

Attorney Docket No. 4354-126

RECORDATION FORM COVER SHEET **PATENTS ONLY**

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U.S. DEPARTMENT OF COMMERCE
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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party (ies):
HORIZON TECHNOLOGY FUNDING COMPANY

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

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other: Release of Security Interest

Execution Date: August 11, 2008

2. Name and address of receiving party (ies)

ActivBiotics, Inc.
c/o Joseph F. Finn, Jr.
Assignee for the Benefit of Creditors
167 Worcester Street
Suite 201
Wellesley Hills, Massachusetts 02481-3613

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

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No. (s)

B. Patent No. (s)

5,547,683; 4,859,661; 6,362,169; 4,965,261; 6,486,161

Additional numbers attached? ☐ Yes ☒ No

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

Name: David Bradin

Company Name: Intellectual Property/Technology Law

Street Address: P.O. Box 14329

City: Research Triangle Park State: NC Zip: 27709

6. Total Number of applications and patents involved: 5

7. Total fee (37 C.F.R. 3.41).....\$ 200.00

- ☒ Enclosed Credit Card Payment Form
☒ Authorized to charge any deficiency or credit any overpayment to deposit account

8. Deposit account Number: 08-3284

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9. State 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.

David Bradin
Name of person signing


Signature

August 21, 2008
Date

Total number of pages including cover sheet, attachments and documents: 4

OP \$200.00 5547683

RELEASE OF GRANT OF SECURITY INTEREST PATENTS

This Release of Grant of Security Interest Patents is by and between Horizon Technology Funding Company, ("Horizon") and Joseph F. Finn, Jr., as assignee for the benefit of creditors of ActivBiotics, Inc., a Delaware corporation ("ABI").

WHEREAS, pursuant to the sale agreement for all right title and interest in and to certain patents (the "Patents") and certain patent applications (the "Patent Applications") to ActivBiotics Pharma LLC ("ABP"), Horizon has agreed to execute and deliver this Release of Security Interest Patents,

WHEREAS, ABI is the owner of all right title and interest in and to certain patents (the "Patents") and certain patent applications (the "Patent Applications"), each as specified in Appendix I attached hereto,

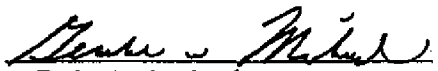
WHEREAS, ABI and Horizon are parties to a certain Grant of Security Interest Patents dated as of December 7, 2007, which grants a security interest in the Patents and Patent Applications to Horizon,

WHEREAS, Horizon desires to release its security interest in the Patents and Patent Applications,

WHEREAS, ABI desires to obtain a release of the security interest in the Patents and Patent Applications in accordance with the terms and conditions set forth in this assignment.

NOW, THEREFORE, in consideration of the premises, Horizon intending to be legally bound, hereby terminate the Grant of Security Interest Patents and release any security interest granted thereunder, including any security interest in the Patents and Patent Applications.

Horizon Technology Funding Company

By: 
Duly Authorized PRESIDENT

8/11/2008
Date

Appendix I**1. "Production method for fine granules"**

U.S.: Patent No. 5,547,683 Expiration Date: October 6, 2013

EPC (BE, CH, DE, ES, FR, GB, IT, LI):

Patent No. 0616841 Expiration Date: October 6, 2013

Patent No. (BE) 69322764.8

Canada Patent No. 2,124,568 Expiration Date: October 6, 2013

China: Patent No. 1091628 Expiration Date: October 6, 2013

Korea: Patent No. 294525 Expiration Date: October 6, 2013

Japan: Patent No. 03492688 Expiration Date: October 6, 2013

2. "Method for treating mastitis in a domestic animal"

U.S.: Patent No. 6,486,161 Expiration Date: May 23, 2020

CA: Appl. No. 2297012 Filed: July 29, 1998

EPC (DE, GB, FR, IT, CH, NL, SE):

Patent No. 1001778 Expiration Date: July 28,

Taiwan Appl. No. 88,100,078 Filed: January 5, 1999

Korea: Appl. No. 00-7,000,601 Filed: July 29, 1998

Australia: Patent No. 756367 Expiration Date: July 28, 2018

New Zealand: Patent No. 503027 Expiration Date: July 28, 2018

China: Appl. No. 98,807,682.9 Filed: July 29, 1998

Japan: Appl. No. 2000-504,861 Filed: July 29, 1998

3. "Antimicrobial compositions with synergistic effect, drugs and remedies for digestive diseases a containing the same, process for the production thereof and preparations associated therewith"

U.S.: Patent. No. 6,362,169 Expiration Date: February 16, 2019

EP: Appl. No. 99905227.7 Filed: February 17, 1999

CA: Appl. No. 2321265 Filed: February 17, 1999

KR: Appl. No. 00-7008855 Filed: February 17, 1999

Taiwan: Appl. No. 88,102,542 Filed: February 22, 1999

JP: Appl. No. 2000-533123 Filed: February 17, 1999

4. "Alkyl-substituted benzoxazinorifamycin derivative, process for preparing the same and antibacterial agent containing the same"

U.S.: Patent No. 4,859,661

Expiration Date: July 13, 2007

5. "Substituted benzoxazinorifamycin derivative and antibacterial agent containing the same"

U.S.: Patent No. 4,965,261

Expiration Date: March 16, 2009

Canada: Patent No. 1,293,503

Expiration Date: December 23, 2008

EPC (BE, CH, ES, FR, GB, IT, LI, DE):

Patent No. 0333176

Expiration Date: March 15, 2004

Patent No. (DE) 68924722.2

China: Patent No. 20,729

Expiration Date: March 17, 2004

Japan: Patent No. 2780807

Expiration Date: March 17, 2009