

ASSIGNMENT RECORDATION FORM COVER SHEET *Patents Only*

To: Commissioner for Patents:

Date: July 22, 2005
Attorney Docket No. 9368.7

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

[1.] Jeffrey D. Chulay
 [2.] Sergey Dryga
 [3.] Elizabeth A. Reap
 [4.] Robert A. Olmsted
 [5.] John S. Morris

2. Name and address of receiving party(ies):

AlphaVax, Inc.
 2 Triangle Drive
 P.O. Box 110307
 Research Triangle Park, NC 27709-0307

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

3. Nature of conveyance:

☒ Assignment
☐ Merger
☐ Security Agreement
☐ Change of Name
☐ Other

Execution Date:

[1.] June 15, 2005 [2.] June 15, 2005 [3.] June 15, 2005 [4.]
 June 15, 2005 [5.] June 15, 2005

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

4. Application Serial No. 10/886,773

Additional numbers attached? Yes ☒ No

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

Mary L. Miller
 Myers Bigel Sibley & Sajovec
 P. O. Box 37428
 Raleigh NC 27627

6. Total number of applications and patents involved: 1


7. Total fee (37 CFR 3.41) \$40.00
☐ Enclosed
☒ Authorized to be charged to deposit account


8. Deposit account number: 50-0220

DO NOT USE THIS SPACE

9. Statement and signature

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.

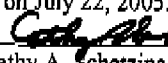

 Mary L. Miller, Reg. No. 39,303


 Date

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

CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-0140 on July 22, 2005.


 Cathy A. Schetzina

CH \$40.00 500220 10886773

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ASSIGNMENT

THIS ASSIGNMENT, made by us, **Jeffrey D. Chulay**, a citizen of the United States, residing at 505 North Boundary Street, Chapel Hill, North Carolina 27514; **Sergey Dryga**, a citizen of the United States, residing at 211 Bonsail Place, Chapel Hill, North Carolina 27514; **Elizabeth A. Reap**, a citizen of the United States, residing at 12 Swallows Ridge Court, Durham, North Carolina 27713; **Robert A. Olmsted**, a citizen of the United States, residing at 420 Bayberry Drive, Chapel Hill, North Carolina 27517 and **John S. Morris**, a citizen of the United States, residing at 118 Trimble Court, Cary, North Carolina 27511;

WITNESSETH: That,

WHEREAS, we are joint inventors of certain new and useful improvements in **ALPHAVIRUS-BASED CYTOMEGALOVIRUS VACCINES**, for which U.S. Provisional Application Serial No. 60/486,501 was filed on July 11, 2003; U.S. Patent Application Serial No. 10/886,773 was filed on July 8, 2004 in the United States Patent and Trademark Office; and international application no. PCT/US2004/021772, designating all states, was filed on July 8, 2004; and

WHEREAS, **AlphaVax, Inc.**, an entity organized and existing under the laws of the State of Delaware, having a principle place of business at 2 Triangle Drive, P.O. Box 110307, Research Triangle Park, NC 27709-0307, hereinafter referred to as Assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or other forms of protection thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted along with any term extensions thereon or therefor, together with the right to claim

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the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said Assignee, its successors, legal representatives and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

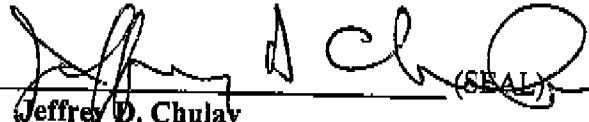
We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to promptly communicate to said Assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the Assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the Assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said Assignee, its successors, assigns, and other legal representatives; and we hereby instruct, and further covenant and agree to bind our heirs, legal representatives, and assigns, to do same, without further compensation, but at the expense of said Assignee, its successors, assigns or other legal representatives.

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IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 15
day of JUNE, 2005



Jeffrey D. Chulay (SEAL)

STATE OF NORTH CAROLINA)
COUNTY OF Wake) ss:

Before me personally appeared the person described in and who executed the foregoing instrument, and s/he acknowledged to me that s/he executed the same for the purposes therein stated, this 15 day of June, 2005.



Betty J. Bissett
Notary Public

SEAL

My Commission Expires: November 14, 2009



Attorney Docket No. 9368.7
Application Serial No. 10/886,773

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 15
day of June, 2005.

Sergey Dryga (SEAL)

STATE OF NORTH CAROLINA)
COUNTY OF Wake) SS:

Before me personally appeared the person described in and who executed the foregoing instrument, and s/he acknowledged to me that s/he executed the same for the purposes therein stated, this 15 day of June, 2005.

Betsy J. Bissett
Notary Public

SEAL

My Commission Expires: November 14, 2009



Attorney Docket No. 9368.7
Application Serial No. 10/886,773

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 15th
day of June, 2005

Elizabeth A. Reap (SEAL)
Elizabeth A. Reap

STATE OF NORTH CAROLINA)
COUNTY OF Wake) ss:

Before me personally appeared the person described in and who executed the
foregoing instrument, and s/he acknowledged to me that s/he executed the same for the
purposes therein stated, this 15 day of June, 2005.

Betsy J. Bissett
Notary Public

SEAL

My Commission Expires: November 14, 2009



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IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 15th
day of JUNE, 2005.



Robert A. Olmsted (SEAL)

STATE OF NORTH CAROLINA)
COUNTY OF Wake) ss:

Before me personally appeared the person described in and who executed the foregoing instrument, and s/he acknowledged to me that s/he executed the same for the purposes therein stated, this 15 day of June, 2005.



Notary Public

SEAL

My Commission Expires: November 14, 2009



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IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 15th
day of June, 2005.

John S. Morris (SEAL)
John S. Morris

STATE OF NORTH CAROLINA)
COUNTY OF Wake) ss:

Before me personally appeared the person described in and who executed the
foregoing instrument, and s/he acknowledged to me that s/he executed the same for the
purposes therein stated, this 15 day of June, 2005.

Betsy J. Bissett
Notary Public

SEAL

My Commission Expires: November 14, 2009

