



Boehringer
Ingelheim

Boehringer Ingelheim (Pty) Ltd

Mr. Mukesh Metha
Phillips Pharmaceuticals Ltd
P. O. Box 46662-00100

Nairobi
Kenya

8. June 2006

Viramune Patents in East Africa

Dear Mukesh

Boehringer Ingelheim invented nevirapine and nevirapine hemihydrate and the molecules were made available to patients under the brand-name Viramune. These molecules were patented around the world including Nigeria, Kenya, Uganda, Zambia and Zimbabwe. The patents include all uses of the molecules, also in combination products. These patents will remain in force in these countries until November 2010 and 2018 respectively.

In order to reduce the cost of treatment to patients suffering from HIV and AIDS, Boehringer Ingelheim was one of the first companies to reduce prices in support of the Accelerated Access Initiative (AAI). In further support of cost reductions, we have issued a number of voluntary licenses to allow generic pharmaceutical companies to manufacture the generic alternatives to Viramune and sell them in specified territories. Under the terms of the license agreements, Aspen Pharmacare, Cosmos Pharmaceuticals and Universal Pharmaceuticals are the only companies that can legally supply the generic products in the East African Region.

A number of other generic companies have registered generic alternatives with the local authorities and some have received modified FDA approval for their products under PEPFAR requirements. These products may be sold in countries where patents on the active ingredient nevirapine do not exist, but should they be sold in countries where patents exist, this will be an infringement of our patents and illegal under international trade regulations.

Our Reference
Nevirapine Patents

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Reg. No. 1966/008619/07

It has come to our attention that some of these companies are tempting our (and your) customers with very low prices to buy their products. That would be breaking the law. I have therefore decided to write to you and request you to please advise these parties that they are exposing themselves to possible legal action. Should they require further information in this regard, please ask them to contact me.

I trust that we can rely on your continued support also in this important matter.

Yours sincerely

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BOEHRINGER INGELHEIM (PTY) LTD



Ignatius M Viljoen
Business Manager East Africa