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Pages Enter the total number of pages of the attached conveyance document including any attachments. # 01

Application Number(s) or Patent Number(s) Mark if additional numbers attached

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Patent Application Number(s)

Patent Number(s)

10/627,035						

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

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

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3.20.06

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5-108,916

CONFIRMATORY LICENSE
(Nonprofit Organizations or Small Business Firms)

Title: *Compliant Manifold Gasket*

File No. B429-058

Inventor(s): Mohammed Farooque; Chao Yi-Yuh; Michael Cramer; Dana Kelley

Serial No.: U.S. Patent Application No. 10/627,035; U.S. Patent No. 6,964,825

Filing Date (U.S.): 7/25/2003 Issue Date (U.S.): 11/15/2005

Contractor: FuelCell Energy, Inc.

DOE Contract No.: DE-FC21-95MC31184

Patent Rights Clause No.: Article 4 – Patent Rights – Small Business Firms

or Non-Profit Organizations (Other than M&O's (APR 1987)

Continuing Data if any:

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

China, India, Japan, European Patent Office: France, Germany and the United Kingdom.

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, non-transferable, irrevocable, paid-up license required by the Public Law and this contract in this invention, patent application and any resulting patent and of all other rights acquired by the Government by the above-identified 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 invention.

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

Signed this 15th day of December, 2005

FuelCell Energy, Inc.

(Contractor)

By: *Ross M. Levine*

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