



## Statement

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**VIOXX® Trial Update:  
Statement on VIOXX Product Liability Trial Scheduled in  
California Superior Court, Los Angeles County**

WHITEHOUSE STATION, N.J., Oct. 30, 2006 – Merck & Co., Inc. is conducting a vigorous defense in two VIOXX product liability lawsuits set for opening statements on November 7, 2006, in the California Superior Court in Los Angeles. The company believes the evidence in these cases will show that VIOXX did not cause the cardiac events alleged by plaintiffs Lawrence Appell and Rudolph Arrigale.

In Appell v. Merck & Co., the plaintiff from Scottsdale, Arizona, alleges he used VIOXX for 18 months before suffering a heart attack, at age 51, on December 23, 2000. Mr. Appell continued to use VIOXX until September 2004. In Arrigale v. Merck & Co., the plaintiff from Westminster, California, alleges he took VIOXX for 4-1/2 months before his heart injury, at age 72, on March 18, 2002.

“These cases are very different except for one thing: both of these plaintiffs were at increased risk for heart injuries regardless of whether they were taking VIOXX,” said Thomas Yoo of Reed Smith, a defense lawyer representing Merck. “Mr. Appell had significant risk factors prior to his heart attack, including hypertension, cholesterol problems, obesity, as well as a family history of heart attacks at relatively young ages.

“Mr. Arrigale suffered a cardiac arrest in March 2002 that was caused by advanced coronary heart disease. Mr. Arrigale had serious vascular disease for more than 25 years, a family history of heart problems, and suffered a heart attack caused by coronary artery disease in the early 1980s.

“Plaintiffs will have a difficult time proving that it was VIOXX, and not their previous medical conditions, that caused their cardiac events,” Yoo added. “Merck will demonstrate that the company provided appropriate information about VIOXX to the medical, scientific and regulatory communities.”

“We intend to defend these cases individually over many years,” said Kenneth C. Frazier, senior vice president and general counsel of Merck. “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 it did.”

Merck is represented by Ralph A. Campillo of Sedgwick, Detert, Moran & Arnold in Los Angeles; Steve Raber and Eva Esber of Williams & Connolly in Washington D.C., and Thomas Yoo of Reed Smith in Los Angeles.

California Superior Court Judge Victoria Chaney is presiding.

To date, there have been 10 cases that have proceeded to trial. In six of those cases, juries returned verdicts in Merck's favor. A state judge set aside one of those six verdicts. In the four cases resulting in a plaintiff's verdict, Merck already has filed an appeal or sought judicial review. In one of those four cases, a federal judge overturned the damage award.

The claims of more than 3,000 plaintiff groups have been dismissed to date. That includes more than 1,100 plaintiff groups whose claims were dismissed with prejudice either by plaintiffs themselves or by the courts. More than 2,000 additional plaintiff groups have had their claims dismissed without prejudice.

### **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](http://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 cautionary statements in Item 1 of Merck's Form 10-K for the year ended Dec. 31, 2004, and in its periodic reports on Form 10-Q and Form 8-K, which the Company incorporates by reference.

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