

Novanix, LLC User Policy

Novanix, LLC (“Novanix”) will only furnish Services to users subject to the following user policy (the “User Policy”).

The User Policy provides Novanix users a clear understanding of what Novanix expects of them while using the Novanix Service. All users of Novanix's Services: those who access some of Novanix’s Services but do not have accounts, as well as those who pay a User Fees to subscribe to the Service (collectively, “Users”), must comply with this User Policy. Violations of the User Policy also constitute a violation of the Novanix, LLC Terms of Service (“TOS”). Capitalized terms used in this User Policy that are not defined shall have the meaning ascribed to them in the TOS.

Use of Novanix Service Constitutes Acceptance and Agreement to the User Policy; Purpose of the User Policy.

By using Novanix Services, Users agree to be bound by the terms of this User Policy. As a user of Novanix Services and a member of the Novanix network community, Users must use their Internet access responsibly and Novanix will take appropriate measures to ensure that Users do so. However, under normal circumstances, Novanix supports the uncensored flow of information and ideas over the Internet and does not actively monitor all User activity. Similarly, Novanix does not exercise editorial control over the content of any web site, e-mail transmission, newsgroups, or other material created or accessible over or through the Services, except for that which is outlined in this User Policy. While Novanix is firmly committed to the principles of free speech, certain activities that may be damaging to the resources of both Novanix and the Internet and cannot be permitted under the guise of free speech. The resources of Novanix and the Internet are limited, and abuse of these resources by one User has a negative impact on the entire community.

In accordance with this User Policy, Novanix may remove any materials that, in Novanix’s sole discretion, may be illegal, may subject Novanix to liability, or which may violate this User Policy. Novanix may cooperate with legal authorities and/or third parties in the investigation of any suspected or alleged crime or civil wrongdoing. Violations of this User Policy, as determined at Novanix’s sole discretion, may result in the suspension of Service, immediate termination of Service, imposition of fees, or any combination of these three as detailed in this User Policy. Novanix may take these actions with, or without cause, and with or without prior notice.

User acknowledges that compliance with the User Policy and Novanix’s ability to enforce the User Policy are essential in order for Novanix to accomplish the following goals:

- Ensure reliable service to Users
- Ensure the security and privacy of Novanix’s systems and network, as well as the networks and systems of others
- Comply with existing laws
- Maintain Novanix’s reputation as a responsible service provider

- Encourage responsible use of the Internet and discourage activities which reduce the usability and value of Internet services
- Preserve the value of Internet resources as a conduit for free expression and exchange of information
- Preserve the privacy and security of individual Users

Users may not use the Service to publish material that Novanix determines, at its sole discretion, to be unlawful, indecent or objectionable. For purposes of this policy, "material" refers to all forms of communications including narrative descriptions, graphics including photographs, illustrations, images, drawings, logos, executable programs, video recordings, audio recordings, and all other forms of data.

If a User is used to violate the User Policy, Novanix reserves the right to **terminate User's Service for cause without notice and/or impose certain fees**. Novanix prefers to advise Users of inappropriate behavior and any necessary corrective action, however, serious violations of this User Policy will result in immediate termination of Service without prior notice. Novanix's failure to enforce this policy, for whatever reason, shall not be construed as a waiver of its right to do so at any time.

Violations of the User Policy.

Without limitation, the following activities constitute violations of this User Policy and are grounds for immediate termination:

Illegal use: Novanix's Services may not be used for illegal purposes, or in support of illegal activities. Novanix reserves the right to cooperate with legal authorities and/or injured third parties in the investigation of any suspected crime or civil wrongdoing.

Harm to minors: Use of the Novanix Service to harm, or attempt to harm, minors in any way, including, but not limited to child pornography and/or nude art.

Threats: Use of the Novanix Service to transmit any material (by e-mail, uploading, posting or otherwise) that threatens or encourages bodily harm or destruction of property.

Harassment: Use of the Novanix Service to transmit any material (by e-mail, uploading, posting or otherwise) that harasses another.

Fraudulent activity: Use of Novanix Service to make fraudulent offers to sell or buy products, items, or Services, or to advance any type of financial scam such as "pyramid schemes," "ponzi schemes," and "chain letters."

Forgery or impersonation: Adding, removing or modifying identifying network header information in an effort to deceive or mislead is prohibited. Attempting to impersonate any person by using forged headers or other identifying information is prohibited. Any attempt to hide User identity, or represent any data in any misleading way is prohibited.

Unsolicited commercial e-mail/Unsolicited bulk e-mail (SPAM): Use of the Novanix Service to transmit any unsolicited commercial or unsolicited bulk e-mail is expressly prohibited.

E-mail / News Bombing: Malicious intent to impede another person's use of electronic mail services or news will result in the immediate termination of the offending Novanix account.

E-mail / Message Forging: Forging any message header, in part or whole, of any electronic transmission, originating or passing through the Novanix Service is a violation of this User Policy.

Usenet SPAMing: Novanix has a zero tolerance policy for the use of its network for the posting of messages or commercial advertisements, which violate the rules, regulations, policies or charter of any newsgroups or mailing list. Commercial messages that are appropriate under the rules of a newsgroup or mailing list or that are solicited by the recipients are permitted.

