1 2 3 4 5	ARTHUR J. BURKE (229589) DAVIS POLK & WARDWELL 1600 El Camino Real Menlo Park, CA 94025 Telephone: (650) 752-2005 Facsimile: (650) 752-3605 E-mail address: arthur.burke@dpw.com <i>Counsel for Nominal Defendant Affymetrix</i>	
6 7 8 9 10 11 12 13 14 15	ROBIN WINCHESTER BARROWAY TOPAZ KESSLER MELTZER & CHECK, LLP 280 King of Prussia Road Radnor, PA 19087 Telephone: (610) 667-7706 Facsimile: (610) 667-7056 E-mail address: rwinchester@sbtklaw.com <i>Lead Counsel for Lead Plaintiffs</i> TRAVIS E. DOWNS III (148274) COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP 655 West Broadway, Suite 1900 San Diego, CA 92101-3301 Telephone: (619) 231-1058 Facsimile: (619) 231-7423 E-mail address: travisd@csgrr.com <i>Lead Counsel for Lead Plaintiffs</i>	
16 17 18	Leta Counsel for Leta Flamings UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION	
19 20 21 22 23	In Re Affymetrix Derivative Litigation This Document Relates To: ALL ACTIONS	) Case No. C 06-5353 JW ) STIPULATION AND [PDOPOSIDO ) ORDER EXTENDING//IME FOR ) RESPONDING TO COMPLAINT
24 25 26		
27 28		Extending Time for Responding to Complaint 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, 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: <u>/s/ Arthur J. Burke</u>	
13	Arthur J. Burke (229589) 1600 El Camino Real Marta Bark, California, 04025	
14	Menlo Park, California 94025 Telephone: (650) 752-2005	
15	Facsimile: (650) 752-3605 E-mail address: arthur.burke@dpw.com Counsel for Nominal Defendant Affymetrix	
16	Dated: December 3, 2008 BARROWAY TOPAZ KESSLER MELTZER	
17	& CHECK, LLP By: <u>/s/ Robin Winchester</u>	
18	Robin Winchester 280 King of Prussia Road	
19	Radnor, PA 19087 Telephone: (610) 667-7706	
20	Facsimile: (610) 667-7056 E-mail address: rwinchester@btkmc.com	
21	Lead Counsel for Lead Plaintiffs	
22	Dated: December 3, 2008 COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP	
23	By: <u>/s/ Travis E. Downs III</u> Travis E. Downs III (148274)	
24	655 West Broadway, Suite 1900 San Diego, CA 92101-3301	
25	Telephone: (619) 231-1058 Facsimile: (619) 231-7423	
26	E-mail address: travisd@csgrr.com Lead Counsel for Lead Plaintiffs	
27	Leau Counsei for Leau I tantitijs	
28	STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR RESPONDING TO COMPLAINT CASE NO. C 06-5353 JW	

1	ATTESTATION PURSUANT TO GENERAL ORDER 45	
2	I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained	
3	from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.	
4	Executed on this 3rd day of December, 2008, at East Palo Alto, California.	
5	/s/ Arthur J. Burke	
6	Alului J. Bulke	
7	ORDER	
8	PURSUANT TO STIPULATION, IT IS SO ORDERED	
9		
10	DATED: December 9, 2008 James Ubse	
11	DATED: December 9, 2008	
12	JUDE JAMES WARE	
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27	2	
28	STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR RESPONDING TO COMPLAINT CASE NO. C 06-5353 JW	