

# ENOVIX CORPORATION

## Terms and Conditions for Sample Receipt

In the event that Enovix provides batteries and/or battery packs (the “Samples”) for test and evaluation purposes, the following Terms and Conditions apply to the receipt of such Samples, and by accepting such Samples, the receiving party (“Recipient”) agrees to be bound by the following:

1. The Samples may not be (i) sold or re-sold, or (ii) incorporated in a device to be sold or re-sold to a consumer or end user or (iii) provided, distributed, released, disclosed or otherwise made available to any third party.
2. The Samples will be used by Recipient solely for internal evaluation and testing purposes and solely in furtherance of a potential business relationship with Enovix.
3. Recipient will provide the results of its evaluation to Enovix and will not provide such results to any third party.
4. Recipient shall limit distribution of the Samples to those of its personnel who are qualified to carry out the evaluation and testing described herein.
5. Recipient will not export, directly or indirectly, any data acquired from Enovix or any product utilizing any such data, including the Samples, to any country for which the U.S. Government or any agency thereof or other applicable governing body at the time of export requires an export license or other governmental approval without first obtaining such license or approval. Recipient will not use or sell the Samples (or any technology related thereto) for any nuclear, chemical, biological or missile weapons end use. Sales to military end users or for military end uses is prohibited.
6. Samples may not be returned to the Enovix unless and until Enovix has issued a completed return material authorization (“RMA”).
7. In the event Recipient ships or transports the Samples, it agrees to do so in accordance with all applicable laws, rules and regulations. In particular, the Samples must be correctly classified and packaged in accordance with transportation regulations including 49 CFR 100-185 (within USA) or IATA DGR (International). Samples may not be hand carried on an airplane or transported in checked bags.
8. The Samples are experimental in nature and may have unknown characteristics. Recipient therefore agrees to use prudence and care in the use, handling, storage, transportation, and disposition of the Samples. **THE SAMPLES ARE PROVIDED “AS IS” AND WITHOUT WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER WARRANTY, EXPRESS OR IMPLIED.**