



04-11-2006

U.S. Department of Commerce
Patent and Trademark Office
PATENT



103215658

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New
- ☐ Resubmission (Non-Recordation)
Document ID#
- ☐ Correction of PTO Error
Reel # Frame #
- ☐ Corrective Document
Reel # Frame #

Conveyance Type

- ☐ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☒ Other **CONFIRMATORY LICENSE**
- U.S. Government**
(For Use ONLY by U.S. Government Agencies)
- ☒ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) **FUEL CELL ENERGY, INC.** Execution Date Month **08** Day **11** Year **2005**

Name (line 2)

Second Party

Name (line 1) Execution Date Month Day Year

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) **UNITED STATES DEPARTMENT OF ENERGY**

Name (line 2)

Address (line 1) **1000 INDEPENDENCE AVENUE, S.W.**

Address (line 2)

Address (line 3) **WASHINGTON** **D. C. USA** **20585**

City State/Country Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

FOR OFFICE USE ONLY

Correspondent Name and Address

Area Code and Telephone Number

[630] 252-2393

Name **ROBERT J. FISHER**

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

Address (line 2) **INTELLECTUAL PROPERTY LAW DIVISION**

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)

☐ Mark if additional numbers attached

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

Patent Application Number(s)

10/028,599

Patent Number(s)

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

Month Day Year

Patent Cooperation Treaty (PCT)

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

PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:

Enclosed ☐

Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the

Deposit Account Number:

#

Authorization to charge additional fees:

Yes ☐

No ☒

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. Charges to deposit account are authorized, as indicated herein.

BRIAN J. LALLY Reg. # 51,911

Name of Person Signing

Signature

Date

3-22-06

5-108,909

CONFIRMATORY LICENSE
(Nonprofit Organizations or Small Business Firms)

Title: Anode Support for Carbonate Fuel Cells

File No. B429-045

Inventor(s): Chao Yi-Yuh, Jian Li

Serial No.: U.S. Patent No. 6,719,946

Filing Date (U.S.): 12/20/2001 Issue Date (U.S.): 04/13/2004

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, Hong Kong filing on 10/13/2005, Japan, European Patent Office (EPO):

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 11th day of August, 2005

FuelCell Energy, Inc.

(Contractor)

By: 

Ross M. Levine, Esq.

Director of Government Contracts

(Contractor's Official Title)

3 Great Pasture Road Danbury, CT 06813

(Business Address)

PATENT

RECORDED: 03/27/2006

REEL: 017757 FRAME: 0130