



**Grant Number:** 1R43RR024094-01A1

**Principal Investigator(s):**  
ADAM TREISTER, MS

**Project Title:** Clinical Cytometry Analysis Software with Automated Gating

Thomas, Thomas A,  
Technical Writer  
304 A St.  
#206  
Ashland, OR 97520

**Award e-mailed to:** tom@treestar.com

**Budget Period:** 08/01/2008 – 02/28/2009

**Project Period:** 08/01/2008 – 02/28/2009

Dear Business Official:

The National Institutes of Health hereby awards a grant in the amount of \$100,854 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to TREE STAR, INC. in support of the above referenced project. This award is pursuant to the authority of 42 USC 241 42 CFR PART 52 15 USC 638 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

Each publication, press release or other document that cites results from NIH grant-supported research must include an acknowledgment of NIH grant support and disclaimer such as "The project described was supported by Award Number R43RR024094 from the National Center For Research Resources. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Center For Research Resources or the National Institutes of Health."

Award recipients are required to comply with the NIH Public Access Policy. This includes submission to PubMed Central (PMC), upon acceptance for publication, an electronic version of a final peer-reviewed, manuscript resulting from research supported in whole or in part, with direct costs from National Institutes of Health. The author's final peer-reviewed manuscript is defined as the final version accepted for journal publication, and includes all modifications from the publishing peer review process. For additional information, please visit <http://publicaccess.nih.gov/>.

Award recipients must promote objectivity in research by establishing standards to ensure that the design, conduct and reporting of research funded under NIH-funded awards are not biased by a conflicting financial interest of an Investigator. Investigator is defined as the Principal Investigator and any other person who is responsible for the design, conduct, or reporting of NIH-funded research or proposed research, including the Investigator's spouse and dependent children. Awardees must have a written administrative process to identify and manage financial conflict of interest and must inform Investigators of the conflict of interest policy and of the Investigators' responsibilities. Prior to expenditure of these awarded funds, the Awardee must report to the NIH Awarding Component the existence of a conflicting interest and within 60 days of any new conflicting interests identified after the initial report. Awardees must comply with these and all other aspects of 42 CFR Part 50, Subpart F. These requirements also apply to subgrantees, contractors, or collaborators engaged by the Awardee under this award. The NIH website <http://grants.nih.gov/grants/policy/coi/index.htm> provides additional information.

If you have any questions about this award, please contact the individual(s) referenced in Section IV.

Sincerely yours,

Mary Niemiec  
Grants Management Officer  
NATIONAL CENTER FOR RESEARCH RESOURCES

Additional information follows

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**SECTION I – AWARD DATA – 1R43RR024094-01A1****Award Calculation (U.S. Dollars)**

Salaries and Wages \$90,000  
Fringe Benefits \$10,854

Federal Direct Costs \$100,854  
Approved Budget \$100,854  
Federal Share \$100,854  
**TOTAL FEDERAL AWARD AMOUNT \$100,854**

**AMOUNT OF THIS ACTION (FEDERAL SHARE) \$100,854**

SUMMARY TOTALS FOR ALL YEARS		
YR	THIS AWARD	CUMULATIVE TOTALS
1	\$100,854	\$100,854

**Fiscal Information:**

CFDA Number: 93.371  
EIN: 1770232733A1  
Document Number: RRR024094A  
Fiscal Year: 2008

IC	CAN	2008
RR	8472163	\$100,854

**NIH Administrative Data:**

PCC: CRT50 / OC: 414A / Processed: NIEMIECM 07/21/2008

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**SECTION II – PAYMENT/HOTLINE INFORMATION – 1R43RR024094-01A1**

For payment and HHS Office of Inspector General Hotline information, see the NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm>

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**SECTION III – TERMS AND CONDITIONS – 1R43RR024094-01A1**

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.
- c. 45 CFR Part 74 or 45 CFR Part 92 as applicable.
- d. The NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

(See NIH Home Page at 'http://grants.nih.gov/grants/policy/awardconditions.htm' for certain references cited above.)

Carry over of an unobligated balance into the next budget period requires Grants Management Officer prior approval.

