

Backup Exec Maintenance

This Maintenance Documentation describes how Maintenance will be provided to a Customer of Backup Exec Products (Backup Exec, System Recovery, and Desktop Laptop Option). The following Maintenance offerings may be available to Customer, as confirmed in Customer's Order:

- Basic Maintenance
- Essential Support
- Verified Support
- Extended Software Support
- Sustaining Software Support

All Maintenance offerings shall be provided in accordance with the Technical Support Policy, Product Life Cycle Policy, and other support policies which may be revised and updated by Company from time to time without notice to Customer. Under the Product Life Cycle Policy, Maintenance may be discontinued for certain Products or a particular version of a Product prior to the end date of the term purchased.

Please note that all Backup Exec Products will reach End of Support Life no later than April 29, 2029, after which no Maintenance of any kind is available.

Technical assistance to a Customer under a Maintenance offering is limited to error correction resolution of Product used in a Supported Configuration, and does not include services such as training, installation, migration, implementation, and configuration services. A "Supported Configuration" means a configuration in which the Product operates in a customer's environment that solely consists of supported operating systems, hardware platforms, software applications, firmware levels, databases, devices, device drivers, and Company custom-developed scripts and other configuration elements stated in the Customer's Documentation, or that Company has validated, approved, or verified for operation in conjunction with the Product. For these purposes, references to the "environment" include the hardware platforms, operating systems, software applications, and other third-party solutions the Customer may be using with the Product.

Basic Maintenance

Basic Maintenance
• Access to technical support provided during Regional Business Hours based on the country where the Software is installed
• Access to the technical support website
• Delivery of bug fixes and patches
• Upgrade Assurance

Regional Business Hours

Regional Business Hours are the standard hours of business operation Monday through Friday, typically between 8 a.m. to 6 p.m. based on the country where the Product is installed. Regional Business Hours exclude holidays and days of rest.

Upgrade Assurance

Upgrade Assurance means the right to use upgrades to the Product as they become generally available to Company's end user customers. An upgrade is any version of the Product which has been released to the public and which replaces the prior version of the Product. All such upgraded Products are licensed to Customer for use subject to all terms of

the Agreement. Nothing herein shall be construed as separately licensing copies of the Product or increasing the number of copies of Product licensed to Customer.

Essential Support

Essential Support
• Access to technical support provided on a 24x7 basis
• Continuous Efforts (available upon request for Severity 1 cases only)
• Access to the technical support website
• Delivery of bug fixes and patches
• Upgrade Assurance

Continuous Efforts

Customer may request that Company provide Continuous Efforts to work on a Severity 1 case. Continuous Efforts means that support personnel will transfer the Customer's case around the globe, from support center to support center, using a follow-the-sun model, providing uninterrupted efforts, 24 hours a day, including weekends and holidays, to address a Severity 1 case.

Upgrade Assurance

Upgrade Assurance means the right to use upgrades to the Product as they become generally available to Company's end user customers. An upgrade is any version of the Product which has been released to the public and which replaces the prior version of the Product. All such upgraded Products are licensed to Customer for use subject to all terms of the Agreement. Nothing in this Documentation shall be construed as separately licensing copies of the Product or increasing the number of copies of Product licensed to Customer.

Verified Support

Verified Support
• US Person / US-Based Case Management
• Access to technical support provided on a 24x7 basis
• Continuous Efforts (available upon request for Severity 1 cases only)
• Access to the technical support website
• Delivery of bug fixes and patches
• Upgrade Assurance

US Person / US-Based Case Management

"US Person / US-Based Case Management" means that, as required, Customer's Software technical support case will be owned and managed from a process perspective (including Continuous Efforts for Severity 1 cases), and any direct communication between Customer and Company Support personnel will be handled, by United States Person(s) (meaning individuals authorized to work in the US) located in the United States, provided that:

- Customer must use the Company-provided processes (such as using a support/service identifier) when requesting Support to be properly routed for US Person / US-Based Case Management;
- The US Company Support Person(s) managing Customer's case may coordinate with Company personnel located outside the United States and/or who may not be US Persons for certain advanced support activities, such as the delivery of a new bug fix or patch; and
- For Customers requiring Company support personnel who are US Citizens rather than US Persons, Customer shall provide proof of its lawful basis for a US citizenship requirement to Company prior to support delivery.

Continuous Efforts

Customer may request that Company provide Continuous Efforts to work on a Severity 1 case. Continuous Efforts means that support personnel will transfer the Customer's case around the globe, from support center to support center, using a follow-the-sun model, providing uninterrupted efforts, 24 hours a day, including weekends and holidays, to address a Severity 1 case.

Upgrade Assurance

Upgrade Assurance means the right to use upgrades to the Product as they become generally available to Company's end user customers. An upgrade is any version of the Product which has been released to the public and which replaces the prior version of the Product. All such upgraded Products are licensed to Customer for use subject to all terms of the Agreement. Nothing in this Documentation shall be construed as separately licensing copies of the Product or increasing the number of copies of Product licensed to Customer.

Sustaining Software Support

Sustaining Software Support ("SSS") may be available for Products in the Sustaining Phase of the Product Life Cycle. Delivery of SSS requires Customer to purchase and maintain both (i) SSS, and (ii) Basic Maintenance, Essential Support, or Verified Support.

SSS is provided until the end date of the term purchased as noted in Customer's Order unless any of the Product reaches its End of Support Life. In such event, Company will provide no further Maintenance for such affected Product.

SSS includes the following features provided on a commercially reasonable basis:

- Continued access to technical support
- Continued access to the technical support website
- Provision solely of known fixes, patches, workarounds, existing maintenance packs, or information from Company's technical knowledge base