

NOTICE OF NETWORK COMPATIBILITY

This Notice of Network Compatibility (this “Notice”) is effective as of July 9, 2015 (the “Effective Date”) and is issued by AT&T Mobility LLC on behalf of itself and its affiliates (collectively “AT&T”) to OPENGEAR (“Device Manufacturer”) dated July 9, 2015.

This Notice applies only to the following product (the “Product”):

Module:

Manufacturer: Huawei

Model: ME909u-523D

Software: 11.430.63.00.00

Hardware: ML2ME909UM

Device:

Manufacturer: OPENGEAR

Model: OCM7909

Software: 7909.11.430.63.00.00

Hardware: 00

Onboarding tool Device id: 108zoEbEfo

Category: NR-AM-DO

Release Type: IR

Connection Mgr/ACM Version:

- Attachment A: N/A

This Notice only relates to the Product as specifically described herein and any variations from these component versions, no matter how slight, are not covered by this Notice.

1. Materials

Device Manufacturer acknowledges that AT&T relied on the following materials provided by Device Manufacturer in AT&T’s testing and its decision to issue this Notice (the “Materials”):

- Attachment B: PTCRB Approval:



Opengear_OCM7909
_PTCRB.pdf

- Attachment C: FCC Approval:

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Device Manufacturer hereby represents to AT&T that the Materials are true, authentic and accurate documents relating the Product and that they are what they purport to be.

2. Testing

AT&T performed applicable testing on the Product (the “Testing”). This includes testing for:

- Negative impacts on AT&T’s wireless network.
- Baseline regulatory confirmation.
- RF testing against components in the wireless AT&T network.
- Network selection testing.

3. Testing Results

The device under test was not observed to cause any adverse problems to the AT&T network when activated and used in the lab. The device under test is certified for both CS and PS services (as applicable). Any change to the mode of operation invalidates the AT&T Certification.

4. Limitations

Because of the limited scope of the Testing, AT&T does not make any representations regarding any feature, function or other characteristic of the Product not described herein, including, but not limited to, the following:

- 4.1 Data throughput performance.
- 4.2 Voice quality performance.
- 4.3 Manufacturing/assembly issues.
- 4.4 RF Parametric performance beyond PTCRB testing.
- 4.5 Voice and Data interaction handling.
- 4.6 Consumer handset-based features including Java applications, MMS, SMS
- 4.7 System, component level, or application level security performance

Furthermore, AT&T does not make any representation or warranty, express or implied, to any person or entity, including, without limitation, any warranties regarding the performance, desirability, merchantability, suitability, originality, quality, fitness for a particular purpose or otherwise (irrespective of any previous course of dealings between the parties or custom or usage

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of trade), with respect to the Product. Device Manufacturer may not make any representation to any third party inconsistent with the terms of this Notice.

- a. **OPENGEAR General Indemnity Obligations.** OPENGEAR , as Indemnifying Party, will defend, indemnify and hold harmless AT&T, and its Affiliates, directors, officers, and employees from and against any and all third-party claims, including but not limited to End User claims, causes of action, demands, liabilities, damages, losses, judgments, settlements, costs and expenses, including punitive damages, court costs, and reasonable attorneys' and expert witness' fees before and at trial and on appeal (collectively "Claims") related to or arising out of (i) the use of the OPENGEAR OCM7909 ; (ii) services delivered by OPENGEAR through information services or applications on the OPENGEAR OCM7909 ; (iii) **the battery in the OPENGEAR OCM7909** ; or (iv) personal injury, death or property damage arising out of use of the OPENGEAR OCM7909 or the information services and/or applications on or delivered by the OPENGEAR OCM7909 ; except to the extent such Claim arises solely out of the use of the Service and not out of the use of the OPENGEAR OCM7909 .
- b. **Disclaimer of Warranties:** EXCEPT AS EXPRESSLY STATED IN THIS NOTICE, EACH PARTY DISCLAIMS ALL WARRANTIES, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO GOODS OR SERVICES HEREUNDER, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. AT&T SUPPLIES A SERVICE, NOT GOODS. AT&T DOES NOT GUARANTEE COMPANY OR ANY END USER UNINTERRUPTED SERVICE.

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AT&T Mobility LLC

By (BPC): Mohammad Torkzadeh

Name: Prabha Aithal

Title: Director, Network Ready Lab

Date: July 9, 2015

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