

## **LEGAL NOTICE**

### **If You Purchased A GeForce GTX 970 Graphics Processing Unit Between September 1, 2014 To August 24, 2016, You May Be Entitled To Cash**

*In re NVIDIA GTX 970 Graphics Chip Litigation*, Case No. 15-CV-00760-PJH

#### **WHAT IS THIS NOTICE ABOUT?**

A lawsuit is pending in the United States District Court, Northern District of California, (the "Litigation") that may affect your rights. The Litigation claims that NVIDIA Corporation ("NVIDIA"), Gigabyte Global Business Corporation, G.B.T. Inc., ASUS Computer International, and EVGA Corporation (collectively, "Defendants") sold GeForce GTX 970 graphics processing units ("GTX 970 GPU") to consumers based on inaccurate information regarding the GTX 970 GPU's specifications and performance. Defendants deny these claims. The Court did not rule in favor of Plaintiffs or Defendants. Instead, the parties agreed to a proposed settlement.

#### **AM I A MEMBER OF THE CLASS?**

The class is defined as all persons and entities residing in the United States of America who purchased a GTX 970 GPU from the Defendants, the AIC Partners (defined in the full notice) or their authorized retailers between September 1, 2014 to August 24, 2016 other than for purposes of resale or distribution.

#### **WHAT DOES THE SETTLEMENT PROVIDE?**

Subject to Court approval, Defendants will pay \$30 cash for each qualifying GTX 970 GPU device purchased in the U.S. between September 1, 2014 to August 24, 2016. There is no limit on the number of GTX 970 GPU devices a person can submit a claim for, so long as they submit the necessary proof of purchase.

#### **WHAT ARE MY RIGHTS ?**

You have a choice of whether to stay in the Class or not, and you must decide this now.

1. **You Can Accept the Settlement.** Class Members who wish to receive a Cash Payment **must** submit claims by November 30, 2016. You can access a Claim Form at [www.GTX970settlement.com](http://www.GTX970settlement.com). Read the instructions carefully, fill out the form, and submit it online on or before November 30, 2016. Alternatively, you may also submit a Claim Form by mailing it to the following address: Nvidia GTX 970 Graphics Chip Settlement Administrator, P.O. Box 43431, Providence, RI 02940-3431. It must be postmarked no later than November 30, 2016. Claim Forms may also be e-mailed or faxed to [Admin@GTX970settlement.com](mailto:Admin@GTX970settlement.com) or (877) 811-7556, and must be received by the Administrator no later than 11:59 p.m. Pacific Time on November 30, 2016 to be considered valid. If you fail to submit a timely Claim Form and do not exclude yourself from the Settlement, then you will be bound by the Settlement but will not receive a Cash Payment. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won't be able to sue, or continue to sue, Defendants as part of any other lawsuit involving the same claims that are in this lawsuit.

2. **You Can Object to the Settlement.** You can ask the Court to deny approval by filing an objection with the Court. You can't ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. You may hire your own lawyer to appear in Court for you if you wish; however, if you do, you will be responsible for paying that lawyer on your behalf.

Objections to the proposed Settlement will be considered by the Court only if such objections are filed in writing by November 8, 2016 with the Clerk of the Court at Clerk of the Court, United States District Court, Northern District of California, 1301 Clay Street, Suite 400S, Oakland, CA 94612. Objections must clearly state your name, address, telephone number, the title of this Litigation, the manufacturer or Product Identification Number for your GTX 970 GPU, and provide a detailed description of the grounds for each objection you make.

3. **You Can "Opt Out" of the Settlement.** If you exclude yourself from the Class – which is sometimes called "opting out" of the Class – you won't get a payment from the Settlement but won't be barred from asserting claims against Defendants. Such notice shall include your name, address, telephone number, Unit brand, approximate date of purchase, and a statement that you want to be excluded from the lawsuit *In re NVIDIA GTX 970 Graphics Chip Litigation, Case No. 15-CV-00760-PJH*. Send the written notice to Nvidia GTX 970 Graphics Chip Settlement Administrator, P.O. Box 43431, Providence, RI 02940-3431 **no later than November 8, 2016**.

#### **THE FAIRNESS HEARING**

On December 7, 2016, at 9 a.m., the Court will hold a hearing in the United States District Court for the Northern District of California to determine: (1) whether the proposed Settlement is fair, reasonable, and adequate and should receive final approval; and (2) whether the application for Plaintiffs' attorneys' fees and expenses of \$1.3 million (which is in addition to and separate from all other consideration and remedies available to the Settlement Class), and a total payment of up to \$25,000 to some or all of the 24 named plaintiffs should be granted. Class Members who support the proposed Settlement do not need to appear at the hearing or take any other action to indicate their approval.

#### **HOW CAN I GET MORE INFORMATION?**

This is only a summary of the Settlement. If you have questions or want to view the detailed notice or other documents about this lawsuit, including the Settlement Agreement, you may visit [www.GTX970settlement.com](http://www.GTX970settlement.com). You may also contact Class Counsel by email at [info@bursor.com](mailto:info@bursor.com), or call the Settlement Administrator at: (844) 312-5253. You may also review the Court's docket for this case online at <https://ecf.cand.uscourts.gov> or visit the Court Clerk's office during regular business hours.

By Order of the United States District Court for the Northern District of California.