

March 19, 2007

Via First Class Mail

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Miner, Barnhill & Galland
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Chicago, IL 60610

Re: *State of Wisconsin v. Amgen Inc., et al.*
Case No. 04 CV 1709

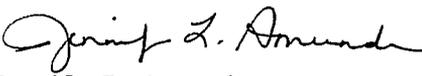
Dear Counsel:

Enclosed please find Novartis Pharmaceuticals Corporation's Responses and Objections to Plaintiff State of Wisconsin's Interrogatories No. 4 (to All Defendants), being served to all counsel via LexisNexis File and Serve as shown below. The original has been retained pursuant to the statute.

If you have any questions, don't hesitate to call.

Sincerely,

SOLHEIM BILLING & GRIMMER, S.C.

By 
Jennifer L. Amundsen

JLA/jck

Enclosure

cc: All Counsel of record (*via LNFS; w/ enclosure*)
Atty. Christine Braun (*via email; w/ enclosure.*)
Atty. Kim Grimmer (*via email; w/ enclosure*)

STATE OF WISCONSIN,

Plaintiff,

Case No. 04-CV-1709
Unclassified - Civil: 30703

v.

AMGEN INC., et al.,

Defendants.

**NOVARTIS PHARMACEUTICALS CORPORATION'S RESPONSES AND
OBJECTIONS TO PLAINTIFF STATE OF WISCONSIN'S
INTERROGATORIES NO. 4 (TO ALL DEFENDANTS)**

Pursuant to Wisconsin Statutes §§ 804.01 and 804.08, the Wisconsin Supreme Court Rules, and the Dane County Circuit Court Rules (collectively, the "Wisconsin Rules"), Defendant Novartis Pharmaceuticals Corporation ("NPC"), by its undersigned counsel, responds as follows to Plaintiff State of Wisconsin's Interrogatories No. 4 (To All Defendants) (the "Interrogatories"), served on or about January 16, 2007:

GENERAL OBJECTIONS

NPC expressly incorporates all of the General Objections set forth below into each Response to the Interrogatories. Any specific objections provided below are made in addition to these General Objections, and a failure to reiterate a General Objection below does not constitute a waiver or limitation of that or any other objection. To the extent that NPC states that it will provide information or produce documents responsive to any Interrogatory, such statement is made subject to, and without waiver or limitation of, all specific objections stated in response to such Interrogatory and all General Objections set forth below.

A. By responding to these Interrogatories, NPC does not waive or intend to waive: (i) any objections as to the competency, relevancy, materiality, or admissibility as

evidence, for any purpose, of any information or documents produced in response to these Interrogatories; (ii) the right to object on any ground to the use of the information or documents produced in response to these Interrogatories; (iii) the right to object on any ground at any time to a demand for further responses to these Interrogatories; or (iv) the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

B. By responding to these Interrogatories, NPC does not waive or intend to waive any privilege, for any purpose, of any documents produced in response to these Interrogatories. In particular, NPC objects to each Interrogatory to the extent that it purports to seek information protected by the attorney-client privilege, work-product doctrine, common-interest doctrine, joint-defense privilege, or any other applicable privileges or protections.

C. By responding that it will produce information or documents in response to a particular Interrogatory, NPC does not warrant that it has responsive materials or that such materials exist, only that it will conduct a reasonable search and make available responsive, non-privileged information or documents. No objection, or lack thereof, is an admission by NPC as to the existence or non-existence of any information or documents. Where NPC already has identified specific documents responsive to a particular Interrogatory and states that it will produce responsive documents “including” certain specifically identified information or documents, “including” means “including but not limited to.”

D. These responses are based on NPC’s investigation to date of those sources within its control where it reasonably believes responsive documents or information may exist. NPC reserves the right to amend or supplement these responses in accordance with the

Wisconsin Rules and Court orders with additional information, documents, or objections that may become available or come to NPC's attention, and to rely upon such information, documents, or objections in any hearing, trial or other proceeding in this litigation.

E. NPC objects to Plaintiff's "Definitions" and "Instructions" to the extent that they purport to expand upon or alter NPC's obligations under the Wisconsin Rules and Court orders.

F. NPC objects to these Interrogatories to the extent that they seek information outside the limitations periods applicable to the claims in the Second Amended Complaint, or beyond the time period relevant to this litigation, on the grounds that such information is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. In addition, NPC objects to these Interrogatories to the extent that they purport to require that NPC search for and produce documents generated or assembled either prior to January 1, 1997, which was the date NPC was created by operation of merger following approval by the Federal Trade Commission on December 17, 1996, or after September 30, 2003, the date on which the State of Nevada's Amended Second Amended Complaint in the action styled *In Re Pharmaceutical Industry Average Wholesale Price Litigation* (D. Mass.), MDL No. 1456, brought by the Nevada Attorney General and containing similar allegations against NPC to those alleged by Plaintiff, was publicly filed, thereby placing the Plaintiff on notice of the allegations against NPC, on the ground that such documents are neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. NPC's production of any documents created, generated, or assembled outside of the period from January 1, 1997 to September 30, 2003 does not constitute a waiver of this objection.

