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## **Affymetrix and Incyte Genomics Settle All Patent Infringement Litigation**

December 21, 2001

Palo Alto, CA, and Santa Clara, CA, December 21, 2001—Incyte Genomics, Inc. (Nasdaq: INCY), the leading genomics information company, and Affymetrix, Inc., the leader in creating breakthrough tools for the genomic revolution (Nasdaq: AFFX), today announced a comprehensive settlement of all existing infringement litigation between the two companies. The first lawsuit involved several of Affymetrix microarray-related patents (U.S. Patent Nos. 5,445,934, 5,744,305, 5,800,992, 5,871,928, 6,040,193). The second lawsuit involved Incyte's RNA amplification patents (U.S. Patent Nos. 5,716,785, 5,891,636). The companies have agreed to cross-licenses under their respective intellectual property portfolios. Financial terms were not disclosed. Affymetrix and Incyte also are investigating possible future commercial agreements between the companies.

### About Incyte Genomics:

Incyte Genomics, Inc. has developed the leading integrated platform of genomic technologies designed to aid in the understanding of the molecular basis of disease. Incyte develops and markets genomic databases and partnership programs, related reagents and services. These products, programs and services assist pharmaceutical and biotechnology researchers with all phases of drug discovery and development including gene discovery, understanding disease pathways, identifying new disease targets and the discovery and correlation of gene sequence variation to disease. In addition, Incyte has the largest portfolio of issued United States patents covering human full-length genes and the proteins they encode and is leveraging its intellectual property position to be a leader in therapeutic discoveries. For more information, visit Incyte's web site at [www.incyte.com](http://www.incyte.com).

### About Affymetrix:

Affymetrix is the market leader in creating breakthrough tools that are driving the genomic revolution. By applying the principles of semiconductor technology to the life sciences, Affymetrix develops and commercializes systems that help scientists alleviate human suffering and improve the quality of life. The Company's customers include pharmaceutical, biotechnology, agrochemical, diagnostics and consumer products companies as well as academic, government and other non-profit research institutes. Affymetrix offers an expanding portfolio of integrated products and services, including its integrated GeneChip platform, to address growing markets focused on understanding the relationship between genes and human health. Additional information on Affymetrix can be found at [www.affymetrix.com](http://www.affymetrix.com).

*For Incyte: Except for the historical information contained herein, the matters set forth in this press release, including, without limitation, statements regarding future commercial agreements between the parties, the ability of Incyte's products and services to enhance the research efforts of its customers and Incyte's ability to leverage its intellectual property position to become a leader in therapeutic discoveries, are forward-looking statements within the meaning of the "safe harbor" provisions of the Private Securities Litigation Reform Act of 1995. These forward-looking statements are subject to risks and uncertainties that may cause actual results to differ materially, including the impact of competition and alternative technologies, processes and approaches on Incyte's business; Incyte's ability to compete against competitors that may have greater financial or other resources; changes in consumer demand for Incyte's products and services; changes in Incyte's business plan; Incyte's ability to obtain patent protection for its discoveries and to continue to be effective in expanding its patent coverage, defending its patent positions and growing its intellectual property portfolio, and other risks detailed from time to time in Incyte's SEC reports, including its Quarterly Report on Form 10-Q for the quarter ended September 30, 2001. Incyte disclaims any intent or obligation to update these forward-looking statements.*

*For Affymetrix: All statements in this press release that are not historical are "forward-looking statements" within the meaning of Section 21E of the Securities Exchange Act as amended, including statements regarding Affymetrix' "expectations," "beliefs," "hopes," "intentions," "strategies" or the like. Such statements are subject to risks and uncertainties that could cause actual results to differ materially for Affymetrix from those projected, including, but not limited to, uncertainties relating to technological approaches, product development, manufacturing, market acceptance, personnel retention uncertainties related to cost and pricing of Affymetrix products, dependence on collaborative partners, uncertainties relating to sole source suppliers, uncertainties relating to FDA and other regulatory approvals, competition, risks relating to intellectual property of others and the uncertainties of patent protection and litigation. These and other risk factors are discussed in Affymetrix' Form 10-K for the year ended December 31, 2000 and other SEC reports, including its Quarterly Reports on Form 10-Q for subsequent quarterly periods. Affymetrix expressly disclaims any obligation or undertaking to release publicly any updates or revisions to any forward-looking statements contained herein to reflect any change in Affymetrix' expectations with regard thereto or any change in events, conditions, or circumstances on which any such statements are based. Note: Affymetrix, GeneChip and the Affymetrix logo are registered trademarks used by Affymetrix, Inc.*