In accordance with P.L. 110-161, compliance with the NIH Public Access Policy is now mandatory. For more information, see NOT-OD-08-033 and the Public Access website: <http://publicaccess.nih.gov/>.

This award represents the final year of the competitive segment for this grant. Therefore, see the NIH Grants Policy Statement (12/1/2003 version) for closeout requirements at: [http://grants.nih.gov/grants/policy/nihgps\\_2003/NIHGPS\\_Part8.htm#\\_Toc54600151](http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part8.htm#_Toc54600151).

A final Financial Status Report (FSR) (SF 269) must be submitted through the eRA Commons (Commons) within 90 days of the expiration date; see NIH Guide Notice [NOT-OD-07-078](#) for additional information on this electronic submission requirement.

Furthermore, unless an application for competitive renewal is submitted, additional grant closeout documents consisting of a Final Invention Statement and Certification form (HHS 568), (not applicable to training, construction, conference or cancer education grants) and a final progress report must also be submitted within 90 days of the expiration date.

NIH also strongly encourages electronic submission of the final progress report and the final invention statement through the Closeout feature in the Commons. If the final progress report and final invention statement are not submitted electronically, copies of the HHS 568 form may be downloaded at: <http://grants.nih.gov/grants/forms.htm>.

Submissions of the final progress report and HHS 568 may be e-mailed as PDF attachments to the NIH Central Closeout Center at: [deascentralized@od.nih.gov](mailto:deascentralized@od.nih.gov)

Paper submissions of the final progress report and the HHS 568 may be faxed to the NIH Central Closeout Center at 301-480-2304 or mailed to the NIH Central Closeout Center at the following address:

NIH/OD/OER/DEAS  
Central Closeout Center  
6705 Rockledge Drive, Room 2207  
Bethesda, MD 20892-7987 (for regular or U.S. Postal Service Express mail)  
Bethesda, MD 20817 (for other courier/express mail delivery only)

The final progress report should include, at a minimum, a summary of progress toward the achievement of the originally stated aims, a list of significant results (positive and/or negative), a list of publications and the grant number. If human subjects were included in the research, the final progress report should also address the following:

- Report on the inclusion of gender and minority study subjects (using the gender and minority Inclusion Enrollment Form as provided in the PHS 2590 and available at <http://grants.nih.gov/grants/forms.htm>).
- Where appropriate, indicate whether children were involved in the study or how the study was relevant for conditions affecting children (see "Public Policy Requirements and Objectives-Requirements for Inclusiveness in Research Design-Inclusion of Children as Subjects in Clinical Research" in the PHS 398 at URL [http://grants.nih.gov/grants/policy/nihgps\\_2003/NIHGPs\\_Part5.htm#\\_Toc54600090](http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPs_Part5.htm#_Toc54600090))
- Describe any data, research materials (such as cell lines, DNA probes, animal models), protocols, software, or other information resulting from the research that is available to be shared with other investigators and how it may be accessed.

Note, if this is the final year of a competitive segment due to the transfer of the grant to another institution, then not all the requirements stated above are applicable. Specifically a Final Progress Report is not required. However, a final FSR is required and should be submitted electronically as noted above. In addition, if not already submitted, the Final Invention Statement is required and should be sent directly to the assigned Grants Management Specialist.

#### **Treatment of Program Income:**

Additional Costs

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#### **SECTION IV – RR Special Terms and Conditions – 1R43RR024094-01A1**

Funds are provided at the requested level in accordance with peer review recommendations and the NCRR FY 2008 Funding Strategies for the SBIR Program.

Facilities and Administrative costs have not been requested by the grantee organization.

Intellectual property rights: Normally the awardee organization retains the principal worldwide patent rights to any invention developed with United States Government support. Under Title 37 Code of Federal Regulations Part 401, the Government receives a royalty-free license for its use, reserves the right to require the patent holder to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it substantially in the United States.

Rights and obligations related to inventions created or reduced to practice as a result of this award are detailed in 35 U.S.C. 205 and 37 CFR Part 401. These inventions must be reported to the Extramural Invention Reporting and Technology Resources Branch, OPERA, NIH, 6705 Rockledge Drive, MSC 7980, Bethesda, MD 20892-7080, (301) 435-1986. For additional information, access the NIH link on the Interagency Edison web site ([www.iedison.gov](http://www.iedison.gov)) which includes an electronic invention reporting system, reference information and the text to 37 CFR 401.