Unauthorized access: Use of the Novanix Service to access, or to attempt to access, the accounts of others, or to penetrate, or attempt to penetrate, security measures of Novanix's or another entity's computer software or hardware, electronic communications system, or telecommunications system, whether or not the intrusion results in the corruption or loss of data, is expressly prohibited.

Copyright or trademark infringement: Use of the Novanix Service to transmit any material (by e-mail, uploading, posting or otherwise) that infringes any copyright, trademark, patent, trade secret or other proprietary rights of any third party, including, but not limited to, the unauthorized copying of copyrighted material, the digitization and distribution of photographs from magazines, books, or other copyrighted sources, and the unauthorized transmittal of copyrighted software.

Collection of personal data: Use of the Novanix Service to collect, or attempt to collect, personal information about third parties without their knowledge or consent.

Network disruptions and unfriendly activity: Use of the Novanix Service for any activity which affects the ability of other people or systems to use Novanix Services or the Internet. This includes "denial of service" (DOS) attacks against another network host or individual user. Interference with or disruption of other network users, services or equipment is prohibited. Users may not, through action or inaction, allow others to use the network for illegal or inappropriate actions. Unauthorized entry and/or use of another company and/or individual's computer system will result in immediate account termination. Novanix will not tolerate any User attempting to access the accounts of others, or penetrate security measures of other systems, whether or not the intrusion results in corruption or loss of data.

Fraud: Any knowing misrepresentation or misleading statement, writing or activity made with the intent that the person receiving it will act upon it.

Distribution of Viruses: Intentional distributions of software that attempts to and/or causes damage, harassment, or annoyance to persons, data, and/or computer systems are prohibited.

Inappropriate Use of Software: Use of software or any device that would facilitate a continued connection, i.e. ping, while using Novanix Services could result in suspension of Service.

Third Party Accountability: Users will be held responsible and accountable for any activity by third parties using their account that violates guidelines created within this User Policy.

Security

Users are responsible for any misuse of their account, even if the inappropriate activity was committed by a friend, family member, guest or employee. Therefore, Users must take steps to ensure that others do not gain unauthorized access to their account. In addition, Users may not use their account to breach security of another account or attempt to gain unauthorized access to another network or server. Users must take all reasonable precautions to ensure that no one gains unauthorized access to their account or compromises the security of the network, including but not limited to the following:

- It is the User's responsibility to keep their password secure because the password provides access to their account.
- Sharing a password and account access with unauthorized users is prohibited. Users should take care to prevent others from using their account since the User will be held responsible for such use.
- Attempting to obtain another User's account password is strictly prohibited, and may result in termination of Service.
- Users must adopt adequate security measures to prevent or minimize unauthorized use of their account.
- Users may not attempt to circumvent user authentication or security of any host, network or account. This includes, but is not limited to, accessing data not intended for the User, logging into or making use of a server or account the User is not expressly authorized to access, or probing the security of other networks. Use or distribution of tools designed for compromising security is prohibited. Examples of these tools include, but are not limited to, password guessing programs, cracking tools or network probing tools.
- Users may not attempt to interfere with Service to any user, host or network. This includes, but is not limited to, "flooding" of networks, deliberate attempts to overload a service, and attempts to "crash" a host.
- Users whom violate systems or network security may incur criminal or civil liability. Novanix will cooperate fully with investigations of violations of systems or network security at other sites, including cooperating with law enforcement authorities in the investigation of suspected criminal violations.
- Novanix strongly suggests that Users refrain from using any form of un-secure transmission, including but not limited to: POP3, HTTP, TELNET, FTP. If, as a result of using any of these transmissions, an unauthorized entity obtains User's password, the User will be held responsible. Novanix suggests that Users use the secure alternatives which include, but are not limited to, APOP, HTTPS, SSH, SFTP.

Network Performance

Novanix accounts operate on shared resources. Excessive use or abuse of these shared network resources by one User may have a negative impact on all other Users. Misuse of network

resources in a manner that impairs network performance is prohibited by this User Policy and may result in termination of User's account.

Users are prohibited from excessive consumption of resources, including CPU time, memory, disk space and session time. Users may not use resource-intensive programs that negatively impact other Users or the performance of Novanix systems or networks. Novanix reserves the right to terminate or limit such activities.

Reporting Violations of the User Policy

Novanix requests that anyone who believes that there is a violation of this User Policy, to please notify Novanix at: abuse@Novanix.com

If available, please provide the following information:

- The IP address used to commit the alleged violation
- The date and time of the alleged violation, including the time zone
- Evidence of the alleged violation

Novanix may take any one or more of the following actions in response to complaints:

- Issue written or verbal warnings
- Suspend the User's newsgroup posting privileges
- Suspend the User's account
- Terminate the User's account
- Bill the User for administrative costs and/or reactivation charges
- Bring legal action to enjoin violations and/or to collect damages, if any, caused by the violations

Revisions to the User Policy

Novanix reserves the right to revise, amend, or modify this User Policy and Novanix's other policies and agreements at any time and in any manner. Notice of any revision, amendment, or modification will be posted at Novanix.com.

If you have any questions regarding this User Policy, please contact Novanix at abuse@novanix.com