Product Safety Precaution and Release of Liability Waiver

Customer desires to purchase batteries packs from Tenergy with battery cells manufactured by Amprius (the Product) that do not include a Protection Circuit Module ("**PCM**"); Tenergy and Amprius desire to inform Customer of the risks associated with using these battery packs without PCM. Customer is aware that the Products are not intended for any applications or uses that require a PCM and is fully responsible for including into the Products any additional protection functions or components based on the application. Customer acknowledges and accepts the safety precautions set forth on "**Safety Precautions**" section and "**Amprius Battery Cells**" section below. Customer acknowledges that Tenergy assume no liability for Customer's failure to comply with the Safety Precautions. By purchasing the Products, Customer assumes all risks associated therewith.

1. Waiver of Liability and Indemnification.

- 1.1. Customer acknowledges that it voluntarily assumes all risks associated with using the Products without a PCM. Customer, on its own behalf and on behalf of its successors and assigns, hereby and forever releases Amprius and Tenergy, their respective officers, directors, representatives and employees (collectively, the "**Indemnitees**") from any or all claims relating to or arising from Customer's purchase and use of the Products.
- 1.2. Customer shall indemnify and hold harmless the Indemnitees from any responsibility or liability against the Indemnitees for any damages or injuries that may occur.
- <u>Acknowledgement of Risks</u>. Customer acknowledges that it has read and understood the risks, hazards, and safety precautions associated with the Products (specifically, the risks involved with not having a PCM).

3. Safety Precautions

All of the instructions, precautions, and warnings must be read before using or charging the batteries. Lithium polymer batteries are dangerous if mishandled. Failure to read and follow the instructions, precautions, and warnings may result in fire, serious personal injury, and property damage. Neither Tenergy nor Amprius assumes any liability for Customer's failure to comply with these warnings and safety guidelines.

By purchasing the Products, Customer assumes all risks associated therewith. If you do not agree with these conditions, immediately notify Tenergy before use for potential return and/or disposal arrangements. If there is any question regarding these instructions or warnings, please contact Tenergy for clarification.

- A. Before Charging or Discharging
 - Inspect the battery for damage. Do NOT use a damaged battery. If there is uncertainty regarding what is considered a damaged battery, please contact Tenergy for additional guidance.
 - Check the battery packaging, wire leads, and connectors for defects, which may indicate the risk for a short circuit.
 - Inspect the battery for swelling. Do NOT use a swollen battery.
 - Inspect the battery for fluid leakage. Do NOT use a leaking battery. Take precautions to avoid any skin contact with leaking fluids.
 - Inspect the voltage of the battery and individual cells. If the difference in the voltage of the highest and lowest cells is significant or the voltage of any cell is less than 2.0 volts, do not use the battery.

- Inspect the polarity of the battery connector and the mating connection to the charger or battery powered device. Failure to do so could result in a short circuit.
- Inspect the condition of the battery charger and read the instructions for the charger before use. A charger in poor condition could be dangerous and result in a fire. It is solely the user's responsibility to assure the charger is correct for the battery being used and that it is working properly.
- . Do NOT use a battery which has experienced a significant fall / drop event.
- B. Charging
 - Only use a charger designed for Li-Ion/Li-Polymer batteries. If the charger can support multiple battery chemistries, make sure to select the correct mode for Li-Polymer (or Li-Ion) cells. Balance charging is required.
 - Please read the instructions for the charger before connecting any batteries.
 - Batteries should always be charged in an open area away from flammable liquids and materials.
 - Do NOT leave the battery unattended during charging.
 - Do NOT charge batteries if the ambient temperature is greater than 130°F (55°C).
 - Do NOT charge batteries that are hot to the touch (above 105°F / 40°C). Allow the batteries to cool down before charging.
 - Charging voltage should not exceed 4.20V per cell.
 - Do NOT exceed the maximum rated charge current for the battery.
 - Immediately discontinue charging if there is any smoke from the battery or a significant unexpected increase in temperature. Place the battery in a safe, isolated location. *Note: the battery will get warm during charging.*
- C. Discharging
 - Do NOT discharge the batteries if the ambient temperature is greater than 140°F (60°C).
 - Do NOT discharge the batteries if the surface temperature of the cells exceeds 165°F (74°C). Adequate cooling is required for batteries, especially when operating at or near the maximum rated discharge currents.
 - Do NOT discharge the batteries at currents exceeding their maximum ratings.
 - Do NOT discharge the battery below 2.5V per cell.
 - Immediately discontinue discharging the battery if there is any sign of smoke or fire.
 - The battery may become hot during discharging. Care should be taken when handling a battery immediately after a completed discharge cycle.
- D. Storage
 - Always disconnect batteries when not in use.
 - Batteries should be stored in a cool, climate-controlled area. Ideal storage conditions are between 14°F and 77°F (-10°C and 25°C) with a humidity of 65%±20%
 - Batteries which are intended to be stored for long durations should be stored between 30% and 50% state-of-charge (approximately 3.20V to 3.60V per cell) to minimize degradation and the rate of self-discharge. Regularly check the voltage of the batteries in storage. Recharge the batteries if the voltage drops below 3.0V per cell.
 - Batteries should be stored in a fireproof cabinet or other appropriately fire-resistant location, away from other combustible materials.
 - If any cell in the battery drops below 2.0V do NOT recharge the battery and dispose of properly.
 - The battery storage container should be electrically insulated or made of nonconductive materials.
 - Be careful of how the battery leads are positioned during storage to prevent the risk of short circuit.
- E. Safety

