

## PATENT ASSIGNMENT

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SUBMISSION TYPE:	NEW ASSIGNMENT												
NATURE OF CONVEYANCE:	ASSIGNMENT												
CONVEYING PARTY DATA													
<table border="1"> <thead> <tr> <th>Name</th> <th>Execution Date</th> </tr> </thead> <tbody> <tr> <td>Mark W. Surber</td> <td>07/14/2006</td> </tr> <tr> <td>Keith A. Bostian</td> <td>07/20/2006</td> </tr> <tr> <td>Michael N. Dudley</td> <td>07/20/2006</td> </tr> <tr> <td>Olga Lomovskaya</td> <td>07/20/2006</td> </tr> <tr> <td>David C. Griffith</td> <td>07/20/2006</td> </tr> </tbody> </table>		Name	Execution Date	Mark W. Surber	07/14/2006	Keith A. Bostian	07/20/2006	Michael N. Dudley	07/20/2006	Olga Lomovskaya	07/20/2006	David C. Griffith	07/20/2006
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<table border="1"> <tr> <td>Name:</td> <td>MPEX Pharmaceuticals, Inc.</td> </tr> <tr> <td>Street Address:</td> <td>3030 Bunker Hill Street</td> </tr> <tr> <td>Internal Address:</td> <td>Suite 200</td> </tr> <tr> <td>City:</td> <td>San Diego</td> </tr> <tr> <td>State/Country:</td> <td>CALIFORNIA</td> </tr> <tr> <td>Postal Code:</td> <td>92109</td> </tr> </table>		Name:	MPEX Pharmaceuticals, Inc.	Street Address:	3030 Bunker Hill Street	Internal Address:	Suite 200	City:	San Diego	State/Country:	CALIFORNIA	Postal Code:	92109
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CORRESPONDENCE DATA													
Fax Number:	(949)760-9502												
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Email:	efiling@kmob.com												
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>													
Correspondent Name:	Knobbe Martens Olson & Bear LLP												
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Address Line 4:	Irvine, CALIFORNIA 92614												
ATTORNEY DOCKET NUMBER:	MPEX.028C1												

OP \$40.00 12695981

NAME OF SUBMITTER:

Mark D Marsden

Total Attachments: 3

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**ASSIGNMENT**

WHEREAS, We, Mark W. Surber, a U.S.A. citizen, residing at 4746 Edison Street, San Diego, CA 92117; Keith A. Bostian, 6 Callado Way, Atherton, CA 94027; Michael N. Dudley, 17257 Silver Gum Way, San Diego, CA 92127; Olga Lomovskaya (AKA Olga Rodny), 46 Laverne Avenue, Mill Valley, CA 94941; and David C. Griffith, 714 Bandak Court, San Marcos, CA 92069, have invented certain new and useful improvements in a AEROSOLIZED FLUOROQUINOLONES AND USES THEREOF for which we have filed an application for Letters Patent in the United States, U.S. Application Number 11/436,875 filed May 18, 2006;

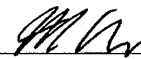
AND WHEREAS, MPEX Pharmaceuticals, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 3030 Bunker Hill Street, Suite 200, San Diego, CA 92109, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14 day of July, 2006

  
Mark W. Surber

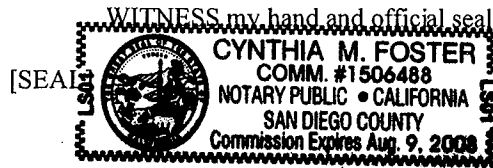
STATE OF California }  
COUNTY OF San Diego } ss.

On July 14, 2006, before me, Cynthia M. Foster, personally appeared Mark W. Surber personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose

Application No.: 11/436,875  
Filing Date: May 18, 2006

PATENT  
Client Code: MPEX.028A  
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name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



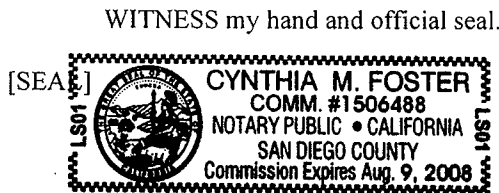
Cynthia M. Foster  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20<sup>th</sup> day of July, 2006

Keith A. Bostian  
Keith A. Bostian

STATE OF California }  
COUNTY OF San Diego } ss.

On July 20, 2006, before me, Cynthia M. Foster, personally appeared Keith A. Bostian personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



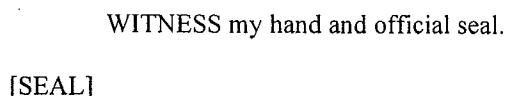
Cynthia M. Foster  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20<sup>th</sup> day of July, 2006

Michael N. Dudley  
Michael N. Dudley

STATE OF California }  
COUNTY OF San Diego } ss.

On July 20, 2006, before me, CYNTHIA M. FOSTER, personally appeared Michael N. Dudley personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Cynthia M. Foster  
Notary Signature

PATENT  
REEL: 028052 FRAME: 0776

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20<sup>th</sup> day of July, 2006

Olga  
Olga Lomovskaya (AKA Olga Rodny)

STATE OF California }  
COUNTY OF San Diego } ss.

On July 20, 2006, before me, CYNTHIA M. FOSTER, personally appeared Olga Lomovskaya personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20<sup>th</sup> day of July, 2006.

Cynthia M. Foster  
Notary Signature

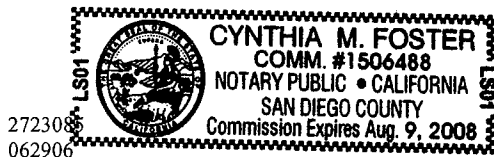
David C. Griffith  
David C. Griffith

STATE OF California }  
COUNTY OF San Diego } ss.

On July 20, 2006, before me, CYNTHIA M. FOSTER, personally appeared David C. Griffith personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Cynthia M. Foster  
Notary Signature