



3AN-06-05630CI Volume: 014

State of Alaska vs. Eli Lilly & Co

VOL. 14
CIVIL

CIVIL

IN THE

TRIAL COURTS

OF THE

STATE OF ALASKA

TYPE OF PROCEEDING

Begin: 3-11-08
End: 3-14-08

End: 3-14-08

DEFENDANT'S
ATTORNEY

MASTER ASSIGNED	DATE ASSIGNED	DATE DISQUALIFIED	BY WHOM DISQUALIFIED
ED	DATE ASSIGNED	DATE DISQUALIFIED	BY WHOM DISQUALIFIED
Kinder	3-1-06		

FILING FEE

RECEIPT# _____

INDEXED _____

OTHER _____

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs.

ELI LILLY AND COMPANY,

Defendant.

FILED IN OPEN COURT

Date: 3-14-08

Clerk: MJS

Case No. 3AN-06-5630 CIV

**PLAINTIFF'S OPPOSITION TO ELI LILLY AND COMPANY'S MOTION TO
STRIKE TESTIMONY OF R. DUANE HOPSON, M.D.**

Defendant's motion is meritless and should be summarily denied. The court should, at this point, consider whether Lilly should be subject to Rule 11 sanctions for filing its meritless motion for the following reasons:

- Lilly and its motion objects to plaintiffs having a elicited expert testimony from Dr. Hopson. However, during the course of Dr. Hopson's cross-examination, defendant through its counsel, Nina Gussack, elicited sixteen expert opinions from Dr. Hopson.
- Defendant attempts to mislead the court by falsely implying that the conduct of plaintiff's counsel was improper. The testimony elicited from Dr. Hopson by Mr. Allen was to the effect that he and Mr. Allen had never met and that testimony was both truthful and accurate. To suggest that the State is not permitted to speak with a State employee with respect to his forthcoming testimony is absurd. Further, counsel claims, without basis, that there was an "intense preparation" when, in fact, counsel has no

FELDMAN ORLANSKY
& SANDERS
500 L STREET
FOURTH FLOOR
ANCHORAGE, AK
99501
TEL: 907.272.3538
FAX: 907.274.0819

State's Opposition to Motion to Strike Testimony of R. Duane Hopson
State of Alaska v. Eli Lilly and Company

Case No. 3AN-06-5630 CI
Page 1 of 14

knowledge of what occurred within a meeting that is protected by the attorney/client privilege.

I. Facts

First, it should be noted that with respect to Dr. Hopson, Lilly's counsel in opening statement baited the State as follows:

And the question you should be asking yourself is: What physician is the State of Alaska bringing to this courtroom to tell us how the State got bamboozled? Because I didn't hear anything about anybody coming from the physician, no psychiatrist coming from the State to tell you how they were fooled by Lilly's label, about how it was misleading.

That's because the State is not bringing any doctors from Alaska to court to tell you that they were misled, that the label's inadequate or that they were tricked into prescribing Zyprexa.

Lilly is going to bring you the doctor from Alaska. In fact, you might think of him as the head doctor for Alaska, Dr. Duane Hopson, because Dr. Hopson is a psychiatrist. He is the president of the Alaska Psychiatric Association. He is also the medical director of the Alaska Psychiatric Institute, the only state-run psychiatric hospital in Anchorage, and he is an employee of the State of Alaska. And Lilly will bring Dr. Hopson to court.

You might think that the State would have brought him as a witness in their case, but they won't and we will.

And Dr. Hopson will tell you that he and others on his staff use Zyprexa regularly to treat patients at the Alaska Psychiatric Institute, and he will tell you that he has and continues to prescribe Zyprexa to patients right here in Alaska.

He's also going to tell you that Alaska has no restrictions, no restraints on the use of Zyprexa. Two years this lawsuit has been

pending and for two years the State has no imposed any restriction, any restraint, any limit on the use of Zyprexa. Does that sound like somebody who has been bamboozled? If they had a complaint two years ago, you need to be asking yourself, I think, well, why haven't they done something?

Lilly's argument to the jury is of course that the State is fearful of calling Dr. Hopson because his testimony would be unfavorable to the State. Having asked the jury to draw this inference, Lilly then tried, behind the jury's back, to prevent the State from calling Dr. Hopson. It is a novel trial tactic to ascribe a motive to the State for failing to call Dr. Hopson while petitioning the court to prevent the State from meeting Lilly's challenge.

The court, after extensive argument by the parties, decided to allow the State of Alaska to call Dr. Hopson.

II. Lilly has violated Miller v. Phillips and local procedure to the State of Alaska's prejudice.

In its motion, Lilly complains that expert opinion testimony was elicited from Dr. Hopson. Lilly is correct. Counsel for Lilly, Nina Gussack, elicited at least sixteen separate expert opinions from Dr. Hopson during the course of the taking of his testimony on March 12, 2008. Those expert opinions do not relate to Dr. Hopson's testimony on direct and those opinions relate solely to Lilly's claimed defense. Expert opinions elicited from Dr. Hopson by Ms. Gussack include the following:

Q: You would agree with me, wouldn't you that there is no one medication that will be effective for all of those patients?

A: Correct.

Q: And you believe it's important to have a variety of choices of medications to treat seriously mentally ill patients don't you?

A: Absolutely, yes.

[Tr. 160, lines 7 thru 14, Vol. 8, Transcript of Proceedings, March 12, 2008]

Q: You would agree with me, wouldn't you, Doctor, that no medication can help any patient unless they are taking it, unless they're compliant with their medication, correct?

A: Correct.

[Tr. 161, lines 6 thru 10]

Q: Okay. And you would agree with me, wouldn't you, that one of the most significant challenges in treating seriously mentally ill patients is having them become – is having them stay compliant with their medication regimen, isn't it?

A: Yes.

Q: So when a medication like olanzapine is demonstrated to have longer duration of patients staying on it, that's an important finding, isn't it?

A: Yes.

[Tr. 162, line 2 thru 13]

Q: Doctor, before I forget, there was – Mr. Allen made reference to mood, thought and behavior as bases for prescribing Zyprexa.

06-05630 CI

You would agree with me, wouldn't you, that the reference to mood is related to bipolar disorder or bipolar disease, isn't it?

A: Yes.

Q: And you certainly describe for us, I think, in a very extensive and compelling way that the acute schizophrenic patient has many behavioral disturbances, don't they?

A: Yes.

Q: And, in fact, a bipolar patient, a manic bipolar patient has behavioral disturbances as well, don't they?

A: Yes.

