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10-09-2003



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VER SHEET

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U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner

Remarks: Please record the attached original documents or copy thereof

1. Name of Conveying Part(ies): 10-1-03  
 Cray Inc.  
 411 First Avenue South, Suite 600  
 Seattle, WA 98104

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

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

Name: Isothermal Systems Research Inc.

Internal Address:

511 Third Street

Clarkston, WA 99403

Street Address: 511 Third Street

City: Clarkston State: Washington Zip: 98104

3. Nature of conveyance:

- ☐ Assignment ☐ Security Agreement  
☐ Merger ☐ Change of Name  
☒ Other Non-Exclusive License

Execution Date: August 13, 2003

Additional names(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: August 13, 2003

A. Patent Application No.(s):

B. Patent No.(s)  
6,366,461

Additional numbers attached: ☐ Yes ☐ No

Additional numbers attached: ☐ Yes ☐ No

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

Name: Mark W. Hendricksen

Internal Address:

Wells, St. John, Roberts,

Gregory & Matkin P.S.

Street Address: 601 W. First Avenue, Ste. 1300

City: Spokane State: WA Zip: 99201-3817

6. Total number of applications and patents involved. . . . . 1

7. Total fee (37 CFR 3.41). . . . . \$ 40

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit account number

23-0925

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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.

Mark W. Hendricksen

Name of Person Signing

Mark W. Hendricksen

Signature

10-1-03

Date

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SETTLEMENT AND RELEASE AGREEMENT

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IN CONSIDERATION of the settlement and release of all claims, as well as the mutual covenants and promises contained herein, the sufficiency of which is hereby acknowledged, the parties hereby agree:

1. **PARTIES.** The parties to this Agreement, as well as their addresses for purposes of notice, are:

1.1 **ISOTHERMAL SYSTEMS RESEARCH, INC.** ("ISR" or "Isothermal")  
a Washington corporation  
511 Third Street  
Clarkston, WA 99403

1.2 **CRAY INC.** ("Cray")  
a Washington corporation  
including its majority-owned subsidiaries  
411 First Avenue South, Suite 600  
Seattle, WA 98104

- 4.7 **Cray Patents/Applications.** Cray hereby grants to ISR a perpetual, non-exclusive, royalty free license to the claims of the Cray Patents (as defined below) which are directed to or relate to evaporative spray cooling. This license grants ISR the right to make, have made, use, sell, offer for sale, and import, products embodying the claims of the Cray Patents to the extent they relate to evaporative spray cooling. The Cray Patents include: U.S. Patent 6,580,609 for a "Method and Apparatus for Cooling Electronic Components";

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ISR INITIALS: \_\_\_\_\_

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SETTLEMENT & RELEASE AGREEMENT

CRAY INITIALS: Cray

**PATENT**  
**REEL: 014567 FRAME: 0392**

any patents issuing from U.S. Patent Application No. 09/860,038 for "Spray Evaporative Cooling System and Method"; and pending U.S. Patent No. 6,366,461 for "System and Method for Cooling Electronic Components"; and further including any reissues, reexaminations, divisional or continuation applications or patents therefrom, and foreign applications/patents derived therefrom.

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ISR INITIALS: \_\_\_\_\_

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SETTLEMENT & RELEASE AGREEMENT

CRAY INITIALS: Cu

**PATENT**  
**REEL: 014567 FRAME: 0394**

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ISR INITIALS: \_\_\_\_\_

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CRAY INITIALS: Cr

**PATENT**  
**REEL: 014567 FRAME: 0395**

ISR INITIALS: \_\_\_\_\_

CRAY INITIALS: CWJ

SIGNATURES

ISOTHERMAL SYSTEMS RESEARCH, INC.

By:   
Its: R. J. BADDELEY  
VP, PRODUCT DEVELOPMENT & ENGINEERING

STATE OF WASHINGTON                    )  
County of Spokane                    ): ss

On this 12<sup>th</sup> day of August, 2003 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared R. J. BADDELEY, to me known to be the VP, Prod. Dev. & Engineering of ISOTHERMAL SYSTEMS RESEARCH, INC., and acknowledged the said instrument to be the free and voluntary act and deed of ISOTHERMAL SYSTEMS RESEARCH, INC. for the uses and purposes therein mentioned.

Witness my hand and official seal affixed the day and year first above written.

Joanne M. O'Hare  
NOTARY PUBLIC in and for the State  
of Wash., residing at Spokane  
My Commission Expires: 8/25/04



CRAY INC.

[Signature]  
By: KENNETH W. JOHNSON  
Its: Vice President - Legal Affairs  
& General Counsel

STATE OF WASHINGTON )  
 ) ss  
County of King )

On this 13<sup>th</sup> day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kenneth W. Johnson, to me known to be the Vice President - Legal Affairs of CRAY INC., and acknowledged the said instrument to be the free and voluntary act and deed of CRAY INC. for the uses and purposes therein mentioned.

Witness my hand and official seal affixed the day and year first above written.

Carol Lynn Cole  
NOTARY PUBLIC in and for the State  
of Washington residing at Seattle  
My Commission Expires: 11/20/03

