

PATENT ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Merck & Co., Inc.	06/26/2009
Rosetta Inpharmatics LLC	06/26/2009
RECEIVING PARTY DATA	
Name:	Microsoft Corporation
Street Address:	One Microsoft Way
City:	Redmond
State/Country:	WASHINGTON
Postal Code:	98052
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	11042654
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NAME OF SUBMITTER:	Gregory L. Maurer
<p>Total Attachments: 8</p> <p>source=Assignment#page1.tif</p> <p>source=Assignment#page2.tif</p>	

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ASSIGNMENT OF PATENTS

This ASSIGNMENT OF PATENTS (this "Assignment of Patents") is executed and delivered as of June 26, 2009, by Merck & Co., Inc., a New Jersey corporation ("Merck"), and Rosetta Inpharmatics LLC, a Delaware limited liability company and wholly owned subsidiary of Merck (the "Company" and together with Merck, "Assignors"), in favor of Microsoft Corporation, a Washington corporation ("Assignee"), pursuant to that certain Asset Purchase Agreement dated as of June 1, 2009 (the "Purchase Agreement"), between Assignors and Assignee. Capitalized terms not otherwise defined herein shall have the respective meanings set forth in the Purchase Agreement.

WHEREAS, Assignors are the owners of the patents and/or patent applications listed on Schedule 1 which is attached hereto and incorporated by this reference (collectively, the "Patents"); and

WHEREAS, pursuant to the Purchase Agreement, Assignors have agreed to transfer, and Assignee has agreed to accept, all of the Patents; and

WHEREAS, the purpose of this document is to confirm, complete and memorialize such transfer of the Patents from Assignors to Assignee;

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged:

Assignors hereby sells, assigns, transfers and sets over unto Assignee, its successors, legal representatives and assigns, Assignors' entire right, title and interest in, to and under the Patents and all applications claiming priority thereto under 35 U.S.C. §119(e) and divisions, renewals and continuations thereof, and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which have been and may hereafter be filed for said Patents in any country or countries foreign to the United States, including but not limited to those foreign patents and applications specifically described in Schedule 1, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

Assignors, at Assignee's expense, agree to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all Assignors' rights, title, and interest in and to the Patents in the Assignee and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by the Assignee, to the extent such evidence is in the possession or control of Assignors.

Nothing contained in this Assignment of Patents shall expand, reduce, modify or waive any rights or obligations of the parties under the Purchase Agreement. In the event that any of the provisions of this Assignment of Patents are determined to conflict with the terms of the Purchase Agreement, the terms of the Purchase Agreement shall control.

[Signatures are on the following page]

SIGNATURE PAGE —ASSIGNMENT OF PATENTS

IN WITNESS WHEREOF, the Assignors have caused this Assignment of Patents to be executed as of the date first written above.

ASSIGNORS:

MERCK & CO., INC.

By: 

Name: Peter Kim

Its: Executive Vice President
Merck Research Labs

ROSETTA INPHARMATICS LLC

By: 

Name: Rupert Vessey

Its: Senior Vice President
Rosetta Inpharmatics LLC

STATE OF New Jersey
COUNTY OF Somerset

On this 20th day of Aug, 2009, before me, a Notary Public in and for said State, personally appeared Peter Kim & Rupert Vessey personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS, my hand and official seal.

Paula A. DeSimone
Notary Public

PAULA A. DESIMONE
NOTARY PUBLIC - STATE OF NEW JERSEY
MY COMMISSION EXPIRES:
MARCH 13, 2011

SCHEDULE 1 to the ASSIGNMENT OF PATENTS

Title		Issued Patent or Patent Application #	Date Filed	Date Issued	Inventor(s)
Issued U.S. Patents					
1	Methods for Identifying Pathways of Drug Action	5,965,352	5/8/1998	10/12/1999	Friend & Stoughton
2	Methods for Testing Biological Network Models	6,132,969	6/19/1998	10/17/2000	Stoughton & Karp
3	Method for Determining the Presence of a Number of Primary Targets of a Drug	6,146,830	9/23/1998	11/14/2000	Friend & Stoughton
4	Methods for Using Co-Regulated Genesets to Enhance Detection & Classification of Gene Expression Patterns	6,203,987	10/27/1998	3/20/2001	Stoughton & Friend
5	Methods of Monitoring Disease States & Therapies Using Gene Expression Profiles	6,218,122	6/16/1999	4/17/2001	Friend & Stoughton
6	Methods for Determining Therapeutic Index from Gene Expression Profiles	6,222,093	12/28/1998	4/24/2001	Stoughton & Marton
7	Computer System & Method for Determining a Number of Primary Targets of a Drug	6,300,078	10/20/2000	10/9/2001	Friend & Stoughton
8	Methods for Comparing a Number of Primary Targets for Two or More Drug Compositions	6,303,291	10/20/2000	10/16/2001	Friend & Stoughton
9	Methods of Determining Protein Activity Levels Using Gene Expression Profiles	6,324,479	4/30/1999	11/27/2001	Friend & Stoughton
10	Statistical Combining of Cell Expression Profiles	6,351,712	12/28/1998	2/26/2002	Stoughton & Dai
11	Methods for Drug Interaction Prediction Using Biological Response Profiles	6,370,478	12/28/1998	4/9/2002	Stoughton & Stepaniants
12	Method & System for Analyzing Biological Response Signal Data	6,453,241	12/23/1998	9/17/2002	Bassett, Buskirk, Bondarenko
13	Methods for Using Co-Regulated Genesets to Enhance Detection & Classification of Gene Expression Patterns	6,468,476	10/27/1999	10/22/2002	Stoughton, Friend, He

