\*\*Bluth Banana Cloud Platform Terms of Service\*\*

Welcome to the Bluth Banana Cloud Platform! By using our services, you agree to these terms. Please read them carefully.

1. Scope of Services. Bluth Company, Inc. (“Bluth”) provides users with access to the Bluth Banana Cloud Platform (the “Platform”). The Platform provides various services including hosting, storage, and networking solutions.

2. Uptime Guarantee. We guarantee the Platform will be available 99.9% of the time each month, excluding any Planned Downtime (defined below) (the “Uptime Guarantee”). If we fail to meet this Uptime Guarantee during any calendar month for which you have paid for services, we will issue a credit to your account in accordance with our service level agreement ("SLA").

3. Payment. You must pay all fees in advance for the Platform, unless Bluth agrees otherwise. When you sign up for the Platform, you must provide us with a valid payment method. If your payment method fails, we may suspend or cancel your access to the Platform.

4. Confidentiality. You agree not to disclose any information that you obtain from Bluth about other users or the Platform itself.

5. Acceptable Use. You agree to use the Platform only for lawful purposes and consistent with these Terms. You shall not use the Platform to transmit or store any data that is illegal, infringes on any third party’s rights, or is harmful. Additionally, in accordance with our Acceptable Use Policy, you shall not use the Platform for any criminal or tortious activity, including violating the intellectual property rights of others.

6. Termination. Bluth may terminate these Terms at any time and for any reason, including but not limited to a violation of these Terms or any applicable law. Upon termination, you must immediately cease using the Platform.

7. Limitation of Liability. In no event will Bluth be liable for any indirect, special, consequential, or punitive damages arising out of these Terms or your use of the Platform.

8. Governing Law. These Terms shall be governed by and construed in accordance with the laws of the State of California.