

18-01425-E

**Madison, Wilton**

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**From:** Mark Edwards <medwards@biosciadvisors.com>  
**Sent:** Friday, December 15, 2017 5:27 PM  
**To:** foiapa  
**Subject:** FOIA Request

I would like to request access to Exhibits 10.04 and 10.05 to the 9/30/15 10-Q, filed by Amyris, Inc. on 11/9/2015. Confidential treatment was sought as to certain portions when initially filed with the Commission.

In the event that confidential treatment has not expired or has been extended, I further request that you send me the expiration date(s) from the relevant CT order(s) so I will know when I should resubmit my request.

I authorize up to \$61 in search and retrieval fees. Please send the exhibit(s) by PDF if possible.

Sincerely,

Mark

Mark G Edwards  
Managing Director  
Bioscience Advisors  
2855 Mitchell Dr., Suite 103  
Walnut Creek, CA 94598  
[medwards@biosciadvisors.com](mailto:medwards@biosciadvisors.com)  
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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

January 11, 2018

Mr. Mark G. Edwards  
Bioscience Advisors  
2855 Mitchell Dr., Suite 103  
Walnut Creek, CA 94598

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. 18-01425-E

Dear Mr. Edwards:

This letter is in response to your request, dated and received in this office on December 18, 2017, for Exhibits 10.04 and 10.05 to the September 30, 2015, 10-Q, filed by Amyris, Inc. on November 9, 2015.

The search for responsive records has resulted in the retrieval of 7 pages of records for Exhibit 10.05 that may be responsive to your request. They are being provided to you with this letter.

Further, the Commission granted confidential treatment to Exhibit 10.04 to the Form 10-Q under Rule 24b-2 of the Securities and Exchange Act of 1934 through July 15, 2022. Since confidential treatment has not expired, we are providing the expiration date(s) from the relevant CT order(s) as requested.

If you have any questions, please contact me at [fultonc@sec.gov](mailto:fultonc@sec.gov) or 202-551-8186. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You also have the right to seek assistance from Lizzette Katilius as a FOIA Public Liaison or contact the Office of Government Information Services (OGIS) for dispute resolution services. OGIS can be reached at 1-877-684-6448 or [Archives.gov](http://Archives.gov) or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov).

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Fulton".

Charlotte Fulton  
FOIA Research Specialist

Enclosure

Amendment No. 2 to the FINANCING AGREEMENT by CREDIT OPENING No 11.2.0977.1, ENTERED INTO BETWEEN THE NATIONAL BANK FOR ECONOMIC AND SOCIAL DEVELOPMENT – BNDES and AMYRIS BRASIL LTDA., AS FOLLOWS:

THE NATIONAL BANK FOR ECONOMIC AND SOCIAL DEVELOPMENT – BNDES, hereafter referred to as BNDES, a government-owned company headquartered in Brasilia, Federal District, with services in this City, on Avenida Republic of Chile No. 100, enrolled with CNPJ under 33,657,248/0001 89, through its undersigned representatives;

and

AMYRIS BRASIL LTDA., hereafter referred to as THE BENEFICIARY, a company with its head offices in Campinas, State of São Paulo, at R. James Clerk Maxwell, nº 315, enrolled with the CNPJ under N° 09.379.224/0001-20, through its undersigned representatives,

have, between them, fair and agreed to add the Agreement for Credit Opening No 11.2.0977.1, hereinafter referred to as the Agreement between BNDES and the BENEFICIARY in November 16, 2011, for particular instrument, registered and recorded in microfilm under No 1,233,398, in 1 December 2011, 6° Trade Titles and documents registry of the judicial district of the Capital of Rio de Janeiro, State of Rio de Janeiro; under 76780, in December 19, 2011, 2° of Titles and documents Registry of the District Court of Piracicaba, State of Sao Paulo;

under 4984, in December 6, 2011, Titles and documents registry of the Comarca de Brotas, State of Sao Paulo, and under 87993 in November 30, 2011, the second a titles and documents registry office of the region of Campinas, State of São Paulo, as amended by the Additive nº 1, signed between BNDES and the BENEFICIARY in June 28, 2013 for particular instrument, duly recorded on the sidelines of the records listed above, which this instrument becomes part and parcel, for all purposes and effects of law, under the following clauses:

## FIRST

### AMENDMENT OF SEVENTH CLAUSE AND ANNEX I OF THE CONTRACT

In the face of the agreement now signed, BNDES and the BENEFICIARY agree to amend the Seventh Clause of the contract and annex I thereto, which shall take effect with the new wording indicated below and in the annex to this Amendment:

## "SEVENTH

### WARRANTY OF OPERATION

To ensure the payment of any obligations arising out of this agreement, as the principal of the debt, interest, commissions, conventional penalty, fines and costs, the BENEFICIARY gives BNDES to fiduciary property, in accordance with article 66-B of law nº 4,728, 14.07.65 and, as applicable, of the Civil Code, the machinery and equipment of its property located on Highway Brotas/Torrinha, km 7.5, Paradise Ranch, Brotas-SP, valued at **R\$ 16,586,900 (sixteen million, five hundred and eighty six thousand and nine hundred reais)**, to the date of **4/28/2014**, described and defined in annex I of this agreement.

### PARAGRAPH ONE

The BENEFICIARY declares that the goods mentioned in this Clause are in your possession and, free and clear of any encumbrances, including tax.

### SECOND PARAGRAPH

BNDES reserves the right to request a reassessment of property written, having taken place, at its option, depreciation of collateral. "

## SECOND

### RATIFICATION

Are ratified, in this Act, by the Contracting Parties, all the terms and conditions of the Agreement, in that they do not collide with what is established in this Amendment, maintained the agreed guarantees in that Agreement no matter the gift in novation.

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## THIRD

### RECORD

The BENEFICIARY is obliged to promote the registration of this additive on the fringes of the records indicated in its preamble to the Counties of Rio de Janeiro – RJ, Campinas-SP and Brotas-SP, within total of 120 (one hundred twenty) days from this date, which may be extended at the discretion of the BNDES through letters.

The leaves of this instrument are initialled by Anaê Matsushita Veronezi, BNDES, lawyer for authorization of legal representatives that sign.

And, to be fair and contractors, sign the present in 02 (two) copies, of equal content and to one end, in the presence of the undersigned witnesses.

Rio de Janeiro, 16 September 2015

(Signatures Page to Amendment No.2 to the Financing Agreement 11.2.0977.1)

**By BNDES:**

\_\_\_\_\_/s/ ILLEGIBLE \_\_\_\_\_ /s/ Rodrigo Matos Huet de Bacellar  
BANCO NACIONAL DE DESENVOLVIMENTO ECONÔMICO E SOCIAL-BNDES

**By BENEFICIARY:**

_____/s/ Erica Baumgarten _____	_____/s/ Giani Ming Valent _____
Erica Baumgarten Diretora Financeira Amyris Brasil Ltda.	Amyris Brasil Ltda. Giani Ming Valent, PMP Diretor de Engenharia

AMYRIS BRAZIL LTDA.

**WITNESSES:**

_____/s/ Mayara Muniz de Fritas _____	_____/s/ Marina Muniz Giaccio _____
Nome: Mayara Muniz de Fritas CPF: 399.199.558-17	Nome: Marina Muniz Giaccio CPF: 393.525.036-05