- Do NOT puncture, cut, or otherwise disassemble the battery.
- Do NOT drop, hit, or bend the battery.
- Do NOT incinerate or dispose of the battery in a fire.
- Do NOT expose the battery to temperatures exceeding 180°F (82°C).
- Do NOT handle the battery while wearing loose metallic jewelry or other items.
- Do NOT short circuit the battery.
- Do NOT leave the batteries unattended during use.
- Pay special attention when handling tools or sharp objects around the batteries.
- Reverse charging is prohibited. The battery shall be connected correctly according to its' polarity.
- The battery is NOT water resistant. Do not soak the battery or expose it to liquids.
- ONLY charge the battery with a charger appropriate for the battery type.
- Do NOT modify the battery. Any modifications made to the battery will result in the voiding of the warranty.
- ALWAYS store or use the batteries away from children.
- IF at any time the battery becomes damaged or unexpectedly hot, swells, or produces smoke, discontinue charging or discharging immediately. Quickly and safely disconnect the battery from the charger or load. Place the battery and/or charger in a safe, open area, away from flammable materials, ideally in a fire-resistant container (bucket of sand, metal fire box, or a LiPo safety bag). After one hour, if the battery has cooled down and the condition of the battery has stabilized, remove the battery from service and dispose of appropriately. Do NOT continue to handle, attempt to use, or ship the battery. Failure to follow these procedures can result in serious injuries and property damage.
- In case of leakage from the battery, care should be taken to avoid contact with the liquid. Use personal protective gear such as gloves and goggles when it is necessary to handle a leaking battery. In the case where liquid comes into contact with the skin or eyes, immediately flush with fresh water and seek medical advice, if necessary.

4. Amprius Battery Cells:

Selection of Amprius Battery Cell

The Amprius battery cell is known for its high efficiency and high energy density. We acknowledge your choice of the Amprius battery cell for your application. This section reaffirms its benefits while highlighting the importance of understanding the accompanying responsibilities and risks.

Understanding the Risks Associated with Amprius Battery Cells

While Amprius battery cells offer advanced technology and performance, like all battery technologies, they come with potential risks, especially under certain conditions. It is important for customers to be aware of these risks to take appropriate precautions and make informed decisions.

Importance of Adding a Protection Circuit Module (PCM)

A Protection Circuit Module (PCM) is critical for enhancing battery safety and longevity, especially in Li-ion batteries. Although highly recommended, our current battery pack configuration does not include a PCM. It is the customer's responsibility to incorporate a PCM to mitigate risks and enhance safety.

Certification Status of the Battery

Not all Amprius batteries hold UL 1642 or UN38.3 certifications issued by 3rd party lab at the time of sale. These certifications are important indicators of safety and compliance.

The absence of these certifications means customers must be aware of the potential limitations on use, shipping, or insurance.

Customer Acknowledgment and Responsibilities

By proceeding with the purchase and use of the Amprius battery cell, customers acknowledge the information provided here and accept the responsibility to add a PCM, understand the associated risks, and ensure compliance with safety standards and regulations.

We strongly encourage all our customers to take the necessary precautions and steps to ensure their application of the Amprius battery cell is both safe and compliant. Should you have any questions or require further information, please contact us at acknowledge@tenergy.com