

FORM PTO-1595

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8.20.98

08-31-1998



100810135

HEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Honorable Commissioner (thereof.

Record the attached original documents or copies

## 1. Name of conveying party(ies):

Ballard Power Systems Inc.  
9000 Glenlyon Parkway  
Burnaby, British Columbia V5J 5J9  
CANADA

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

## 2. Name and address of receiving party(ies):

DBB Fuel Cell Engines GmbH  
Neustrasse 95  
73230 Kirchheim, Nabern  
GERMANY

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

## 3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Charge of Name  
☐ Other: \_\_\_\_\_

Execution Date: November 14, 1997

## 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) 08/473,243  
08/581,312  
08/778,493  
08/973,273

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Robert W. Fieseler  
McAndrews, Held & Malloy  
500 West Madison Street  
34th Floor  
Chicago, Illinois 60661

08/27/1998 TSHABAZZ 00000023 04473248

08/28/98

160.00 OF

## 6. Total number of applications and patents involved: 4

7. Total fee (37 CFR 3.41): \$ 160.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number: 13-0017

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

DO NOT USE THIS SPACE

## 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.*

Signature and Registration Number: Robert W. Fieseler 31,826Date: August 17, 1998Name of Person Signing: Robert W. Fieseler

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

PATENT  
REEL: 9400 FRAME: 0738

1/31/92

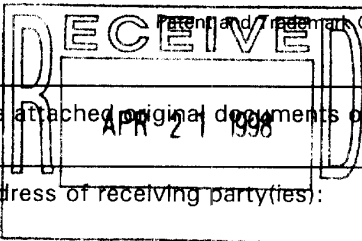
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U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Honorable Commissioner of Pat  
thereof.

Please record the attached original documents or copies

## 1. Name of conveying party(ies):

Ballard Power Systems Inc.  
9000 Glenlyon Parkway  
Burnaby, British Columbia V5J 5J9  
CANADA

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

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other: \_\_\_\_\_

Execution Date: November 14, 1997

## 2. Name and address of receiving party(ies):

DBB Fuel Cell Engines GmbH  
Neustrasse 95  
73230 Kirchheim, Nabern  
GERMANY

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): 08/473,248  
08/581,312  
08/778,498  
08/973,278

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

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

Robert W. Fieseler  
McAndrews, Held & Malloy, Ltd.  
Citicorp Center, 34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, Illinois 60661

## 6. Total number of applications and patents involved: 4

7. Total fee (37 CFR 3.41): \$ 115.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit account number: 13-0017

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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.

Signature and Registration Number: Robert W. Fieseler - 31,826 Date: April 17, 1998Name of Person Signing: Robert W. Fieseler

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

REEL: 9400 FRAME: 0739

## **CONFIRMATION OF ASSIGNMENT OF PATENT APPLICATIONS**

**WHEREAS** the undersigned, Ballard Power Systems Inc. (the "Assignor"), a corporation existing under the laws of Canada, having its principal office at 9000 Glenlyon Parkway, Burnaby, British Columbia, Canada, V5J 5J9, was immediately prior to the assignment described below, the sole owner of all right, title and interest in and to the inventions described, claimed and illustrated in the patent applications (the "Patent Applications") identified in Schedule A hereto;

**AND WHEREAS** pursuant to Section 3.5(b)(iii) of the Alliance Agreement (the "Alliance Agreement") dated August 29, 1997 among the Assignor, Daimler-Benz AG, a corporation existing under the laws of Germany having an office at Epplestrasse 225, 70546 Stuttgart, Germany, and DBB Fuel Cell Engines GmbH (on the date of the Alliance Agreement and on the date hereof, Daimler-Benz Fuel Cell Systems GmbH) (the "Assignee"), a corporation existing under the laws of Germany having an office at Neustrasse 95, 73230 Kirchheim, Nabern, Germany, the Assignor assigned and transferred to the Assignee all right, title and interest throughout the world in and to the said inventions including, without limitation, all right, title and interest in, to and under the Patent Applications;

**AND WHEREAS** It is desired to provide by this Confirmation evidence of the said assignment for recording in the patent offices of those countries or jurisdictions in which Patent Applications have or may be filed and in which patents in respect thereof have or may be granted;

