



FRACTILES Minimum Advertised Pricing Policy/Agreement

Effective 05/01/2011 a NEW FRACTILES Minimum Advertised Price (MAP) is in effect through 12/31/11.

FRACTILES has determined that its interests are best served through the adoption of a minimum advertised price ("MAP") policy. This MAP policy is designed to (1) protect reseller margins (2) support the FRACTILES brand as a premium offering; and (3) avoid destructive intra-brand channel conflict.

POLICY COVERAGE.

Internet Resellers The FRACTILES MAP policy applies to all parties reselling FRACTILES on the Internet, including on auction sites and Amazon. In addition, all FRACTILES resellers who resell FRACTILES to a third party Internet seller, are required to inform the third party Internet seller of the FRACTILES MAP and also to notify FRACTILES with the name and contact information of the third party Internet seller.

Non-Internet Resellers

Non-Internet resellers are free to establish their own resale prices, so long as any pricing that is below the MAP does not appear on the Internet. The FRACTILES MAP does not apply to the price at which FRACTILES products are actually sold or offered for sale at a retail location. A retail location is defined as a retail store at a physical location where the end-user customer can purchase and carry away a FRACTILES purchase. The Fractiles MAP does not apply to in-store advertising that is displayed only in the store.

Minimum Advertised Price.

The MAP for Fractiles through December 31, 2011, is as follows: Large Edition Fractiles: \$45.95; Travel Edition Fractiles: \$26.95; Fridge Fractiles: \$11.95. MAP updates or changes are published on the FRACTILES website at <http://www.fractiles.com/MinimumAdvertisedPricePolicy.pdf>. FRACTILES resellers are responsible for remaining current with MAP policy, products and pricing.

Policy Violations.

Each advertisement on the Internet of FRACTILES below the MAP will be considered a violation of the policy. In the event an Internet reseller fails to adhere to the MAP policy, sanctions will be imposed by FRACTILES. The level of sanctions will increase with each violation. On the third violation, the Internet reseller will no longer be eligible for participation in the FRACTILES Dealer Program, or any special offers, shipping or product discounts. The duration of ineligibility is indefinite. Failure to adhere to the MAP policy will be a factor taken into consideration in determining a reseller's eligibility to remain a Fractiles dealer.

POLICY MODIFICATIONS.

Policy modifications shall be made available on the FRACTILES website at <http://www.fractiles.com/MinimumAdvertisedPricePolicy.pdf>

CONTACT INFORMATION.

All questions or comments regarding this MAP policy are to be directed to the policy administrator at fractiles@fractiles.com. The policy administrator shall be solely responsible for determining whether a violation of the policy has occurred, communicating decisions to resellers regarding the policy and receiving any communication regarding sanctions imposed under this policy.