[Tr. 163, line 21 thru Tr. 164, line 11]

Q: And you have always believed – you personally, that there was an increased incidence of weight gain and blood glucose elevations with patients on Zyprexa as opposed to the other atypical antipsychotics; isn't that right?

A: Yes. We began seeing that, I believe that.

[Tr. 171, lines 8 thru 14]

Q: Okay. So in 1999 it wouldn't surprise you that an article about Antipsychotic Induced Weight Gain, a Comprehensive Research Synthesis would be published and describe the effects of antipsychotics on body weight – excuse me – correct?

A: That's correct.

[Tr. 176, lines 16 thru 22]

Q: Of all the sources of information that you have about a medication, is the sales representatives' information the most

valuable or somewhere towards the bottom of the continuum of information?

A: I think I would consider it extremely valuable, and I – you know, would expect that it would be timely and accurate.

[Tr. 178, lines 7 thru 14]

Q: And it says here that assessment of the relationship, if you'll see the second sentence – between atypical antipsychotic use and glucose abnormalities is complicated by the possibility of an increased background risk of diabetes mellitus in patients with schizophrenia and the increasing incidence of diabetes mellitus in the general population.

So, let's just break that down for a minute. You would agree, sir, that the patients with schizophrenia are at increased risk for diabetes regardless of medication?

A: Yes.

[Tr. 190, lines 8 thru 20]

Q: And you would agree that there is an increasing incidence of diabetes in the population at large?

A: Yes.

[Tr. 190, lines 21 thru 24]

Q: In fact, there are those who have called it an epidemic of diabetes, correct?

A: Yes.

[Tr. 190, line 25 thru Tr. 192, line 2]

Q: Of course we know that there's equally challenging of the American population an epidemic of obesity as well?

A: Correct.

[Tr. 191, lines 3 thru 6]

Q: And you tell us that you were well aware of the connection between being obese or overweight and the risk of diabetes?

A: Yes.

Q: There are a lot of things going on that make it hard to figure out what causes diabetes, isn't there?

A: Yes.

Q: Particularly in a patient with schizophrenia?

A: Yes.

Q: Now, it goes on to say: Given these confounding pieces that we've just talked about, the relationship between atypical antipsychotic use and hyperglycemia-related adverse events is not completely understood.

You'd agree with that, wouldn't you, sir?

A: Yes.

[Tr. 191, lines 7 thru 25]

Q: Okay. Now, if we go to page 7 of that warning regarding hyperglycemia and diabetes mellitus, at the top of the page it says: At that time, in the September, 2003 label, that precise risk estimates for hyperglycemia-related adverse events in patients treated with atypical antipsychotics are not available, okay.

And it goes on to say: The available data are insufficient to provide estimates of differences in hyperglycemia-related adverse event risk among the marketed atypical antipsychotics.

So, from this language in the warning of September, 2003, what physicians were being told is, there's insufficient information to make distinctions between the various atypical antipsychotics, correct?

A: Yes.

[Tr. 192, lines 1 thru 18]

III. The vast majority of the testimony elicited by the State from Dr. Hopson was factual in nature.

A review of Dr. Hopson's testimony, which Lilly's counsel apparently has not done, reveals that the information elicited from him was primarily factual and related to how patients were treated at Alaska Psychiatric Institute and the reasons for that treatment, particularly with respect to the use of atypical antipsychotics.

Further, the following bench discussion occurred immediately preceeding the doctor's testimony with respect to the use of atypical antipsychotics:

Ms. Gussack: We object to opinions being elicited from the witness who plainly has not been identified as an expert on the subject -

Mr. Allen: I'll ask him **as a fact**. (Emphasis added)

The Court: You can - I'm not going to let you ask him as an expert per expert, but he can be asked questions as a hybrid witness that - in **describing what he does as his work**, he can explain things to the jury and explain how those things affect him in his work. (Emphasis added) (End of bench discussion)

06-05630 CI

[Tr. 76, lines 9 thru 21]

Thereafter, Mr. Allen followed the court's instruction and a reading of the full transcript makes it clear that the testimony offered "describes what the doctor does at work." Immediately following the bench discussion with the court, Mr. Allen begins as follows:

Q: (By Mr. Allen) Doctor, occasionally we'll have these interruptions and that's fine. I apologize.

Doctor, do you, as a practicing psychiatrist at the Alaska Psychiatric Institute, is a warning in the package insert, in general, and on Zyprexa, in particular, important to you? (Emphasis added)

A: Yes.

[Tr. 76, line 22 thru Tr. 77, line 4]

Thereafter, defense counsel's objections are sparse. However, the court is scrupulous in its instructions to counsel and the jury so that the jury understands that the testimony being given relates to Dr. Hopson's practice at the Alaska Psychiatric Institute. For example, Ms. Gussack complains:

Ms. Gussack: This is plainly improper to have opening statements by counsel be used. It's not evidence in this case (Ms. Gussack objecting to her own opening statement.)

The Court: Well, that's not evidence but his testimony - I mean, I assume he's going to ask him if he agrees and that's something he does. Actually, I don't want you to ask him if he agrees, I want you to ask him if it's something he uses in his practice.

06-05630 CI

[Tr. 78, lines 17 thru 25]

The court is again making it clear that the doctor's testimony relates to "something he uses in his practice".

Ms. Gussack objects again:

Ms. Gussack: Objection, eliciting an opinion from Dr. Hopson here.

The Court: I'll allow that, because I think it's within his medical expertise and as part of a doctor explaining things.

Q: (By Mr. Allen) Is diabetes bad for you, Doctor?

A: Yes.

[Tr. 81, lines 18 thru 24]

Thereafter, the court continues to make sure that counsel and the jury understand that testimony being given by Dr. Hopson relates to his practice as follows:

Ms. Gussack: I think the question just posed really is a Phase 2 question; it's a damage question. And haven't been given opportunity to obtain the information that would allow us to have cross-examination on this issue.

The Court: I'm going to over-rule that objection, but I want you to establish that he's got sufficient information to ask that question. In other words, I've got concerns about whether – what the basis is going to be and where this is coming from and whether it's – **if it's coming from his practice, personal practice**, I'll allow him to answer the question if it's coming from the literature, he becoming an expert – (Emphasis added)

[Tr. 106, lines 9 thru 23]

06-05630 CI

In response to the court's concern, Mr. Allen thereafter asks his next questions, which clearly relates to Dr. Hopson's practice at A.P.I. as follows:

Q: In your professional judgment, do you believe that the protocol that you have now is a better protocol for patients' health than it used to be?

A: I do.

Q: And why is that?

A: Because I think with our current understanding of the risks, we are better equipped to monitor for the potential side effects.

