

Form PTO-1595
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RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

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

1. Name of conveying party(ies):

Michael W. LASSNER
Diane M. RUEZINSKY

Execution Date(s): 5/15/2002, 5/13/2002, respectively

Additional 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: Confirmatory Assignment

2. Name and address of receiving party(ies)

Name: Calgene LLC

Internal Address: _____

Street Address: 1920 Fifth Street

City: Davis

State/Country: CA/USA Zip: 95616

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

4. Application number(s) or patent number(s):

This document is being filed together with a new application.

A. Patent Application No.(s) 10/157,855

B. Patent No.(s)

Additional numbers attached? Yes No

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

Name: ARNOLD & PORTER LLP

Internal Address: IP Docketing Department

Room 989

Street Address: 555 Twelfth Street, N.W.

City: Washington State: DC Zip: 20004

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: 50-2387

Authorized User Name Rachel L. Adams

(Referencing Matter No.: 16516.158)

DO NOT USE THIS SPACE

9. Signature.

Rachel L. Adams, Reg. No. 54,660

David R. Marsh, Reg. No. 41,408

Name of Person Signing

Rachel L. Adams
Signature

April 22, 2005

Date

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

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, P.O. Box 1460
Mail Stop Assignment Recordation Services
Alexandria, VA 22313

Docket No. 16516.067
17045/01/US

CONFIRMATORY ASSIGNMENT

WHEREAS, the undersigned Michael W. Lassner and Diane M. Ruezinsky have made certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

Acyl CoA: Cholesterol Acyltransferase Related Nucleic Acid Sequences

identified as Serial No. 09/326,203 and filed on June 4, 1999; and

WHEREAS, a prior assignment was executed by assignor Michael W. Lassner on September 20, 1999, by assignor Diane M. Ruezinsky on September 27, 1999, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of confirming its acquisition of the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, in said prior assignment in which transfer of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor was documented, through error the filing date of the application was identified as **June 4, 1998**, and not **June 4, 1999**; and

WHEREAS, it is the intent of Michael W. Lassner and Diane M. Ruezinsky, as well as Calgene LLC, through this Confirmatory Assignment document, to confirm the assignment of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor to Calgene LLC;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/WE do hereby confirm that Michael W. Lassner and Diane M. Ruezinsky have sold, assigned and transferred to said Calgene LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions

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of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Calgene LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention; inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

I/WE hereby confirm that we authorize and request the issuing authority to issue any and all patents on said application or applications to said Calgene LLC, as assignee of the entire interest.

I/WE further confirm that we agreed, without any payment by Calgene LLC other than in reimbursement of reasonable expenses I/we may incur, to communicate to said Calgene LLC, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, I/We have executed this Confirmatory Assignment on the date set after my/our signature.

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Signature: *Michael W. Lassner* Date: 5/15/2002

Name: Michael W. Lassner

City and state or country of residence: San Mateo, CA 94404

State of California)
County of San Mateo) ss.

On this 15th day of May, 2002, before me personally appeared Michael W. Lassner, known to me to be the person(s) who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.



Dana D. Fruehling
Notary Public or Consular Officer

My Commission expires March 4, 2005

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Signature: Diane M. Ruezinsky Date: 5/13/02

Name: Diane M. Ruezinsky

City and state or country of residence: Woodland, CA 95776

State of California)
County of Yolo) ss.

On this 13th day of May, 2002, before me personally appeared Diane M. Ruezinsky, known to me to be the person(s) who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal) Rachel Vieira
Notary Public or Consular Officer




My Commission expires May 22, 2004

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The undersigned is empowered to act on behalf of Calgene LLC of Davis, California, a Corporation of the State of Delaware:

FOR: Calgene LLC

Signature: 

Printed Name: BRIAN K. STIERWALT

Title: Assistant Secretary

Date: 10 MAY 2002