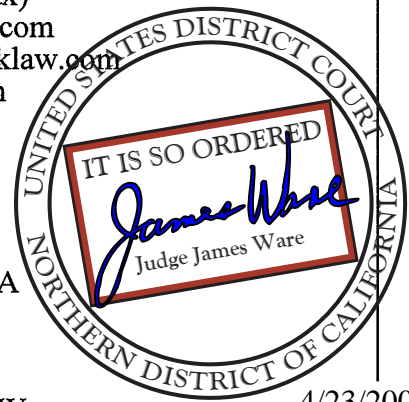


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11 Lead Counsel for Plaintiffs

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION



15 In re AFFYMETRIX DERIVATIVE)
 LITIGATION)
 16 _____)
 17 This Document Relates To:)
 18 ALL ACTIONS.)
 19 _____)

No. C-06-05353-JW
 NOTICE OF STATUS OF FILING
 SETTLEMENT DOCUMENTS
 DATE: April 27, 2009
 TIME: 9:00 a.m.
 COURTROOM: The Honorable
 James Ware

4/23/2009

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1 This statement is filed on behalf of Federal Plaintiffs Samuel D. Powers, Dr. Norman Bolz
2 and Dr. Irwin Berkowitz, Individual Defendants Stephen P.A. Fodor, Ph.D., Paul Berg, John A.
3 Young, John D. Diekman, Vernon R. Loucks, Jr., David B. Singer, Kenneth J. Nussbacher, Richard
4 P. Rava, Gregory T. Schiffman, Susan E. Siegel, Edward M. Hurwitz, Vernon A. Norviel and
5 Ronald D. Verdoorn, nominal defendant Affymetrix, Inc. ("Affymetrix") and Affymetrix's Special
6 Litigation Committee of its Board of Directors. We previously advised the Court that the parties in
7 this action have agreed to terms on a settlement of this derivative action, and a hearing for
8 preliminary approval of the proposed settlement has been set for Monday, April 27, 2009, at 9:00
9 a.m. The parties have been diligently working on the drafting of a mutually agreeable stipulation of
10 settlement and supporting papers over the last several weeks. The negotiation and drafting of those
11 papers is completed and the parties are in the process of final approval. As a result, the parties
12 believe that they will be able to file the stipulation and supporting papers no later than noon on
13 Wednesday, April 29, 2009. The parties therefore respectively propose that the hearing for
14 preliminary approval of settlement be continued until Monday, May 4, 2009, at 9:00 a.m., or such
15 time that would be convenient for the Court.

16 DATED: April 23, 2009

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JEFFREY D. LIGHT

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Lead Counsel for Plaintiffs

IT IS SO ORDERED:

The Preliminary Approval hearing currently set for April 27, 2009 at 9:00 AM is CONTINUED to May 4, 2009 at 9:00 AM. The parties are to file their respective documents on or before **April 29, 2009 by NOON.**

Dated: April 23, 2009


United States District Judge James Ware

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 23, 2009.

s/ Jeffrey D. Light
JEFFREY D. LIGHT

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Manual Notice List

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