[Tr. 108, lines 3 thru 12]

And finally, at the end of Dr. Hopson's testimony, Mr. Allen continues to make it clear that he is referring to the doctor's personal practice at A.P.I. with the following question:

Q: Doctor, based upon your personal experience and practice, do you believe prior to the time that you learned what you know about Zyprexa – and it's much difference today than it was even a year ago; is that true?

A: Yes.

Q: Do you believe patients who are placed on Zyprexa develop diabetes who otherwise would not have developed diabetes if you knew then what you've been told now?

A: I think there are.

Ms. Gussack: Objection – I said objection. For the reasons we expressed earlier.

the Court: That's over-ruled.

[Tr. 151, lines 4 thru 17]

Ms. Gussack made no other objections during the course of Dr. Hopson's testimony relating to Lilly's claim that "improper opinions" were being given. It is clear that counsel's objections were not well-founded and each objection was handled appropriately by the court. Further, Mr. Allen was careful to comply with the court's wishes couching his questions in terms of things which affected Dr. Hopson's practice as a psychiatrist in Alaska.

IV. Conclusion

The ultimate trial tactic is to ask a jury to draw an inference based upon opposing counsel's conduct and then attempt to persuade the court to prohibit counsel from behaving in any other way. This is the taking of gamesmanship to an absurd level. Lilly, both in Dr. Hopson's deposition and at trial, sought from Dr. Hopson opinions which were completely unrelated to his practice at A.P.I. Counsel then intended to place those opinions before the jury while preventing the State from doing anything to rebut that testimony. The court has correctly decided that such gamesmanship should go unrewarded and Lilly offers no rational basis for ruling otherwise. Lilly's motion should be denied and sanctions should be imposed.

DATED this 13th day of March, 2008.

GARRETSON & STEELE

Counsel for Plaintiff

By 

Joseph W. Steele

Admitted Pro Hac Vice

Matthew L. Garretson

David C. Biggs

5664 South Green Street

Salt Lake City, UT 84123

(801) 266-0999

FELDMAN ORLANSKY & SANDERS

Eric T. Sanders

AK Bar No. 7510085

500 L Street, Suite 400

Anchorage, AK 99501

RICHARDSON, PATRICK,

WESTBROOK & BRICKMAN, LLC

H. Blair Hahn

Christiaan A. Marcum

David Suggs

P.O. Box 1007

Mt. Pleasant, SC 29465

(843) 727-6500

HENDERSON & ALLEN, LLP

T. Scott Allen Jr.

2777 Allen Parkway, 7th Floor

Houston, TX 77019-2133

(713) 650-6600

FIBICH HAMPTON & LEEBRON

Kenneth T. Fibich

1401 McKinney, Suite 1800

Houston, TX 77010

(713) 751-0025

Counsel for Plaintiff

FELDMAN ORLANSKY
& SANDERS
500 L STREET
FOURTH FLOOR
ANCHORAGE, AK
99501
TEL: 907.272.3538
FAX: 907.274.0819

State's Opposition to Motion to Strike Testimony of R. Duane Hopson
State of Alaska v. Eli Lilly and Company

Case No. 3AN-06-5630 CI
Page 13 of 14

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by ^{hand} messenger on:

Brewster H. Jamieson
Lane Powell LLC
301 West Northern Lights Boulevard, Suite 301
Anchorage, Alaska 99503-2648

George Lehner
Captain Cook Hotel

By M. Sumner

Date 03/14/08

FELDMAN ORLANSKY
& SANDERS
500 L STREET
FOURTH FLOOR
ANCHORAGE, AK
99501
TEL: 907.272.3538
FAX: 907.274.0819

State's Opposition to Motion to Strike Testimony of R. Duane Hopson
State of Alaska v. Eli Lilly and Company

Case No. 3AN-06-5630 CI
Page 14 of 14

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

FILED IN OPEN COURT

Date: 3-13-08

Clerk: MZO

Case No. 3AN-06-05630 CI

**DEFENDANT ELI LILLY AND COMPANY'S MOTION TO
STRIKE TESTIMONY OF R. DUANE HOPSON, M.D.**

After failing to list Duane Hopson, M.D., as either a fact, expert or "hybrid" witness in either of its witness lists, the State yesterday called Dr. Hopson and:

- Elicited expert testimony without ever disclosing a summary of his expected testimony; and
- Attempted to mislead the jury by falsely implying that this employee of the State had come to court "cold," unprepared to provide the testimony that had, in fact, been the subject of intense preparation.

This "hybrid" expert testimony constituted unfair surprise to Eli Lilly and Company and should be stricken from the record, or a mistrial should be declared.

I. FACTS

Although Lilly identified Dr. Hopson as a lay witness on its final witness list, the State failed to list him on either witness list that it has filed and, to this day, it has failed to provide any "Other Expert Opinion Testimony Summary" for Dr. Hopson, as required by the Uniform Pretrial Scheduling Order applicable to this matter. The deadline for "Other Expert Opinion Testimony Summary" passed on November 5, 2007.

Dr. Hopson is the Medical Director of the Alaska Psychiatric Institute, which dispenses Zyprexa on a regular basis. Because the State never notified Lilly of its intention to call Dr. Hopson as an expert, Lilly prepared for trial with the understanding that he would appear as a lay witness. Following his deposition on December 11, 2007, Dr. Hopson's name never appeared on *any* of the witness lists filed by the State. His deposition testimony – and the absence of any disclosure of expert opinion – led Lilly to conclude that the State did not intend to elicit such opinions from him. Then, with less than twenty-four hours warning, the State called Dr. Hopson to the stand, where he offered expert testimony.

Counsel for the State began his direct examination by eliciting testimony that Dr. Hopson had never met with him. Then, for the first time, Dr. Hopson expressed numerous opinions regarding the adequacy of the warnings contained in the Zyprexa label, as well as his analysis of internal Lilly research and marketing documents, all of which fall outside the scope of lay witness testimony. On cross-examination, Dr. Hopson admitted that he had met secretly with the State's attorneys within the last two weeks and, during those meetings, reviewed an undetermined set of documents selected by the State's attorneys for the purpose of eliciting the expert opinions expressed by Dr. Hopson for the first time yesterday.

II. THE STATE VIOLATED MILLER v. PHILLIPS AND LOCAL PROCEDURE TO LILLY'S PREJUDICE.

Pretrial discovery enables the parties to prepare for, and eliminate unfair surprise at, trial. The requirement to disclose witnesses, both lay and expert, and to allow the parties the opportunity to depose listed witnesses enables each side to discover the testimony the other will offer at trial. The rules apply with equal force to expert and "hybrid" witnesses.

