

Delay
of per-
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7. Dell's failure to perform any term or condition of this agreement as a result of conditions beyond its control such as, but not limited to, war, strikes, fires, floods, acts of God or governmental restrictions shall not be deemed a breach of this agreement and Dell's time to perform any such term or condition shall be extended by a period equal to the delay in performance caused by any of the foregoing events.

Assign-
ment

9. This agreement may not be assigned by either of the parties hereto without the written consent of the other; shall be binding upon and inure to the benefit of the respective parties and their heirs, executors, administrators and assigns; and shall be interpreted in accordance with the laws of the State of New York applicable to contracts made and to be performed entirely therein.

Notice

10. All notices and communications hereunder shall be directed to each of the parties at their addresses set forth above.