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S-118,668

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 LAWRENCE LIVERMORE NATIONAL SECURITY,
 LLC

2. Name and address of receiving party(ies)

Name: U.S. Department of Energy

Internal Address: GC-62 6F-067

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

Street Address: 1000 Independence Avenue, S.W.

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

Execution Date(s) 09/01/2009

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

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)
12/536670

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

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6. Total number of applications and patents involved:

7. Total fee (37 CFR 1.21(h) & 3.41) \$ _____

- Authorized to be charged to deposit account
- Enclosed
- None required (government interest not affecting title)

8. Payment Information

Deposit Account Number _____

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9. Signature:

Brenda K. Banks
 Signature

9/25/09
 Date

Brenda K. Banks
 Name of Person Signing

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

2

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12/536670

CONFIRMATORY LICENSE

Title: **Shape Memory System with Integrated Actuation Using Embedded Particles**

Inventor(s): *Buckley, Patrick, Mastrand, Duncan J.*

DOE Docket No.: *S-118,668*

Docket No./Sub: **IL-11255/B**

Contract Number: **DE-AC52-07NA27344**

U.S. Patent Application S.N.: **12/536670**

Contractor: **Lawrence Livermore National Security, LLC**

Filing Date: **08/06/09**

Lawrence Livermore National Laboratory

Waiver No.: **W(C) 92-002**

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

The Contractor certifies that a true copy of the provisions which govern patent rights in "subject inventions" under the above-identified contract is herewith submitted or has been submitted to the U.S. Department of Energy by certification dated June 15, 1999.

WHEREAS, the above-identified invention is a subject invention under the above-identified contract;

WHEREAS, the above-identified Class Waiver of Government rights in certain identified inventions and the above-identified contract provides the Contractor with the right to elect to retain title in certain subject inventions and the Contractor has elected to retain title in the above-identified subject invention, EXCEPT FOR a paid-up license under the above-identified contract and the above-identified waiver.

ACCORDINGLY, the Contractor hereby confirms that under the provisions of the above-identified contract 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 thereon.

The Government reserves for itself, and is hereby granted by the Contractor, 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 contract or any other agreement between the Government and the Contractor, or any other rights of the Government with respect to the above-identified invention.

Signed on behalf of: LAWRENCE LIVERMORE NATIONAL SECURITY, LLC

(Contractor)

Witness: *Wanda Nugent*
Wanda Nugent, Patent Administrator

By: *John H. Lee* 09/01/2009

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