14	Methods for Generating Differential Profiles by Combining Data Obtained in Separate Measurements	6,691,042	7/2/2001	2/10/2004	Weng & Dai
15	Methods of Characterizing Drug Activities Using Consensus Profiles	6,801,859	12/23/1998	10/5/2004	Stoughton, Friend, He
16	Method & System for Analyzing Biological Response Signal Data	6,839,635	6/28/2002	1/4/2005	Bassett, Buskirk, Bondarenko
17	Method & System for Analyzing Biological Response Signal Data	6,847,897	12/22/1999	1/25/2005	Bassett & Bondarenko
18	Computer Systems for Identifying Pathways of Drug Action	6,859,735	8/13/1999	2/22/2005	Friend & Stoughton
19	Methods for Removing Artifact from Biological Profiles	6,950,752	12/23/1998	9/27/2005	Stoughton, Friend, He
20	Methods of Diagnosing Disease States Using Gene Expression Profiles	6,973,388	2/14/2001	12/6/2005	Friend & Stoughton
21	Computer Systems and Computer Programs for Determining Protein Activity Levels Using Gene Expression Profiles	7,130,746	10/12/2001	10/31/2006	Friend & Stoughton
22	Methods of Determining Therapeutic Index from Gene Expression Profiles	7,254,487	4/2/2001	8/7/2007	Marton & Stoughton
23	Computer Systems & Methods for Analyzing Experiment Design	7,269,517	4/18/2003	9/11/2007	Bondarenko
24	Methods for Analysis of Measurement Errors in Measured Signals	7,418,351	1/30/2003	8/26/2008	Weng
Pending U.S. Patent Applications					
1	Methods for Using Co-Regulated Genesets to Enhance Detection & Classification of Gene Expression Patterns	10/273,489	10/18/2002		Friend, Stoughton, He
2	Examiner's amended title: Systems & Methods for Determining a Weighted Mean Intensity	10/287,130	11/4/2002		Stoughton & Dai
3	Methods & Compositions for Determining Gene Function	10/332,305	9/24/2003		Stoughton & Hughes

4	Improved Anova Method for Data Analysis	10/349,364	1/22/2003		Weng
5	Methods of Analyzing Multi-Channel Profiles	10/800,340	3/12/2004		Weng
6	Systems & Methods for Correcting Error in Biological Response Signal Data	11/042,653	1/24/2005		Stoughton & Dai
7	Statistical Combining of Cell Expression Profiles	11/042,654	1/24/2005		Stoughton & Dai
8	Systems and Methods for Evaluating the Significance of Differences in Biological Measurements	11/303,121	12/12/2005		Stoughton & Dai
9	Methods and Computer Systems For Analyzing High-Throughput Assays	11/440,195	5/23/2006		Weng, Dai, & Bartz
10	Discover Biological Features Using Composite Images	11/599,184	11/13/2006		Weng, Bondarenko, Vega, Henle, Hunt, Spiridonov
11	Methods for Determining Therapeutic Index from Gene Expression Profiles	11/879,161	7/16/2007		Marton, Stoughton
12	Computer Systems and Methods for Identifying Conserved Cellular Constituent Clusters Across Datasets	11/985,841	11/16/2007		Stepaniants, Lum, Kuraisa, Schadt
13	Regions of Interest Processing	61/107,988	10/23/2008		Hunt, Henle, Bondarenko
14	Peak Reassembly	12/313,222	11/17/2008		Henle & Hunt
15	LC/MS Centroid Processing	61/161,380	3/18/2009		Hunt & Henle
16	Non-Contiguous Regions Processing	12/421,562	4/9/2009		Henle & Hunt
17	Finding Paired Isotope Groups	PCT/US 08/065820	6/4/2008		Bondarenko, Spiridonov, Weng
18	Integrated Genomic System	PCT/US 08/078311	9/30/2008		Will & Anderson
19	Peak Reassembly	PCT/US 09/043671	5/12/2009		Henle & Hunt
20	Centroid Processing	61/219,293	6/22/2009		Hunt & Henle
Issued and Pending Foreign Patent Applications					
	Methods of Diagnosing Disease States Using Gene Expression Profiles	Australia 779902			Friend & Stoughton
	Methods of Diagnosing Disease States Using	Canada 2335299.00			Friend & Stoughton

	Gene Expression Profiles				
	Methods of Diagnosing Disease States Using Gene Expression Profiles	Japan 12-554833			Friend & Stoughton
	Discover Biological Features Using Composite Images	Canada 2632188.00			Weng, Bondarenko, Vega, Henle, Hunt, Yates, Spiridonov
	Discover Biological Features Using Composite Images	EPO 06837548.4			Weng, Bondarenko, Vega, Henle, Hunt, Yates, Spiridonov
	Discover Biological Features Using Composite Images	Japan 2008-540277			Weng, Bondarenko, Vega, Henle, Hunt, Yates, Spiridonov