In *Miller v. Phillips*, the Alaska Supreme Court first addressed the issue of a "hybrid witness," i.e., a fact witness who, because of his profession, could render expert opinions. 959 P.2d 1247 (Alaska 1998). In *Miller*, Dr. Newton was listed only as a lay witness on the defendant's witness list. *Id.* at 1249-50. At trial, Dr. Newton's testimony expanded to the expression of expert opinions. The Millers claimed unfair surprise. *Id.* at

1251. The Alaska Supreme Court found that the trial court did not abuse its discretion in allowing Dr. Newton to appear as a hybrid witness and express both lay and expert opinions because the Millers had ample notice that Dr. Newton was going to be a defense witness at trial, and the substance of his opinion was disclosed in advance of trial in the form of an affidavit. *Id.* at 1251.

Following *Miller*, the Anchorage trial courts added a category of disclosure to its Routine Pretrial Order to address hybrid witnesses – the “Other Expert Opinion Testimony Summary.” This disclosure obligation requires any party who intends to use a hybrid witness at trial to disclose that intention and timely provide a summary of the expected testimony. The Uniform Pretrial Scheduling Order (UPSO), which applies to this case, required each party to serve:

a summary of the anticipated testimony of any other witness offering expert testimony (e.g., treating physician), unless such expert opinion has already been disclosed in discovery.

The State ignored this rule.

Although the opinions expressed in court yesterday by Dr. Hopson fall within the category contemplated by the UPSO, the State offered no excuse for failing to summarize Dr. Hopson's opinions. Indeed, the State possessed the documents secretly shown to Dr. Hopson in the days leading up to his testimony for more than a year preceding that deadline. Likewise, if the State determined only after Dr. Hopson's deposition that it wished to elicit these opinions, it could have alerted the Court and Lilly, and provided a summary at that time, together with an opportunity for Lilly to re-depose Dr. Hopson.

Instead, the State's lawyers disguised both the fact that they would even call Dr. Hopson in the State's case-in-chief, and that he would express opinions about the documentary evidence in this case. This obfuscation bled into the State's direct examination of Dr. Hopson, who testified that he had never met, or even talked over the phone, with Mr. Allen, who was directing the examination. Only on cross-examination was Lilly able to

LANE POWELL LLC

301 West Northern Lights Boulevard, Suite 301
Anchorage, Alaska 99503-2648
Telephone 907.277.9511 Facsimile 907.276.2631

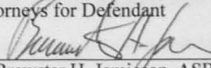
discover that the State's lawyers had met with Dr. Hopson and provided him some undisclosed batch of one-sided documents.

In *Zaverl v. Hanley*, the Court recognized that in *Miller*, "we thought it significant that the Millers had received Dr. Newton's affidavit setting out the substance of his opinions 'well before trial'" whereas in *Zaverl*, the aggrieved party had "no advance notice that Dr. Borden would offer the disputed testimony or rely on expertise that he had disclaimed at his deposition." 64 P.3d 809, 815 (Alaska 2003). The Court then ruled that "[t]here is no reason in this situation to permit such undisclosed opinions." *Id.*

Here, the State chose to keep Dr. Hopson in the dark concerning its theories of the case and supporting evidence until well after Dr. Hopson's deposition. To compound this failure, the State never listed Dr. Hopson on any witness list and never filed any summary of "Other Expert Witness Testimony," as required by this Court. Lilly has never had the opportunity to discover what Dr. Hopson was shown, and never had the opportunity to depose him to discover his recently-formed opinions. This unfair surprise prejudiced Lilly by the presentation of an undisclosed expert witness. For this abuse of the discovery process and disregard of the Court's Pretrial Order, the Court should strike Dr. Hopson's testimony or declare a mistrial.

DATED this 13th day of March, 2008.

PEPPER HAMILTON LLP
Nina M. Gussack, admitted *pro hac vice*
George A. Lehner, admitted *pro hac vice*
John F. Brenner, admitted *pro hac vice*
and
LANE POWELL LLC
Attorneys for Defendant

By 
Brewster H. Jamieson, ASBA No. 8411122
Andrea E. Girolamo-Welp, ASBA No. 0211044

I certify that on March 13, 2008, a copy of the foregoing was served by hand on:

Eric T. Sanders, Esq.
Feldman Orlansky & Sanders
500 T Street, Suite 400
Anchorage, Alaska 99501-5911

#9437421 v2

06-05630CI

THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

Case No. 3AN-06-5630 CI

FILED IN OPEN COURT

Date: 3-13-08

Clerk: mzo

**RENEWED MOTION
FOR MISTRIAL**

I. INTRODUCTION:

Appellate courts in several states have reversed trial courts that permitted cases to proceed to verdict after a party's witness provided appropriate aid to an ailing juror. Regardless of any carefully conducted voir dire and the use of curative instructions, the appellate courts recognized the potential for prejudice in situations much like that presented here. For the reasons articulated in those opinions, Eli Lilly requests that the Court declare a mistrial.

II. FACTS:

Shortly after the jurors were brought in to the courtroom yesterday morning, Clarence Venhuizen (Juror 13) collapsed from what the Court described as an apparent heart attack. During the fall, Mr. Venhuizen hit his forehead, and began bleeding.

Thankfully, Dr. Duane Hopson was in the viewing area of the courtroom and rushed to Mr. Venhuizen's aid. A few moments later, Dr. William Wirshing arrived to assist Dr. Hopson in treating Mr. Venhuizen, who was taken from the courtroom on a stretcher and by ambulance to the hospital. The entire jury was present both when Mr. Venhuizen collapsed and when Drs. Hopson and Wirshing rushed to his aid.

06-05630CI

Counsel for Lilly deeply appreciate the heroic efforts of Drs. Hopson and Wirshing, and wish Mr. Venhuizen a full and speedy recovery. Lilly is certain that the remaining jurors feel similarly indebted to Drs. Hopson and Wirshing. As a result, not only will these State witnesses (and therefore the State) *gain* credibility during direct examination, but Lilly will *lose* credibility during cross examination. This result may be through no fault of the jurors—and, in fact, the jurors may not even realize their bias—but the potential for the bias both *for* the State and *against* Lilly requires that the Court order a mistrial and empanel a new jury.

