

students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; (b) is legally authorized within such State to provide a program of education beyond high school; (c) provides an educational program for it which awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and (d) is a public or other nonprofit institution.

(ii) An educational organization which is described in Code [Section 170\(b\)\(1\)\(A\)\(ii\)](#) (i.e. an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on).

(B) **Certain Scientific Research Organizations.** Any organization not considered an Educational Institution under the above definition which —

(i) is described in Code [Section 501\(c\)\(3\)](#) and is exempt from tax under Code [Section 501\(a\)](#),

(ii) is organized and operated primarily to conduct scientific research, and

(iii) is not a private foundation.

4.2 Grant and Application Limitations

Micromeritics will make no more than one Program Grant of Donated Equipment to one Qualified Donee or group of Qualified Donees (a "Grant Recipient") during each calendar quarter that the Program remains in effect. In no event, however, will Micromeritics be obligated to make any Program Grant during any calendar quarter, the decision to make any Grant being in the sole discretion of Micromeritics. Although a Qualified Donee (or group of Qualified Donees) may submit more than one application at a time for different Qualified Projects, no more than one Program Grant shall be awarded during any calendar quarter. It is, therefore, recommended that where one or more Qualified Donees can use the requested Donated Equipment on a shared-use basis, that one application be submitted for all of such Qualified Donees describing the proposed shared use. A Qualified Donee who has been a Grant Recipient in any

calendar quarter may apply for additional Program Grants during subsequent calendar quarters. Having received Program Grants in previous quarters provides neither an advantage nor a disadvantage for selection for future Program Grants; rather, the selection of the Grant Recipient is based on the criteria described in this Program summary and such other criteria as Micromeritics may in its sole discretion establish from time to time .

4.3 Qualified Donee Principal Investigator

Each Qualified Donee applying for a Program Grant must designate one individual (a "Principal Investigator") who will assume administrative/scientific oversight responsibility for the Donated Equipment and a mechanism for replacing the Principal Investigator if he or she should for any reason be unable to serve in that capacity. In addition, an internal advisory committee to assist in this responsibility should also be utilized. The Principal Investigator and the advisory committee are responsible for the development and implementation of guidelines for use of Donated Equipment by the Grant Recipient and by each institution and individual authorized to use the Donated Equipment ("Authorized Users"), and for ensuring that the Donated Equipment is used by the Grant Recipient and Authorized Users primarily for Qualified Projects during the Project Period (defined below), for overseeing maintenance and repair of the Donated Equipment, for preparation of all reports required by Micromeritics, for assuring continued financial support for the maximum utilization and maintenance of the Donated Equipment by the Grant Recipient and each Authorized User, and for performing such other duties as Micromeritics may designate in connection with a grant pursuant to this Program.

5. THE GRANT

5.1 Eligible Equipment

Program Grants are generally limited to one instrument/item of Donated Equipment or one integrated instrument system per application/calendar quarter. Types of instrumentation that will qualify as Donated Equipment include particle size analyzers, gas adsorption analyzers, mercury porosimeters, gas pycnometers, and chemisorption instrumentation. Since the nature and scope of the instruments that may be requested will vary, it is anticipated that the value of awards will vary also.

5.2 Related Costs and Expenses.

Generally, Program Grants will be made only for the Donated Equipment and the cost to ship to and install in the Grant Recipient's designated facility the Donated Equipment. Except for the support to be provided by Micromeritics as described below, the Grant

Recipient will be responsible for all costs and expenses relating to the set up, preparation of installation site, use, administration, storage, support, maintenance, repair, renovation or alteration of the Donated Equipment and any and all other costs and expenses associated with maximum utilization of the Donated Equipment. Accordingly, the Grant Recipient will generally be required to provide its own computer system and other ancillary materials, equipment or other items necessary for the effective utilization of the Donated Equipment and the conduct of the Qualified Project(s) for which the Program Grant has been made. An exception may be made, in the sole discretion of Micromeritics, for computer hardware and software that will be dedicated solely to the Qualified Project.

