



New Controller Upgrade Promotion

NetApp is offering a limited-time promotion (“Promotion”) providing Customers (as defined in NetApp’s [General Terms](#)) who bought or buys certain controller models shortly before or after the announcement of new controller models the opportunity to upgrade to the new models at promotional pricing. The terms of the Promotion are provided below.

1. **Eligibility.** A Customer who submitted or submits a purchase order for a NetApp AFF A400, A800, or A900 controller (“Original Controller”) between November 1, 2023, and October 25, 2024, inclusive, may upgrade to a new controller with features, functionality, and I/O configuration that NetApp has determined is at least equivalent to the Original Controller (“New Controller”) at promotional pricing.
2. **Requirements.** Customer must submit a purchase order for the New Controller no later than October 25, 2024, and return or destroy the Original Controller to NetApp pursuant to the terms set forth below.
 - a. **Return or Destruction of Original Controller.** Customer agrees to (a) return the Original Controller to NetApp under a Sales Return Authorization (SRA) or (b) provide NetApp with a certificate of destruction within 120 calendar days from the date of shipment of the New Controller, and agrees that title and risk of loss to the Original Controller, if returned, will pass to NetApp upon NetApp’s receipt of the Original Controller. If Customer does not return or destroy the Original Controller as described above, then Customer will pay the current list price for the New Controller.
 - b. **Representations and Warranties.** Customer represents and warrants that Customer is the legal owner of the Original Controller, and that the Original Controller is unencumbered and free of any security, lien, equitable or other interest. Customer is solely responsible for migrating any data from the Original Controller to another storage device and agrees to delete all information (including any personal and/or confidential information) from the Original Controller before the Original Controller is returned to NetApp. NetApp reserves the right to use or dispose of the returned Original Controller at its sole discretion, as it deems fit.
3. **Terms of Sale.** These terms supplement the terms and conditions between NetApp and Customer that apply to Customer’s purchase of NetApp products and services (including the Original Controller). NetApp may change, modify or end this Promotion at any time without notice.