

**MAINTENANCE AND SUPPORT SCHEDULE**  
(M&S v15-Apr-20)

This Maintenance and Support Schedule (“M&S Schedule”) is made a part of and is hereby incorporated by reference into the Nymi General Terms and Conditions (“General T&Cs”), any capitalized terms not defined in this (“M&S Schedule”) shall have the meaning set forth therein.

1. Definitions.

“Designated Correspondent(s)” are Users permitted to access the Nymi Support Portal, using a Company-assigned email address and a Nymi-assigned password, to review correspondences between Company and Nymi, access Support Requests, and create new Support Requests.

“Generic User(s)” are User, which can submit Support Request to Nymi, without signing into the Nymi Support Portal, by submitting *via* an online form located at <https://support.nymi.com/hc/en-us/requests/new> or sending an email request to [support@nymi.com](mailto:support@nymi.com).

“Relief Goal(s)” means the targeted result of effort to provide Company with an error correction, which may be considered a “temporary fix”, which shall consist of sufficient programming or operating instructions to implement such error correction related to an issue identified by a Support Request.

“Response Goal(s)” means the target time to contact Company after receiving a properly submitted Support Request, as further details in Nymi’s then-current Solution Support Guide.

“Support Request(s)” are electronic correspondences which are properly submitted to Nymi by Active Users, as further set forth in Nymi’s then-current Solution Support Guide.

“User(s)” are collectively all Active and Inactive Users.

2. Maintenance & Support Services.

2.1 Maintenance: Company shall have access to all updates, version releases, upgrades, and enhancements to the licensed Software that are not designated by Nymi as new products or modules for which it charges a separate fee.

2.2 Support Services: Support services include, but are not limited to (i) assistance in the diagnosis of Hardware and Software problems; (ii) assistance in expediting priority replacement Devices and Software required on an emergency basis; (iii) routine assistance in the configuration of the initial implementation of Software updates and

upgrades; (iv) providing temporary fixes, error corrections patches, workarounds and other appropriate relief; and (v) providing solutions to reported errors in the Software (“Support Services”).

2.3 Support Exclusions: Support Services do not include (i) issues related to third-party digital certifications; (ii) issues resulting from neglect, gross neglect, misuse, and/or accidental damage to the Devices; (iii) modifications or repairs performed to the Devices by a party not authorized by Nymi; (iv) correction of defects arising from the failure of Company to provide and maintain a suitable installation environment for the Software which includes but is not limited to proper electrical power, air conditioning, or humidity control; (v) inadequate or improperly configured servers, networks, storage, and other underlying infrastructure supporting the execution of the Software; and/or (vi) the support of the Devices for purposes other than the purposes for which the Devices were designed.

2.4 Portal Support Service: Company’s Designated Users may access the collection of web pages located at <http://support.nymi.com>, (“Support Portal”), which allows such Active Users to (i) access knowledgebase of frequently asked questions; (ii) view open Support Requests and (iii) submit electronic correspondences to Nymi seeking Support Services twenty-four (24) hours a day 365 days of the year, except during scheduled downtime and subject to network performance. Access to the Support Portal requires an account, which will be assigned by Nymi.

2.5 Authorized Contacts: Company may allocate up to five (5) individuals as Designated Correspondents and Company shall at all times have no less than one (1) Designated Correspondents. It is the responsibility of the Company to ensure that Nymi’s support personnel have then-current contact information for each Designated Correspondents.

3. Support Levels & Relief Goals: Once Nymi receives a Support Request, Nymi’s support system creates an electronic file (“Support Ticket”) within the Support Portal. When Nymi’s support personnel corresponds with Company as result of a Support Request, the Designated Correspondent(s) will be notified, *via* email, that a Support Ticket is awaiting a reply, and the Support Ticket is considered “Open”. Once a Support Ticket is “Open”, Nymi’s support personnel shall allocate a severity level based the level of impact upon Company’s operations being reported to Nymi by the Active User, as further detailed in Table A “Impact Matrix”.

