

# OEM AGREEMENT

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This OEM Agreement (the "Agreement") is effective [DATE].

**BETWEEN:** [YOUR COMPANY NAME] (the "Supplier"), a company organized and existing under the laws of the [State/Province] of [STATE/PROVINCE], with its head office located at:

[YOUR COMPLETE ADDRESS]

**AND:** [COMPANY NAME] (the "Purchaser"), a company organized and existing under the laws of the [State/Province] of [STATE/PROVINCE], with its head office located at:

[COMPLETE ADDRESS]

THIS OEM AGREEMENT (the "Agreement") is made and entered into as of the date set forth on the cover page hereof (the Effective Date"), between [YOUR COMPANY NAME], (the "Supplier" hereinafter), and [COMPANY NAME], (the "Purchaser" hereinafter).

The Supplier develops, manufactures, produces and/or supplies [DESCRIBE] products and desires to grant to the Purchaser the right to sell and market certain of such products, and combine same with other products manufactured, produced or supplied by the Supplier, all upon the terms and conditions set forth in this Agreement. The Purchaser develops, manufactures and/or sells and distributes [DESCRIBE] products and services and desires to have the right to sell and market the Supplier's products upon the terms and conditions in this Agreement within [SPECIFY].

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

## 1. TERM OF AGREEMENT; DEFINED TERMS

### 1.1. General Relationship

During the term of this Agreement, the Supplier agrees to make available and sell to the Purchaser the Products set forth in Exhibit 1 in accordance with the terms and conditions set forth herein.

### 1.2. Term of Agreement

The term of this Agreement shall commence on the Effective Date and shall remain in full force and effect until terminated by either party as set forth herein.

### 1.3. Definitions

As used in this Agreement, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise:

"APPLICABLE SPECIFICATIONS" means the functional performance, operational and compatibility characteristics of a Product agreed upon in writing by the parties or, by mutual agreement of the parties, as described in applicable Documentation.

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**N Colangelo**



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