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630-252-2042

Name **ROBERT J. FISHER**

Address (line 1) **U.S. DEPARTMENT OF ENERGY**

Address (line 2) **OFFICE OF INTELLECTUAL PROPERTY**

Address (line 3) **9800 SOUTH CASS AVENUE**

Address (line 4) **ARGONNE, ILLINOIS 60439**

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

01

Application Number(s) or Patent Number(s)

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Patent Application Number(s)

Patent Number(s)

10/226,450

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Date

CONFIRMATORY LICENSE

(Nonprofit Organizations or Small Business Firms)

Title : A DUAL-POROSITY RIBBED FUEL CELL CATHODE
Inventor(s) : Richard Johnsen, Chao-Yi Yuh and Michael Alexander
Serial No. : 10/226,450 Filing Date: 8/23/2002
Contractor : FuelCell Energy, Inc.
DOE Contract No.: DE-FG02-95ER81966
DOE Case No. : S-104,226
Patent Rights Clause No.: DEAR 952.227-11

Foreign Applications filed in or intended to be filed at Contractor's expense in (countries): United Kingdom, Germany, France, Japan.

The contractor, having the right to retain title to Subject Inventions as a result of Public Law 96-517, has reported the above-identified invention as a Subject Invention to DOE with its election to retain title thereto.

Accordingly, this document is confirmatory of the nonexclusive, nontransferable, irrevocable, paid-up license to practice or to have practiced for or on behalf of the United States, required by the Public Law and the above-identified contract, in this Subject Invention, patent application and any resulting patent, as well as any continuation, divisional, reissue, supplemental or continuation-in-part thereof, throughout the world and of all other rights acquired by the Government by the above-identified 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 of any other agreement between the Government and the Contractor, or from asserting any other rights of the Government with respect to the above-identified Subject Invention.

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

(SEAL)

Signed this 7th day of May, 2004

FuelCell Energy, Inc.
(Contractor)

By: *Ross Levine*

Ross M. Levine, Esq.
Director of Contracts and Contracts Counsel
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