## ANNEX I – MACHINES AND EQUIPMENT-TRUST PROPERTY-SEVENTH CLAUSE OF THE FINANCING CONTRACT Nº 11.2.0977.1

Description	Control		Quant.	Value (R \$)
	Type	Number		
AGRICULTURAL GREENHOUSE, VAN DER HOEVEN, FOLY MODEL	TAG	1264	1	23,900 .00
EXPEDITION-RESERVOIR TANK 150 m³ ACO (BNDES1)	TAG	1351	1	318,200 .00
SCRUBBER-PCS. MICRO-ORGANISM RECOVERY (BNDES1)	TAG	1352	1	1,478,900 .00
Scrubber-VARIOUS NATIONAL VALVE (BNDES1)	TAG	1352	1	16,400 .00
STAFF-120 m³ TANK in STAINLESS STEEL AISI304 (BNDES1)	TAG	1354	1	383,400 .00
RECEPTION-TUBULACAO MATERIALS CONNECTIONS (BNDES1)	TAG	1354	1	120,300 .00
STAFF-Valves SANITARIAS (BNDES1)	TAG	1354	1	77,300 .00
RECEPTION-MISCELLANEOUS MATERIALS (BNDES1)	TAG	1354	1	70,800 .00
STAFF-VARIOUS IMPORTED MATERIALS (BNDES1)	TAG	1354	1	65,400 .00
STAFF-INSTRUMENTACAO (BNDES1)	TAG	1354	1	45,600 .00
STAFF-VARIOUS VALVES (BNDES1)	TAG	1354	1	41,600 .00
STAFF-SEVERAL NATIONAL VALVE (BNDES1)	TAG	1354	1	40,900 .00
STAFF-MANIFOLD 100/1_JAM (BNDES1)	TAG	1354	1	31,900 .00
COOLING TOWER WATER C-3/PLAT. (BNDES1)	TAG	1356	1	356,000 .00
RESFR TOWER-TUBULACAO MATERIALS (BNDES1)	TAG	1356	1	48,100 .00
TORRE RESFR.-MISCELLANEOUS MATERIALS (BNDES1)	TAG	1356	1	28,300 .00
RESFR TOWER-Complement (BNDES1)	TAG	1356	1	20,500 .00
TORRE RESFR.-INSTRUMENTACAO (BNDES1)	TAG	1356	1	18,300 .00
RESFR-VARIOUS VALVE TOWER (BNDES1)	TAG	1356	1	16,400 .00
Cip-TUBULACAO MATERIALS And CONNECTIONS (BNDES1)	TAG	1380	1	360,900 .00
CIP-P/30 m WATER SOLUTION TANK³ (BNDES1)	TAG	1384	1	236,400 .00
CIP-P TANKWATER SOLUTION 30 m³ (BNDES1)	TAG	1385	1	236,400 .00
CENTRIFUGAL COMPRESSOR MOD. CENTAC (BNDES1)	TAG	1370	1	431,700 .00
CENTRIFUGAL COMPRESSOR MOD. CENTAC (BNDES1)	TAG	1371	1	431,700 .00
C/AIR DRYER AIR FILTER COALESCER (BNDES1)	TAG	1372	1	156,100 .00
STORAGE-RESERVOIR TANK 40 m³ ACO (BNDES1)	TAG	1378	1	143,100 .00
CIP-P/ACID SOLUTION TANK 30 M³ (BNDES1)	TAG	1379	1	236,400 .00
SEPARATION FARN.-HEAT EXCHANGER Plates (BNDES1)	TAG	1382	1	78,900 .00
INATIVACAO-TUBULACAO MATERIALS (BNDES1)	TAG	1390	1	168,400 .00

