IMPORTANT – BIOS & EC FIRMWARE UPDATE DISCLAIMER

PLEASE READ THIS NOTICE IN FULL BEFORE PROCEEDING WITH ANY BIOS OR EMBEDDED CONTROLLER (EC) FIRMWARE UPDATE.

The BIOS and Embedded Controller (EC) firmware updates provided on this page are manufacturer-supplied firmware and update packages provided by ONYX Healthcare. They are made available by Parity Medical to assist customers in maintaining compatibility of supported Onyx Venus systems with required operating-system and security infrastructure updates.

Firmware updates are inherently higher-risk operations. A failed, interrupted or incorrectly performed firmware update may render a system partially or completely inoperable and may require specialist recovery, BIOS reprogramming, mainboard replacement or other remedial action.

By downloading or using any firmware, software, utility, documentation or procedure provided on this page, you acknowledge and accept the following:

1. Manufacturer-Supplied Firmware

The BIOS and EC firmware files are supplied by the manufacturer and are provided by Parity Medical "as is" for use with the specified compatible Onyx systems. To the fullest extent permitted by applicable law, all warranties, conditions, representations and other terms implied by statute, common law or otherwise (including as to satisfactory quality, fitness for purpose and the use of reasonable care and skill) are excluded in relation to the firmware, the Parity deployment utility, ONYX ORION and any associated documentation or procedure.

Parity Medical does not modify the underlying manufacturer firmware files and cannot guarantee that a firmware update will complete successfully on every system or under every operating condition.

Customers are responsible for ensuring that the correct firmware package is selected for the specific system being updated and that all supplied instructions and prerequisites are satisfied before commencing an update.

2. Firmware Update Risks

Firmware updates carry inherent risks, including but not limited to:

- Power interruption or loss during the update process.
- Corruption or failure of the USB or other storage media used to perform the update.
- Existing hardware faults or component degradation.
- Incorrect, incomplete or incompatible firmware files.
- Incorrect sequencing of BIOS and EC updates.
- User intervention or interruption during the update process.
- Operating-system, driver or software conflicts.
- Network, connectivity or communication failures during remote deployment.
- Remote-management software or deployment failures.
- Other environmental, hardware or software conditions outside the control of Parity Medical.

These risks may be increased when firmware updates are performed remotely or using over-the-air (OTA) deployment methods, as the update process may be dependent upon additional hardware, software, network connectivity and remote-management infrastructure.

3. Competent Personnel

BIOS and EC firmware updates should only be performed by a suitably trained and competent IT or technical professional with appropriate experience in firmware deployment and recovery.

Before commencing an update, the person performing the work should ensure that:

- The correct firmware package has been selected for the target system.
- All supplied instructions have been read and understood.
- All required prerequisites have been satisfied.
- The system has a stable power supply throughout the update.
- Any required system information or configuration data has been appropriately backed up.
- The update process will not be interrupted once commenced.
- Appropriate recovery provisions are available should the update fail.

4. Parity USB Deployment Utility

Parity Medical has developed a USB deployment utility to assist customers with the deployment of the manufacturer-supplied BIOS update.

The utility incorporates functionality designed to back up and subsequently restore certain system-specific identifiers and configuration information which may otherwise be affected by the manufacturer BIOS update process.

The Parity deployment utility does not constitute the BIOS or EC firmware itself and does not replace the manufacturer's firmware update process. It is provided solely as an aid to deploying the manufacturer-supplied update.

The utility is provided "as is" and its use is undertaken at the user's own risk. Parity Medical cannot guarantee that the utility will operate successfully in every environment or with every system configuration.

5. ONYX ORION Remote Management Software

ONYX ORION is a manufacturer-supplied remote management and deployment software suite provided by ONYX Healthcare.

Parity Medical does not develop, maintain or control the underlying ONYX ORION software and provides it only as a manufacturer-supplied deployment mechanism.

Customers using ONYX ORION to perform remote BIOS or EC firmware updates should be aware that remote deployment introduces additional risks associated with network connectivity, remote-management software, system availability and communication between the management platform and target device.

Customers should carefully review all warnings and instructions presented by ONYX ORION before initiating a remote firmware update.

