

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

Miscellaneous Docket No. 913

IN RE AFFYMETRIX, INC.,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Western District of Wisconsin in case no. 09-cv-277, Judge Barbara B. Crabb.

ON PETITION FOR WRIT OF MANDAMUS

Before RADER, Circuit Judge.

ORDER

Affymetrix, Inc. submits a petition for a writ of mandamus to direct the United States District Court for the Western District of Wisconsin to vacate its September 21, 2009 order denying Affymetrix's motion to transfer venue, and to direct the Wisconsin district court to transfer the case to the United States District Court for the Northern District of California.

Upon consideration thereof,

IT IS ORDERED THAT:

Illumina, Inc. is directed to respond no later than October 23, 2009.

FOR THE COURT

OCT 13 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Ron E. Shulman, Esq.
Jeffrey N. Costakos, Esq.
Clerk, United States District Court for the Western District of Wisconsin

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

OCT 13 2009

JAN HORBALY
CLERK