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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

19) Case No. C 06-5353 JW
 In Re Affymetrix)
 20 Derivative Litigation)

21 _____) **STIPULATION AND [PROPOSED]**
 This Document Relates To:) **ORDER EXTENDING TIME FOR**
 22 ALL ACTIONS) **RESPONDING TO COMPLAINT**
 23 _____)

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, the deadline to respond to the Second Amended Complaint was extended by
6 stipulation and order to December 3, 2008;

7 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject
8 to approval of the Court, that Nominal Defendant Affymetrix shall have until December 4, 2008, to
9 answer the Second Amended Complaint.

10
11 Dated: December 3, 2008

DAVIS POLK & WARDWELL

12 By: /s/ Arthur J. Burke

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21 Dated: December 3, 2008

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Dated: December 3, 2008

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