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Media Contact: Beth Sanzone  
(202) 778-1079

Investor Contact: Graeme Bell  
(908) 423-5185

### **Federal Court in New Orleans Grants Motion to Dismiss VIOXX® Class Action Claims from French and Italian Plaintiffs**

WHITEHOUSE STATION, N.J., Aug. 30, 2006 – Merck & Co., Inc. is pleased that a federal court in New Orleans has granted the motion to dismiss two VIOXX class action claims previously filed in the federal court: one claim filed by plaintiffs from France and the other claim by plaintiffs from Italy.

Merck had requested a dismissal arguing that France and Italy have appropriate legal systems in which citizens may pursue their allegations and that those plaintiffs should not have their claims heard in the United States.

The order granting Merck's request, issued late Tuesday by Judge Eldon Fallon of U.S. District Court in New Orleans, indicated that a written decision explaining the ruling would follow.

"We believe this is the correct ruling. It makes little sense to try these cases here in the United States," said Ted Mayer, Merck's outside counsel with the law firm of Hughes Hubbard & Reed LLP.

"Both France and Italy have perfectly appropriate judicial systems," Mr. Mayer added. "In fact, France and Italy courts are more appropriate than the United States 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, 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 is appropriate 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.

**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 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 statement 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, 2005, and in its periodic reports on Form 10-Q and Form 8-K, which the Company incorporates by reference.

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