Courts across the country have concluded that “medical assistance furnished by a doctor who is a *witness* or a party, to a juror in the presence of the jury, seriously undermines [a trial’s] integrity.”¹ In *Reome v. Cortland*, a juror collapsed during a court recess and defendant doctors administered aid in full view of the other jurors.² The jury later learned that the stricken juror had been taken to the hospital, but had not been admitted and was “fine.”³ Although the trial court gave a curative instruction, the appellate court found that “[t]he favorable bias that [the doctors] admirably humanitarian efforts created could not have been displaced by curative instructions, however consciously given by the [trial court] and earnestly sought to be adhered to by the jury.”⁴ Accordingly, the appellate court ordered a new trial.⁵

¹ *Reome v. Cortland Mem. Hosp.*, 152 A.D.2d. 773, 774 (N.Y. App. Div. 1989) (emphasis added).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 775.

06-05630CT

Similarly, in *Campbell v. Fox*,⁶ a juror lost consciousness during the plaintiff's opening statement. The defendant physician carried the juror to the counsel table, and the juror later recovered. The trial court conducted *voir dire* and, satisfied with the jurors' responses that they would not allow the incident to prejudice their views of the trial, denied plaintiff's motion for mistrial. The Supreme Court of Illinois reversed, holding that "the effect of the unusual events in this case was so apparent as to have unquestioned influence upon the jury's ability to try the issues in controversy fairly" that a new trial was required.⁷

The Ohio Court of Appeals followed *Campbell* in *Haukedahl v. St. Luke's Hospital*.⁸ In this case, a juror lost consciousness during opening statements and at least five individuals went to his aid, including two defendants and a defendant's attorney. As in *Campbell*, the trial court conducted *voir dire* and all of the jurors stated that they "would be able to proceed and agreed that any assistance [to the juror] was unrelated" to the case.⁹ The appellate court held, however, that regardless of the jurors' responses, "the jury may have been aware that appellees responded to their fellow juror, and that response would have presented appellees to the jury in a favorable light."¹⁰ The appellate court held that "the trial judge's refusal to grant a mistrial was unreasonable, arbitrary, and unconscionable," and that the trial court abused its discretion in failing to grant a mistrial.¹¹

⁶ 498 N.E. 2d 1145, 1147 (Ill. 1986).

⁷ *Id.*

⁸ No. L-92-011, 1993 WL 496681, at **2-3 (Ohio Ct. App. Dec. 3, 1993).

⁹ *Id.* at *2.

¹⁰ *Id.* at *3.

¹¹ *Id.*

016-05630CI

Nor is this rule limited to instances where defendant physicians lend aid to members of the jury. In *State v. Rideout*,¹² an insulin-dependent juror notified a deputy sheriff during deliberations that he needed insulin immediately but that he had locked it in his car.¹³ The deputy sheriff called the police department to open the juror's car. The responding officer turned out to have been "an important State witness."¹⁴ Although the responding officer and the juror did not discuss the case,¹⁵ the Supreme Court of New Hampshire found that the jury could have been affected by this encounter.¹⁶ If the jury gave more "credibility and reliability" to the responding officer's testimony, it "could only bolster the State's theory of the case" and "threaten[] the integrity of [the jury's] deliberations, and hence, its verdict."¹⁷ Similarly, in *Minnesota v. Schwartz*¹⁸ and *New Jersey v. Hunt*,¹⁹ physicians who testified for the prosecution rendered aid to jurors. In both instances, the state supreme courts found that the potential for prejudice, combined with other errors, required new trials.²⁰

¹² 725 A.2d 8 (N.H. 1999).

¹³ *Id.* at 9.

¹⁴ *Id.* at 9, 11.

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 11.

¹⁷ *Id.*

¹⁸ 122 N.W.2d 769 (Minn. 1963).

¹⁹ 138 A.2d 1 (N.J. 1958).

²⁰ *Schwartz*, 122 N.W.2d at 772, 775; *Hunt*, 138 A.2d at 12-13.

For the foregoing reasons, the Court should grant a mistrial.

DATED this 13th day of March, 2008.

Attorneys for Defendant

PEPPER HAMILTON LLP

Nina M. Gussack, admitted *pro hac vice*
George A. Lehner, admitted *pro hac vice*
John F. Brenner, admitted *pro hac vice*
3000 Two Logan Square
Philadelphia, PA 19103-2799
(215) 981-4618

LANE POWELL LLC

By: 

Brewster H. Jamieson,
ASBA No. 841122
Andrea E. Girolamo-Welp,
ASBA No. 0211044

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

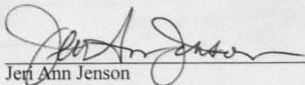
Case No. 3AN-06-05630 CI

CERTIFICATE OF SERVICE

The undersigned certifies that on March 13, 2008, a copy of Defendant Eli Lilly and Company's Renewed Motion for Mistrial was served by hand on the following:

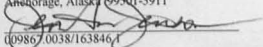
Eric T. Sanders, Esq.
Feldman Orlansky & Sanders
500 L Street, Suite 400
Anchorage, Alaska 99501-5911

DATED this 13th day of March, 2008.


Jeri Ann Jensen

I certify that on March 13, 2008, a copy of the foregoing was served by hand on:

Eric T. Sanders, Esq.
Feldman Orlansky & Sanders
500 L Street, Suite 400
Anchorage, Alaska 99501-5911


0098670038/1638467

LANE POWELL LLC

301 West Northern Lights Boulevard, Suite 301
Anchorage, Alaska 99503-2648
Telephone 907.277.9511 Facsimile 907.276.2631

FILED
STATE OF ALASKA
JAN 13 PM 2:43
CLERK

06-05630 CI

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

FILED IN OPEN COURT

STATE OF ALASKA

Plaintiff,

v.

ELI LILLY AND COMPANY

Defendant

Date: 3-12-08

Clerk: MFD

Case no. 3AN-06-5630CIV

JUDGE'S

RULINGS

3/12/08

Mark Rind

DEFENDANT ELI LILLY AND COMPANY'S
DEPOSITION COUNTER-DESIGNATIONS FOR TRIAL AND
OBJECTIONS TO PLAINTIFF STATE OF ALASKA'S
TRIAL DEPOSITION AND EXHIBIT DESIGNATIONS

Defendant Eli Lilly and Company ("Lilly") counter-designates for trial the following deposition transcript excerpts in response to Plaintiff State of Alaska's Trial Deposition Designations for David Noesges, both of which must be presented together with the State's affirmative designations to ensure proper context:

Start (Page:Line)	End (Page:Line)
15:7	15:9
114:20	115:8

include

May use as cross - not include

Lilly objects to the following pages and lines of Plaintiff State of Alaska's Trial

Deposition Designations for David Noesges:

O = Override
S = Sustain

Start (Page:Line)	End (Page:Line)	Objection
15:2	15:4	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine - profit/net worth/price (Alaska R. Evid. 401, 402, 403)