**NOW THEREFORE**, this Confirmation witnesses and confirms that pursuant to Section 3.5(b)(iii) of the Alliance Agreement, the Assignor assigned and transferred to the Assignee for valuable consideration, the receipt and sufficiency of which the Assignor hereby acknowledges, all right, title and interest in, to and under the Patent Applications, free and clear of all encumbrances and interests of third parties, other than the encumbrances and interests expressly referred to in the Alliance Agreement and the agreements and instruments contemplated thereunder. For greater certainty, said assignment includes, without limitation, subject to the Alliance Agreement,

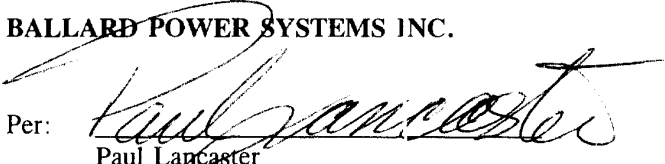
- (a) all right, title and interest in, to and under all patents granted on or as a result of any Patent Application and any re-issues or extensions thereof;
- (b) all right, title and interest in, to and under any and all existing or future substitute, divisional, continuation, or continuation-in-part patent applications derived directly or indirectly, either in whole or in part, from any of the Patent Applications, including all right, title and interest in, to and under patents granted on or as a result of such derivative applications, and any re-issues or extension thereof,
- (c) the right to file patent applications in respect of the inventions described, claimed and illustrated in the Patent Applications in all countries and other jurisdictions of the world in its own name, wherever that right may be legally exercised, and all right, title and interest in, to and under all patents granted on or as the result of such applications and any re-issues or extensions thereof, and
- (d) the right to claim available benefits under the International Convention for the Protection of Industrial Property and any like treaties or laws in respect of any patents granted in respect of the Patent Applications.

Any disputes hereunder will be submitted to arbitration pursuant to, subject to and in accordance with the provisions of the Alliance Agreement referenced and described in the recitals to this deed.

IN WITNESS WHEREOF, the Assignor has caused this Confirmation to be executed by its duly authorized representative effective this 14 day of November, 1997.

**BALLARD POWER SYSTEMS INC.**

Per:

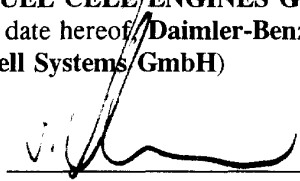
  
Paul Lancaster  
Treasurer

The Assignee hereby confirms its acceptance of the assignment identified above effective this 18 day of December, 1997.

**DBB FUEL CELL ENGINES GMBH**


(on the date hereof **Daimler-Benz**  
**Fuel Cell Systems GmbH**)

Per:

  
Authorized Signatory

i.V. Dahmen

Title (Manager)

  
i.V. Kocher

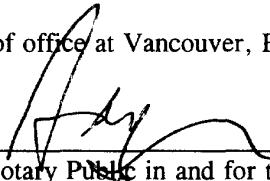
(Manager)

### PROOF OF EXECUTION

I CERTIFY THAT on the 14 day of November, 1997, at Burnaby, B.C., Paul Lancaster, who is personally known to me, appeared before me and acknowledged to me that he is the authorized signatory of Ballard Power Systems Inc. (the "Corporation") and that he is the person who subscribed his name to the foregoing Confirmation on behalf of the Corporation, that he was authorized to execute said Confirmation on behalf of the Corporation, and that the Corporation was a corporation in existence at the date that the said Confirmation was so executed.

IN TESTIMONY of which I set my hand and seal of office at Vancouver, British Columbia, Canada this 19 day of November, 1997.

Notarial seal:

  
A Notary Public in and for the Province of British Columbia

My commission expires: Not applicable

**SCHEDULE A**  
**PATENT APPLICATIONS**

<b>Jurisdiction: United States of America</b>		
<b>Title</b>	<b>App. No.</b>	<b>Application Date</b>
Temperature Regulating System For a Fuel Cell Powered Vehicle	08/473,248	7 June 1995
Power Control System For a Fuel Cell Powered Vehicle	08/581,312	29 December 1995
Power Control System For a Fuel Cell Powered Vehicle	08/778,498	3 January 1997

<b>Jurisdiction: Canada</b>		
<b>Title</b>	<b>App. No.</b>	<b>Application Date</b>
Power Control System For a Fuel Cell Powered Vehicle	2,194,030	27 December 1996

<b>Jurisdiction: Patent Cooperation Treaty</b>		
<b>Title</b>	<b>App. No.</b>	<b>Application Date</b>
Temperature Regulating System For a Fuel Cell Powered Vehicle	PCT/CA96/00351	29 May 1996