To the extent authorized by 35 U.S.C., Section 205, the Government will not make public any information disclosing an NIH-supported invention for a 4-year period to allow the awardee organization a reasonable time to file a patent application, nor will the Government release any information that is part of that patent application.

The fee provided as part of this Notice of Grant Award is in addition to direct and facilities and administrative costs. The fee is to be drawn down from the HHS Payment Management System in increments proportionate to the draw down of costs.

Allowable costs conducted by for-profit organizations will be determined by applying the cost principles of Contracts with Commercial Organizations set forth in 48 CFR, Subpart 31.2.

Phase I grantees that (1) do not intend to seek Phase II support or (2) are not prepared to submit a Phase II application within four months following the expiration of the Phase I budget period, must submit a final report of their Phase I effort. Otherwise, the Phase I Final Report is a part of the Phase II application.

The format for the Final Report is as follows:

1. State the beginning and ending dates for the period covered by the SBIR/STTR Phase I/Phase II grant.
2. List all key personnel who have worked on the project during that period, their titles, dates of service, and number of hours devoted to the project.
3. Summarize the specific aims of the Phase I grant.
4. Provide a succinct account of published and unpublished results, indicating progress toward their achievement. Summarize the importance of the findings. Discuss any changes in the specific aims since the project was initiated. Include the Inclusion Enrollment Report with the final enrollment data for clinical research (MS Word or PDF).
5. List titles and complete references to publications, and manuscripts accepted for publication, if any, that resulted from the project's effort. Submit five copies of such items, except patent and invention reports, as an Appendix.
6. List patents, copyrights, trademarks, invention reports and other printed materials, if any, that resulted from the project or describe patent status, trade secrets or other demonstration of IP protection.
7. Describe the technology developed from this SBIR/STTR, its intended use and who will use it.
8. Describe the current status of the product (e.g., under development, commercialized, in use, discontinued).
9. If applicable, describe the status of FDA approval for your product, process, or service (e.g., continuing pre-IND studies, filed an IND, in Phase I (or II or III) clinical trials, applied for approval, review ongoing, approved, not approved).
10. Describe how your company has benefited from the program and/or the technology developed (e.g., firm's growth, follow-on funding, increased technical expertise, licensing agreements, spin-off companies, public offering [include stock exchange and symbol]).
11. List of the generic and/or commercial name of product, process, or service, if any, that resulted from SBIR/STTR funding. If applicable, indicate the number of products sold.
12. Provide the current number of employees (total full time equivalents [FTEs]).

If the grantee plans to issue a press release concerning the outcome of NCCR grant-supported research, it should notify the NCCR Office of Communications at 301-435-0888 in advance to allow for coordination.

SECTION V - NCRR CONTACTS:

The NCRR WWW home page is at <http://www.ncrr.nih.gov/>

**STAFF CONTACTS**

The Grants Management Specialist is responsible for the negotiation, award and administration of this project and for interpretation of Grants Administration policies and provisions. The Program Official is responsible for the scientific, programmatic and technical aspects of this project. These individuals work together in overall project administration. Prior approval requests (signed by an Authorized Organizational Representative) should be submitted in writing to the Grants Management Specialist. Requests may be made via e-mail.

**Grants Management Specialist:** Rudy Rand  
**Email:** randrudy@mail.nih.gov **Phone:** 301.451.4238 **Fax:** 301.480.3777

**Program Official:** Rosemarie Filart  
**Email:** filart@mail.nih.gov **Phone:** 301.435.0178 **Fax:** 301.480.3661

**SPREADSHEET SUMMARY**

**GRANT NUMBER:** 1R43RR024094-01A1

**INSTITUTION:** TREE STAR, INC.

<i>Budget</i>	<i>Year 1</i>
Salaries and Wages	\$90,000
Fringe Benefits	\$10,854
TOTAL FEDERAL DC	\$100,854
TOTAL FEDERAL F&A	\$0
TOTAL COST	\$100,854