O

06-05630CI

16:3	16:4	Vague; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – profit/net worth/price (Alaska R. Evid. 401, 402, 403)
16:7	16:7	
17:5	17:6	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – profit/net worth/price (Alaska R. Evid. 401, 402, 403)
17:9	17:9	
17:11	17:12	
17:15	17:15	
55:2	55:5	Foundation; Relevance (Alaska R. Evid. 401, 402, 602)
55:7	55:11	
55:13	55:24	No question asked within designated portion; Relevance; (Alaska R. Evid. 401, 402)
58:5	59:10	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
60:6	60:23	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
63:1	63:7	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
90:15	90:22	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
92:21	93:5	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
99:15	100:22	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
100:23	101:2	Relevance; hearsay (Alaska R. Evid. 401, 402, 802)
101:6	101:6	
102:5	102:11	Relevance; foundation; assumes facts not in evidence (Alaska R. Evid. 401, 402.)
102:13	102:14	
102:16	102:17	
102:22	102:23	
102:25	103:3	
103:7	103:7	
109:11	109:16	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
109:25	110:4	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)

0 - Question is in next section

06-0563001

110:23	111:11	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
113:13	113:15	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
113:17	113:25	
114:6	114:19	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
120:20	120:23	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
121:15	121:25	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
122:4	122:6	
122:24	123:16	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
123:18	123:23	
125:8	126:3	Hearsay; Relevance; (Alaska R. Evid. 401, 402, 802)
126:12	127:13	Hearsay; Relevance; Probative value outweighed by danger of unfair prejudice (Alaska R. Evid. 401, 402, 403, 802)
127:17	127:20	Foundation; Mischaracterizes the document; Relevance; (Alaska R. Evid. 401, 402, 601, 611, 701)
127:23	127:23	
128:1	128:4	
128:25	129:3	Relevance; foundation (Alaska R. Evid. 401, 402, 602)
129:6	129:8	
129:12	129:24	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402)
130:1	130:6	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402)
130:11	130:11	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
130:13	130:17	
130:18	131:2	
131:8	131:15	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
134:7	134:10	Mischaracterizes the document; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
134:13	134:13	
135:16	135:21	Mischaracterizes the document; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
135:24	135:24	
136:12	136:13	Relevance; Probative value outweighed by danger of unfair

016-05630CI

136:14	137:3	prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)	
138:23	138:25	Foundation; Lack of personal knowledge; Relevance; Probative weight outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403, 602)	0
139:3	139:7		
139:9	139:11		
139:13	139:14		
141:2	141:16	Foundation; Relevance; Probative weight outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403, 602)	0
141:19	141:20		
145:16	145:18	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)	0
145:21	146:1		
146:5	146:9	Improper hypothetical; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)	0
146:12	146:15		
146:25	147:9	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)	0
147:19	148:13	Improper hypothetical; Foundation; Relevance; Probative value outweighed by danger of unfair prejudice (Alaska R. Evid. 401, 402, 403, 602)	0
148:16	148:21		
187:20	187:21	Relevance; Probative value outweighed by danger of unfair prejudice; Motion for Summary Judgment – Off-label Marketing (Alaska R. Evid. 401, 402, 403)	0
188:7	189:12		
189:15	189:18		

Lilly also objects to Plaintiff's exhibits for use during the testimony of David

Noesges:

Plaintiff's Exhibit	Objection(s)
Zyprexa Plaintiff's Exhibit No 1901	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal sales representative training material. Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No. 1941	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal sales representative training material. Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)

06-0563001

	Objection(s)	
Zyprexa Plaintiff's Exhibit No. 1962	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal Lilly training material Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)	0
Zyprexa Plaintiff's Exhibit No. 1970	Relevance; Probative value is outweighed by prejudice; Delay and confusion (Alaska R. Evid. 401, 402, 403).	0
Noesges Exhibit 4	Relevance; Probative value is outweighed by prejudice; Delay and confusion (Alaska R. Evid. 401, 402, 403).	0
Noesges Exhibit 5	Relevance; Probative value is outweighed by prejudice; Delay and confusion (Alaska R. Evid. 401, 402, 403).	0
Zyprexa Plaintiff's Exhibit 4121	Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)	0
Zyprexa Plaintiff's Exhibit 10094	M.I.L. regarding Recent Regulatory Events Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Subsequent Remedial Measures (Alaska R. Evid. 407) Hearsay (Alaska R. Evid. 801, 802)	0
Zyprexa Plaintiff's Exhibit 10095	M.I.L. regarding Recent Regulatory Events Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Subsequent Remedial Measures (Alaska R. Evid. 407)	0

Lilly reserves the right to object to these exhibits, and any others that may be introduced by Plaintiff, under the Alaska Rules of Evidence or any other applicable rule of law, based on this Court's rulings or the purposes for which Plaintiff seeks to use the exhibits at trial.

Respectfully submitted,

LANE POWELL, PC

By: 

Brewster H. Jamieson
Lane Powell, PC
301 W. Northern Lights Boulevard
Suite 301
Anchorage, AK 99503-2648

Nina M. Gussack
Andrew Rogoff
Eric Rothschild
Pepper Hamilton LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000

Attorneys for Defendant
Eli Lilly and Company

Dated: March 12, 2008

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

FILED IN OPEN COURT

STATE OF ALASKA

Plaintiff,

v.

ELI LILLY AND COMPANY

Defendant

Date: 3-16-08

Clerk: MMH

Case no. 3AN-06-5630CIV

DEFENDANT ELI LILLY AND COMPANY'S
DEPOSITION COUNTER-DESIGNATIONS FOR TRIAL AND
OBJECTIONS TO PLAINTIFF STATE OF ALASKA'S
TRIAL DEPOSITION AND EXHIBIT DESIGNATIONS

Defendant Eli Lilly and Company ("Lilly") counter-designates for trial the following deposition transcript excerpts in response to Plaintiff State of Alaska's Trial Deposition Designations for David Noesges, both of which must be presented together with the State's affirmative designations to ensure proper context:

Start (Page:Line)	End (Page:Line)
15:7	15:9
114:20	115:8

Lilly objects to the following pages and lines of Plaintiff State of Alaska's Trial Deposition Designations for David Noesges:

Start (Page:Line)	End (Page:Line)	Objection
15:2	15:4	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – profit/net worth/price (Alaska R. Evid. 401, 402, 403)

