

PositScience®

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Dec 16 2008 11:21

December 16, 2008

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

Secretary of Labor  
 Top Hat Plan Exemption  
 Employee Benefits Security Administration  
 Room N-1513  
 U.S. Department of Labor  
 200 Constitution Avenue, N.W.  
 Washington, DC 20210

DEC 16 2008 11:21

**Re: Non-Qualified Deferred Compensation Agreement for Jeffrey Zimman**


Dear Sir or Madam:

In accordance with Regulation Section 2520.104-23 promulgated by the Department of Labor, we submit this statement concerning Non-Qualified Deferred Compensation Agreement for Jeffrey Zimman (the "Agreement"). The Agreement will be adopted effective October 23, 2008 and is an unfunded arrangement maintained for a select group of management or highly compensated employees.

Employer's Name:	Posit Science Corporation
Employer's Address:	225 Bush Street, 7 <sup>th</sup> Floor San Francisco, CA 94104
Employer's EIN:	27-0021586
Number of such plans maintained by the Employer:	1
Approximate number of employees in each such Plan:	1

Very truly yours,

Posit Science Corporation

By:   
 Steven P. Aldrich  
 President and CEO

Posit Science

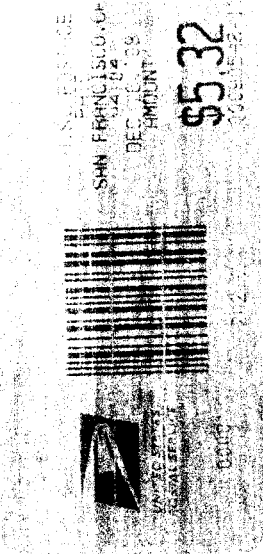
your brain will thank you.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE



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www.positscience.com 225 Bush Street 7th Floor San Francisco California 94104

