



## STACKED Technologies Inc

830 Stewart Drive Suite 128  
Sunnyvale, CA 94085  
408-701-7316

### **STACKED Technologies Counterfeit Parts Prevention Policy**

The Supplier warrants that Counterfeit Supplies shall not be supplied to STACKED Technologies, Inc (ST) or installed in the ST's products by the Supplier.

The Supplier warrants that only new, unused, authentic, genuine and legitimate Items shall form part of the Supplies supplied to ST.

The Supplier may only purchase or source Items directly from Original Component Manufacturers ("OCM"), OCM authorized (e.g. franchised) distributors or aftermarket manufacturers. Use, purchase or the sourcing of Items from non OCM authorized independent distributors or brokers is not permitted unless first approved in writing by ST. The Supplier must present compelling support for its request to use such non OCM authorized suppliers for ST's approval (including but not limited to OCM documentation that authenticates supply chain traceability of the parts to the OCM) and include in its request all necessary actions it shall take to ensure those Items thus procured are new, unused, authentic, genuine and legitimate Items.

The Supplier shall maintain a method of traceability that ensures tracking of the supply chain back to the manufacturer of all Items included in the Supplies being supplied. This traceability method shall clearly identify the name and location of all supply chain intermediaries from the manufacturer to the direct source of each Item for the Supplier and shall include the manufacturer's batch identification for the Item such as but not limited to date codes, lot codes, serializations, or other batch identifications. Full supply chain traceability documentation includes but is not limited to OCM, Original Equipment Manufacturer ("OEM") and authorized (e.g. franchised) Supplier certificates of conformity, purchase orders and test/inspection data and/or certificates. The Order shall specify any such additional documentation (other than as specified in this condition) required by ST.

If Counterfeit Supplies or Suspect Counterfeit Supplies are supplied or furnished under the Order such Supplies shall be impounded. The Supplier shall promptly replace such Supplies with Supplies acceptable to ST and the Supplier shall be liable for all costs relating to impoundment, removal and replacement. ST may notify and turn Counterfeit Supplies over to the relevant local or international Government authorities for investigation and ST reserves the right to withhold payment pending the results of such investigations.

This condition applies in addition to any quality provision, Specification, Statement Of Work or other provision included in the Order addressing the authenticity of Supplies. To the extent that such provisions conflict with this condition, this condition shall prevail.

The Supplier shall flow down these requirements contained in this condition to the Supplier's supply chain for any Items that are intended for supply to ST.



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The Supplier shall inform its employees, contractors, workers and any other third parties (and shall ensure that they shall inform their employees, contractors, workers and other third parties) engaged in the performance of work under the Order in writing prior to performance of work that there is a risk of criminal penalties associated with any falsification, concealment, fraud or misrepresentation in connection with work performed or Supplies provided under the Order in the UK and other jurisdictions.

The Supplier shall notify ST as soon as it becomes aware of any Counterfeit Supplies or Suspected Counterfeit Supplies which arise in relation to any Supplies. Suppliers eligible for utilization of the Government-Industry Data Exchange Program (“GIDEP”) shall utilize the GIDEP process to alert the industry to Counterfeit Supplies or Suspected Counterfeit Supplies.

The definitions and rules of interpretation in this clause apply to the Order:

“Suspect Counterfeit Supplies” means any Supplies that are suspected by testing, visual inspection or other information to be Counterfeit Supplies.

“Counterfeit Supplies” means any material, component, part, assembly, sub-assembly, product and any other item forming part of the Supplies (together referred to as “Items” and separately as “Item”) in which there is an indication by visual inspection, testing, or other information that it may be a copy or substitute made without legal right or authority or one whose material, performance, Identity or characteristics have been misrepresented by the Supplier, manufacturer or a supplier in the Supplier’s supply chain.

“Identity” means any information which relates to the properties or characteristics of the Supplies including but not limited to the original manufacturer or suppliers, trademarks or other intellectual property rights, part numbers, date codes, lot numbers, applied testing methods and results, inspections performed, documentation, warranties, origin, alterations, tampering, salvage, recycling, ownership history, packaging, physical condition, previous use and rejection.