5.3 Support

Micromeritics will provide telephone support to Grant Recipients with respect to the use of Donated Equipment for Qualified Projects during normal business hours to the extent Micromeritics customarily provides such support to purchasers of such instruments.

Types of instrumentation for which such telephone support may be available include, but are not limited to, particle size analyzers, gas adsorption analyzers, mercury porosimeters, gas pycnometers, and chemisorption instrumentation. Support will not be provided for general purpose equipment or purely instructional equipment, personal computers, personal work stations, printers, and Ethernet interfaces.

Any other support in the use of the Donated Equipment shall be obtained at the sole cost and expense of the Grant Recipients.

6. APPLICATION PROCESS

6.1 Applications

Qualified Donees must submit their applications for Program Grants on the form prescribed by Micromeritics from time to time. The current form may be obtained on Micromeritics website (<http://www.micromeritics.com>) or by writing to Micromeritics at:

Micromeritics Instrument Corp.
4356 Communications Drive
Norcross, GA 30093
Attn: MIGP

Each application must be for a single, Micromeritics commercially-available instrument or an integrated instrument system. Qualified Donees may submit separate applications

for different instrumentation, but may not submit one application for more than one instrument.

6.2 Advice and Instructions to Applicants

In addition the specific instructions on the application form accompanying this Program summary, applicants for a Grant should keep the following in mind when completing their applications:

- (a) The application must show a clear need for the requested Donated Equipment with clearly defined Qualified Projects and demonstrate that these Qualified Projects will maximize the usage of the Donated Equipment.
- (b) The application should include the description of a plan to integrate the Donated Equipment into a central core facility readily accessible to all Authorized Users so that there will not be a need to continuously move the Donated Equipment.
- (c) The application should include a description of a plan for the day-to-day management of the Donated Equipment including designation of a qualified Principal Investigator to supervise the operation of the instrument and to provide technical expertise to the Authorized Users.
- (d) The application should include a description of plans for sharing arrangements and for monitoring the use of the Donated Equipment.
- (e) Where applications are submitted for similar instrumentation from two or more parties employed by the same Qualified Donee or two or more Qualified Donees on the same campus of a university, documentation from a high level official must be provided stating that the requests are not an unintended duplication, but part of an institutional plan and a summary of such plan should accompany the application.

6.3 Inappropriate Applications.

The following applications will not be considered responsive to this Program and will be automatically rejected.

- a. One application for more than one type of instrumentation.
- b. A proposal for research on advancing the design or for the development of new instrumentation.

6.4 Closing Date for Applications

Applications may be submitted at any time in accordance with the application instructions. Applications are good for a period of one year from the date of submission. If an applicant has not been awarded a Program Grant within such one year period, the applicant must submit a new application to remain in consideration for a Program Grant for the succeeding year.

Do not send applications for different instruments in the same package.

7. REVIEW PROCESS

7.1 Selection Criteria

While the selection of Grant Recipients is within the sole discretion of Micromeritics, Micromeritics bases its decision on certain factors, including (without limitation) the following (which criteria may be modified, amended, supplemented from time to time in its sole discretion):

- (a) **The Scientific Need** - The extent to which a Program Grant award for the requested instrument would meet the scientific needs and enhance the planned research endeavors of the applicant by providing an instrument that is unavailable or to which availability is limited.
- (b) **Technical Expertise** – The availability and commitment of the appropriate technical expertise within the major Authorized Users group or the Qualified Donee.
- (c) **Management Plan** - The adequacy of the organizational plan for use of the Donated Equipment and Principal Investigator and internal advisory committee for oversight of the instrument including sharing arrangements.
- (d) **Institutional Commitment** - The institution's commitment for continued support of the utilization and maintenance of the Donated Equipment.
- (e) **Overall Benefit** - The benefit of the proposed instrument to the overall research community it will serve.

