

09-13-2002

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(Rev. 03/01)

RECO

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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):

Viatris GmbH & Co. KG

9-10-02

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

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: August 16, 2002

2. Name and address of receiving party(ies)

Name: MedPointe Healthcare, Inc.

Internal Address: _____

Street Address: 265 Davidson Avenue

Suite 300

City: Somerset State: NJ Zip: 08875

Additional name(s) & address(es) attached? ☐ Yes ☒ No

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) 5086050; 5110814;
5164194; 5232919; 5271946Additional numbers attached? ☐ Yes ☒ No

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

Name: Donna R. Gasiorowski

Internal Address: Senior Legal Assistant to

Miranda Biven, Esq.

KIRKLAND & ELLIS

Street Address: 200 East Randolph Drive

City: Chicago State: IL Zip: 60601

6. Total number of applications and patents involved: 5

7. Total fee (37 CFR 3.41).....\$ 200.00

- ☒ Enclosed
☒ Authorized to be charged to deposit account
any over or underpayment

8. Deposit account number:

22-0440

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement 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.

Donna R. Gasiorowski

Name of Person Signing

Signature

9/10/02

Date

Total number of pages including cover sheet, attachments, and documents: 7

Mail documents to be recorded with required cover sheet information to:

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Exhibit 1157

IPR2017-00807/

39683-3-AP

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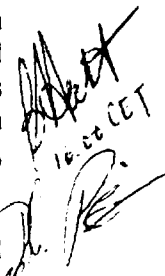
EXHIBIT 3.3

SCHEDULE IIIPATENT ASSIGNMENT

THIS PATENT ASSIGNMENT ("Assignment") is made and entered into as of this 16th day of August 2002, by and between VIATRIS GmbH & Co. KG, a limited partnership organized and existing under the laws of Germany, having offices at Weismuellerstrasse 45, 60314 Frankfurt am Main, Germany ("VIATRIS"), and MedPointe Healthcare Inc., a Delaware corporation with principal offices at 265 Davidson Avenue, Suite 300, Somerset NJ 08875, U.S.A ("MedPointe").

WHEREAS, VIATRIS is the sole and exclusive owner of the entire right, title and interest in, to and under those United States patents identified and set forth on Annex A, and the those Canadian patents identified and set forth on Annex B (the "Patents"); and

WHEREAS, MedPointe wishes to acquire and VIATRIS wishes to assign all right, title and interest in and to the Patents.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, effective as of the Consummation Date (as defined below) VIATRIS does hereby sell, assign, transfer and set over to MedPointe, the entire right, title and interest in and to the Patents, including any continuations, divisions, continuations-in-part, reissues, reexaminations, or extensions thereof; and including the subject matter of all claims which may be obtained therefrom for its own use and enjoyment, and for the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by VIATRIS if this Assignment and sale had not been made; together with all income, royalties (except for the royalties owed by Wallace Pharmaceuticals/ASTA Medica, LLC to VIATRIS pursuant to Section 2.4 of that certain agreement between VIATRIS, Medpointe Healthcare, Inc. and Wallace Pharmaceuticals/ASTA Medica, LLC), damages or payments due or payable as of the Consummation Date or thereafter, including, without limitation, all claims for damages by reason of past, present or future infringement or other unauthorized use of the Patents in the United States and/or in Canada, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives. "Consummation Date" as used in this Assignment shall mean the date on which the Interest Purchase Agreement to which this Schedule III to Exhibit A is attached is consummated by the parties thereto (i.e., August 20, 2002). 

VIATRIS authorizes and requests the United States Commissioner of Patents and Trademarks, and governmental official or agency performing the same function for Canada, to record MedPointe as owner of the Patents, including any continuations, divisions, continuations-in-part, reissues, reexaminations or extensions thereof, for the sole use and enjoyment of MedPointe, its successors, assigns or other legal representatives.

VIATRIS hereby represents and warrants that its right, title and interest in and to the Patents set forth on Annexes A and B, are free and clear of any liens and encumbrances, that it

has full right to assign all of its interests therein, and that it has not executed and will not execute any agreement or other instrument in conflict herewith.

VIATRIS shall provide to MedPointe, its successors, assigns or other legal representatives, cooperation and assistance at MedPointe's request and expense (including the execution and delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required): (1) in the prosecution or defense of any interference, opposition, reexamination, reissue, infringement or other proceedings that may arise in connection with any of the patent rights assigned herein, including, but not limited to, testifying as to any facts relating to the patent rights assigned herein and/or to this Assignment; and (2) in the implementation or perfection of this Assignment.

This Assignment is governed, as far as the transfer of title to the Patents is concerned, by the laws applicable to each of the Patents, and with respect to any other matter contained in this Assignment by the laws of the State of New York, U.S.A.

This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

* * * *

EXHIBIT 3.3

IN WITNESS WHEREOF, VIATRIS and MedPointe have caused this Assignment to be signed and executed by the undersigned officers thereunto as of the date first written above.

VIATRIS GMBH & CO. KG

By: Daniel Wiegand
Name: Daniel Wiegand
Title: Attorney-at-law

MEDPOINTE HEALTHCARE INC.

By: Andreas Böhm
Name: Andreas Böhm
Title: RA

EXHIBIT 3.3

ANNEX A

U.S. PATENTS

U.S. 5,086,050

U.S. 5,110,814

U.S. 5,164,194

U.S. 5,232,919

U.S. 5,271,946

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