INATIVACAO-VARIOUS MATERIALS (BNDES1)	TAG	1390	1	99,100 .00
INATIVACAO-VT40 PLATE HEAT EXCHANGER (BNDES1)	TAG	1390	1	77,100 .00
INATIVACAO-Valves SEVERAL National (BNDES1)	TAG	1390	1	57,200 .00
INATIVACAO-VARIOUS IMPORTED MATERIALS (BNDES1)	TAG	1390	1	41,600 .00
INATIVACAO-VARIOUS IMPORTED VALVE (BNDES1)	TAG	1390	1	26,800 .00
AISI304 STAINLESS STEEL FERMENTER 4, 6 x .66 MM (BNDES1)	TAG	1402	1	998,900 .00
AISI304 STAINLESS STEEL FERMENTER 4.6 x 9.66 MM (BNDES1)	TAG	1403	1	996,900 .00
CENTRIFUGAL PUMP SANITARIO LKH-90, 55 KW (BNDES1)	TAG	1404	1	119,400 .00
CENTRIFUGAL PUMP SANITARIO LKH-90, 55 KWx (BNDES1)	TAG	1405	1	119,400 .00
HEAT EXCHANGER PLATES NT 250 I B10/260 (BNDES1)	TAG	1406	1	297,300 .00
HEAT EXCHANGER PLATES NT 250 I B10/260 (BNDES1)	TAG	1407	1	297,300 .00
HEAT EXCHANGER PLATES NT 100 x CDL10/(BNDES1)	TAG	1408	1	66,800 .00
AISI 304 STAINLESS STEEL FERMENTER 4.6 x 11.21 MM (BNDES1)	TAG	1409	1	403,800 .00
ASSEPTICO-TANK ASSEPTICO TANK 25 M3 (BNDES1)	TAG	1412	1	572,700 .00
BIOANALISADOR, STANDARD DEXTROSE (BNDES1)	TAG	1423	1	62,300 .00
CHAPEL OF MESS (BNDES1)	TAG	1435	1	12,300 .00
INNOVA SHAKER TYPE GREENHOUSE 44R S:101253829 (BNDES1)	TAG	1442	1	46,900 .00
INNOVA SHAKER TYPE GREENHOUSE 44R S:101253831 (BNDES1)	TAG	1443	1	46,900 .00
VERTICAL AUTOCLAVE 150 I (BNDES1)	TAG	1447	1	8,900 .00
PARAISO-150M3 SYRUP TANK (BNDES1)	TAG	1485	1	144,200 .00
PARAISO-EVAPORATOR TP ROBE RTS S 000017 (BNDES1)	TAG	1483	1	265,800 .00
PASTEURIZACAO UHT SYSTEM (BNDES1)	TAG	1485	1	510,300 .00
PASTEURIZACAO SYSTEM	TAG	1485	1	51,700 .00
PASTEURIZACAO SYSTEM	TAG	1485	1	4,700 .00
PASTEURIZACAO SYSTEM	TAG	1485	1	300.00
ROBICON FREQUENCY CONVERTER (BNDES1)	TAG	1491	1	250,500 .00
ENGINE STARTING SYSTEM (BNDES1)	TAG	1491	1	231,700 .00
PARAISO-EVAPORATOR TP ROBE RTS SERIE000014 (BNDES)	TAG	1497	1	265,800 .00
PARAISO-EVAPORATOR TP ROBE RTS SERIE000015 (BNDES)	TAG	1499	1	265,800 .00
PARAISO-EVAPORATOR TP ROBE RTS S 000016 (BNDES1)	TAG	1801	1	265,800 .00
EQTO. GAS CHROMATOGRAPHY AGILENT 7890, AUTO INJET	TAG	2036	1	74,100 .00
ANALYTICAL SCALE (BNDES1)	TAG	2239	1	20,200 .00
STORAGE TANK tanker 150 m <sup>3</sup> ACO (BNDES1)	TAG	2350	1	318,200 .00



15 KV ELECTRICAL DISTRIBUTION PANEL (BNDES1)	TAG	2380	1	183,200 .00
STORAGE-MANIFOLD 600/1_JAM (BNDES1)	TAG	2385	1	84,700 .00
STORAGE-MANIFOLD 600/3_JAM (BNDES1)	TAG	2391	1	50,200 .00
STORAGE-MANIFOLD 600/2_JAM (BNDES1)	TAG	2392	1	38,900 .00
STORAGE-TANK 47 meters (BNDES1)	TAG	2393/1380	1	201,600 .00
CENTRIFUGE-SEPARATOR MOD. CSR 90-01-177 (BNDES1)	TAG	2394	1	736,000 .00
Dry transformer 2500 k (BNDES1)	TAG	2443	1	109,800 .00
CHANNEL BIOANALISADOR 2700S YSI (BNDES1)	TAG	2496	1	52,500 .00
FERMENTACAO-STEAM FILTRATION MODULE (BNDES1)	TAG	2566	1	803,600 .00
FERMENTACAO-163 VALVES SANITARIAS (BNDES1)	TAG	2566	1	630,100 .00
FERMENTACAO-INSTRUMENTACAO (BNDES1)	TAG	2566	1	228,200 .00
FERMENTACAO-TUBULACAO MATERIALS (BNDES1)	TAG	2566	1	601,400 .00
FERMENTACAO-300-LITER FERMENTER TANK (BNDES1)	TAG	2566	1	163,800 .00
<b>TOTAL</b>				<b>16,586,900 .00</b>