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

24 _____) Case No. C 06-5353 JW

25 In Re Affymetrix)
 Derivative Litigation)

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

27 This Document Relates To:)
 ALL ACTIONS)

28 _____)
 STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR RESPONDING TO COMPLAINT
 CASE NO. C 06-5353 JW

1 STIPULATION

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

5 Whereas, Plaintiffs have elected not to file an amended complaint as permitted by the Court
6 in its October 24, 2008 Order, and have designated the Second Amended Complaint as the
7 operative complaint to which Defendants must respond;

8 Whereas, the deadline to respond to the Second Amended Complaint was extended by
9 stipulation and order to November 24, 2008;

10 Whereas, the parties are discussing settlement possibilities and the brief extension set forth
11 below will enable the parties to determine whether such discussions would be productive to engage
12 in at this time;

13 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject
14 to approval of the Court, that Defendants shall have until December 3, 2008, to answer the Second
15 Amended Complaint.

16
17 Dated: November 21, 2008

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