



October 25, 2010

Frank Conway  
HIV Community Relations  
Merck & Co.

Dear Mr. Conway:

In 2009, ATAC released its first "report card" evaluation of Merck's strengths and weaknesses in several categories important to the HIV community. These include scientific innovation, community engagement, patient assistance and fair pricing.

We are pleased to take this opportunity to provide a brief "progress report" on Merck's activities during the past year and keep you informed about ATAC's expectations for future improvements.

The membership of ATAC strongly believes that continued progress in the discovery and development of new HIV treatments is critical. Despite great strides made in the efficacy, tolerability, and convenience of antiretroviral therapy over the past few years, too many people with HIV have yet to begin treatment, and an increasing number of those who have begun are finding it difficult to sustain long term adherence. Better HIV medicines, with fewer side effects, greater durability, and more flexible modes of administration should be in development now, so that the next generation of HIV therapy will be ready to meet the need.

In light of the lifetime nature of antiretroviral treatment, ATAC applauds the resurgence of research into finding a "cure" for HIV infection. We thank Merck for leading in this effort.

The financial burdens of lifetime therapy, for institutions and individuals alike, are increasing daily, with waiting lists for state ADAP programs now having surpassed the 3,000 patient mark. ATAC appreciates efforts to ameliorate this crisis, but finds the best efforts of the government and some companies falling short. We strongly urge Merck and every company to find new and innovative ways to make HIV treatment accessible and affordable to all who need it.

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### **Merck Performance Update**

The ATAC membership reported that, during the year since we issued our 2009 Report Card, Merck has initiated significant and innovative improvements in its patient assistance programs and has worked to support ADAP programs. We especially commend Merck for continued investment in research for improved HIV medicines and for a cure for AIDS. The ATAC membership urges Merck to continue meaningful dialog with the HIV treatment activist community, especially in seeking consultation on the early development of new drugs.

Here are the points identified by ATAC's membership:

In that past year, Merck has taken several actions that we believe are in the best interests of people living with HIV, and for which we commend you. These include:

- launching, and then expanding, the most generous co-payment assistance program in the industry;
- expanding your Patient Assistance Program (PAP) eligibility criteria;
- continuing to invest in HIV treatment research, including novel programs devoted to curing HIV;
- announcing aid to Medicare Part D recipients during their gap in coverage;
- continuing to seek community input on the design of studies to test new therapies;
- negotiating a price agreement with the ADAP Crisis Task Force to minimize the harm to ADAP from steeply reduced state funds;
- participating in the Welvista program to reduce the burden on people with HIV who have been put on ADAP waiting lists.

In the coming year, we would like to see Merck take further actions to benefit people living with HIV. These include keeping price increases at or below the consumer price index for inflation and continuing to share early data on the development of your experimental HIV drug programs with the community.

Thank you for your attention to these concerns. We greatly appreciate your willingness to remain engaged in constructive dialog with the HIV community. We will be following up with a more comprehensive evaluation in our 2011 HIV Drug Company Report Card next year.

Sincerely,

AIDS Treatment Activists Coalition

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