



EIGHTY - FIFTH AMENDMENT TO ELSEVIER SUBSCRIPTION AGREEMENT

WHEREAS, the parties hereto have previously entered into an agreement dated 9 April 2014, as last amended on 05 January 2017 (the "Agreement"), and wish to amend the Agreement as set forth in this amendment ("Amendment").

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, and for such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to amend the Agreement as of the execution date below as set forth below and on Schedule 1.

If the Subscriber exercises its option under the Agreement to purchase system-wide perpetual access rights to any Elsevier book products, the University of California, San Diego ("UCSD") will have the option to receive a refund in the amount that UCSD previously paid for such product(s) (if UCSD previously paid for such product(s)), provided that the Subscriber's purchase occurs within the same calendar year of the UCSD purchase. If UCSD does not opt to receive a direct refund in the same calendar year, or if the Subscriber's purchase occurs after the calendar year of the UCSD purchase, then Elsevier will deduct the amount that UCSD previously paid for such product(s) from the Fees due for the Subscriber's purchase of the system-wide perpetual access rights to that book product(s). The deduction from the aforementioned Fees due for the Subscriber's purchase of the system-wide perpetual access rights to a book product will not exceed the Fees paid by the Subscriber for the system-wide perpetual access rights for that specific book product.

Except as specifically amended hereby, all of the existing terms and conditions of the Agreement are hereby ratified. Capitalized terms used herein that are not otherwise defined shall have the meanings ascribed to them in the Agreement. To the extent any terms or conditions of the Agreement conflict with or are inconsistent with this Amendment, the terms of this Amendment shall prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment by their respective, duly authorized representatives as of 05 January 2017

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA o/b/o
THE CALIFORNIA DIGITAL LIBRARY**

(Subscriber)

[Redacted Signature]

Name: Ivy Anderson
Title: Associate Executive Director

**ELSEVIER B.V.
(Elsevier)**

[Redacted Signature]

Name: Gino Ussi
Title: Executive Vice President Research Solution Sales

Amendment No.: 1-13112252148

Schedule 1
Subscribed Products/Access/Fees

The Subscribed Products and Fees identified below are in addition to those identified in the Agreement

UNIVERSITY OF CALIFORNIA – SAN DIEGO

No. 1-131122252148

Subscribed Products – publisher	Access	2017 USD
ScienceDirect® online – Elsevier B.V.	sciencedirect.com	
Elsevier eBooks Titles		
TOTAL FEES		

Annex A to Schedule 1.1
Subscribed Titles

UNIVERSITY OF CALIFORNIA - SAN DIEGO

Product ID	ISBN	Elsevier eBooks Title	2017 Fee
9780444521491	9780444521491	The Yeasts	

