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

In re Affymetrix Derivative Litigation

NO. C 06-05353 JW

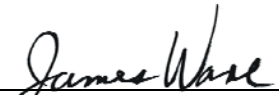
**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

On January 26, 2009, the parties are scheduled to appear for a Case Management Conference. The parties have timely filed a Joint Case Management Statement. (See Docket Item No. 130.) In their Joint Statement, the parties represent that they have made progress toward a mediated resolution of this action and request additional time to proceed with mediation before holding a conference with the Court. Based on this representation, the Court finds that a Case Management Conference is unnecessary at this time.

Accordingly, the Court VACATES the January 26, 2009 Case Management Conference. The parties shall instead appear for a Case Management Conference on **March 23, 2009 at 10:00 a.m.** On or before **March 13, 2009**, the parties shall file a Joint Status Report, in which they shall apprise the Court of their progress toward settlement.

In light of this extension, the Court encourages the parties to use the time and work in good faith to reduce their settlement to a writing. Otherwise, the parties shall propose a schedule to advance this case in their Joint Status Report.

Dated: January 21, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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11 **Dated: January 21, 2009**

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

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