7.2 Micromeritics Advisory and Selection Committees

At least once each calendar quarter, an Advisory Committee, appointed by the President of Micromeritics, will review and evaluate all unexpired, complete and responsible Program Grant applications in its possession and recommend to a Selection Committee (comprised of certain members of Micromeritics' senior management) which

Qualified Donee applicant, if any, should receive the Program Grant with respect to the succeeding calendar quarter . The final decision will be made by the Selection Committee based on the criteria described above and such other criteria as the Selection Committee shall deem appropriate in its sole discretion. Neither the Advisory Committee nor the Selection Committee is obligated to make a selection if no application satisfies its criteria .

7.3 Applicant Response

Applications will be acknowledged and the applicant advised of the likely timing of consideration of the proposal. However, consideration of applications may be deferred without prior notification of the applicant and Micromeritics accepts no responsibility for the consequences of such a delay.

As part of the initial merit review, all applications may undergo a process in which only those applications deemed to have the highest scientific merit will be discussed, assigned a priority score, and receive a second level review. While applications are under review, Micromeritics may ask the applicant to provide additional information. All applicants shall be notified in writing of whether their grant application was approved or denied.

7.4 Term Limit of Applications

As noted above, applications are good for a period of one year from the date of submittal. After one year an application must be resubmitted to remain in consideration.

7.5 Publicity

A press release will be issued announcing the winning grant application. This information will be published on Micromeritics website and in such other publications as Micromeritics shall designate when the Program Grant is awarded and Micromeritics Grant Program Agreement (described below) is signed by all requisite parties .

8. ADMINISTRATION

8.1 Micromeritics Grant Program Agreement

Following the award of a Program Grant, the Grant Recipient will be required to sign a Micromeritics Grant Program Agreement .

This Agreement , among other things, commits the Grant Recipient to utilize the Donated Equipment as described in the submitted application and to submit periodic reports to

Micromeritics and acknowledges the limitations on Micromeritics liability as explained below.

8.2 Confidentiality

Except as otherwise provided in the signed Micromeritics Grant Program Agreement, Micromeritics will use reasonable efforts to hold in confidence information contained in all applications, but will have no liability to any applicant for failure to maintain such confidence.

8.3 Liability

Micromeritics shall not be liable for loss, damage or injury of any kind whatsoever arising directly or indirectly from the Program, the grant of the Donated Equipment, the use or misuse of any Donated Equipment or any other matter relating to the Donated Equipment or the Program. Without limiting the foregoing, except as otherwise expressly provided in the Micromeritics Grant Program Agreement:

- a. Micromeritics is not liable for any costs other than shipping costs and those associated with sending a technician to install the Donated Equipment. If any Donated Equipment is lost, damaged or destroyed for any reason whatsoever, the Grant Recipient will be required to repair or replace it at its cost.
- b. Micromeritics accepts no responsibility for costs or liabilities incurred in connection with the research or other work supported by the Program Grant.
- c. Micromeritics shall not be responsible for liabilities arising out of the acts or omissions of the Grant Recipient, the Principal Investigator, the Authorized Users or others involved in the research or other work or activities associated with the Donated Equipment.
- d. Micromeritics shall not be responsible for liabilities arising out of the acts or omissions of Micromeritics or its employees or agents in connection with any support provided to the Grant Recipient, the Principal Investigator, the Authorized Users or others with respect to Donated Equipment or any other matter arising in connection with the Program Grant or the Donated Equipment.

The Grant Recipient will be required to indemnify and hold harmless Micromeritics and its shareholders, officers, directors, employees, agents, successors and assigns from any costs, claims or liabilities suffered or incurred as a result of any action, claim or complaint brought by a third party against Micromeritics arising out of or in connection with the research or other work.

8.4 Contacting Micromeritics

Inquiries are encouraged. The opportunity to clarify any issues or questions from potential applicants is welcome.

Send Inquiries to:

Micromeritics Instrument Corp.
4356 Communications Drive
Norcross, GA 30093
Attn: MIGP

Or email: MIGP@micromeritics.com