

Massachusetts Institute of Technology

May 5, 2020

VIA EMAIL

Andy Hoffmann
4Heros.com

Re: Donation of Particulate Filter Testing Services from MIT

Dear Andy:

In support of the courageous fight that Massachusetts hospitals are currently waging against COVID-19, MIT is pleased to provide a donation of particulate filter testing services (“Testing Services”).



Please note that in making this donation MIT is providing its Testing Services “as is” and makes no warranty of any kind, express or implied, with respect to the Testing Services, including, without limitation, any implied warranties of merchantability or fitness for a particular use, or compliance with state or federal laws or regulations regarding the testing of medical supplies. MIT is not a licensed or accredited National Institute for Occupational Safety and Health (NIOSH) testing laboratory and does not represent that such Testing Services are NIOSH approved or certified.

4Heros represents and warrants that no materials provided by 4Heros for Testing Services by MIT will contain any biological materials.

By accepting the donation of MIT’s Testing Services, 4Heros agrees that MIT shall not be liable for any claims, demands, damages, or injuries, including, without limitation, for property damage, bodily injury, or death, or for any indirect, special, or consequential damages (the “Claims”), arising out of or in connection with the condition, performance, ownership, use of, or inability to use, any material for which MIT has provided Testing Services or for any use of the Testing Services by 4Heros. 4Heros shall indemnify and hold MIT harmless for any Claims arising from the use or distribution of any materials for which MIT has provided Testing Services.

We appreciate and support your efforts to safely fight this unprecedented pandemic.

Sincerely,

A handwritten signature in black ink that reads "Gregory C. Rutledge".

Gregory C. Rutledge