

## **Policy on Interactions Between Affymetrix, its Employees, and Health Care Professionals**

### **I. Goal and Scope of Affymetrix, Inc. Policy on Interactions Between Affymetrix, its Employees, and Health Care Professionals**

Affymetrix, Inc. (“Affymetrix”), as a medical device manufacturer, recognizes that adherence to ethical standards and compliance with applicable laws is critical to its own success and to the medical device industry’s ability to continue its collaboration with health care professionals. Affymetrix encourages ethical business practices and socially responsible industry conduct related to its employees’ interactions with health care professionals.

Affymetrix also respects the obligation of health care professionals to make independent decisions regarding medical products. Consequently, Affymetrix adopts this Policy on Interactions Between Affymetrix, its Employees, and Health Care Professionals (the “Policy), effective July 1, 2005, to facilitate employees’ ethical interactions with those individuals or entities that purchase, lease, recommend, use, arrange for the purchase or lease of, or prescribe Affymetrix’ medical technology products in the United States (“Health Care Professionals”).

Affymetrix recognizes that its employees may interact with Health Care Professionals for many legitimate objectives other than selling, leasing, recommending, arranging for the sale or lease of, or prescribing products, and that some of these relationships are not addressed in this Policy. Any interpretation of the provisions of this Policy, as well as Affymetrix employee interactions with Health Care Professionals not specifically addressed in this Policy, should be made in light of the following principle: Affymetrix shall encourage ethical business practices and socially responsible industry conduct and shall not use any unlawful inducement in order to sell, lease, recommend, or arrange for the sale, lease, or prescription of, their products.

### **II. Affymetrix-Sponsored Product Training and Education**

In certain circumstances, Affymetrix has a responsibility to make product education and training available to Health Care Professionals. Such programs often occur at centralized locations (necessitating out-of-town travel for some participants), and may extend more than one day. With regard to Affymetrix programs focused on the education and training in the safe and effective use of Affymetrix products:

- Programs and events should be conducted in clinical, educational, conference, or other settings, including hotel or other commercially available meeting facilities conducive to the effective transmission of knowledge.
- Programs requiring “hands on” training in medical device operation should be held at training facilities, medical institutions, laboratories, or other appropriate facilities. The training staff should have the proper qualifications and expertise to conduct such training.
- Affymetrix may provide Health Care Professional attendees with hospitality only in the form of modest meals and receptions in connection with these programs. Any such meals and receptions should be modest in value and subordinate in time and focus to the educational or training purpose of the meeting.
- Affymetrix may pay for reasonable travel and modest lodging costs incurred by attending Health Care Professionals. This reimbursement is not available for training and education concerning FDA-cleared prescription devices.
- It is not appropriate for Affymetrix to pay for the meals, hospitality, travel, or other expenses for guests of Health Care Professionals or for any other person who does not have a bona fide professional interest in the information being shared at the meeting.

### **III. Supporting Third Party Educational Conferences**

Bona fide independent, educational, scientific, or policymaking conferences promote scientific knowledge, medical advancement and the delivery of effective health care. These typically include conferences sponsored by national, regional, or specialty medical associations; conferences sponsored by accredited continuing medical education providers; and grand rounds. Affymetrix may support these conferences in various ways:

- Educational Grants. Affymetrix may provide a grant either directly to the conference sponsor to reduce conference costs, or to a training institution or the conference sponsor to allow attendance by medical students, residents, fellows, and others who are Health Care Professionals in training. Affymetrix may provide educational grants when:

- the gathering is primarily dedicated to promoting objective scientific and educational activities and discourse; and
- the training institution or the conference sponsor selects the attending Health Care Professionals who are in training.
  
