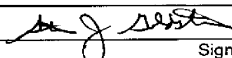


Form PTO-1595 (Rev. 07/05)  
OMB No. 0651-0027 (exp. 6/30/2008)U.S. DEPARTMENT OF COMMERCE  
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RECORDATION FORM COVER SHEET PATENTS ONLY	
To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.	
<b>1. Name of conveying party(ies)</b> BattellePharma, Inc.  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>2. Name and address of receiving party(ies)</b> Name: <u>Ventaira Pharmaceuticals, Inc.</u> Internal Address: _____  Street Address: <u>1801 Watermark Dr., Suite 100</u>  City: <u>Columbus</u> State: <u>Ohio</u> Country: <u>USA</u> Zip: <u>43215</u>  Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>3. Nature of conveyance/Execution Date(s):</b> Execution Date(s) <u>January 5, 2004</u> <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other _____	<b>4. Application or patent number(s):</b> <input type="checkbox"/> This document is being filed together with a new application. A. Patent Application No.(s) <u>10/020,799</u>  B. Patent No.(s)  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>5. Name and address to whom correspondence concerning document should be mailed:</b> Name: <u>Steven J. Goldstein</u> Internal Address: _____  Street Address: <u>Frost Brown Todd LLC</u> <u>2200 PNC Center, 201 East Fifth Street</u>  City: <u>Cincinnati</u> State: <u>Ohio</u> Zip: <u>45202</u>  Phone Number: <u>513-651-6131</u> Fax Number: <u>513-651-6981</u> Email Address: <u>sgoldstein@fbtlaw.com</u>	<b>6. Total number of applications and patents involved:</b> <u>1</u>  <b>7. Total fee (37 CFR 1.21(h) &amp; 3.41)</b> \$ <u>40</u> <input checked="" type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)
<b>9. Signature:</b>  Signature _____ Steven J. Goldstein Name of Person Signing	<b>8. Payment Information</b> a. Credit Card Last 4 Numbers <u>9533</u> Expiration Date <u>05/07</u>  b. Deposit Account Number _____ Authorized User Name _____  Date <u>9 August 2005</u> Total number of pages including cover sheet, attachments, and documents: <u>3</u>

OP \$40.00 10020799

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, 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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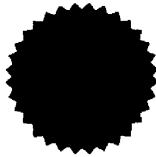
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BATTELLEPHARMA, INC.", CHANGING ITS NAME FROM "BATTELLEPHARMA, INC." TO "VENTAIRA PHARMACEUTICALS, INC.", FILED IN THIS OFFICE ON THE FIFTH DAY OF JANUARY, A.D. 2004, AT 10:27 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

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AUTHENTICATION: 2849794

DATE: 01-05-04

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CT CORP.

513 621 0116 P.02/02

AMENDMENT TO THE RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
BATTELLEPHARMA, INC.

BattellePharma, Inc., a corporation organized and existing under the laws of the State of Delaware, hereby certifies as follows:

FIRST. The corporation was originally incorporated under the name Battelle Pulmonary Therapeutics, Inc. The date of filing of its original Certificate of Incorporation with the Secretary of State was March 5, 1999.

SECOND. This Amended Restated Certificate of Incorporation (this "Certificate") amends the provisions of the Restated Certificate of Incorporation of BattellePharma, Inc., filed with the Secretary of State on February 14, 2003 (the "Amendment to the Restated Certificate of Incorporation"), and has been duly adopted by majority vote of the holders of all of the outstanding stock entitled to vote thereon in accordance with the provisions of Sections 228, 242 and 245 and all other applicable provisions of the General Corporation Law of the State of Delaware (the "Corporation Law").

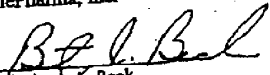
THIRD. The text of the Restated Certificate of Incorporation is hereby amended to read as follows:

ARTICLE 1

The name of the corporation is Ventaira Pharmaceuticals, Inc.

IN WITNESS WHEREOF, the undersigned has caused this Amendment to the Restated Certificate of Incorporation to be signed by its duly authorized representative, effective on the fifth day of January, 2004.

BattellePharma, Inc.

By:   
Name: Bethany A. Beck  
Title: Secretary

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:34 AM 01/05/2004  
FILED 10:27 AM 01/05/2004  
SRV 040002764 - 3012745 FILE

TOTAL P.02

RECORDED: 08/09/2005

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