

# Information Form and Checklist

## Annexure III (Foreign Entities)

Name of entity

ABN/ARBN/ARSN

AirXpanders, Inc.

ARBN 604 398 423

**This Annexure forms part of the Information Form and Checklist supplied by the entity named above to support its application for admission to the official list of ASX Limited (ASX) as an ASX Listing.**

Nº	Item	Location
1.	Evidence that the entity has appointed an agent for service of process in Australia (Listing Rule 1.1 Condition 4(b))	Refer Tab 13.
2.	Evidence that the entity is registered as a foreign company in Australia (Listing Rule 1.1 Condition 4(c))	Refer Tab 13.
3.	Where in the Offer Document does it state the entity's place of incorporation or registration (Guidance Note 4 section 3.2)?	Refer Section 3.1 (page 25)
4.	Where in the Offer Document does it include a statement to the effect that: "As [name of entity] is not established in Australia, its general corporate activities (apart from any offering of securities in Australia) are not regulated by the Corporations Act 2001 of the Commonwealth of Australia or by the Australian Securities and Investments Commission but instead are regulated by [insert name of governing legislation] and [insert name of corporate regulator administering that legislation]." (Guidance Note 4 section 3.2)?	See Important Notices – Regulation of AirXpanders.
5.	Where in the Offer Document does it include a concise summary of the rights and obligations of security holders under the law of its home jurisdiction covering: <ul style="list-style-type: none"> <li>• what types of transactions require security holder approval;</li> <li>• whether security holders have a right to request or requisition a meeting of security holders;</li> <li>• whether security holders have a right to appoint proxies to attend and vote at meetings on their behalf;</li> <li>• how changes in the rights attaching to securities are regulated;</li> <li>• what rights do security holders have to seek relief for oppressive conduct;</li> <li>• what rights do security holders have to bring or intervene in legal proceedings on behalf of the entity; and</li> <li>• whether there is any equivalent to the "two strikes" rule in relation to remuneration reports in Part 2G.2 Division 9 of the Corporations Act (Guidance Note 4 section 3.2)?<sup>1</sup></li> </ul>	Refer Section 11.6 (pages 108 to 113).
6.	Where in the Offer Document does it include a concise summary of how the disclosure of substantial holdings and takeovers are regulated under the law of its home jurisdiction (Guidance Note 4 section 3.2)? <sup>2</sup>	Refer Section 11.6 – Section titled "Takeovers" (page 112).

<sup>1</sup> The concise summary is not intended to be a legal treatise on the laws of the entity's home jurisdiction or a detailed comparative analysis of those laws with the laws of Australia. For those matters where the entity's home jurisdiction has broadly comparable laws to Australia, a statement to that effect will generally suffice.

<sup>2</sup> See note 1 above.

Nº	Item	Location
7.	<p>Where in the Offer Document does it disclose what accounting standards have been used to prepare the pro forma statement of financial position in the Offer Document (Listing Rules 1.2.3(c) and 1.3.5(c))?</p> <p>Note: Those accounting standards must be Australian Accounting Standards, International Financial Reporting Standards (IFRS) as adopted by the EU, or the accounting standards and generally accepted accounting principles applied in Canada, Hong Kong, New Zealand, Singapore, South Africa or USA, or otherwise ASX must specifically agree to the use of those accounting standards (Listing Rule 19.11A(b) and Guidance Note 4 section 3.6).</p>	Refer Section 5.1 (page 47).
8.	<p>Where in the Offer Document does it disclose what auditing standards were applied to the review of the pro forma statement of financial position in the Offer Document (Listing Rules 1.2.3(c) and 1.3.5(c))?</p> <p>Note: those auditing standards must be Australian Auditing Standards, International Standards on Auditing or US Auditing Standards, or otherwise ASX must specifically agree to the use of those auditing standards (Listing Rule 19.11A(c) and Guidance Note 4 section 3.6).</p>	Refer Section 8 – Grant Thornton Independent Limited Assurance Report (pages 82 to 87).
9.	Where in the Offer Document does it disclose what accounting standards the entity will apply to the preparation of its financial statements after it is listed?	Refer Section 5.5 (page 53).
10.	If those accounting standards are not Australian Accounting Standards, International Financial Reporting Standards (IFRS) as adopted by the EU, or the accounting standards and generally accepted accounting principles applied in Canada, Hong Kong, New Zealand, Singapore, South Africa or USA, where in the offer document does it disclose that ASX has agreed to the use of those accounting standards (Listing Rule 19.11A(b) and Guidance Note 4 section 3.6)?	N/A
11.	Where in the Offer Document does it disclose what auditing standards the entity's auditor will apply to the entity's financial statements after it is listed?	Refer Section 5.5 (page 53).
12.	If those auditing standards are not Australian Auditing Standards, International Standards on Auditing or US Auditing Standards, where in the Offer Document does it disclose that ASX has agreed to the use of those auditing standards (Listing Rule 19.11A(c) and Guidance Note 4 section 3.6)?	N/A