



Statement

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New Jersey Appellate Court Upholds Dismissal of VIOXX® Claims From United Kingdom Plaintiffs

WHITEHOUSE STATION, N.J., July 31, 2007 – Merck & Co., Inc. is pleased that an appellate court in New Jersey today unanimously upheld the dismissal of 98 VIOXX cases previously filed in New Jersey by plaintiffs from the United Kingdom.

In the ruling, the appellate court said that the United Kingdom has an adequate alternative legal forum in which plaintiffs may pursue their allegations.

Last September, Judge Carol Higbee, of the Superior Court of New Jersey, Atlantic County, had dismissed the cases on the same reasoning.

"We feel this is the correct ruling. As we argued, it makes little sense to try these cases here in New Jersey," said Ted Mayer, Merck's outside counsel with the law firm of Hughes Hubbard & Reed LLP.

"The United Kingdom has a perfectly appropriate judicial system," Mr. Mayer added. "In fact, the United Kingdom courts are more appropriate than New Jersey because the plaintiffs live there, they were prescribed the medicine there, they ingested it there, they were treated there, their medical records are there, and their physicians live there."

In addition, as the appellate court noted, the regulatory agencies overseas operate under their own regulatory rules, not those of the United States, and their regulatory regimes are different from those in the United States.

Today's decision also is proper because many U.S. courts have previously held that it would be inappropriate for a U.S. court – or, for that matter, a U.S. jury – to second-guess another country's regulatory judgment.

Last year, a federal district judge in New Orleans similarly ruled that it is not appropriate for plaintiffs from France and Italy to file lawsuits in the U.S. courts because they have appropriate legal forums in their own countries as well.

About Merck

Merck & Co., Inc. is a global research-driven pharmaceutical company dedicated to putting patients first. Established in 1891, Merck currently discovers, develops, manufactures and markets vaccines and medicines to address unmet medical needs. The Company devotes extensive efforts to increase access to medicines through far-reaching programs that not only donate Merck medicines but help deliver them to the people who need them. Merck also publishes unbiased health information as a not-for-profit service. For more information, visit www.merck.com.

Forward-Looking Statement

This press release 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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