6. Customer Responsibility

The customer is responsible for ensuring that firmware updates are performed in accordance with the supplied instructions and that the person performing the update has the appropriate knowledge and competence to undertake the procedure.

Where a customer elects to perform a firmware update remotely, including through ONYX ORION or another remote-management platform, the customer accepts the additional risks associated with remote deployment.

Customers should not attempt to interrupt, restart, power off or otherwise interfere with a system while a BIOS or EC update is in progress unless specifically instructed to do so by the applicable procedure.

The customer is solely responsible for scheduling any firmware update so that it does not affect patient care, including removing the system from clinical use for the duration of the update and any recovery; for backing up all data (including any patient data) before commencing; and for completing any change-control, validation, clinical safety or regulatory assessment required by its own policies or applicable law before returning the system to service.

7. Potential Consequences of a Failed Update

A failed or incomplete BIOS or EC update may result in:

- Failure to boot or POST.
- Loss of display output.
- Loss of network or peripheral functionality.
- Loss or alteration of system identifiers or configuration information.
- Requirement for BIOS or EC reprogramming.
- Requirement for specialist technical intervention.
- Requirement for mainboard replacement.
- Extended system downtime.
- Loss of data or configuration information.

Parity Medical cannot guarantee that a system affected by a failed firmware update will be recoverable without hardware replacement.

8. Limitation of Liability

To the fullest extent permitted by applicable law, Parity Medical accepts no responsibility or liability for any loss, damage, system failure, loss of functionality, loss of data, system downtime, loss of earnings, business interruption, loss of reputation or other consequential or indirect loss arising from or in connection with:

- The use or attempted use of the manufacturer-supplied BIOS or EC firmware.
- The use or attempted use of the Parity Medical USB deployment utility.
- The use or attempted use of ONYX ORION or other remote-management software.
- Any failed, incomplete, interrupted or malfunctioning firmware update.
- Any hardware, software, network, power or environmental condition affecting the update process.
- Failure to follow the supplied instructions, prerequisites or update sequence.

- Any decision by a customer or third party to perform a firmware update remotely or using an OTA deployment method.

If, despite the above, Parity Medical is found liable for any loss or damage arising from or in connection with the matters described in this notice, its total aggregate liability shall not exceed the original cost of the unit.

Nothing in this notice excludes or limits liability for death or personal injury caused by negligence, for fraud or fraudulent misrepresentation, or for any other liability which cannot lawfully be excluded or restricted under applicable law.

9. Warranty and Technical Support

The application of a firmware update may affect the manufacturer's warranty position where the manufacturer's stated requirements, procedures or supported deployment methods are not followed.

Customers should seek clarification from Parity Medical or ONYX Healthcare before proceeding where there is any uncertainty regarding warranty coverage, supported hardware, firmware compatibility or the appropriate deployment method.

If an update fails, do not repeatedly attempt to reapply the firmware or undertake further recovery procedures unless specifically instructed to do so. Contact Parity Medical Technical Support for advice and further diagnostic assistance. Any recovery, reprogramming, repair or replacement required as a result of a failed, incomplete or interrupted firmware update is not covered by any Parity Medical warranty and will be chargeable at Parity Medical's prevailing rates unless otherwise agreed in writing.

10. General

This notice applies in addition to, and does not vary, the Terms and Conditions of Sale on which Parity Medical supplied the relevant system. Any exclusion or limitation of Parity Medical's liability in those terms continues to apply in addition to this notice.

Any person downloading or using the materials on this page on behalf of a customer confirms that they are authorised to accept this notice on the customer's behalf.

If any provision of this notice is found to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

This notice and any dispute or claim arising from or in connection with it shall be governed by the law of England and Wales, and the courts of England and Wales shall have exclusive jurisdiction.

BY PROCEEDING WITH THE FIRMWARE UPDATE, YOU ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTOOD THIS NOTICE AND ACCEPT THE INHERENT RISKS ASSOCIATED WITH FIRMWARE DEPLOYMENT.

If you are not suitably trained or competent to perform BIOS or EC firmware updates, do not proceed. Contact Parity Medical Technical Support for assistance.