06-05630CI

16:3	16:4	Vague; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – profit/net worth/price (Alaska R. Evid. 401, 402, 403)
16:7	16:7	
17:5	17:6	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – profit/net worth/price (Alaska R. Evid. 401, 402, 403)
17:9	17:9	
17:11	17:12	
17:15	17:15	
55:2	55:5	Foundation; Relevance (Alaska R. Evid. 401, 402, 602)
55:7	55:11	
55:13	55:24	No question asked within designated portion; Relevance; (Alaska R. Evid. 401, 402)
58:5	59:10	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
60:6	60:23	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
63:1	63:7	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
90:15	90:22	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
92:21	93:5	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
99:15	100:22	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
100:23	101:2	Relevance; hearsay (Alaska R. Evid. 401, 402, 802)
101:6	101:6	
102:5	102:11	Relevance; foundation; assumes facts not in evidence (Alaska R. Evid. 401, 402,)
102:13	102:14	
102:16	102:17	
102:22	102:23	
102:25	103:3	
103:7	103:7	
109:11	109:16	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
109:25	110:4	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)

110:23	111:11	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
113:13	113:15	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
113:17	113:25	
114:6	114:19	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
120:20	120:23	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
121:15	121:25	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
122:4	122:6	
122:24	123:16	Relevance; probative value outweighed by the danger of unfair prejudice (Alaska R. Evid. 401; 402; 403)
123:18	123:23	
125:8	126:3	Hearsay; Relevance; (Alaska R. Evid. 401, 402, 802)
126:12	127:13	Hearsay; Relevance; Probative value outweighed by danger of unfair prejudice (Alaska R. Evid. 401, 402, 403, 802)
127:17	127:20	Foundation; Mischaracterizes the document; Relevance; (Alaska R. Evid. 401, 402, 601, 611, 701)
127:23	127:23	
128:1	128:4	
128:25	129:3	Relevance; foundation (Alaska R. Evid. 401, 402, 602)
129:6	129:8	
129:12	129:24	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402)
130:1	130:6	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402)
130:11	130:11	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
130:13	130:17	
130:18	131:2	
131:8	131:15	Relevance; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
134:7	134:10	Mischaracterizes the document; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
134:13	134:13	
135:16	135:21	Mischaracterizes the document; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
135:24	135:24	
136:12	136:13	Relevance; Probative value outweighed by danger of unfair

06-05630CL

136:14	137:3	prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
138:23	138:25	Foundation; Lack of personal knowledge; Relevance; Probative weight outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403, 602)
139:3	139:7	
139:9	139:11	
139:13	139:14	
141:2	141:16	Foundation; Relevance; Probative weight outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403, 602)
141:19	141:20	
145:16	145:18	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
145:21	146:1	
146:5	146:9	Improper hypothetical; Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
146:12	146:15	
146:25	147:9	Relevance; Probative value outweighed by danger of unfair prejudice; Motion in limine – recent regulatory communications (Alaska R. Evid. 401, 402, 403)
147:19	148:13	Improper hypothetical; Foundation; Relevance; Probative value outweighed by danger of unfair prejudice (Alaska R. Evid. 401, 402, 403, 602)
148:16	148:21	
187:20	187:21	Relevance; Probative value outweighed by danger of unfair prejudice; Motion for Summary Judgment – Off-label Marketing (Alaska R. Evid. 401, 402, 403)
188:7	189:12	
189:15	189:18	

Lilly also objects to Plaintiff's exhibits for use during the testimony of David

Noesges:

Plaintiff's Exhibit	Objection(s)
Zyprexa Plaintiff's Exhibit No. 1901	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal sales representative training material. Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No. 1941	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal sales representative training material. Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)

06-05630CI

Plaintiff's Exhibit	Objection(s)
Zyprexa Plaintiff's Exhibit No. 1962	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal Lilly training material Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No. 1970	Relevance; Probative value is outweighed by prejudice; Delay and confusion (Alaska R. Evid. 401, 402, 403).
Noesges Exhibit 4	Relevance; Probative value is outweighed by prejudice; Delay and confusion (Alaska R. Evid. 401, 402, 403).
Noesges Exhibit 5	Relevance; Probative value is outweighed by prejudice; Delay and confusion (Alaska R. Evid. 401, 402, 403).
Zyprexa Plaintiff's Exhibit 4121	Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit 10094	M.I.L. regarding Recent Regulatory Events Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Subsequent Remedial Measures (Alaska R. Evid. 407) Hearsay (Alaska R. Evid. 801, 802)
Zyprexa Plaintiff's Exhibit 10095	M.I.L. regarding Recent Regulatory Events Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Subsequent Remedial Measures (Alaska R. Evid. 407)

Lilly reserves the right to object to these exhibits, and any others that may be introduced by Plaintiff, under the Alaska Rules of Evidence or any other applicable rule of law, based on this Court's rulings or the purposes for which Plaintiff seeks to use the exhibits at trial.

Respectfully submitted,

LANE POWELL, PC

By: 

Brewster H. Jamieson
Lane Powell, PC
301 W. Northern Lights Boulevard
Suite 301
Anchorage, AK 99503-2648

Nina M. Gussack
Andrew Rogoff
Eric Rothschild
Pepper Hamilton LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000

**Attorneys for Defendant
Eli Lilly and Company**

Dated: March 12, 2008

06-05630CI

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA)
)
Plaintiff,)
)
vs.) CASE NO.
) 3AN-06-5630 CIV
ELI LILLY AND COMPANY,)
)
Defendant.)

The videotaped deposition upon oral examination
of DAVID THOMAS NOESGES, a witness produced and sworn
before me, Carolyn L. Smith, CSR, RPR, Notary Public, in
and for the County of Hamilton, State of Indiana, taken
on behalf of Plaintiff, at the offices of Ice Miller,
One American Square, Suite 3100, Indianapolis, Indiana,
on January 11, 2008, at 9:31 a.m., pursuant to all
applicable rules.

1 Carolyn Smith and she may now swear the witness.
2 You may proceed.

3
4 DAVID THOMAS NOESGES

5
6 having first been duly sworn to tell the truth, the
7 whole truth, and nothing but the truth was examined and
8 testified as follows:

9 EXAMINATION

10 QUESTIONS BY MR. SUGGS:

11 Q Would you state your full name for the record,
12 please?

13 A Yes. It's David Thomas Noesges.

14 Q And how do you spell your last name?

15 A Last name is spelled N-o-e-s-g-e-s.

16 Q I thought that was probably the case, and I noticed
17 that we had the misspelling here on the exhibit tab
18 so I wanted to make sure that was right.

19 What is your occupation, sir?

20 A I am employed by Eli Lilly and Company.

21 Q And what's your job title?

22 A I'm currently the national sales director for our

23 U.S. diabetes unit.

24 Q For the U.S. diabetes unit.

25 Have you previously had responsibility with

1 responsibility to Zyprexa?

