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Mr. John Thompson
SimpleTech, Inc.
3001 Daimler Street
Santa Ana, CA 92705

Subject: Technical Support Agreement No. MV01058

The following information outlines service provided by IBM for SimpleTech, Inc. products in the United States and Puerto Rico. It supersedes previous communications, both oral and written. The service described will be subject to change with IBM's business practices and any amended contract.

IBM and Simple Technology, Inc. (now SimpleTech, Inc.) entered into the subject Technical Support Agreement (the "Agreement"), effective June 29, 1998. The Agreement allows IBM to provide service on SimpleTech, Inc. products sold after the effective date of the Agreement and installed in or attached to an IBM or Lenovo machine in the United States and Puerto Rico.

In accordance with the terms of the Agreement, during the SimpleTech, Inc. warranty period, IBM will provide service to replace SimpleTech, Inc. products which are eligible for service under the Agreement, have an IBM-approved FRU label attached, and are installed in or attached to IBM or Lenovo machines covered by either an IBM or Lenovo maintenance agreement or a purchased upgrade to an IBM or Lenovo machine warranty. The IBM and Lenovo machines are Intel-based desktop and mobile devices. IBM machines may also be Intel-based servers.

The Agreement between IBM and SimpleTech, Inc. in no way constitutes or implies an IBM guarantee as to the quality or performance of the SimpleTech, Inc. product or the machine's performance in which it is installed. IBM's agreement with SimpleTech, Inc.'s product is limited to the replacement of SimpleTech, Inc.'s product during the specified SimpleTech, Inc. warranty period and conditions. IBM is not liable for any performance failures or machine performance problems if such failures or problems should occur as a result of the end user's use of any non-IBM or non-Lenovo product. IBM's and Lenovo's hardware product warranty to the customer remains unchanged and does not cover the SimpleTech, Inc. product.

Should you have any questions, please feel free to contact Mr. Curt Burman (Project Manager, IBM Global Technology Services) at 404-921-5207.

Sincerely,

Edward S. Nocitra

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