- Such grants should be paid only to organizations with a genuine educational purpose or function, and may be used only to reimburse the legitimate expenses for bona fide educational activities. Such grants also should be consistent with relevant guidelines established by professional societies or organizations. The conference sponsor should be responsible for and control the selection of program content, faculty, educational methods, and materials.
- Modest Meals and Hospitality. Affymetrix may provide funding to the conference sponsor to support the conference's meals and hospitality. Also, Affymetrix may directly provide meals and receptions for all Health Care Professional attendees, but only if it is provided in a manner that is also consistent with the sponsor's guidelines. Any meals, receptions, and hospitality should be modest in value and should be subordinate in time and focus to the purpose of the conference.
- Faculty Expenses. Affymetrix may make grants to conference sponsors for reasonable honoraria, travel, lodging, and meals for Health Care Professionals who are bona fide conference faculty members.

#### **IV. Sales and Promotional Meetings**

It is appropriate for Affymetrix employees to meet with Health Care Professionals to discuss product features, contract negotiations, and sales terms. Often, these meetings occur close to the Health Care Professional's place of business. It is appropriate for Affymetrix employees to pay for occasional hospitality only in the form of modest meals and receptions for Health Care Professional attendees that are conducive to the exchange of information. It is also appropriate to pay for reasonable travel costs of attendees when necessary (e.g., for plant tours or demonstrations of non-portable equipment). However, it is not appropriate to pay for meals, hospitality, travel, or lodging of guests of Health Care Professionals or any other person who does not have a bona fide professional interest in the information being shared at the meeting.

#### **V. Arrangements with Consultants**

Many Health Care Professionals could potentially serve as consultants to Affymetrix, providing valuable bona fide consulting services, including research, participation on advisory boards, presentations at Affymetrix-sponsored training, and product collaboration. It is appropriate to pay Health Care Professionals reasonable compensation for performing these services. The following factors support the existence of a bona fide consulting arrangement between Affymetrix and Health Care Professionals:

- Affymetrix consulting arrangements should be written, signed by the parties, and specify all services to be provided.
- Compensation paid to consultants should be consistent with fair market value for the services provided.
- Consulting agreements should be entered into only where a legitimate need and purpose for the services is identified in advance.
- Selection of consultants should be on the basis of the consultant's qualifications and expertise to address the identified purpose, and should not be on the basis of volume or value of business generated by the consultant.
- The venue and circumstances for Affymetrix meetings with consultants should be appropriate to the subject matter of the consultation. These meetings should be conducted in clinical, educational, conference, or other setting, including hotel or other commercially available meeting facilities, conducive to the effective exchange of information.
- Affymetrix-sponsored hospitality that occurs in conjunction with a consultant meeting should be modest in value and should be subordinate in time and focus to the primary purpose of the meeting.
- Affymetrix may pay for reasonable and actual expenses incurred by consultants in carrying out the subject of the consulting arrangement, including reasonable and actual travel, modest meals and lodging costs incurred by consultants attending meetings with, or on behalf of, Affymetrix.
- When Affymetrix contracts with a consultant for research services, there should be a written research protocol.

## **VI. Gifts**

Affymetrix or its employees occasionally may provide modest gifts to Health Care Professionals, but only if the gifts *benefit patients or serve a genuine educational function*. Other than the gift of medical textbooks or anatomical models used for educational purposes, any gift from Affymetrix or its employees should have a fair market value of less than \$100. Annual limits on gifts, per Health Care Professional for activities related to FDA-cleared prescription devices, is \$1,000.

In addition, Affymetrix or its employees may occasionally give Health Care Professionals branded promotional items of minimal value *related to the Health Care Professional's work or for the benefit of patients*. Gifts may not be given in the form of cash or cash equivalents. This section is not intended to address the legitimate practice of providing appropriate sample products and opportunities for product evaluation.

## **VII. Provision of Reimbursement and Other Economic Information**

Affymetrix employees may support accurate and responsible billing to Medicare and other payors by providing nondirective reimbursement information to Health Care Professionals regarding Affymetrix products, including identifying potential coverage, coding, or billing of Affymetrix products, or of procedures using those products. Affymetrix employees providing coverage, coding, or billing information must inform the Health Care Professional that any such information is provided informally, and that the Health Care Professional is responsible for making appropriate choices for coverage, coding, and billing of Affymetrix products. Affymetrix employees may also provide information designed to offer technical or other support intended to aid in the appropriate and efficient use or installation of Affymetrix' products. However, it is inappropriate for Affymetrix employees to provide this technical or other support for the purpose of unlawfully inducing Health Care Professionals to purchase, lease, recommend, use, or arrange for the purchase, lease or prescription of Affymetrix' products.

