

d. It shall not be a breach of this Agreement if Recipient is required to disclose the Confidential Information by a valid order of a court or other government body, or as otherwise required by law, or as necessary to establish the rights of either party under this Agreement; PROVIDED THAT Recipient shall provide prompt prior notice thereof to ARS to enable ARS to seek a protective order or otherwise prevent such disclosure, and PROVIDED FURTHER THAT the Confidential Information otherwise shall continue to be confidential.

12. If the Parties hereto decide, at some future date, to engage in a cooperative research project or program using the Material, a formal Cooperative Research and Development Agreement, or other research Agreement, must be negotiated and entered into between the Parties.

This Material Transfer Agreement shall become effective upon date of final signature and shall continue in effect for a period of five (5) years; provided, however, that the obligations assumed by Recipient, regarding the maintenance of confidentiality, under this Agreement shall remain in effect for two (2) years from the expiration of this Agreement.

**ACCEPTED FOR THE AGRICULTURAL RESEARCH SERVICE:**

<u>C. Corley Holbrook</u> C. Corley Holbrook	<u>Research Leader</u> Title	<u>3/20/09</u> Date
<u>Jeffrey P. Wilson</u> Jeffrey P. Wilson	<u>Research Plant Pathologist</u> Title	<u>3-20-09</u> Date

**ACCEPTED FOR THE RECIPIENT:**

<u>Sohail Malik</u> Sohail Malik	<u>Director, Technology Commercialization Office</u> Title	<u>3-31-09</u> Date
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**READ AND UNDERSTOOD BY:**

<u>Katrien Devos</u> Katrien Devos	<u>Associate Professor</u> Title	<u>                    </u> Date
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**APPROVED:**

<u>Donald A. Nordlund</u> Donald A. Nordlund	<u>Technology Transfer Coordinator</u> Title	<u>03/19/2009</u> Date
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MTA/OUT: October 2006

