

PATENT ASSIGNMENT

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SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

Affidavit

CONVEYING PARTY DATA

Name	Execution Date
VitaGen Incorporated	05/23/2003

RECEIVING PARTY DATA

Name:	Vitagen Acquisition Company
Street Address:	15222 C Avenue of Science
City:	San Diego
State/Country:	CALIFORNIA
Postal Code:	92128

PROPERTY NUMBERS Total: 3

Property Type	Number
Patent Number:	5368555
Patent Number:	6653105
Application Number:	10723590

CORRESPONDENCE DATA

Fax Number: (858)677-1465

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: (858) 638-6756

Email: aldon.griffis@dlapiper.com

Correspondent Name: Lisa A. Haile, J.D., Ph.D.

Address Line 1: 4365 Executive Drive, Suite 1100

Address Line 2: DLA Piper US LLP

Address Line 4: San Diego, CALIFORNIA 92121-2133

ATTORNEY DOCKET NUMBER:

VITA1130, 1120, 1120-1

NAME OF SUBMITTER:

Lisa A. Haile, J.D., Ph.D.

Total Attachments: 4

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AFFIDAVIT OF TROY ZANDER
REGARDING THE PURCHASE OF ASSETS OF VITAGEN INCORPORATED
BY VITAGEN ACQUISITION COMPANY

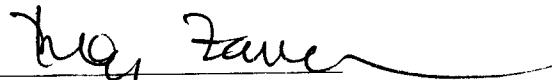
AFFIDAVIT OF TROY ZANDER

I, Troy Zander, attorney of DLA Piper US LLP, 4365 Executive Drive, Suite 1100, San Diego, CA 92121, declare under penalty of perjury and state that:

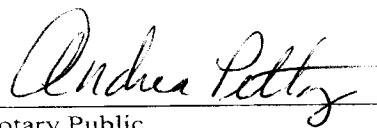
1. I am a partner of the San Diego Golden Triangle office of DLA Piper US LLP, a law firm with 28 offices in the United States of America. I qualified as an attorney in 1993 and have been practicing commercial finance law for over 13 years in California. Unless otherwise stated, the contents in this affidavit are true to the best of my information, knowledge and belief.

2. Attached hereto is a true and correct copy of a letter dated July 16, 2003 from John S. Lewis, President of Vitagen Acquisition Co., detailing the purchase of assets of VitaGen Incorporated, including all patent assets, by Vitagen Acquisition Company. Also attached is a copy of a foreclosure memorandum dated May 23, 2003 (without exhibits) that I prepared as counsel of Vitagen Acquisition Company. There have been no modifications, changes, deletions, or additions made to any of these documents, and these documents are in exactly the same form and substance as when they were originally sent or received. Each of these documents was sent or received on the date as indicated on the documents.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Diego, California, on November 19, 2007.

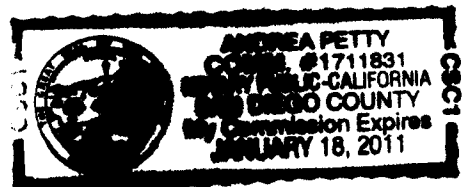

TROY ZANDER

Subscribed and sworn to before me on November 19, 2007.



Notary Public
for the County of San Diego and State of California

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VITAGEN ACQUISITION CO.

July 16, 2003

Via email only

Gregory Einhorn, Esq. [einhorn@fr.com]
Fish & Richardson
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122

RE: Transfer of files

Dear Mr. Einhorn:

I am the President of Vitagen Acquisition Company ("VAC"). On May 23, 2003, VAC purchased the assets of VitaGen Incorporated (formerly known as Hepatix, Inc.; collectively, "VitaGen"), including all patent assets. Enclosed is a copy of a foreclosure memorandum (without attachments) prepared by VAC's counsel, Gray Cary, which summarizes the manner in which VAC acquired the assets. As a result of the acquisition, VAC is now the owner of the patent portfolio formerly owned by VitaGen.

Please immediately transfer all of the files that you were handling for VitaGen (including Hepatix, Inc.) to:

Mark Takahashi, Esq.
Gray Cary Ware & Freidenrich LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Please let Mr. Takahashi know if there are any urgent deadlines that require immediate attention, and, if possible, enclose a docket report for each matter.

Thank you very much for your assistance.

Sincerely,

John S. Lewis, President
Vitagen Acquisition Co.

JSL:tz

cc: Mark Takahashi (via email)

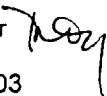
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GRAYCARY

MEMORANDUM

TO: John S. Lewis
General Partner
Paragon Venture Partners II, L.P.

FROM: Troy Zander 

DATE: May 23, 2003

RE: Memorandum of Foreclosure Sale of Collateral of VitaGen Incorporated

1. Background to Foreclosure.

This Memorandum records the events of the foreclosure sale conducted on behalf of Paragon Venture Partners II, L.P. ("PVP II"), as agent of the Majority Investors as defined and described in that certain Note Purchase Agreement dated February 5, 2003 (the "Note Purchase Agreement"), by and between VitaGen Incorporated ("Debtor") and the Investors identified therein (the "Investors"), and that certain Security Agreement dated as of February 10, 2003, by and between the same parties, on behalf of all such Investors (collectively, "Secured Party"), with respect to the personal property of Debtor.

2. Notice of the Sale.

On May 13, 2003, Secured Party sent to Debtor, the Investors and certain other parties in interest, a Notice of Public Sale of Collateral to be held on May 23, 2003 (the "Notice"). A true and correct copy of the Notice is attached hereto as Exhibit A. The Notice was published commencing on March 14, 2003 in the *San Diego Daily Transcript*. Proof of the published Notice is attached hereto as Exhibit B.

3. Conduct of the Sale.

On May 23, 2003, at 10:00 a.m. PST, on behalf of Secured Party, I was present at the sale location identified in the Notice (the "Sale Location") for purpose of conducting the sale.

Each of Ethna and C. Richard Piazza, and Aron Stern were present for the sale of the collateral described in the Notice (the "Collateral"). I was authorized by Vitagen Acquisition Co. ("VAC") to make a bid for the Collateral on behalf of VAC.

At 10:00 a.m. on May 23, 2003, at the Sale Location, I announced the sale. At approximately 10:10 a.m., after inquiring whether bidders for the Collateral were present, I read and Notice and requested bids.

4. The Successful Bid: Vitagen Acquisition Co.

The only bid for the Collateral came from VAC, who bid, subject to definitive documentation the following: (1) secured convertible promissory notes payable to each of the Investors, in the original principal amounts equal to the principal amounts of the Notes issued the Investors under the Note Purchase Agreement, and on similar terms as those notes (provided that the principal amount of the note issued to PVP II would be increased by the actual fees and costs incurred by PVP II in connection with the efforts undertaken by PVP II to protect and preserve the Investors' state law remedies with respect to the Collateral), repayment of which notes is to be secured by a security interest in the Collateral, and which notes will be convertible into preferred stock of VAC in a future financing (at a value which attempts to yield a premium on the principal amount of the notes); and (2) common stock in VAC commensurate with each Investors' pro rata percentage participation in the notes issued by VAC.

Subject to definitive documentation, the Collateral as described in the UCC Financing Statement attached as Exhibit C hereto was sold to VAC as described above.