## **VIII. Grants and Other Charitable Donations**

Affymetrix may make donations for a charitable purpose, such as supporting genuine independent medical research for the advancement of medical science or education, indigent care, patient education, public education, or the sponsorship of events where proceeds are intended for charitable purposes. Donations should be made only to charitable organizations or, in rare instances, to individuals engaged in genuine charitable missions for the support of that mission.

It is not appropriate for Affymetrix to make such donations for the purpose of unlawfully inducing Health Care Professionals to purchase, lease, recommend, use, or arrange for the purchase, lease or prescription of Affymetrix' products. All donations should be appropriately documented. Examples of appropriate charitable grants and related considerations are:

- Advancement of Medical Education. Affymetrix may make grants to support the genuine medical education of medical students, residents, and fellows participating in fellowship programs, which are charitable or have an academic affiliation or, where consistent with the preamble to this section, other medical personnel. (For additional considerations regarding educational grants, see Section III, Supporting Third Party Educational Conferences.)
- Support of Research with Scientific Merit. Affymetrix may make research grants to support genuine medical research. The purpose of the grant must be clearly documented. (For guidance as to the limitations that apply when Affymetrix contracts with a Health Care Professional to provide research on behalf of Affymetrix, see Section V, Arrangements with Consultants.)
- Public Education. Affymetrix may make grants for the purpose of supporting education of patients or the public about important health care topics.

## **Frequently Asked Questions Regarding Affymetrix' Policy on Interactions Between Affymetrix, its Employees, and Health Care Professionals**

### **SECTION I: GENERAL QUESTIONS**

#### **Q1 Why did Affymetrix develop a Policy on Interactions Between Affymetrix, its Employees, and Health Care Professionals?**

Affymetrix recognizes that adherence to ethical standards and compliance with applicable laws is critical to its own success and to the medical device industry's ability to continue its collaboration with health care professionals. Affymetrix encourages ethical business practices and socially responsible industry conduct related to its employees' interactions with health care professionals. Affymetrix also respects the obligation of health care professionals to make independent decisions regarding medical products.

This Policy, effective July 1, 2005, serves to facilitate employees' ethical interactions with those individuals or entities that purchase, lease, recommend, use, arrange for the purchase or lease of, or prescribe Affymetrix' medical technology products in the United States ("Health Care Professionals").

The Policy reflects the unique interactions between medical technology companies and Health Care Professionals, just as the PhRMA Code reflects the nature of interactions between pharmaceutical companies and Health Care Professionals.

#### **Q2 Who are "Health Care Professionals"? Does the term include non-clinical people who make product purchasing decisions? Does it include decision-makers within GPOs?**

The term "Health Care Professional" includes those "individuals and entities that purchase, lease, recommend, use, arrange for the purchase or lease of, or prescribe Affymetrix' medical technology products in the United States." This includes both clinical and non-clinical people who make product-related decisions of the sort listed. It also includes decision-makers within group purchasing organizations (GPOs). This is a broad definition, intended to encompass anyone with material influence over purchasing decisions. Note that there may be laws and other codes and policies applicable to relationships with Health Care Professionals, including relationships with government employees.

#### **Q3 Does the Policy apply only to licensed health care professionals or to administrators and other health care business people as well?**

The Policy uses the term "Health Care Professional" as a term of art that applies to any person that is in the position to purchase, lease, recommend, use, arrange for the purchase or lease of, or prescribe an Affymetrix medical technology product in the United States. This means that the Policy applies both to licensed Health Care Professionals and any other people in a position to make product-related decisions of the sort listed, such as hospital purchasing agents, physician's practice managers and management within a group purchasing organization.

