

RECORDATION FORM COVER SHEET PATENTS ONLY

Docket No.: 2709.2028-004

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)

GENOME THERAPEUTICS CORP. /04/13/2004

/

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

3. Nature of conveyance

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

2. Name and address of receiving party(ies)

Name: OSCIENT PHARMACEUTICALSCORPORATIONStreet Address: 1000 WINTER STREET, SUITE 2200City: WALTHAMState: MACountry: USA Zip: 02451Additional name(s) & address(es) attached? ☐ Yes ☒ No

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

A. Patent Application No.(s)

10/454,998

☐ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: STEVEN G. DAVIS, ESQ.

Internal Address:

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.Street Address: 530 VIRGINIA ROAD, P.O. BOX 9133City: CONCORD State: MA ZIP: 01742-9133Phone No. 978-341-0036 Fax No. 978-341-0136Email Address: STEVEN.DAVIS@HBSR.COM6. Total number of applications and patents involved: ☒ 17. Total Fee (37 CFR 1.21(h) & 3.41) \$ 40.00☐ Enclosed☒ Authorization to charge deposit account number 08-0380☐ Previously submitted - Doc. ID No. ☐☒ Authorized to charge any deficiencies or credit any overpayment to deposit account number 08-0380

Do not attach a copy of this page if paying by deposit account and filing via facsimile.

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8.

STEVEN G. DAVIS

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: ☒ 5

CH \$40.00 080380 10454998

FEDERAL IDENTIFICATION
NO. 04-2297484KK
Examiner

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

ARTICLES OF AMENDMENT
(General Laws, Chapter 156B, Section 72)Name
ApprovedWe, Steven M. Rauscher, "President / ~~President~~and Patrick O'Brien, "Clerk / ~~Secretary~~of Genome Therapeutics Corp.

(Exact name of corporation)

located at 100 Beaver Street, Waltham, MA 02453

(Street address of corporation in Massachusetts)

certify that these Articles of Amendment affecting articles numbered:

1

(Number those articles 1, 2, 3, 4, 5 and/or 6 being amended)

of the Articles of Organization were duly adopted at a meeting held on April 13, 20 04, by vote of56,231,749 shares of Common Stock of 73,925,570 shares outstanding,
(type, class & series, if any) shares of of shares outstanding, and
(type, class & series, if any) shares of of shares outstanding,
(type, class & series, if any)C ☐
P ☐
M ☐
R.A. ☐"being at least a majority of each type, class or series outstanding and entitled to vote thereon; / or ~~being at least a majority of each type, class or series outstanding and entitled to vote thereon; / or~~
~~being at least a majority of each type, class or series outstanding and entitled to vote thereon; / or~~
~~being at least a majority of each type, class or series outstanding and entitled to vote thereon; / or~~

*Delete the inapplicable words.

**Delete the inapplicable clause

* For amendments adopted pursuant to Chapter 156B, Section 71a.

** For amendments adopted pursuant to Chapter 156B, Section 71.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on one side only of separate 8 1/2 x 11 sheets of paper with a left margin of at least 1 inch. Additions to more than one article may be made on a single sheet so long as each article requiring each addition is clearly indicated.

1060-100-01500

PATENT

REEL: 017335-FRAME: 0221

To *change* the number of shares and the par value (if any) of any type, class or series of stock which the corporation is authorized to issue, fill in the following:

The total *presently* authorized is:

WITHOUT PAR VALUE STOCKS		WITH PAR VALUE STOCKS		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Common:		Common		
Preferred:		Preferred:		

Change the total authorized to:

WITHOUT PAR VALUE STOCKS		WITH PAR VALUE STOCKS		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Common		Common:		
Preferred:		Preferred:		

ARTICLE I has been amended in its entirety to read as follows:

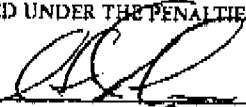
"ARTICLE I

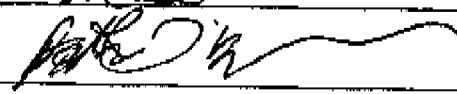
The exact name of the corporation is: Oscient Pharmaceuticals Corporation"

The foregoing amendment(s) will become effective when these Articles of Amendment are filed in accordance with General Laws, Chapter 156B, Section 6 unless these articles specify, in accordance with the vote adopting the amendment, a later effective date not more than *thirty days* after such filing, in which event the amendment will become effective on such later date.

Later effective date: _____

SIGNED UNDER THE PENALTIES OF PERJURY, this 13th day of April, 20 04,


_____, "President / ~~Mark Frederick~~


_____, "Clerk / ~~Assistant Clerk~~

**Delete the inappropriate words.*

PATENT

REEL: 017335 FRAME: 0223

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF AMENDMENT

(General Laws, Chapter 156B, Section 72)

I hereby approve the within Articles of Amendment and, the filing fee in the amount of \$ 100 having been paid, said articles are deemed to have been filed with me this 13 day of April 20 04.

Effective date: _____

RECEIVED
SECRETARY OF STATE

MAR 13 PM 12:10

CORPORATION DIVISION

William Francis Galvin
WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

880260

TO BE FILLED IN BY CORPORATION
Contact information:Nicholas T. Antoun, c/o Ropes & GrayOne International PlaceBoston, MA 02110Telephone: (617) 951-7000Email: nantoun@ropesgray.com

A copy this filing will be available on-line at www.state.ma.us/sec/cor once the document is filed.

PATENT

REEL: 017335 FRAME: 0224

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FACSIMILE COVER SHEET

Examiner: Assignment Division
U.S. Patent and Trademark Office

Date: March 13, 2006

Client Code: 2709

Facsimile No.: 571-273-0140

From: Steven G. Davis, Esq.

Subject: Paper: Assignment Recordation

Docket No.: 2709.2028-004

Applicant: Daniela Jabes, et al.

Application No.: 10/454,998

Filing Date: June 5, 2003

Number of pages including this cover sheet: 6

Please confirm receipt of facsimile: Yes X No

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