachments: 6 source=Ventura Court JMT#page1.tif source=Ventura Court JMT#page2.tif source=Ventura Court JMT#page3.tif source=Ventura Court JMT#page4.tif source=Ventura Court JMT#page5.tif source=Ventura Court JMT#page6.tif	

OP \$40.00 10261164

PATENT

JUD-100

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): MARSHALL L. BRUBACHER, #199100 MUNDELL, ODLUM & HAWS, LLP 2829 Townsgate Rd., Ste. 320, Westlake Village, CA91361 TELEPHONE NO.: (805) 446-2221 FAX NO. (Optional): (805) 446-2251 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Symbion Research International</p>	<p>FOR COURT USE ONLY</p> <p>VENTURA SUPERIOR COURT FILED</p>						
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 3855-F Alamo Street MAILING ADDRESS: P.O. Box 1200 CITY AND ZIP CODE: Simi Valley, CA 93062-1200 BRANCH NAME: East County Division</p>	<p>SEP 17 2004</p> <p>MICHAEL D. PLANET Executive Officer and Clerk BY: _____, Deputy</p>						
<p>PLAINTIFF: SYMBION RESEARCH INTERNATIONAL, INC. DEFENDANT: AMERIMMUNE, INC.</p>							
<p style="text-align: center;">JUDGMENT</p> <table border="0"> <tr> <td><input type="checkbox"/> By Clerk</td> <td><input checked="" type="checkbox"/> By Default</td> <td><input type="checkbox"/> After Court Trial</td> </tr> <tr> <td><input checked="" type="checkbox"/> By Court</td> <td><input type="checkbox"/> On Stipulation</td> <td><input type="checkbox"/> Defendant Did Not Appear at Trial</td> </tr> </table> <p>CASE NUMBER: SC035668</p>		<input type="checkbox"/> By Clerk	<input checked="" type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial	<input checked="" type="checkbox"/> By Court	<input type="checkbox"/> On Stipulation	<input type="checkbox"/> Defendant Did Not Appear at Trial
<input type="checkbox"/> By Clerk	<input checked="" type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial					
<input checked="" type="checkbox"/> By Court	<input type="checkbox"/> On Stipulation	<input type="checkbox"/> Defendant Did Not Appear at Trial					

JUDGMENT

1. BY DEFAULT

- a. Defendant was properly served with a copy of the summons and complaint.
- b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
- c. Defendant's default was entered by the clerk upon plaintiff's application.
- d. Clerk's Judgment (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
- e. Court Judgment (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's written declaration (Code Civ. Proc., § 585(d)).

2. ON STIPULATION

- a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
- b. the signed written stipulation was filed in the case.
- c. the stipulation was stated in open court the stipulation was stated on the record.

3. AFTER COURT TRIAL. The jury was waived. The court considered the evidence.

- a. The case was tried on (date and time):
before (name of judicial officer):
- b. Appearances by:

<input type="checkbox"/> Plaintiff (name each):	<input type="checkbox"/> Plaintiff's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
<input type="checkbox"/> Defendant (name each):	<input type="checkbox"/> Defendant's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
- c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
- d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: SYMBION RESEARCH INTERNATIONAL, INC.	CASE NUMBER:
DEFENDANT: AMERIMMUNE, INC.	SC035668

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

4. Stipulated Judgment. Judgment is entered according to the stipulation of the parties.

5. Parties. Judgment is

a. for plaintiff (name each):
 Symbion Research International, Inc.
 and against defendant (names):
 Amerimmune, Inc.

c. for cross-complainant (name each):
 and against cross-defendant (name each):

Continued on Attachment 5a.