#### **Q4 Does the Policy apply to gifts, meals, hospitality and other benefits provided by Affymetrix to government employees?**

Yes, the Policy applies to gifts, meals, hospitality and other benefits provided by Affymetrix to a government employee if the employee is a Health Care Professional. Affymetrix employees also should be aware that there may be specific legal restrictions on providing gifts and other benefits to government employees, and that these restrictions may, in some cases, preclude even gifts or other benefits permitted by the Policy.

#### **Q5 Does the Policy cover interactions with Health Care Professionals whose primary place of work is outside the U.S.? Does it cover interactions outside the U.S. with Health Care Professionals who work in the U.S.?**

The Policy applies to interactions with Health Care Professionals to the extent that they provide services or products in the United States. This would include interactions with Health Care Professionals who work in the United States, even if the interaction occurs outside the country (such as at a conference or other event). Of course, there are other laws and ethical requirements that may pertain to interactions with Health Care Professionals located both inside and outside the United States.

**Q6 Does the Policy address arrangements between Affymetrix and a Health Care Professional relating to licensing a new medical technology to Affymetrix?**

Interactions relating to product development and intellectual property would be subject to the general principle that Affymetrix encourages ethical business practices and socially responsible industry conduct and shall not use any unlawful inducement in order to sell, lease, recommend, or arrange for the sale, lease, or prescription of, their products.

**Q7 What do the terms “modest,” “occasional,” and “hospitality” mean?**

The Policy seeks to balance an interest in civility with the desire to avoid even the appearance that hospitality may be used as an inducement to purchase or refer for product. Accordingly, the Policy differentiates, depending on the type of meeting, the type of meals and other hospitality that may be extended to Health Care Professionals by Affymetrix. In light of regional differences, “modest” means moderate or low value and “occasional” means infrequent. Meals and hospitality should be ancillary to a legitimate documented purpose. Affymetrix may establish limits on the frequency and amount of expenditures.

The Policy contemplates that any “hospitality” extended by a host would be “modest and occasional.” For example, hospitality might include modest and occasional receptions. The Policy contemplates that any hospitality should be subordinate in time and focus to the purpose of the meeting. The Policy addresses meals, travel, and lodging separately.

**Q8 May Affymetrix offer to provide laptop computers with independent value to any purchasing manager whose hospital purchases medical devices that the Affymetrix has just introduced?**

No. It is not appropriate for Affymetrix to provide any item of value to a Health Care Professional that takes into consideration the value or volume of the business that is or may be generated by the Health Care Professional, unless permitted by law (e.g., appropriate discounts).

**Q9 May Affymetrix provide support for a Health Care Professional-sponsored social event, such as an office holiday party?**

No. Such support would be inappropriate.

**SECTION II: AFFYMETRIX-SPONSORED TRAINING AND EDUCATION**

**Q10 Why may it be appropriate under the Policy for Affymetrix to pay for travel to training and education sessions?**

In order to efficiently deliver training at appropriate facilities, the Policy contemplates that Affymetrix may bring Health Care Professionals together at a central location, which may make out-of-town travel necessary. Note that this section deals only with meetings focused on training and education on Affymetrix products, and only for persons who could legitimately benefit from the training. (Meetings focused on sales and promotion are treated under Section IV.)

**Q11 May Affymetrix pay for travel to an Affymetrix-sponsored general educational program (not specific to Affymetrix’ products)?**

Affymetrix may conduct general educational sessions, but these are not the types of programs for which Affymetrix-supported travel would be appropriate under the Policy. In contrast, paying for Health Care Professionals’ travel

may be appropriate when Affymetrix is conducting training and education on the safe and effective use of its products.

### **SECTION III: SUPPORTING THIRD PARTY EDUCATIONAL CONFERENCES**

**Q12 May Affymetrix designate attendees or faculty who will speak at third-party educational conferences?**

No. Affymetrix requires that independent third party select faculty and attendees. The Policy does not preclude Affymetrix from recommending a knowledgeable faculty member. The ultimate selection should be made by the conference sponsor.

