

Implantable Cochlear Stimulator Ten-Year Limited Warranty

If an Advanced Bionics Implantable Cochlear Stimulator (ICS) fails to function within normal tolerances within 10 years from the date of implantation as a result of a failure to manufacture the ICS in accordance with Advanced Bionics' specifications, Advanced Bionics will provide the patient who has received that ICS a functionally equivalent replacement Advanced Bionics ICS.

Claims under Advanced Bionics' Ten-Year Limited Warranty are subject to the following conditions and limitations:

1. The ICS must be implanted before the end of the "Use By" date marked on the package.
2. The explanted ICS must be returned for analysis to Advanced Bionics within 15 days of explantation along with a report describing the circumstances of the removal. ICS devices returned to Advanced Bionics for analysis become the property of Advanced Bionics.
3. ICS failure must be confirmed by Advanced Bionics **before** explantation of the ICS device.

WARRANTY DISCLAIMER:

THE TEN-YEAR LIMITED WARRANTY DESCRIBED ABOVE IS IN LIEU OF ANY OTHER WARRANTY, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR INTENDED USE, EXPRESSED OR IMPLIED, AND, EXCEPT WHERE EXPRESSLY PROHIBITED BY LAW, ADVANCED BIONICS DISCLAIMS ANY WARRANTIES OTHER THAN THE TEN-YEAR LIMITED WARRANTY DESCRIBED ABOVE. ADVANCED BIONICS WILL NOT BE LIABLE FOR ANY DIRECT, CONSEQUENTIAL OR INCIDENTAL DAMAGES CAUSED BY THE ICS' FAILURE TO FUNCTION WITHIN NORMAL TOLERANCES WITHIN 10 YEARS, WHETHER THE CLAIM IS BASED ON WARRANTY, CONTRACT, TORT, OR OTHERWISE.

Advanced Bionics reserves the right, in its sole discretion, to provide a functionally equivalent replacement Advanced Bionics ICS even if the failure to perform within normal tolerances during the Ten-Year Limited Warranty period is for reasons other than a failure to manufacture the ICS in accordance with Advanced Bionics' specifications.

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