

Additional License Authorizations for HPE Cray Programming Environment

Product Use Authorizations

This document provides Additional License Authorizations (“ALA”) for HPE Cray Programming Environment (“CPE”).

Definitions

Term	Definition
<i>Executable Binary</i>	means machine readable, executable software that is output from CPE when used as intended. An Executable Binary is compiled, at least in part, from source code supplied or generated by the customer.
<i>HPE Object Code Libraries</i>	means machine readable software packages included in the Executable Binary and licensed under the HPE EULA.
<i>Included</i>	For Object Code Libraries, <i>Included</i> means the library is incorporated in or linked to the Executable Binary
<i>Open Source (OSS) Object Code Libraries</i>	means machine readable software packages included in the Executable Binary and licensed under an open source license. OSS Object Code Libraries may be owned in part or in whole by a third party.
<i>Third Party Proprietary (TPP) Object Code Libraries</i>	means machine readable software packages included in the Executable Binary and licensed under a third party proprietary license.

Software Specific License Terms

Additional License Authorizations apply to use of the software in addition to licensing terms in your agreement with HPE or the End-User License Agreement accompanying the software. The terms of this

Additional License Authorization shall govern delivery of the products described in this ALA and take precedence over any different terms in your agreement to the extent of a conflict.

The following terms apply to HPE Cray Programming Environment:

1. Distribution:

- a. Notwithstanding the terms and conditions of the HPE EULA, HPE grants you a non-transferrable license to reproduce and distribute the Executable Binary.
- b. Notwithstanding the terms and conditions of the HPE EULA, HPE grants you a non-transferrable license to reproduce and distribute HPE Object Code Libraries included in the Executable Binary.
- c. Distribution of OSS Object Code Libraries are governed by their respective open source licenses. HPE places no additional restriction on the distribution of OSS Object Code Libraries included in the Executable Binary.
- d. Distribution of TPP Object Code Libraries are governed by their respective licenses. HPE places no additional restriction on the distribution of TPP Object Code Libraries included in the Executable Binary.
- e. Notwithstanding the other provisions of this section 1, the Executable Binary may not be made, distributed, or otherwise used in a way contrary to applicable laws and regulations.
- f. Notwithstanding the other provisions of this section 1, the Executable Binary and Object Code Libraries included in the Executable Binary shall not be modified, decompiled, reverse engineered, or otherwise inspected in any way that exposes proprietary information about the design, components, or operation of HPE Cray Programming Environment.

2. Disclaimer of Warranty. HPE disclaims all warranties whether express or implied, including, without limitation, any warranty of non-infringement and the implied warranties of merchantability and fitness for a particular purpose, with regard to the operation of the Executable Binary and Object Code Libraries (e.g. HPE Object Code Libraries, OSS Object Code Libraries, TPP Object Code Libraries). HPE does not warrant that operation of the Executable Binary or Object Code Libraries will be uninterrupted or error free or that they will operate in hardware and software combinations other than as authorized by HPE.

3. Limitation of Liability. HPE shall not be held liable under this agreement for any damages, under warranty, contract, tort or any other legal theory, relating to the generation and operation of the Executable Binary or any Object Code Libraries included therein regardless of whether you were advised of the possibility of such damages.
4. No IP Indemnification. HPE shall not be held liable for or indemnify intellectual property rights infringement relating to the Executable Binary or any included Object Code Libraries.
5. License Obligations. Rights and obligations may apply to the Executable Binary based on OSS Object Code Libraries and/or TPP Object Code Libraries included in the Executable Binary. HPE makes no claims about and bears no liability for such rights and obligations or the consequences of fulfilling or not fulfilling such rights and obligations.
6. Multiple-Licensed Libraries. Certain Object Code Libraries may be subject to multiple licenses. HPE makes no claims about and bears no liability for the rights and obligations conferred under such multiple-licensed Object Code Libraries. Insofar as a multiple-licensed Object Code Library is subject to the HPE EULA, section 1(b) applies only to the rights and obligations conferred under the HPE EULA, and does not address the rights and obligations conferred under any open source or third party proprietary licenses.