

Privacy Policy

This Privacy Policy discloses the practices of Motus Global, Inc (“Motus”) concerning information we obtain by and through your use of the Motus website (the “Site”) and/or the Motus Mobile Application (the “Product”) and the services provided through either the Site or the Product (the “Services”). Motus is committed to respecting your privacy and recognizing your need for appropriate protection and management of Personally Identifiable Information you share with us. The purpose of this privacy policy is to explain the types of information Motus obtains about visitors to our Site and users of our Product and Services, how the information is obtained, how it is used, and the choices you have regarding our use of, and your ability to review and correct, the information. By using the Site, the Service and/or the Product, you are accepting and consenting to the use of your information as described in this policy.

1. What Information We Collect

The information we collect on our Site and through the use of our Product or Services generally falls into the following two categories: Personally Identifiable Information and Non-Personally Identifiable Information. If we do combine Non-Personally Identifiable Information with Personally Identifiable Information, the combined information will be treated as personal information for as long as it remains combined.

Personally Identifiable Information

Personally Identifiable Information refers to information that lets us know the specifics of who you are. The Personally Identifiable Information we collect may include: your name, date of birth, e-mail address, login name, passwords, etc. We request Personally Identifiable Information when you register on the Site or through the Product.

Non-Personally Identifiable Information

Non-Personally Identifiable Information refers to information that does not by itself identify a specific individual. The non-personally identifiable data we collect when you visit our Site may include: the Uniform Resource Locator (“URL”) of the Web site that you came from before visiting our Site, which pages you visit on our Site, which URL you go to next, which browser you used to come to our Site, your Internet Protocol (“IP”) address, and any search terms entered on our Site.

We also collect Non-Personally Identifiable Information in the form of statistics and information regarding the Product user's game statistics and metrics obtained from third party devices (for example, bat speed, hand speed, swing time, etc.), which may be combined with personal information you submit through the Product and/or Services so that you can fully enjoy the benefits of Motus's tracking, monitoring, and diagnostic tools. We may also request the following information as part of your profile so that you can fully enjoy the features and functions of our Services: your weight, gender, handedness (right or left), and your team name. Your use of the Product may also include collection of information from your mobile device. For example, the Motus mobile application may request your permission to collect location data and/or may request access to multimedia (photos or videos) stored on your mobile device. Location data is not required for participation in activities through the Product, and you have the option of declining collection of geolocation data. If you do not wish for your location data to be shared with Motus, please respond accordingly when prompted on your mobile device, or visit the your mobile device settings. Multimedia will only be collected from your device if you affirmative select it to upload to the application (i.e. you choose an image or video to store within the Product). Multimedia will not be shared with other Motus users (with the exception of your profile photo, which will appear in your user profile).

Cookies

Our Site uses or may use "cookies" to gather Non-Personally Identifiable Information. A cookie is a small amount of data that is sent to your browser from a web server and stored on your computer's hard drive. Generally, we use cookies to store information about your preferences and activity during and after your visit to a web site. Most browsers automatically accept cookies, but you can usually refuse cookies, or selectively accept certain cookies, by adjusting the preferences in your browser. If you turn off cookies, though, there may be some features of our Site that will not be available to you and some Web pages may not display properly. By using the Site and/or Product, you consent to Motus' use of "cookies."

2. Why We Collect Information About You

Our primary goals in collecting information from and about you are to:

- provide you with the all features and functions of the Site, the Service and the Product, including tracking, monitoring and diagnostic tools;
- communicate with you regarding our Service and/or Product;
- provide all visitors a smooth, efficient, and personalized experience while using our Site, Service and/or Product.

We may also use Non-Personally Identifiable Information on an aggregated and anonymous basis to analyze customer behavior and to help us understand how visitors use our Site and/or Product. We use this information to gather statistical information, improve the content of our Site, to make our Site easier to use, and we may use it to customize our advertising (but we will not provide Personally Identifiable Information to advertisers).

We may also use information relating to use of the Site and the Product on an anonymous and aggregate basis for research purposes, for marketing and promotional purposes, and to develop new tools and solutions; when your information is used for such purposes it will be used anonymously and will not be tied to your Personally Identifiable Information.

3. How We Collect Information

We collect Personally Identifiable Information only when you provide it to us. If you do not wish for your Personally Identifiable Information to be used or collected, please do not submit it to us. There may be times, such as when a User registers through the Site and/or Product and/or signs up for any other product or service we may offer through the Site or the Product, at which we will ask you to provide certain information about yourself, such as your name, e-mail address, gender, etc. Whether or not you choose to provide such information is completely your own choice. But if you choose not to provide the information we request, you may be unable to use certain services, offers, and content on our Site, or that may be available by using the Product.

Our Site and Product may automatically collect Non-Personally Identifiable Information, including the web page from which a visitor enters our Site, which pages a visitor visits on our Site, and on some Sites, how much time a visitor spends on each page. Your mobile device may also collect certain information if permitted by you, including geolocation data.

4. How We Use Information About You

Our primary use of your information is to provide you with Services through the Site and the Product. Your information (for example, your username and various metrics for activities) may be shared with other Users of the Product or Site with whom you choose to share information (for example, a teammate, friend, or coach). If you choose to enable the “Leaderboard” feature within the Product, your username and certain metrics or statistics may also be shared with other users of the Product (for example, a Product user’s username and high scores for an

activity may be shared with other users on a display that is visible to other Product users). You can update your preferences regarding the sharing of your information at any time by accessing your Profile on the Site. For example, if you do not wish to share your information on the Leaderboard, disable the Leaderboard function within your profile settings.