Continued on Attachment 5c.

b. for defendant (name each):

d. for cross-defendant (name each):

6. Amount.

a. Defendant named in item 5a above must pay plaintiff on the complaint:

c. Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1) <input type="checkbox"/> Damages	\$	
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$	
(3) <input type="checkbox"/> Attorney fees	\$	
(4) <input checked="" type="checkbox"/> Costs	\$	146.05
(5) <input type="checkbox"/> Other (specify):	\$	
(6) TOTAL	\$	146.05

(1) <input type="checkbox"/> Damages	\$	
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$	
(3) <input type="checkbox"/> Attorney fees	\$	
(4) <input type="checkbox"/> Costs	\$	
(5) <input type="checkbox"/> Other (specify):	\$	
(6) TOTAL	\$	

b. Plaintiff to receive nothing from defendant named in item 5b.
 Defendant named in item 5b to recover costs \$
 and attorney fees \$

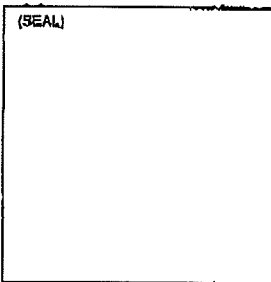
d. Cross-complainant to receive nothing from cross-defendant named in item 5d.
 Cross-defendant named in item 5d to recover costs \$
 and attorney fees \$

7. Other (specify): SEE ATTACHED

Date: SEP 17 2004

KENT KELLEGREW
JUDICIAL OFFICER

Date: Clerk, by _____, Deputy



CLERK'S CERTIFICATE (Optional)

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

SHORT TITLE: Symbion Research International, Inc. v. Amerimmune, Inc.	CASE NUMBER: SC035668
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ATTACHMENT 7

1
2 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED THAT
3 plaintiff Symbion Research International, Inc. ("Symbion")
4 owns all of the following intellectual property:

- 5 1. All information that Symbion provided to defendant
6 Amerimmune, Inc. ("Defendant") regarding the initial
7 phase one clinical study protocol CYT99-02-01;
- 8 2. The protocol for clinical study CYT99-02-01 ("Protocol
9 #1");
- 10 3. The protocol for clinical study CYT1/2-01-02 ("Protocol
11 #2"), and all amendments thereto;
- 12 4. The revised dose escalation scheme for Cytolin which
13 Symbion provided to Defendant;
- 14 5. The research subject and consent form for Protocol #2 and
15 all amendments thereto;
- 16 6. The case report forms for Protocol #2;
- 17 7. The populated database containing the results of the case
18 report forms for Protocols #1 and #2;
- 19 8. All information Symbion provided to Defendant related to
20 the identification and resolution of data queries and
21 clarifications for the case report forms for Protocol #1
22 and Protocol #2;
- 23
24
25

26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line
27 numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 3

SHORT TITLE: Symbion Research International, Inc. v. Amerimmune, Inc.	CASE NUMBER: SC035668
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ATTACHMENT 7
CONTINUED

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- 9. All information Symbion provided to Defendant relating to Symbion's statistical analysis of the information contained in the database for Protocol #1 and Protocol #2;
- 10. The clinical study reports, including interim clinical study reports, for Protocol #1 and Protocol #2;
- 11. All amendments to Protocol #2 that Symbion created;
- 12. All amendments to investigational new drug application BB-IND 6845, including adverse events described in the annual reports for investigational new drug application BB-IND 6845 drafted by Symbion;
- 13. The investigators brochure for Cytolin;
- 14. All information Symbion provided to Defendant relating to the development of improved pharmacokinetics assay methodology for Protocol #2;
- 15. The scientific meeting poster presentation for Protocol #1;
- 16. The protocol for the next phase of the clinical testing subsequent to Protocol #1 and Protocol #2;
- 17. The manuscript for publication relating to Protocol #2 that Symbion created;

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

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SHORT TITLE: Symbion Research International, Inc. v. Amerimmune, Inc.	CASE NUMBER: SC035668
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ATTACHMENT 7
(CONTINUED)

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18. The clinical trial master files for Protocol #1 and Protocol #2.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED THAT Symbion owns all patents that Defendant obtained pertaining to a specific use of Cytolin which rely on Symbion's intellectual property described above.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

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SHORT TITLE: Symbion Research International, Inc. v. Amerimmune, Inc.	CASE NUMBER: SC035668
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SERVICE LIST

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Amerimmune, Inc.
 21550 Oxnard Street
 Suite 830
 Woodland Hills, CA 91367

(Required for verified pleading) The items on this page stated on information and belief are *(specify item numbers, not line numbers)*:

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