

## July 2005 Vioxx® Litigation Update

We want to bring you up to date on the status of the Vioxx® litigation.

The first trial of a Vioxx® case is proceeding in Texas. As this update is written, the case has just concluded the 10<sup>th</sup> day of trial. We receive twice daily verbatim transcripts of the trial. So far we are pleased with the way the case is going. It is important for you to understand that the death certificate in this particular Texas case ruled that the Plaintiff's decedent died from an arrhythmia. These types of injuries are not generally caused by Vioxx®. However a heart attack can cause an arrhythmia. This is the difficult part of the case. We will continue to monitor the Texas trial very closely.

Judge Fallon has reconsidered his ruling that neither we nor Merck can meet with the doctor who prescribed Vioxx®. We expect a revised order on this point shortly.

The date for submission of Plaintiff Profile Forms has not yet been established. So we still have time to finalize them. We expect it will be at least 30 - 60 days before we need to submit them.

A new document undermines one of Merck's main defenses in its planned litigation strategy: that users of the painkiller Vioxx® weren't at increased risk for heart attack or stroke until after using it daily for 18 months. An internal company document that Merck has now provided suggests that some Vioxx® users began experiencing more heart problems than placebo takers as early as a few weeks after beginning to take the painkiller. The document - which contains preliminary, unpublished results of a clinical trial called Victor - suggests that the elevated risk grew over time. The risk neared statistical significance at about the one-year point.

Judge Fallon hopes to have a case go to trial in the fall. We will keep you posted as matters warrant. Thank you for your continued patience and cooperation.