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Attorneys for Petitioners
Anoto AB and Livescribe, Inc.

Attorneys for Respondent
LeapFrog Enterprises, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Anoto AB and Livescribe, Inc.,

Petitioners,

v.

LeapFrog Enterprises, Inc.,

Respondent.

CASE NO. 3:16-CV-06209-JST

**STIPULATION AND [~~PROPOSED~~]
ORDER TO WITHDRAW PETITION
TO CONFIRM ARBITRATION
ORDER**

1 Petitioners Anoto Group AB and Livescribe, Inc. (“Petitioners”), and Respondent LeapFrog
2 Enterprises, Inc. (collectively “the Parties”), through their respective counsel of record, hereby
3 advise the Court that their executives have agreed to certain terms ("Executive Agreement") that will
4 resolve the Petition To Confirm Arbitration Order, assuming compliance with those terms. They
5 continue to work on an agreement that may resolve this matter entirely. The Executive Agreement is
6 as follows:

7 1. By December 15, 2016, LeapFrog shall ship 30,000 DotPos units to the following
8 address: Anoto Group AB, c/o Schenker International (H.K.) Ltd., 10/F, Winner Godown Building,
9 1-9 Sha Tsui Road, Tsuen Wan, NT, HK, by FedEx International Priority;

10 2. By December 31, 2016, LeapFrog shall ship 24,180 DotPos units to the address and
11 by the shipment method specified in Section 1, above;

12 3. Conditioned on prepayment by Anoto of US\$ 225,000 on or before January 1, 2017,
13 LeapFrog shall ship (a) 50,000 DotPos units by January 15, 2017 and (b) 50,000 DotPos units by
14 February 15, 2017, to Anoto at the same address and by the same method specified in Section 1,
15 above. In the event of a *force majeure* event (a public disorder, disaster, war, insurrection, flood,
16 fire, act of God, failure of supply or utility or other occurrence beyond the reasonable control of
17 LeapFrog) which directly impedes LeapFrog’s ability to perform its obligations with respect to this
18 Section 3, the applicable date(s) for LeapFrog’s performance shall be adjusted and extended for a
19 period equal to the duration of such *force majeure*.

20 In view of the above Agreement, the Parties stipulate, with the Court’s permission, that:

21 1. Petitioners’ Petition to Confirm Arbitration Order [Dkt. 1], previously scheduled for a
22 hearing on November 14, 2016, at 2:00 p.m., is withdrawn without prejudice; and

23 2. Judge Tigar retains jurisdiction over this matter to enforce this Order and the
24 Executive Agreement included herein.

25 **ATTESTATION**

26 By his signature below, counsel for Petitioners Anoto Group AB and Livescribe, Inc. hereby
27 attests that counsel for Respondent concurs in the filing of this document.
28

1 Dated: November 17, 2016

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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11 Dated: November 17, 2016

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Attorneys for Respondent
Leapfrog Enterprises, Inc.

PROPOSED ORDER

Pursuant to the foregoing stipulation of the parties, IT IS SO ORDERED.

26 Date: November 22, 2016



The Honorable Jon S. Tigar
United States District Court Judge

STIPULATION
AND ~~PROPOSED~~ ORDER
CASE NO. 3:16-CV-06209-JST