

RESTRICTED RIGHTS NOTICE (Sept 2010)

[Note: This exhibit contains subparagraph (g)(4) of the "Rights in Data--General" clause of this subcontract.]

(g)(4)(i) Notwithstanding paragraph (g)(1) of this clause, the subcontract may identify and specify the delivery of restricted computer software, or the Company may require by written request the delivery of restricted computer software that has been withheld or would otherwise be entitled to be withheld. If delivery of that computer software is required, the Seller shall affix the following "Restricted Rights Notice" to the computer software and the Company and the Government will treat the computer software, subject to paragraphs (e) and (f) of this clause, in accordance with the notice:

RESTRICTED RIGHTS NOTICE

(a) This computer software is submitted with restricted rights under Government Contract No. DE-AC05-00OR22725 and Subcontract No. _____. It may not be used, reproduced, or disclosed by the Company or the Government except as provided in paragraph (b) of this notice or as otherwise expressly stated in the subcontract.

(b) This computer software may be—

(1) Used or copied for use with the computer(s) for which it was acquired, including use at any Government installation to which the computer(s) may be transferred;

(2) Used or copied for use with a backup computer if any computer for which it was acquired is inoperative;

(3) Reproduced for safekeeping (archives) or backup purposes;

(4) Modified, adapted, or combined with other computer software, *provided* that the modified, adapted, or combined portions of the derivative software incorporating any of the delivered restricted computer software shall be made subject to the same restricted rights;

(5) Disclosed to and reproduced for use by support service contractors or subcontractors in accordance with paragraphs (b)(1) through (4) of this notice; and

(6) Used or copied for use with a replacement computer.

(c) Notwithstanding the foregoing, if this computer software is copyrighted computer software, it is licensed to the Company and the Government with the minimum rights set forth in paragraph (b) of this notice.

(d) Any other rights or limitations regarding the use, duplication, or disclosure of this computer software are to be expressly stated in, or incorporated in, the subcontract.

(e) This notice shall be marked on any reproduction of this computer software, in whole or in part.

(End of Notice)

(ii) Where it is impractical to include the Restricted Rights Notice on restricted computer software, the following short-form notice may be used instead:

RESTRICTED RIGHTS NOTICE SHORT FORM

Use, reproduction, or disclosure is subject to restrictions set forth in Contract No. DE-AC05-000R22725 and Subcontract No. _____ with UT-Battelle, LLC, and _____.

(End of Notice)

(iii) If restricted computer software is delivered with the copyright notice of 17 U.S.C. 401, it will be presumed to be licensed to the Company and the Government without disclosure prohibitions, with the minimum rights set forth in paragraph (b) of this clause.