



END OF SALE/END OF LIFE TERMS

Last Updated 09.21.2020

Notice that Product will become an End of Sale (EOS) Product. Gigamon will make commercially reasonable efforts to provide a minimum of six (6) months advance notice (by posting on the customer and/or channel partner portals) of the date after which orders for a particular Product (the “**EOS Product**”), will no longer be accepted (“**Last Sale Date**”). During that six-month period, Gigamon will continue to accept orders for the EOS Product, as well as for support and maintenance for such EOS Product. Gigamon may, at its discretion, agree to ship EOS Products after the Last Sale Date, but only if the order is accepted by Gigamon prior to the Last Sale Date. Support and maintenance is available for five (5) years following the Last Sale Date for hardware and one (1) year following the Last Sale Date for software, subject to the Software Release Policy notes below.

Support and Maintenance after Last Sale Date. If a customer has an active support and maintenance agreement for the EOS Product as of the Last Sale Date, it will be honored for the duration of the applicable term, subject to the Software Release Policy notes below.

Renewal of Support and Maintenance after Last Sale Date. After the Last Sale Date, customers may renew existing support and maintenance agreements, but the term of those renewals shall not extend beyond the End of Life Date (defined below) and are subject to the Software Release Policy notes below.

End of Life/End of Support Date. The date that is 5 years after the Last Sale Date for hardware and 1 year after the Last Sale Date for software is the End of Life Date (the “**EOL Date**” or “**End of Life Date**”). On the EOL Date, no further support or maintenance of any kind (even for security vulnerabilities) will be available for the Product.

Warranty after Last Sale Date. If a customer has an active warranty applicable to the EOS Product as of the Last Sale Date, it will be honored for the duration of the applicable warranty term, subject to the Software Release Policy notes below.

Software Release Policy Notes.

Subject to the customer having an active support and maintenance agreement as of the Last Sale Date, the customer receives the benefit of all operating system software updates and upgrades for 12 months after the Last Sale Date and must upgrade to the last GA Release provided within that 12 month period (“**Final Release**”). The customer will receive additional Maintenance Releases and support during the lifecycle of the Final Release, for either 12 months from the Final Release general availability date (if the release is designated as a “**Technology Release**” for which Gigamon offers a limited engineering and technical support life-cycle) or 24 months from the Final Release general availability date (if the version is designated as a “**Long-Term Support Release**” for which Gigamon offers a prolonged engineering and technical support life-cycle). At the expiration of this period, the customer may receive only Hot Patches for P1 defects on the Final Release software on the EOS Product until the earlier of the expiration of the customer’s support contract or the End of Life Date.

No Lapse and Reinstatement of Support and Maintenance Allowed. If a customer’s support and maintenance agreement applicable to the EOS Product has lapsed prior to the Last Sale Date without renewal, it may not be reinstated, and no support or maintenance of any kind will be offered for such product after the Last Sale Date.