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Correspondent Name and Address

Area Code and Telephone Number [630] 252-2393

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Address (line 2) OFFICE OF INTELLECTUAL PROPERTY LAW

Address (line 3) 9800 SOUTH CASS AVENUE

Address (line 4) ARGONNE, ILLINOIS 60439

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

1

Application Number(s) or Patent Number(s)

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Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

10/862,136

If this document is being filed together with a new Patent Application, enter the date the patent application was

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Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

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Number of Properties

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#

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CONFIRMATORY LICENSE

(Nonprofit Organizations or Small Business Firms)

Title : ROTOR AND BEARING SYSTEM FOR A TURBOMACHINE

Inventor(s) : Daniel Lubell & Dennis Weissert

Serial No. : 10/862,136 Filing Date: June 4, 2004

Contractor : CAPSTONE TURBINE CORPORATION

DOE Contract No.: DE-FG26-00CH11058

DOE Case No.: S-104,607

Patent Rights Clause No.: DEAR 952.227-11

Foreign Applications filed in or intended to be filed at Contractor's expense in (countries):

PCT US 2004/027495 filed August 24, 2004 – pending.

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 2nd day of February, 2005.

CAPSTONE TURBINE CORPORATION
(Contractor)

By: Mike Redmond

Mike Redmond, Sr. Vice President

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