

Form PTO-1595 (Rev. 08/05)  
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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.

<p><b>1. Name of conveying party(ies):</b> Rellant Pharmaceuticals, Inc.</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><b>2. Name and address of receiving party(ies)</b></p> <p>Name: <u>Guardian II Acquisition Corporation</u></p> <p>Internal Address: _____</p> <p>Street Address: _____</p> <p>1000 Winter Street, Suite 2200</p> <p>City: <u>Waltham</u></p> <p>State: <u>Massachusetts</u></p> <p>Country: <u>US</u> Zip: <u>02451</u></p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><b>3. Nature of conveyance/Execution Date(s):</b></p> <p>Execution Date(s): <u>August 18, 2006</u></p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Security Agreement <input type="checkbox"/> Joint Research Agreement</p> <p><input type="checkbox"/> Government Interest Assignment</p> <p><input type="checkbox"/> Executive Order 9424, Confirmatory License</p> <p><input type="checkbox"/> Other _____</p>	<p><b>4. Application or patent number(s):</b> <input type="checkbox"/> This document is being filed together with a new application.</p> <p>A. Patent Application No.(s) <u>11/111,971</u></p> <p>B. Patent No.(s)</p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><b>5. Name and address to whom correspondence concerning document should be mailed:</b></p> <p>Name: <u>Lisa M. Treannie, Esq.</u> <u>FISH &amp; NEAVE IP GROUP, ROPES &amp; GRAY</u> <u>LLP</u></p> <p>Internal Address: <u>Atty. Dkt.: CRIH-P01-002</u></p> <p>Street Address: <u>One International Place</u></p> <p>City: <u>Boston</u></p> <p>State: <u>MA</u> Zip: <u>02110-2624</u></p> <p>Phone Number: <u>(617) 951-7725</u></p> <p>Fax Number: <u>(617) 951-7050</u></p> <p>Email Address: _____</p>	<p><b>6. Total number of applications and patents involved:</b> <span style="border: 1px solid black; padding: 2px 10px;">1</span></p> <p><b>7. Total fee (37 CFR 1.21(h) &amp; 3.41) \$</b> <u>40.00</u></p> <p><input type="checkbox"/> Authorized to be charged by credit card</p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p><input type="checkbox"/> Enclosed</p> <p><input type="checkbox"/> None required (government interest not affecting title)</p> <p><b>8. Payment Information</b></p> <p>a. Credit Card Last 4 Numbers _____ Expiration Date _____</p> <p>b. Deposit Account Number <u>18-1945</u> Authorized User Name <u>Lisa M. Treannie, Esq.</u></p>
<p><b>9. Signature:</b></p> <p style="text-align: center;"><u><i>Lisa M. Treannie</i></u> Signature</p> <p style="text-align: right;"><u>November 2, 2006</u> Date</p> <p style="text-align: center;"><u>Lisa M. Treannie, Esq. - 41,368</u> Name of Person Signing</p> <p style="text-align: right;">Total number of pages including cover sheet, attachments, and documents: <span style="border: 1px solid black; padding: 2px 10px;">3</span></p>	

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-0140, on the date shown below.

Dated: 11/2/06 Signature: *Andrea Berlo* (Andrea Berlo)

CH \$40.00 181945 11111971

EXECUTION COPY

ASSIGNMENT of PATENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Reliant Pharmaceuticals, Inc., a Delaware corporation, located at 110 Allen Road, Liberty Corner, New Jersey 07938 (hereinafter "Assignor"), hereby assigns, transfers and conveys to Guardian II Acquisition Corporation, a Delaware corporation, located at 1000 Winter Street, Suite 2200, Waltham, Massachusetts 02451 (hereinafter "Assignee"), and its successors and assigns, the entire right, title and interest of Assignor and its subsidiaries and affiliates, including all rights of priority and all rights to sue for past, present and future infringements, in and to the following United States patent application, the underlying inventions and all letters patent as shall be granted thereon, including all continuations, continuations in part, substitutions, extensions, divisionals and other applications in whole or in part based thereon, and any re-examinations and reissues thereof (collectively, the "Patent Rights"):

Patent application no. 11/111,971

The Assignor hereby warrants itself and its subsidiaries and affiliates to be the sole owners of the Patent Rights herein assigned and to have the right to make this assignment and further warrants that there are no outstanding prior assignments, licenses, or other rights, liens, security interests or other encumbrances in respect of the Patent Rights herein assigned.

Subject to the terms of the Asset Purchase Agreement, dated as of July 21, 2006, by and among Assignor, Assignee and Oscient Pharmaceuticals Corporation, a Massachusetts corporation, the Assignor hereby agrees, for itself and its successors and assigns, with the Assignee and its successors and assigns hereafter, at Assignee's expense, to execute all applications, amended specifications, deeds or other instruments, and to do all acts, including the execution and acknowledgment of instruments, that may be or become necessary or proper to secure the grant of letters patent or for sustaining or reissuing such letters patent in the United States to the Assignee and its successors and assigns, with specifications and claims in such form as shall be approved by the counsel of the Assignee and its successors and assigns and to vest, confirm and perfect in the Assignee, its successors and assigns, the legal title to all such Patent Rights.

The Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States to issue such letters patent as shall be granted upon said Patent Rights to Assignee, its successors and assigns.

CH863382.5

PATENT  
REEL: 018481 FRAME: 0989

WITNESS my hand this 18<sup>th</sup> day of August, 2006.

RELIANT PHARMACEUTICALS, INC.



By: [Signature]  
Name:  
Title:

**JOSEPH ZAKRZEWSKI**  
CHIEF OPERATING OFFICER

On this 18<sup>th</sup> day of August, 2006, before me, a Notary Public in and for the State  
[County and Country], appeared Joseph Zakrzewski, to me personally known  
to be the same person whose name is subscribed to the foregoing instrument, and acknowledged  
that he executed said instrument as his free and voluntary act and for the uses and purposes  
therein expressed.

WITNESS my hand and seal the same day and year last above given.

[Signature]

My Commission Expires: 7/6/09

**THERESA H. CALDWELL**  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES JULY 6, 2009

[SIGNATURE PAGE TO ASSIGNMENT OF PATENT]