

# GATEWAY TRADE-IN OPTION

## TERMS AND CONDITIONS

**THIS ADDENDUM (“ADDENDUM”) CONTAINS IMPORTANT TERMS AND CONDITIONS THAT APPLY TO THE TRADE-IN OPTION INCLUDED OR PURCHASED WITH YOUR GATEWAY PRODUCT. ALL CAPITALIZED TERMS THAT ARE NOT DEFINED IN THIS ADDENDUM SHALL HAVE THE MEANINGS PROVIDED IN THE GATEWAY DESKTOP, TOWER, AND DESTINATION PC LIMITED WARRANTY TERMS AND CONDITIONS AGREEMENT OR THE GATEWAY PORTABLE PC WARRANTY AND TERMS AND CONDITIONS AGREEMENT(S) (“AGREEMENT”) INCLUDED WITH YOUR PRODUCT. ALL TERMS AND CONDITIONS OF THE AGREEMENT REMAIN IN FULL FORCE AND EFFECT. YOU AGREE THAT THIS ADDENDUM, IN ADDITION TO THE AGREEMENT, APPLIES TO THE PURCHASE OF YOUR PRODUCT.**

- 1. ELIGIBILITY.** You are eligible for the trade-in option only if it is shown on your purchase receipt or invoice and you satisfy the requirements of the Your: )Ware program or Business Trade-in Program in effect at the time of purchase. The trade-in option allows you to trade in your original Product (the “Trade-in Product”) and obtain a credit with the purchase of any new Gateway computer. **SUBJECT TO THE TERMS AND CONDITIONS BELOW, GATEWAY WILL GIVE YOU THE AVERAGE WHOLESALE VALUE OF YOUR TRADE-IN PRODUCT AT THE TIME OF TRADE-IN.** To determine the average wholesale value of your Trade-in Product, Gateway will use the value indicated in the then-current Orion Blue Book or another, similar commercially reasonable industry standard, as determined by Gateway in its sole discretion. **UNDER THE YOUR: )WARE PROGRAM, A TRADE-IN CREDIT IS ONLY AVAILABLE IF YOU PURCHASE A NEW GATEWAY COMPUTER. THE TRADE-IN RIGHT IS NOT TRANSFERABLE.**
- 2. PROCEDURES.** To claim a credit on the Trade-in Product, call Gateway Client Support with your Client ID number, the system serial number, and order number for your Trade-in Product. The Client Support representative will give you instructions on how and where to return your Trade-in Product and provide you a Trade-in Merchandise Authorization (TMA) number. **DO NOT RETURN YOUR TRADE-IN PRODUCT WITHOUT A TMA NUMBER. FOR YOUR PROTECTION, INSURE THE SHIPMENT FOR FULL REPLACEMENT VALUE. YOU ARE RESPONSIBLE FOR THE TRADE-IN PRODUCT AND ACCESSORIES UNTIL GATEWAY RECEIVES THEM, AND YOU ARE RESPONSIBLE FOR ALL SHIPPING, HANDLING, AND INSURANCE CHARGES. GATEWAY RESERVES THE RIGHT TO CHANGE THE PROCEDURES DESCRIBED IN THIS PARAGRAPH.**
- 3. RETURN OF COMPLETE PRODUCT.** You will be responsible for shipping the Trade-in Product according to the procedures set out below. **YOU MUST RETURN THE COMPLETE PRODUCT AND ACCESSORIES, INCLUDING ALL CABLES, MANUALS, AND SOFTWARE LICENSED TO THE SYSTEM, INCLUDING THE OPERATING SYSTEM**

**AND RELATED SOFTWARE MEDIA, SUCH AS DISKETTES AND CD-ROMS. IN THE CASE OF PORTABLE PC PRODUCTS, YOU MUST ALSO RETURN ANY AC ADAPTER CABLES AND BATTERIES.** In addition, the Trade-in Product must be (1) in good operating condition, normal wear and use excepted, as reasonably determined by Gateway in its sole discretion; (2) the complete, original Trade-in Product delivered to you; (3) shipped in the suitable packaging materials, (4) accompanied by a TMA number, and (5) returned within 30 days after Gateway issued the TMA kit to you. **YOU ARE RESPONSIBLE FOR BACKING UP OR OTHERWISE TRANSFERRING ALL YOUR DATA OR PROGRAM FILES FROM THE TRADE-IN PRODUCT BEFORE YOU SHIP IT. GATEWAY WILL PERMANENTLY ERASE DATA AND FILES ON THE TRADE-IN PRODUCT. YOU ARE ALSO RESPONSIBLE FOR REMOVING ANY AND ALL TYPES OF PASSWORDS PRESENT ON THE PRODUCT. YOU MUST PAY ALL SHIPPING, HANDLING, AND INSURANCE COSTS FOR RETURNING THE TRADE-IN PRODUCT TO GATEWAY. GATEWAY WILL ISSUE THE TRADE-IN CREDIT AFTER IT HAS RECEIVED AND INSPECTED THE TRADE-IN PRODUCT TO ASSURE THAT THE CONDITIONS OF TRADE-IN (LISTED ABOVE) HAVE BEEN SATISFIED.** If the Trade-in Product does not meet the conditions noted above Gateway will adjust your trade-in credit appropriately.

Gateway will process the trade-in credit upon receipt of the Trade-in Product in a reasonable period of time and otherwise in accordance with the terms and conditions of this Addendum. **FAILURE TO FOLLOW THE PROCEDURES DESCRIBED BY THE CLIENT SUPPORT REPRESENTATIVE MAY DELAY THE PROCESSING OF YOUR TRADE-IN CREDIT.**

4. **NEW PRODUCT.** When you purchase a new Product, the trade-in option, if any, applicable to the new Product will be governed by the terms and conditions of the trade-in program at that time.