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Table A  
“Impact Matrix”

Severity Level	Description	Example(s)	Customer’s Responsibilities
1 - Critical	Operations failure, which prevents Company’s personnel from performing work and causing a significant business impact.	Users of the Nymi Devices cannot access critical Company facilities, systems or perform necessary activities with the Nymi Devices or alternative methods or processes.	Allocate appropriate resources to sustain continuous effort within standard support hours, rapid access and response from change control authority to implement changes if needed. Company will have enabled alternative methods or processes to continue working, e.g. as manual login.
2 - High	Loss or degradation of at least one mission critical feature or function within Company’s operations such that Company’s personnel cannot reasonably continue without major impairment.	Users of the Nymi Devices cannot reasonably access alternative Company’s facilities or systems, with the Nymi Devices or alternate methods of processes, without materially disrupting operations.	Allocate appropriate resources to sustain continuous effort within standard support hours, rapid access and response from change control authority to implement changes if needed.
3 - Medium	Loss or degradation of at least one feature or function of Company’s operations; however, Company personnel can reasonably continue in an impaired manner.	Users of the Nymi Devices must use alternative means to access Company’s systems or facilities, in a material less efficient manner.	Allocate appropriate resources to sustain effort within standard support hours.
4 - Low	No Significant Impact on Company’s Operations.	General inquiries, updates on customization, status requests.	Allocate appropriate resources to sustain effort during standard support hours.

A Support Ticket shall be considered “Open” until a Relief Goal is provided to the Company, after such time the Nymi support personnel will mark the Support Ticket as “Closed”. Nymi or a Designated Correspondent can “re-Open” a “Closed” Support Ticket, *via* the Support Portal, if required at any time. Nymi shall endeavor to Close all “Open” Support Tickets within the target Relief Goal based upon their allocated Severity Level, as further set forth in Table B “Reponses Matrix”.

Table B  
“Response Matrix”

Severity Level	Response Goal(s)	Relief Goal(s)
1 - Critical	1 <sup>st</sup> Response Within One (1) Hour	Diagnosis commences within ONE (1) standard support hours with continuous effort to restore service.
2 - High	1 <sup>st</sup> Response Within Four (4) Business Hours	Diagnosis commences within FOUR (4) standard support hours with continuous effort to restore service.
3 - Medium	1 <sup>st</sup> Response Within One (1) Business Day	Reasonable effort to restore full service during standard support hours.
4 - Low	1 <sup>st</sup> Response Within (2) Business Days	Reasonable effort to restore full service during standard support hours.

3. Escalation Policy. Designated Correspondents can request an escalation in the Severity Level for an Open Ticket *via* the support portal if (i) relief for a Support Ticket was not provided within target Relief Goal, set forth above in Table B “Reponses Matrix”; or (ii) a Designated Correspondent and Nymi’s support personnel cannot agree upon an appropriate Severity Level. Such request for escalation shall be reviewed by the Manager of Support thereafter VP Customer Success. Relief Goals generally requires collaboration between Nymi’s personnel and the Designated Correspondents staff in order that Nymi be able to monitor, analyze, and modify Company’s systems that are exhibiting the reported problem. If timely information is not provided to Nymi by Company, the Relief and Response Goals in Table 2-B “Response Matrix” shall not apply. Support Services may be provided by Nymi’s staff or other qualified third-party providers located within Canada, United States or elsewhere.

4. Hardware Support. Designated Correspondent(s) may use the Support Portal to initiate Support Request for issues that are related to the functioning of the Devices (*e.g.* Nymi Bands) (“Hardware Support Request”). Nymi support personnel will review such Hardware Support Request and determine if the issue is hardware, firmware or other issue. If Nymi’s support personnel determines the root cause of the issue attributed to faulty hardware, Nymi will request that the customer to initiate a return material authorization request (“RMA”). To initiate an RMA, Designated Correspondent(s) requests a RMA by emailing [rmareturns@nyimi.com](mailto:rmareturns@nyimi.com). All such RMA must include the following information:

- Device’s Serial Number;
- Designated Correspondent(s) Name;
- Designated Correspondent(s) Email Address;
- Designated Correspondent(s) Phone Number;
- Designated Correspondent(s) Location / Address; and
- Return Address.

5. RMAs. Once the Designated Correspondent has received approval from Nymi personnel to progress the RMA, Nymi shall provide to the Designated Correspondent a shipping label with a reputable third-party courier, and Company should mail the defective Nymi Device, in appropriate packaging (*e.g.* protected/padded envelopes, boxes, *etc.*) and ship the applicable Nymi Devices to the following address:

Nymi Inc.  
Attention: RMA Returns  
82 Peter St. Suite 500  
Toronto, ON M5V 2G5  
Canada

Once such shipping tracking number or waybill is received by Nymi personnel, Nymi’s personnel will endeavor to respond to the applicable Designated Correspondent within four (4) business days with the following information:

- Confirmation of Receipt of Return; and
- Confirmation of RMA Closure.

The Designated Correspondent can find additional information in Nymi’s then-current RMA Process User Guide, which can be found on the Support Portal.

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