
STATE OF WISCONSIN,

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Plaintiff,

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v.

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Case No. 04-CV-1709

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ABBOTT LABORATORIES, ET AL.,

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Defendants.

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**BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.'S
RESPONSES AND OBJECTIONS TO PLAINTIFF'S SEVENTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS**

Pursuant to Wis. Stat. § 804.09, Boehringer Ingelheim Pharmaceuticals, Inc. ("BIPI") objects and responds to Plaintiff State of Wisconsin's Seventh Set of Requests for Production of Documents as follows:

PRELIMINARY STATEMENT

1. As to all matters referred to in these answers and objections to the Requests, BIPI's investigation and discovery continues. The specific responses set forth below, and any production made consistent with the accompanying Requests, are based upon, and necessarily limited by, information now available to BIPI. BIPI reserves the right to modify or supplement these responses and objections, to raise any additional objections deemed necessary and appropriate in light of the results of any further review, and to present in any proceeding and at trial any further information and documents obtained during discovery and preparation for trial.

RESPONSES TO REQUESTS

DOCUMENT REQUEST NO. 22: All documents relating to your purchase, license, or receipt, of pricing information, including but not limited to average wholesale prices ("AWPs") or wholesale acquisition costs ("WACs") from First DataBank, Red Book, or Medispan for your drugs or the drugs of your competitors, including but not limited to contracts or license agreements. This request includes, but is not limited to, your purchase, license, or receipt of First

DataBank's National Drug Data File ("NDDF"). In addition, this request includes, but is not limited to contracts or license agreements between you and any other party that provides pricing information from First DataBank, Red Book, or Medispan (for example, agreements between you and DMD America in connection with its "Analysource" product).

RESPONSE TO REQUEST NO. 22: In addition to the general objections set forth below, BIPI objects to Document Request No. 22 on the grounds that it is overly broad and the following terms or phrases are vague, ambiguous and undefined: "any other party that provides" and "pricing information." BIPI further objects to this Request to the extent it seeks documents that are neither relevant to the State's claims nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its general and specific objections, BIPI states it will make available for inspection and/or copying non-privileged responsive documents, to the extent that such documents exist.

GENERAL OBJECTIONS

1. 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.

Dated: March 5, 2008

Respectfully submitted,

/s/ Ceylan Ayasli Eatherton

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*Attorneys for Defendant Boehringer Ingelheim
Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

I, Ceylan Ayasli Eatherton, hereby certify that on this 5th day of March, 2008, a true and correct copy of the foregoing BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S SEVENTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS was served on all counsel of record via Lexis Nexis File & Serve®.

/s/ Ceylan Ayasli Eatherton
Ceylan Ayasli Eatherton