

RESPONSES TO REQUESTS

DOCUMENT REQUEST NO. 20: The following documents relating to the Together Rx programs:

- (a) contracts or written agreements with providers (including doctors and retail pharmacies);
- (b) documents identifying or relating to the reimbursement to participating providers (including doctors and retail pharmacies) for the ingredient cost of covered prescription drugs, including but not limited to, any formula for reimbursement based on the average wholesale price (“AWP”) of such drugs;
- (c) documents identifying or relating to the amount of the dispensing fee paid to participating providers (including doctors and retail pharmacies) for covered prescription drugs;
- (d) documents identifying or relating to the eligibility requirements for participation in the Together Rx programs; and
- (e) documents identifying your prescription drugs covered by the Together Rx programs.

RESPONSE:

Subject to and without waiving its general objections set forth below, BIPI states that it has never participated in the Together Rx program and therefore does not have documents responsive to Request No. 20.

DOCUMENT REQUEST NO. 21: All documents relating to any program of yours that provides, or is marketed as providing, a discount or savings to consumers for any of your prescription drugs. Examples of such programs are the Novartis Savings Program a/k/a the Novartis Care Plan (Novartis Care Card), Pfizer for Living Program (Pfizer Share Card), Pfizer U Share Prescription Drug Discount Card, and the GlaxoSmithKline Orange Card. This request includes, but is not limited to, the following documents:

- (a) contracts or written agreements with providers (including doctors and retail pharmacies);
- (b) documents identifying or relating to the reimbursement to participating providers (including doctors and retail pharmacies) for the ingredient cost of covered prescription drugs, including but not limited to, any formula for reimbursement based on the AWP of such drugs;

- (c) documents identifying or relating to the amount of the dispensing fee paid to participating providers (including doctors and retail pharmacies) for covered prescription drugs;
- (d) documents identifying or relating to the eligibility requirements for participation in the program; and
- (e) documents identifying your prescription drugs covered by the program.

RESPONSE:

In addition to the general objections set forth below, BIPI objects to Request No. 21 on the grounds that it is overly broad, and the following terms or phrases are vague, ambiguous and undefined: “any program of yours that provides, or is marketed as providing,” “a discount or savings,” and “consumers.” BIPI further objects to this Request to the extent it seeks documents relating to programs that “provide, or [are] marketed as providing, a discount or savings to” consumers of BIPI’s products because such documents are neither relevant to the subject matter involved in the pending action, nor likely to lead to the discovery of admissible evidence.

Subject to and without waiving its general and specific objections, BIPI responds that it will produce documents sufficient to identify and describe BIPI programs, if any, pursuant to which patients received a discount or savings on the amount they paid for BIPI’s prescription drugs, to the extent that such documents exist.

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.

Dated: February 13, 2008

Respectfully submitted,

/s/ Ceylan Ayasli Eatherton

Helen E. Witt, P.C.

Brian P. Kavanaugh

Elizabeth S. Hess

Ceylan Ayasli Eatherton

Kirkland & Ellis LLP

200 East Randolph Drive

Chicago, Illinois 60601

Tel: (312) 861-2000

Fax: (312) 861-2200

Mr. Patrick J. Knight

Gimbel Reilly Guerin & Brown

Two Plaza East, Suite 1170

330 East Kilbourn Avenue

Milwaukee, WI 53202

Tel: (614) 464-6400

Fax: (614) 464-6350

*Attorneys for Defendant Boehringer Ingelheim
Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

I, Ceylan Ayasli Eatherton, hereby certify that on this 13th day of February, 2008, a true and correct copy of the foregoing BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S SIXTH 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