G. NPC objects to each Interrogatory that purports to require NPC to produce “all” documents described by such Interrogatory as unduly burdensome, cumulative, duplicative, and vexatious on its face. NPC will search for and produce documents sufficient to provide the information or data sought by specific Interrogatories, and where appropriate (*i.e.*, where non-identical documents provide additional relevant information), NPC will produce all non-identical documents.

H. NPC objects to these Interrogatories to the extent that they seek information not contained in documents that currently exist at NPC and purport to require NPC to create, compile or develop new documents.

I. NPC objects to these Interrogatories to the extent that they seek production of information or documents not in NPC’s custody or control, publicly available information or documents, information or documents equally available to Plaintiff, or information or documents more appropriately sought from third parties to whom subpoenas or requests could be or have been directed.

J. Given the confidential and proprietary nature of the information and documents requested, NPC’s production of information and documents is subject to and in reliance upon the Protective Order entered in this action by the Circuit Court for Dane County, Wisconsin on November 29, 2005.

K. The information and documents produced in response to these Interrogatories are for use in this litigation and for no other purpose.

OBJECTIONS TO DEFINITIONS

1. The terms “you,” “your,” or “your company” shall mean the defendants, and their subsidiaries, divisions, predecessors, officers, agents and all other persons acting or purporting to act on behalf of defendants or their subsidiaries or predecessors.

OBJECTION: NPC objects to Definition No. 1 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence and states that all responses contained herein are on behalf of Defendant Novartis Pharmaceuticals Corporation.

2. The words “document” and “documents” are used in the broadest possible sense and refer, without limitation, to all written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communications or representations of every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, whether prepared by hand or by mechanical, electronic, magnetic, photographic, or other means, as well as audio or video recordings of communications, oral statement, conversations or events. This definition includes, but it not [sic] limited to, any and all of the following: day-timers, journals, logs, calendars, handwritten notes, correspondence, minutes, records, messages, memoranda, telephone memoranda, diaries, contracts, agreements, invoices, orders, acknowledgements, receipts, bills, statements, appraisals, reports, forecasts, compilations, schedules, studies, summaries, analyses, pamphlets, brochures, advertisements, newspaper clippings, tables, tabulations, financial statements, working papers, tallies, maps, drawings, diagrams, sketches, x-rays, charts, labels, packaging, plans, photographs, pictures, film, microfilm, microfiche, computer-stored or computer-readable data, computer programs, computer printouts, telegrams, telexes, telefacsimiles, tapes, transcripts, recordings, and all other sources or formats from which data, information or communications can be obtained. Any preliminary versions, drafts, or revisions of any of the foregoing, any document which has or contains any attachment, enclosure, comment, notation, addition, insertion, or marking of any kind which is not part of another document, or any document which does not contain a comment, notation, addition, insertion, or marking of any kind which is part of another document, is to be considered a separate document.

OBJECTION: NPC objects to Definition No. 2 to the extent that it seeks to impose discovery obligations that are broader than, or inconsistent with, NPC’s obligation under the Wisconsin Rules. NPC further objects to this definition to the extent it requires NPC to: (i) produce documents or data in a particular form or format; (ii) convert documents or data into a particular or different file format; (iii) produce data, fields, records, or reports about produced documents or data; (iv) produce documents or data on any particular media; (v) search for and/or produce any

documents or data on back-up tapes (or other non-readily accessible media); (vi) produce any proprietary software, data, programs, or databases; or (vii) violate any licensing agreement, copyright laws, or proprietary rights of any third party.

**SPECIFIC RESPONSES AND OBJECTIONS TO
INTERROGATORIES**

INTERROGATORY NO. 12: With respect to the facts which you identify in response to interrogatories No. 6 and 8 (attached) identify each person having knowledge of each of these facts and identify which fact each person has knowledge of, and state the present business title, business address and home address of each person.

RESPONSE TO INTERROGATORY NO. 12: In addition to its foregoing General Objections and Objections to Definitions, NPC specifically objects to Interrogatory No. 12 on the grounds set forth in its Responses to Interrogatory Nos. 6 and 8, served on March 14, 2007.

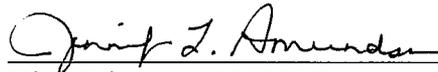
AS TO OBJECTIONS:

Dated this 19th day of March, 2007.

Respectfully submitted,

Novartis Pharmaceuticals Corporation

By its attorneys,



Kim Grimmer (1018576)

Jennifer L. Amundsen (1037157)

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STATE OF WISCONSIN

CIRCUIT COURT
Branch 7

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 04-CV-1709
Unclassified - Civil: 30703

v.

AMGEN INC., et al.,

Defendants.

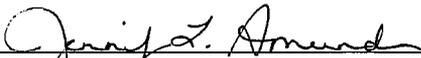
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2007, a true and correct copy of Novartis Pharmaceuticals Corporation's Responses and Objections to Plaintiff State of Wisconsin's Interrogatories No. 4 (To All Defendants) was served on all counsel of record via LexisNexis File and Serve.

I also certify that I caused a true and correct copy of this document to be served electronically and by First Class Mail upon Attorney Robert S. Libman and mailed by First Class Mail to the following:

Atty. Cynthia R. Hirsch
Atty. Charles Barnhill
Atty. William P. Dixon
Atty. P. Jeffrey Archibald

Dated this 19th day of March, 2007.



Jennifer L. Amundsen