

SIEMENS

THIRD AMENDMENT to the SUPPLEMENT to the MASTER INSTRUMENT USAGE AGREEMENT

THIS THIRD AMENDMENT to the Supplement dated May 15, 2005 to the Master Instrument Usage Agreement originally dated May 16, 2002, as previously amended, between Siemens Healthcare Diagnostics Inc. ("Siemens"), formerly known as Siemens Medical Solutions Diagnostics, as successor to Bayer HealthCare LLC, Diagnostics Division and City of Long Beach, a municipal corporation, ("Customer") is made effective 3/11/09 ("Effective Date").

WHEREAS, Customer and Siemens desire to amend the Supplement as set forth below in order that the Supplement, as amended, is acceptable to both parties for execution;

NOW THEREFORE, in consideration of the terms and conditions contained herein, the parties agree the Supplement shall be amended as follows:

1. The term of the Supplement is hereby extended for a new termination date of December 31, 2009.
2. Number 5 of the Supplement, third sentence, is hereby deleted in its entirety and replaced with the following: "Either party may terminate this Supplement at any time during the extended term by providing the other party with thirty (30) days prior written notice."

All other terms and conditions of the Supplement, as previously amended, remain unchanged and in full force and effect.

IN WITNESS WHEREOF, each party hereto has caused its duly authorized representative to execute this Third Amendment to the Supplement to the Master Instrument Usage Agreement as of the Effective Date, regardless of the date of actual execution.

CITY OF LONG BEACH ~~EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.~~ **SIEMENS HEALTHCARE DIAGNOSTICS INC.**

By: [Signature] Assistant City Manager By: [Signature]
Name: Patrick H. West Name: Stephen J. Bello
Title: City Manager Title: Contract/Leasing Manager

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December 9, 2008

APPROVED AS TO FORM
March 11, 2009
ROBERT E. SHANNON, City Attorney
By [Signature]
LINDA TRANG
DEPUTY CITY ATTORNEY

Siemens Healthcare Diagnostics Inc.