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### **Merck to Seek Appellate Review of Class Certification Decision in VIOXX<sup>®</sup> Proceedings in Saskatchewan**

MONTREAL, Feb. 20, 2008 – Merck Frosst Canada Ltd. has learned that the Saskatchewan Court of Queen’s Bench has decided to certify class proceedings in a lawsuit regarding VIOXX<sup>®</sup>. The Company intends to seek appellate review of the decision because it believes that each plaintiff’s case should be tried separately.

“Our legal strategy remains the same,” said Maurice Laprairie, of MacPherson, Leslie & Tyerman LLP, Saskatchewan counsel for Merck Frosst and Merck & Co., Inc. “Although we argued against the creation of a class, the Court’s decision still requires that each plaintiff must prove his or her claims on an individual basis because each plaintiff’s case is unique and depends on an individual set of facts. Heart attacks, for example, are unfortunately common in the population and caused by many different risk factors.”

“The Company intends to defend these cases vigorously over the coming years, and we are confident that the courts will decide these cases based on sound science,” said Mary M. Thomson, of Gowling Lafleur Henderson LLP, Canadian national counsel for Merck Frosst and Merck & Co., Inc. “We will continue to argue that centralized judicial management of individual cases, not a class action, is the preferable procedure for trying each case in a fair and expeditious manner.”

Merck acted responsibly – from researching VIOXX prior to approval in clinical trials involving almost 10,000 patients – to monitoring the medicine while it was on the market – to voluntarily withdrawing the medicine when we did.

On Nov. 9, 2007, Merck & Co., Inc entered into a resolution agreement concerning individual product liability claims against the Company in the United States. That agreement does not admit fault or causation and does not apply to Canada. VIOXX lawsuits outside the

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United States are in various stages of the legal process in different countries with different rules and judicial processes.

### **About Merck Frosst Canada Ltd.**

At Merck Frosst, patients come first. Merck Frosst Canada Ltd. is a research-driven pharmaceutical company. Merck Frosst discovers, develops and markets a broad range of innovative medicines to improve human health. The Merck Frosst Centre for Therapeutic Research, one of the largest biomedical research facilities in Canada, has the mandate to discover new therapies for the treatment of respiratory diseases, inflammatory diseases, diabetes and osteoporosis. More information about Merck Frosst is available at <http://www.merckfrosst.com>.

### **Forward-Looking Statement**

This statement contains “forward-looking statements” as that term is defined in the Private Securities Litigation Reform Act of 1995. These statements are based on management’s current expectations and involve risks and uncertainties, which may cause results to differ materially from those set forth in the statements. The forward-looking statements may include statements regarding product development, product potential or financial performance. No forward-looking statement can be guaranteed, and actual results may differ materially from those projected. Merck undertakes no obligation to publicly update any forward-looking statement, whether as a result of new information, future events, or otherwise. Forward-looking statements in this press release should be evaluated together with the many uncertainties that affect Merck’s business, particularly those mentioned in the risk factors and cautionary statements in Item 1A of Merck’s Form 10-K for the year ended Dec. 31, 2006, and in its periodic reports on Form 10-Q and Form 8-K, which the Company incorporates by reference.

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