

# 5 Boroughs Ice Cream Agreement and Policy Concerning Suggestions

This Agreement sets forth the terms and conditions you agree to by submitting a suggestion through 5 Boroughs Ice Cream LLC web site. We set up this form to allow the many consumers like yourself to submit suggestions to us. This Agreement is intended to avoid misunderstandings. Please read and consider the terms of this Agreement carefully before deciding whether or not to submit your suggestion.

Most of the ideas which are new and useful to us come from people who work at 5 Boroughs Ice Cream LLC. Many outside suggestions are already known or available to us, are in our files for future use or development, or have already been tried or exhausted. However, if you have a strikingly new, unusual or different idea, we want to hear about it!

Your suggestion submitted through this form will be reviewed by 5 Boroughs Ice Cream LLC staff. If we decide to use an idea submitted by you, we may, but are not obligated to, provide you with a prize or nominal award for your suggestion, such as public recognition, free ice cream or other stuff. Any prize or award for an idea used by 5 Boroughs Ice Cream LLC shall be given solely at 5 Boroughs Ice Cream LLC discretion.

In addition to the other terms and conditions of this Policy and Agreement, by submitting a suggestion to 5 Boroughs Ice Cream LLC, you represent and agree as follows:

Anything you submit to us that is used by 5 Boroughs Ice Cream LLC shall be owned by 5 Boroughs Ice Cream LLC.

Anything you submit to us is not confidential and 5 Boroughs Ice Cream LLC has no duty or obligation to hold it in confidence.

You are not aware that your suggestion is owned or claimed to be owned by a third party or that it infringes the patent, copyright, trademark or other intellectual property rights of another.

You are not an employee of 5 Boroughs Ice Cream LLC. Employees of 5 Boroughs Ice Cream LLC are not eligible to submit suggestions pursuant to this Agreement and Policy.

Although 5 Boroughs Ice Cream LLC may, from time to time, provide a prize or award for useful suggestions, it does so in its sole discretion and is not required to do so.

Any award or prize given to you by 5 Boroughs Ice Cream LLC is accepted by you in full consideration of your suggestion.

You do not rely, in submitting your suggestion, on any expectation, understanding, prior communication, or contract you believe is implied, and you understand that only the terms written in this Agreement apply to your submission of your suggestion.

You are at least eighteen (18) years of age.

To the extent the terms of 5 Boroughs Ice Cream LLC general web site Privacy Statement, Terms of Use, and/or any other statements, policies or agreements applicable to the use of 5 Boroughs Ice Cream LLC web site in general, shall differ from the terms of this Agreement, the terms of this Agreement shall apply and shall be controlling.

We encourage you to seek any legal protection of your suggestion that may be available (such as patent, copyright, trademark or other intellectual property protection) before you submit your suggestion to us, or to anyone else. We urge you to consult with an attorney if you are unsure of whether, or how, your suggestion may be protected by law, and before submitting any suggestion for which compensation is sought or for which you seek to submit on terms or conditions other than those stated in this Agreement.

This Agreement is entered into in the State of New York. It, and any dispute arising under or in connection with it, shall be interpreted under the laws of the State of New York (not including conflicts of laws provisions), and, regardless of where you live, you agree to submit to the exclusive jurisdiction of the state and federal courts of the State of New York. No joint venture, partnership, agency, or employment relationship exists between 5 Boroughs Ice Cream LLC and you by virtue of your submitting a suggestion and entering into this Agreement.