**Q13 Can Affymetrix provide an educational grant to support the attendance of a Health Care Professional at a third-party educational conference?**

Affymetrix may make grants to the conference sponsor or training institution, which will select the attendees. The benefited attendees should be medical students, residents, fellows, or other Health Care Professionals in training.

**Q14 What section of the Policy applies to Affymetrix-sponsored off-agenda activities (e.g., sales and promotional meetings or educational programs) that are ancillary to a conference sponsored by a third party?**

Sales and promotional meetings should be evaluated under Section IV. However, Affymetrix-sponsored product-related educational programs should be evaluated under Section II. In either case, it should be determined whether the conference sponsor has guidelines that cover that type of off-agenda activity, and if so, the sponsor's guidelines should also be honored.

**Q15 If Affymetrix provides a grant for a medical student to attend an educational conference, may the funds be used to cover both travel expenses and registration fees?**

Yes, provided that the grant is given directly to a training institution or a third party educational conference sponsor.

### **SECTION IV: SALES & PROMOTIONAL MEETINGS**

**Q16 Why does the Policy not allow Affymetrix employees to extend business courtesies to guests/spouses in connection with sales and promotional meetings?**

Affymetrix is mindful of the desire to avoid even the appearance that business courtesies are being given as improper inducements to promote Affymetrix products. On the other hand, it is appropriate for Affymetrix or its employees, as a matter of common courtesy and civility, to provide modest meals and receptions for Health Care Professionals in connection with these types of meetings. To balance these considerations, Affymetrix may provide "occasional hospitality only in the form of modest meals and receptions for Health Care Professional attendees that are conducive to the exchange of information." Under the Policy, such meals and hospitality are to be incidental and conducive to the underlying business purpose. The Policy precludes the extension of these courtesies to persons, such as guests/spouses, without a bona fide professional interest in the meeting.

**Q17 May Affymetrix conduct a product sales or promotional meeting at a resort location and pay for a Health Care Professional's travel to the meeting for purposes of providing product information and negotiating sales terms?**

Generally, this would not be appropriate. The location should be evaluated for consistency with the provisions in Section IV, which state that it may be appropriate at a sales or promotional meeting to provide occasional hospitality only in the form of "modest meals and receptions" and "conducive to the exchange of information," and, with respect to providing travel, that the travel be "necessary." Furthermore, the Policy provides for limited special circumstances of "plant tours and demonstrations of non-portable equipment" as specific examples of when travel might be necessary.

**Q18 May an Affymetrix employee or agent pay for hospitality for a Health Care Professional that Affymetrix could not itself provide under the Policy, if Affymetrix neither pays for the hospitality nor reimburses the employee or agent?**

No. The Policy should be viewed as applying to Affymetrix' employees and agents whether or not they are paying for the benefit out of their own pocket. There may be situations, however, where it is appropriate for an Affymetrix employee or agent to engage in hospitality with a Health Care Professional so long as both the Affymetrix employee or agent and the Health Care Professional each pay their own way.

**Q19 May Affymetrix pay for hospitality hosted by an entity (such as a distributor) who markets an Affymetrix product, when the hospitality does not conform to the Affymetrix Policy?**

No. Affymetrix should always promote adherence to the Affymetrix Policy by intermediaries when they are engaged in marketing the Affymetrix' products. Affymetrix and its employees should never knowingly encourage or condone an intermediary's engaging in conduct that would be prohibited by the Affymetrix Policy. Affymetrix may not do indirectly what it may not do directly.

#### **SECTION V: ARRANGEMENTS WITH CONSULTANTS**

**Q20 Is a clinical investigator considered a "consultant" under Section V?**

Yes.

**Q21 Is there a limit to the number of consultants Affymetrix may retain under Section V?**

Affymetrix may retain only as many consultants as are legitimate and appropriate to provide bona fide services; moreover, the requirements of Section V must be satisfied for each consultant.

