

Form **PTO-1595** (Rev. 08/05)
OMB No. 0651-0027 (exp. 6/30/2008)

Doc Code: **S-98,413**

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

INTERNATIONAL BUSINESS MACHINES CORPORATION(IBM)

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

3. Nature of conveyance/Execution Date(s):

Execution Date(s) 04/07/2003

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☒ Executive Order 9424, Confirmatory License
☐ Other _____

2. Name and address of receiving party(ies)

Name: U.S. Department of Energy

Internal Address: GC-62 6F-067

Street Address: 1000 Independence Avenue, S.W.

City: Washington

State: D.C.

Country: _____ Zip: 20585-0162

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/185028

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Brenda K. Banks

Internal Address: GC-62 6F-067

U.S. Department of Energy

Street Address: 1000 Independence Avenue, S.W.

City: Washington

State: D.C. Zip: 20585-0162

Phone Number: 202-586-2802

Fax Number: 202-586-2805

Email Address: brenda.banks@hq.doe.gov

6. Total number of applications and patents involved:**7. Total fee (37 CFR 1.21(h) & 3.41) \$**

- ☐ Authorized to be charged by credit card
☐ Authorized to be charged to deposit account
☐ Enclosed
☒ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____

Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature:

Brenda K. Banks

Signature

10/26/04

Date

Brenda K. Banks

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

2

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

10/185028

Patent Application Filed in
the Name of the Contractor

CONFIRMATORY LICENSE

Title: A Priority Arbitration Mechanism

Docket No.: S98,413

Inventor(s): Derrick L. Garmire et al.

U.S. Patent Application: S.N. 10/185028

LLNL Subcontract Number: B338307

Filing Date: 6/28/2002

Subcontractor: IBM

U.S. Patent No.:

Issue Date

Foreign patent applications filed or intended to be filed at contractor's expense in (countries):

The Subcontractor certifies that a true copy of the provisions which govern patent rights in "subject inventions" under the above-identified subcontract is herewith submitted or has been submitted to the U.S. Department of Energy by certification dated 2/15/2002.

WHEREAS, the above-identified subcontract provides the Subcontractor with the right to elect to retain title in certain inventions and the Subcontractor has reported the above-identified invention as a subject invention under the subcontract, has elected to retain title thereto, and has agreed to file a domestic patent application thereon, if not previously filed.

ACCORDINGLY, the Subcontractor hereby confirms that under the provisions of the above-identified subcontract governing patent rights, it has granted to the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world. This license applies to the above-identified invention, the above-identified patent application(s), and any and all divisions or continuations thereof and any resulting patent or reissue patent which may be granted thereupon.

The Government reserves for itself, and is hereby granted by the Subcontractor, the irrevocable power to inspect and make copies of the file wrapper(s) of the above-identified U.S. patent application and of any related or continuation patent application(s), whether domestic or foreign, for the above-identified invention.

It is understood and agreed that this instrument does not preclude the Government from asserting rights under the provisions of the above-identified subcontract or any other agreement between the Government and the Subcontractor, or any other rights of the Government with respect to the above-identified invention.

Signed on behalf of: International Business Machines Corporation (IBM)

Witness:

Carolyn Soriano

(Print/Type Name)

Assistant to Gerald Rosenthal

(Print/Type Title)

By:

Gerald Rosenthal

(Subcontractor Official's Signature)
(Print/Type Subcontractor Official's Name)

**Vice-President Intellectual Property
and Licensing**

(Print/Type Subcontractor Official's Title)

North Castle Drive

(Print/Type Subcontractor's Address)

Armonk, New York 10504