

October 29, 2003

TO: Global Life Science Research Community

RE: Gateway® Clone Distribution Policy

Dear Research Colleague,

This letter is intended to provide clarity concerning Invitrogen's policy for the use and distribution of cloned nucleic acid fragments, including open reading frames, created using Invitrogen's commercially available Gateway® Technology. Invitrogen appreciates the importance, and recognizes the urgent need, for open access to Gateway® clones for scientific research. We are committed to supporting and facilitating such research efforts and hereby reiterate our policy regarding the generation and distribution of Gateway® clones, including those generated from human, mouse, and rat. The Gateway® clone distribution policy differs somewhat for Gateway® entry clones and Gateway® expression clones and these differences are explained below:

Invitrogen understands that Gateway® entry clones, containing *attL1* and *attL2* sites, may be generated by academic and government researchers for the purpose of scientific research. Invitrogen agrees that such clones may be distributed for scientific research by non-profit organizations and by for-profit organizations without royalty payment to Invitrogen.

Invitrogen also understands that Gateway® expression clones, containing *attB1* and *attB2* sites, may be generated by academic and government researchers for the purpose of scientific research. Invitrogen agrees that such clones may be distributed for scientific research by academic and government organizations without royalty payment to Invitrogen. Organizations other than academia and government may also distribute such Gateway® expression clones for a nominal fee (\$10 per clone) payable to Invitrogen.

We would ask that such distributors of Gateway® entry and expression clones indicate that such clones may be used only for research purposes, that such clones incorporate the Gateway® Technology, and that the purchase of Gateway® Clonase™ from Invitrogen is required for carrying out the Gateway® recombinational cloning reaction. This should allow researchers to readily identify Gateway® containing clones and facilitate their use of this powerful technology in their research. Use of Invitrogen's Gateway® Technology, including Gateway® clones, for purposes other than scientific research may require a license and questions concerning such commercial use should be directed to Invitrogen's licensing department at 760-603-7200.

Invitrogen will, of course, continue to provide and support Gateway® products and services to life sciences researchers engaged in all endeavors. We believe this will provide you the necessary assurance that Gateway® clones made in the academic and government setting can be freely distributed to other researchers to facilitate scientific research.

Finally, we believe that this policy of open access to Gateway® clones for scientific research purposes is the best policy for the advancement of global life sciences and we trust that this policy will support your contribution to those efforts.

Sincerely,

Gregory T. Lucier

President and CEO