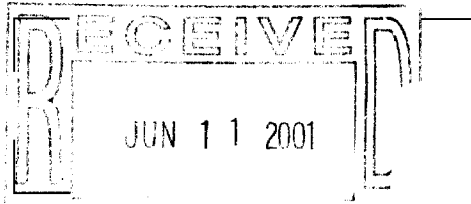


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CONFIRMATORY LICENSE

(Advanced Class Waiver of Patent Rights)

Title : FUEL CELL COLLECTOR PLATE AND METHOD OF FABRICATION

Inventor(s) : James C. Braun; John E. Zabriskie, Jr.; Jay K. Neutzler;
Michel Fuchs; Robert C. Gustafson

Serial No. : 09/195,307 Filing Date: 11/18/1998

Subcontractor : Energy Partners, L.C.

DOE Contract No.: DE-FC02-97EE50476

DOE Case No. : S-96,950

DOE Advanced Class Waiver No.: W(C)-92-005

Foreign Applications filed in or intended to be filed at Contractor's expense in (countries):
Canada; Europe (EPO); China; Japan; Mexico

An advanced class waiver of Government rights having been granted by the U.S. Department of Energy (DOE) to Energy Partners, L.C. and the above-identified invention having been reported as a Subject Invention to DOE by the contractor with its election to file a domestic patent application thereon, the effective date of said waiver for the above invention is November 14, 2000.

Accordingly, this document is confirmatory of the paid-up license required to be granted to the Government under 41 CFR 9-9.109.6 and the above-identified contract in this invention, patent application and any resulting patent as well as any continuation, divisional, reissue, supplemental or continuation-in-part thereof, and of all rights acquired by the Government by the referenced patent rights clause, a copy of which is attached hereto and incorporated by reference herein. The undersigned certifies the attached copy to be a true copy of said clause. It is understood and agreed that this license does not preclude the Government from asserting rights under the provisions of said contract or any other agreement between the Government and the Contractor, or any other rights of the Government with respect to the above-identified invention.

The government is hereby granted an irrevocable power to inspect and make copies of the above-identified patent application.

Signed this 16th day of April 2001.

(SEAL)

ENERGY PARTNERS, L.C.
(Contractor)

By: George C. Joy President
(Contractor's Official and Title)

George C. Joy, President
(Business Address)

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