

STATE OF WISCONSIN  
CIRCUIT COURT, DANE COUNTY  
BRANCH 7

STATE OF WISCONSIN,	x	
	:	
Plaintiff,	:	Case No.: 04 CV 1709
- against -	:	
AMGEN INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	x	

**ASTRAZENECA PHARMACEUTICALS LP'S AND  
ASTRAZENECA LP'S RESPONSE TO  
INTERROGATORY NO. 5**

Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP (“AstraZeneca” or “Company”) respond to the State of Wisconsin’s (the “State”) Interrogatory No. 5, as follows:

**GENERAL OBJECTIONS**

AstraZeneca’s general objections to the State’s First Set of Interrogatories, First Set of Document Requests and Written Discovery Request No. 3 are incorporated by reference and shall be deemed objections to this Interrogatory.

**SPECIFIC RESPONSE TO INTERROGATORY NO. 5**

**INTERROGATORY NO. 5:** Have you ever included in your marketing of a Targeted Drug to any customer reference to the difference (or spread) between an AWP or WAC published by First DataBank, Redbook or Medi-span and the list or actual price (to any customer) of any Targeted Drug? If so, provide the following information for each Targeted Drug:

- (a) the drug name and NDC;
- (b) the beginning and ending dates during which such marketing occurred;

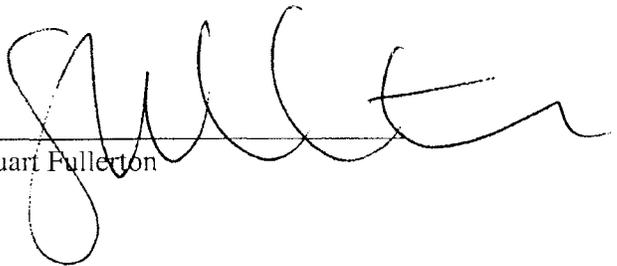
- (c) **the name, address and telephone number of each customer to whom you marketed a Targeted Drug in whole or in part by making a reference to such difference(s) or spread(s); and**
- (d) **identify any document published or provided to a customer which referred to such difference(s) or spread(s).**

**RESPONSE TO INTERROGATORY NO. 5:**

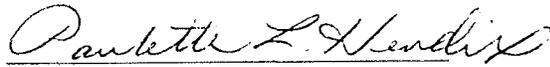
In addition to the General Objections, AstraZeneca also objects to the terms “marketing” and “marketed,” and “difference (or spread) between an AWP or WAC” as vague and ambiguous. Subject to its objections, AstraZeneca responds that the Company offers contracts to customers involving discounts or rebates that vary by product, date and trade class or customer. Many of these contracts, by necessity, involve consideration or discussion of the difference between list price (WAC) and any contracted price, net of discounts or rebates based upon volume, utilization or formulary placement. AstraZeneca has multiple, product-specific contracts of this type with thousands of institutional buyers and managed care customers. As such, identification of all documents in response to sub-part (d) would be overly burdensome and harassing. Moreover, these discounts and rebates are already reflected in the transactional data previously provided to the State. AstraZeneca further states that between approximately 1995 and 2000, in connection with Zoladex (NDCs 003100950, 003100951, 003100960 and 003100961), a physician administered drug often sold directly to doctors, certain AstraZeneca sales representatives provided physicians with information reflecting the difference between the AWP or WAC for Zoladex and the volume discount prices available to the physician via direct contract with AstraZeneca. Documents that reference this difference are identified by AstraZeneca on the enclosed CD Bates numbered AZ\_WI0044046 - AZ\_WI0044289.

**VERIFICATION**

I, Stuart Fullerton, am the Senior Litigation Counsel for AstraZeneca Pharmaceuticals LP. I have been authorized by AstraZeneca Pharmaceuticals LP and AstraZeneca LP to provide this verification on their behalf. I have reviewed the above interrogatory answer, which was prepared in reliance on information from officers, agents, employees and/or records of AstraZeneca Pharmaceuticals LP and AstraZeneca LP. The answer is true and correct to the best of my knowledge, information and belief.

  
Stuart Fullerton

Subscribed and sworn to before me  
this 26<sup>th</sup> day of September, 2006.



Notary Public, State of Delaware  
My Commission Expires:

PAULETTE L. HENDRIX  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires March 10, 2010

AS TO OBJECTIONS:

Dated: September 28, 2006

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September 28, 2006

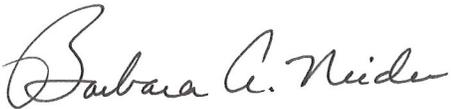
Robert S. Libman, Esq.  
Miner Barnhill & Galland, PC  
14 West Erie Street  
Chicago, Illinois 60610

Re: State of Wisconsin v. Abbott Laboratories, et al.  
Dane County, Wisconsin Case No. 04-CV-1709

Dear Bob:

Enclosed please find AstraZeneca's response to Interrogatory No. 5. Also enclosed is a CD which contains documents bearing Bates numbers AZ\_WI0044046 – AZ\_WI0044289. These documents are referenced in the interrogatory response. Please note that this information has been designated confidential and, as such, should be treated in compliance with the Protective Order entered by Judge Krueger on May 11, 2005, and in compliance with the Court's Decision and Order dated November 29, 2005. Please also note that, as per your request, these documents have been produced in Concordance format, as TIFF files, 300 dpi, with group IV compression.

Very truly yours,



Barbara A. Neider

BAN:pcl

Enclosures

cc: Kristi Prinzo (without CD)  
All Counsel of Record (by LexisNexis File & Serve, without CD)