**Q22 May a consultant be placed under retainer with services provided as requested?**

Yes, provided the requirements of Section V are met.

**Q23 What happens if a consultant is engaged but the project is cancelled or modified without using the consultant's services?**

If the requirements of Section V were met when the consultant was engaged and then unanticipated circumstances prevented performance, then the question of whether or how much payment is made to a consultant would be a matter determined by the underlying consulting agreement.

**Q24 What factors should Affymetrix consider when evaluating the venues and circumstances for meetings with consultants?**

Affymetrix shall assess (a) whether there is a bona fide business justification for holding the meeting; (b) whether the location and venue are suitable for and conducive to the exchange of information between Affymetrix and consultant; (c) whether the value of any Affymetrix-sponsored lodging is modest; (d) whether any ancillary meals and hospitality are modest in value (or alternatively, the fair market value of such meals and hospitality are taken into consideration when determining the fair market value of the compensation to be provided to the consulting Health Care Professional) and are subordinate in time and focus to the business part of the meeting; and (e) whether the overall meeting has a genuine business purpose and tenor and does not represent improper inducement of the Health Care Professional.

**Q25 May Affymetrix give more generous gifts to Consultants than is permitted under the Policy?**

No. Any gifts to Health Care Professionals must meet the requirements of the Policy.

## SECTION VI: GIFTS

**Q26 What are some examples of branded promotional items of minimal value that are “related to a Health Care Professional’s work or for the benefit of patients”?**

Pens and notepads that could be used in the Health Care Professional’s work environment are examples of minimal value, branded promotional items appropriate as gifts. Golf balls and T-shirts would not be allowed, as they are neither related to the Health Care Professional’s work nor for the benefit of patients.

**Q27 May Affymetrix provide a small (i.e., valued at less than \$100) gift such as flowers or a fruit basket to a Health Care Professional or to a Health Care Professional’s family upon significant life events such as a birth, death, or serious illness?)**

As the Policy restricts certain types of gifts to Health Care Professionals, approval by the Compliance Committee is required to determine whether significant life event gifts to a Health Care Professional, or to a Health Care Professional’s family, are consistent with the spirit of the Policy. A significant life event would not be a holiday.

**Q28 May Affymetrix provide a gift valued at less than \$25 (e.g., a box of cookies or bottle of wine) to a Health Care Professional during the holiday season?**

During the holiday season or at any other time, Affymetrix may provide a gift that benefits patients, serves a genuine educational function, or is a branded promotional item of minimal value related to the healthcare professional’s work or for the benefit of patients. Gifts of food or wine are not permitted by the Policy, regardless of the season.

**Q29 Is the value of a gift to a Health Care Professional determined by Affymetrix’ acquisition cost or by the fair market value of the item?**

Fair market (retail) value should be used for assessing the value of the gift to the Health Care Professional to avoid the appearance of improper influence of the Health Care Professional.

**Q30 May Affymetrix provide a gift such as flowers, gift baskets, meals, snacks, wine, or other refreshments to a Health Care Professional or a Health Care Professional’s office or staff?**

No. These types of gifts and refreshments are not considered related to the Health Care Professional’s work or for the benefit of patients. However, if food is provided in connection with either sales and promotional meetings, conferences, or training and education, see Sections II, III, and IV to evaluate when meals and receptions may be appropriate.

**Q31 Is the \$100 limit determined on a per-gift or per-year basis?**

Affymetrix occasionally may provide modest gifts to Health Care Professionals, but only if the gifts benefit patients or serve a genuine educational function. Other than the gift of medical textbooks or anatomical models used for educational purposes, any gift from Affymetrix should have a fair market value of less than \$100. The \$100 limit is intended to be a per-gift amount; however, consideration should be given to the frequency of providing gifts to any one individual (note the requirement that the gifts be only occasional). Repeated gifts to the same person, each with a value below the \$100 threshold, could violate the spirit of the Policy, the purposes of which are set forth in the Preamble. Similarly, gifts to multiple members of a physician practice group or to multiple members of a hospital materials management or faculty department could also violate the spirit of the Policy.

