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21 (additional counsel listed on signature pages)

22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**
24 **SAN JOSE DIVISION**

25 In Re Affymetrix
Derivative Litigation

27 This Document Relates To:
28 ALL ACTIONS



) Case No. C 06-5353 JW

) **STIPULATION AND [PROPOSED]**
) **ORDER EXTENDING TIME FOR**
) **RESPONDING TO COMPLAINT**

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STIPULATION

Whereas, on October 24, 2008 this Court granted in part and denied in part Defendants' motion to dismiss the Verified Second Amended Consolidated Shareholder Derivative Complaint with leave to amend;

Whereas, Defendants currently have until November 7, 2008 to file a responsive pleading;

IT IS HEREBY STIPULATED by and between the undersigned as follows:

Defendants shall have until November 24, 2008 to answer the Verified Second Amended Consolidated Shareholder Derivative Complaint.

Dated: November 7, 2008

DAVIS POLK & WARDWELL

By: /s/ Arthur J. Burke
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Dated: November 7, 2008

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Dated: November 7, 2008

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Dated: November 7, 2008

SCHIFFRIN BARROWAY
TOPAZ & KESSLER LLP

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Dated: November 7, 2008

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 7th day of November, 2008, at Menlo Park, California.

/s/ Arthur J. Burke
Arthur J. Burke

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: November 20, 2008


JUDGE JAMES WARE