We may use Non-Personally Identifiable Information (for example, statistics regarding game play and metrics) for research purposes, for marketing and promotional purposes, and to develop new learning tools and solutions and we may share such information with third parties, including researchers and/or advertisers, on an aggregate and anonymous basis.

We may also use the information you provide for customer support and to respond to your requests in a timely fashion.

5. How We Protect Your Information

We use reasonable technological and physical safeguards to protect Personally Identifiable Information you provide to us from loss, misuse and unauthorized access, disclosure, alteration and destruction. We follow generally accepted industry standards to protect the information submitted to us, both during transmission and once we receive it. No method of transmission over the Internet is 100% secure, however. Therefore, while we strive to make all reasonable efforts to use commercially acceptable means to protect your personal information, we cannot guarantee its absolute security. In the unlikely event of a data breach, you will be notified as soon as reasonably possible.

We urge you to keep any password for use of the Service and/or Site in a safe place and not to divulge it to anyone. Also remember to sign off your account and close your browser window when you have finished your visit to the Site.

6. How to Correct or Remove Personal Information

If you do not want your Personally Identifiable Information collected or stored, please do not submit it to us. If you have already submitted personal information and would like us to correct or remove your information from our records, please contact msupport@motusglobal.com.

7. Children's Online Privacy and Protection Act

Children's privacy is important to us and we are committed to safeguarding children's personal information collected online and complying with the Children's Online Privacy Protection Act. To do so, Motus takes precautions to make sure that parents of users under the age of 13 receive direct notice of Motus's privacy policy and give parental consent before collecting any personal information from users under the age of 13. Certain features or functions may be disabled for users under the age of 13 until verifiable parental consent is given.

For parents of Motus Product users under 13, please email msupport@motusglobal.com to do any of the following:

- access the personally identifiable information that Motus has collected from your child and/or correct any errors in such information;
- request to have this information deleted; or
- request that we no longer collect or maintain such information.

Upon receiving your request, to protect your child's privacy and security online, we will take appropriate steps to verify your identity before granting you access to the personal information we collect and maintain about your child.

8. Disclosures to Third Parties

Generally speaking, we do not share your Personally Identifiable Information, or the Personally Identifiable Information of your child, with third parties.

However, we may share your information with third parties as follows:

- **With Service Providers and/or Affiliates:** We may use other companies to perform services including, without limitation, facilitating some aspects of our Site or Service such as processing credit card transactions and/or sending emails. These other companies may be supplied with or have access to your information solely for the purpose of providing these services to you on our behalf.
- **Special Circumstances:** We also may disclose your information, including Personally Identifiable Information, in the following circumstances:

- In response to a subpoena or similar investigative demand, a court order, or other request from a law enforcement or government agency; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law;
- When we believe disclosure is appropriate in connection with efforts to investigate, prevent, or take other action regarding illegal activity, suspected fraud or other wrongdoing; to protect and defend the rights, property or safety of our company, our users, our employees, or others; to comply with applicable law or cooperate with law enforcement; or to enforce our Site's terms and conditions or other agreements or policies.
- In connection with a corporate transaction, such as the sale of all or a portion of our business, a divestiture, merger, consolidation, or asset sale, or in the event of bankruptcy. We will endeavor to contact you in the event of any of these transactions, but we do not promise to do so.

9. Links to Third Party Sites and/or Integration with Third Party Platforms

Our Site and Product may interface with third party sites and services, (for example, social media platforms like Facebook, Twitter, Google+ or other third party applications, sites or services). Our Site may also contain links to websites operated and maintained by third parties, over which we have no control.

Privacy policies for these third party sites and services may be different from our privacy policy. You access these third party sites and services at your own risk. You should always read the privacy policy of a linked site or integrated service before disclosing any personal information on such site and/or through such service. Motus is not responsible for information you submit to third parties.

Currently, to help facilitate login to our Product and sharing of Motus activities with existing friends and contacts, we offer a sign-on service that allows you to sign into the Product using login credentials from your existing social media account. This allows you to associate your existing social media profile with your Motus account. By linking these accounts, Motus will have access to certain profile information contained within your social media profile; this may include your full name, e-mail, locale, gender, profile picture, and friends list as well as other publicly available profile information. Motus uses this information only to facilitate your use of the Motus Product and your sharing of Motus content with existing friends and contacts. No Motus content will ever be shared on your social media profile without your express permission and affirmative action. You can disassociate your social media account from your Motus account at any time by accessing your social media platform settings.

10. Policy Changes

To improve the services it can offer you, Motus may opt to expand its capabilities for obtaining information about users in the future. Motus will update this privacy statement continually to ensure that you are aware of developments in this area. We will post those changes here so that you will always know what information we collect online on through our Product, how we use it, and what choices you have. Please be sure to check this page before proceeding to use our Site or using the Product. Any material changes will be communicated to you directly via email or other notice within the Product.

11. Questions or Feedback

If you have any questions or comments regarding our privacy policy and practice, please contact us at msupport@motusglobal.com.

Last modified: Jan 1, 2019.

4852-6917-7116.1