



## **SPECIFIC RESPONSES AND OBJECTIONS TO REQUESTS**

**REQUEST NO. 23:** Attached hereto as Exh. 1 is a copy of a blank form entitled “HDMA Standard Product Information Pharmaceutical Products.” Please produce all such forms that you have completed (as to any or all of the information on such forms) for any of your drugs from January 1, 1991 to the present as well as all documents that identify each person or entity, if any (including but not limited to Cardinal Health, McKesson Corporation, or Amerisource Bergen Corporation, or any of their predecessor entities), to whom you sent or provided any such forms and the dates that you sent or provided such forms to any such person or entity.

**RESPONSE:** In addition to the General Objections set forth below, BIPI objects to Request No. 23 on the grounds that it calls for the production of “all” documents when relevant information can be obtained from fewer than “all” documents. BIPI also objects on the grounds that the term “completed” is vague, ambiguous, and undefined. BIPI further objects to this Request to the extent it seeks documents relating to drugs other than those identified in the Stipulation Regarding the Identity of the Proper Defendant and Target Drugs Between the State of Wisconsin and Defendant Boehringer Ingelheim Pharmaceuticals, Inc. filed on April 22, 2008 (“BIPI Drug List”), and documents created outside the relevant time frame of this case.

Subject to and without waiving its general and specific objections, BIPI states that it will make available for inspection and/or copying HDMA Standard Product Information Pharmaceutical Products forms and non-privileged documents reflecting the persons or entities to which, or the dates on which, BIPI provided any such forms, to the extent such documents exist, for the drugs identified in the BIPI Drug List.

**REQUEST NO. 24:** Any documents reflecting communications with drug wholesalers (including but not limited to Cardinal Health, McKesson Corporation, or Amerisource Bergen Corporation, or any of their predecessor entities) relating to: (a) AWP, SWP, WAC, MAC, FUL, or direct price; or (b) any pricing compendia including but not limited to First DataBank, Medispan, and Red Book.

**RESPONSE:** Subject to and without waiving its general objections, BIPI states that it will make available for inspection and/or copying non-privileged documents reflecting BIPI’s

communications with drug wholesalers relating to (a) the meaning or understanding of “AWP, SWP, WAC, MAC, FUL, or direct price” or (b) the pricing compendia, to the extent such documents exist.

**REQUEST NO. 25:** Documents relating to any contract or agreement with any health-care provider (including but not limited to retail pharmacies (chain or independent), doctors, or long-term care facilities) to share in the profits earned by such provider in connection with the provider’s sale or dispensing of any of your prescription drugs.

**RESPONSE:** In addition to the General Objections set forth below, BIPI objects to Request No. 25 to the extent it seeks documents relating to drugs other than those identified in the BIPI Drug List, and documents created outside the relevant time frame of this case.

Subject to and without waiving its general and specific objections, BIPI states that it does not have contracts or agreements with health-care providers to share in the profits earned by such providers, and therefore does not have documents responsive to Request No. 25.

### **GENERAL OBJECTIONS**

BIPI incorporates by reference all of its general objections enumerated in Boehringer Ingelheim Pharmaceuticals, Inc.’s Responses and Objections to Plaintiff’s Fifth Set of Requests for Production of Documents, served on Plaintiff July 27, 2007, as part of its response to each request set forth above.

Date: August 21, 2008

Respectfully submitted,

/s/ Colin M. Seals

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*Attorneys for Defendant Boehringer Ingelheim  
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**CERTIFICATE OF SERVICE**

I, Colin M. Seals, hereby certify that on August 21, 2008 a true and correct copy of the foregoing BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S EIGHTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS was served on all counsel of record via Lexis Nexis File & Serve®.

/s/ Colin M. Seals

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Colin M. Seals