



THIRD PARTY TERMS

1. **OVERVIEW.** These supplemental terms for proprietary third party products (“**Third Party Terms**”) apply to your use of third party products. These Third Party Terms may be updated by insightsoftware from time to time. Notwithstanding anything to the contrary in the terms and conditions, master software and services agreement or other similar agreement governing the purchase of Software Licenses and/or Services signed by and between Customer and insightsoftware (or a company acquired by insightsoftware) (“**Agreement**”), these Third Party Terms or otherwise, insightsoftware will have no liability for third party products.
2. **THIRD PARTY PRODUCTS**
 - a. **IBM SUPPLEMENTAL TERMS.** To the extent any IBM products are distributed by insightsoftware, incorporated into insightsoftware Software, or included with insightsoftware Software, including IBM Cognos TM1, IBM Planning Analytics 2.0, IBM SPSS Modeler, and IBM SPSS Server Professional, IBM’s liability to the Customer is excluded to the fullest extent permitted by law.
 - b. **MICROSOFT SUPPLEMENTAL TERMS.** To the extent any Microsoft products are distributed by insightsoftware, incorporated into insightsoftware Software, or included with insightsoftware Software, including Microsoft SQL Server, Microsoft’s liability to the Customer is excluded to the fullest extent permitted by law.
3. **MISCELLANEOUS**
 - a. If a court of competent jurisdiction holds any provision of these Third Party Terms to be unenforceable or invalid, that provision will be limited to the minimum extent necessary so that these Third Party Terms will otherwise remain in effect. Section headings are inserted for convenience only and shall not affect the construction of these Third Party Terms.
 - b. These Third Party Terms, together with the Agreement, are the complete and exclusive statement of the mutual understanding of the parties and supersede and cancel all previous written and oral agreements and communications relating to the subject matter of these Third Party Terms. Except as specifically set forth in these Third Party Terms, all terms and conditions of the Agreement remain in full force and effect. In the event of any conflict between these Third Party Terms and the Agreement, these Third Party Terms will control with respect to the subject matter herein.