



# NetApp October 2011 BakeAthon CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement is intended to protect the participants in the interoperability testing and to ensure that any information relating to such testing is used solely to further the purpose of interoperability. It must be signed in order for your company to participate in the testing.

**TERMS AND CONDITIONS:** As a condition of participating in the BakeAthon, sponsored by NetApp, located at 495 E Java Drive, Sunnyvale, California, ("BakeAthon") from October 17 to October 21, 2011 ("Test Period"), the company identified below ("Participant") agrees that any information obtained at this BakeAthon about the performance, compatibility or test results relating to the products of any participant ("Information") is the confidential and proprietary property of the respective owners of such products. In order to protect the confidentiality of the Information, the Participant agrees not to disclose any Information or report any problems encountered by any participant during the BakeAthon Test Period to any non-participant of the BakeAthon. Participant further agrees not to use the Information for purposes other than interoperability testing of products.

The confidentiality obligations of the Participant herein will not apply beyond one (1) year from the last day of the BakeAthon, nor will such obligations apply to any Information which (a) is now or hereafter becomes generally known or available in the public domain through no fault of the Participant, (b) is knowingly furnished to others by its owner without restrictions on disclosure, (c) is received from a third party not under obligation to treat the Information as confidential, or (d) is independently developed by the Participant.

**ACCEPTANCE:** The obligation of confidentiality described above is expressly agreed to by the Participant. The individual signing below on behalf of Participant warrants that he or she has been authorized to execute the Agreement on behalf of the Participant. Electronic signatures shall constitute original signatures and will be binding on all parties.

The foregoing is agreed and accepted.

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

**IN ORDER TO RECEIVE ADMITTANCE TO THE BAKEATHON  
YOUR COMPANY MUST COMPLETE THIS FORM.**

**(Only one form per company is required.)**

**Please bring this form to SVL-7.1 Quincy 2,**

**495 E Java Drive, Sunnyvale, CA on Monday, October 17, 2011.**

(A scanned copy in PDF format is acceptable and can be emailed to [thomas@netapp.com](mailto:thomas@netapp.com).)