**Q32 May Affymetrix give gifts to staff of a Health Care Professional who are not themselves Health Care Professionals?**

Gifts given to the staff of a Health Care Professional should be treated as though they are given to the Health Care Professional and are subject to the provisions of Section VI.

## **SECTION VII: REIMBURSEMENT SUPPORT PROGRAMS**

### **Q33 Is it appropriate to demonstrate that a product can be used in an economically efficient manner?**

It may be appropriate for Affymetrix employees to provide accurate information relating to the costs, savings and revenues associated with the use of a particular product. Without this information, it may be difficult for a Health Care Professional to properly evaluate whether it is economically feasible or desirable to purchase any particular product.

## **SECTION VIII: GRANTS & OTHER CHARITABLE DONATIONS**

### **Q34 What is an example of a grant or donation to “individuals engaged in genuine charitable missions for the support of that mission”?**

One example is providing medical devices to individuals who perform volunteer disaster relief abroad. Supporting disaster relief work may be appropriate under the Policy, notwithstanding that the individuals or group are acting as independent volunteers and not under the umbrella of a not-for-profit, charitable organization.

### **Q35 May grants be given to a for-profit organization, such as a legitimately sponsored research grant to a for-profit hospital? What about a research grant to an individual Health Care Professional?**

Funding a research project at a for-profit institution, or paying an individual researcher, would not qualify as a charitable gift. However, that does not, by itself, mean that the funding would violate the Policy. For example, if the funding constituted payment for a legitimate service, it could be appropriate under Section V: “Arrangements with Consultants” (which should be consulted in evaluating proposed arrangements to make payments for the performance of services).

### **Q36 May Affymetrix make a charitable contribution to a not-for-profit institution to pay the registration or seminar fees and travel expenses for one or more of its affiliated Health Care Professionals to attend a third-party educational conference?**

This contribution should be evaluated under Section III: “Supporting Third Party Educational Conferences.” Because Section III does not permit Affymetrix to pay directly for the registration or seminar fees and travel expenses of a Health Care Professional’s attendance at a third-party educational conference (except for Health Care Professionals in training), this type of support should not be provided indirectly as a charitable contribution to the Health Care Professional’s not-for-profit institution for the purpose of defraying the costs of particular individuals’ attendance. However, it would not be inappropriate for Affymetrix to provide funding to a third party conference that the conference sponsor could apply to defray the reasonable travel expenses of faculty selected by the Sponsor, or to reduce the registration or seminar fees for all attendees.

### **Q37 May Affymetrix make a charitable contribution to a not-for-profit hospital for construction of a new wing?**

As with any other contribution, this type of contribution may be appropriate if (a) the recipient of the contribution is a charity; (b) the purpose of the donation is charitable in nature and (c) it is not offered with the intent of providing an inducement to order, sell, lease, recommend, arrange for the sale or lease of, or prescribe Affymetrix’ products. Many factors would be involved in considering whether such a contribution is appropriate, including ensuring that the amount of the donation is not dependent upon the volume of business or anticipated business conducted with or referred to Affymetrix.

### **Q38 May Affymetrix make a charitable contribution to pay for a clinical fellow?**

Affymetrix may make a charitable contribution to subsidize a clinical fellow if he/she is in a genuine fellowship program affiliated with a teaching institution.

**Q39 May Affymetrix pay for or provide tickets to a Health Care Professional or their spouse or guest to attend charitable events, such as galas and golf outings?**

No. Affymetrix will not pay for or provide tickets to Health Care Professionals or their spouses or guests to attend charitable events, such as galas and golf outings.

**Q40 Does the Policy govern the actions of Affymetrix' agents and distributors?**

Affymetrix will communicate the principles of the Policy to their employees, agents, dealers and distributors with the expectation that they will adhere to the Policy.