2 A Yes, I have.

3 Q And what were your job titles? When did you work
4 on Zyprexa projects?

5 A I first began working for Zyprexa in 1999 as the
6 sales and marketing operations manager.

7 Q Was that based here in Indianapolis?

8 A Yes, it was.

9 Q Did you have any other jobs with respect to Zyprexa
10 after that?

11 A Yes, subsequent to that in 2000 through 2001 I was
12 the sales director for what was in our Midwest
13 area.

14 Q Okay. And did you have any job responsibilities
15 after 2001 with respect to Zyprexa?

16 A Yes. From 2003 -- late 2003, November, I believe
17 of 2003, until October of 2004 I was Zyprexa
18 marketing director.

19 Q And did you have any responsibilities for Zyprexa
20 after 2004?

21 A Yes. Then from 2004 until the end of 2007 I was in
22 a sales leadership role, first as the national sales
23 director for our neuroscience retail organization
24 from 2004 until basically the end of 2005.

25 Q Okay.

1 A And then through -- from 2005 through 2007 I was
2 our executive sales director for the west region
3 of neurosciences.

4 Q Would that include Alaska --

5 A Yes.

6 Q -- the west region?

7 Who did you report to?

8 MR. BOISE: In the last capacity?

9 THE WITNESS: In the last capacity?

10 QUESTIONS BY MR. SUGGS:

11 Q Um-hmm.

12 A I reported to Enrique Conterno.

13 Q Okay. And who did he report to?

14 A Enrique reported to Deirdre Connelly.

15 Q And who did she report to?

16 A Deirdre reported to John Lechleiter.

17 Q And when did you switch over to the diabetes side
18 of the company?

19 A I switched over effective January the 1st.

20 Q Just a couple of weeks ago?

21 A Yes.

22 MR. BOISE: 2008.

23 MR. SUGGS: Right, I assumed that.

24 (Deposition Exhibit 1 marked for

25 identification.)

1 QUESTIONS BY MR. SUGGS:

2 Q I'm going to hand you what we'll mark as Exhibit 1,
3 which is the copy of the renote of this
4 deposition. And on the second page of this
5 document it lays out -- have you seen this document
6 before?

7 A Yes, I have.

8 Q Okay. And on the second page it indicates that Eli
9 Lilly and Company is requested to produce the person
10 of persons most knowledgeable about: 1) The
11 identity Lilly sales representatives for Zyprexa in
12 Alaska from 1996 to the present; 2) The
13 verbatims, or sales messages, used by Lilly's sales
14 representatives for Zyprexa in Alaska from 1996 to
15 the present; 3) The marketing of Zyprexa in Alaska
16 from 1996 to the present; and 4) Call notes
17 generated by Lilly's sales representatives
18 regarding Zyprexa from 1996 to the present.

19 Do you see those numbered categories?

20 A Yes, I do.

21 Q And are you prepared to answer questions regarding
22 those areas today as the corporate representative
23 of Eli Lilly?

24 MR. BOISE: Subject to the objections that
25 were raised in response to this notice of

1 deposition.

2 MR. SUGGS: Okay. Of course, we don't
3 necessarily accept your objections, but neither of
4 us is going to determine the validity of those.

5 Q Those topics that are set forth in Exhibit 1 are
6 going to be the principal focus of my deposition --
7 before we get into those, I need to ask you some
8 questions about your personal background.

9 First, can you tell me just generally your
10 educational background?

11 A Yes. I have an undergraduate degree from the
12 United States Military Academy at West Point.

13 Q Okay. And what year did you graduate?

14 A I graduated in 1984.

15 Q And did you serve in the Army then for some years
16 after that?

17 A Yes, I did.

18 Q And how long?

19 A I served for five years in the Army.

20 Q And did you have any -- when did you join Lilly?

21 A I joined Lilly first as a summer intern in the
22 summer of 1990.

23 Q Okay. And when did you join them full-time?

24 A I joined full-time, then, in July of 1991.

25 Q Okay. Am I correct that you would have completed

1 your service with the Army in 1989?

2 A Yes, that's correct.

3 Q What did you do jobwise between 1989 and 1991?

4 A I was a full-time student, graduate student, at the
5 Wharton School of Business in Philadelphia.

6 Q Did you receive a degree there?

7 A Yes, I did.

8 Q Was it a Master's in Business Administration?

9 A Yes.

10 Q When you were in the Army, did you have any
11 involvement in medical issues -- or what branch of
12 the Army were you in?

13 A No, I was combat engineer.

14 Q Would it be fair to say that you did not have any
15 experience in the pharmaceutical industry before
16 joining Eli Lilly in 1991?

17 A Yes, that's correct.

18 Q And you briefly described the job responsibilities
19 you've had regarding Zyprexa when we first started the
20 deposition.

21 It would be fair to say, would it not, that
22 your involvement with Zyprexa primarily had to do
23 with sales?

24 MR. BOISE: Object to the form.

25 QUESTIONS BY MR. SUGGS:

1 Q Is that correct?

2 A My responsibilities were predominantly sales and
3 marketing.

4 Q Okay. And are you the person within Lilly who is
5 most knowledgeable about the marketing of Zyprexa
6 in Alaska?

7 MR. BOISE: Object to the form of the
8 question.

9 THE WITNESS: Be difficult for me to answer
10 whether I'm most knowledgeable.

11 QUESTIONS BY MR. SUGGS:

12 Q Who else would you regard as knowledgeable or more
13 so than you are with respect to the marketing of
14 Zyprexa in Alaska?

15 MR. BOISE: Object to the form of the
16 question.

17 THE WITNESS: I don't know of anyone who
18 would be more knowledgeable than I am.

19 QUESTIONS BY MR. SUGGS:

20 Q Do you know how it was that you came to be
21 designated as the person to come to this
22 deposition?

23 MR. BOISE: Please, don't reveal
24 communications with counsel.

25 I don't think you are really asking for that,

1 are you?

2 QUESTIONS BY MR. SUGGS:

3 Q Was it a drawing of short straws or --

4 MR. BOISE: Object to the form.

5 THE WITNESS: I -- I don't know.

6 QUESTIONS BY MR. SUGGS:

7 Q Okay. Who was it that told you that you would be
8 expected to come here for the deposition?

9 A I was asked by counsel if I would participate.

10 Q Okay. What, if anything, did you do to prepare to
11 testify on behalf of Lilly regarding the marketing
12 of Zyprexa in Alaska?

13 MR. BOISE: Instruct the witness not to
14 disclose any interactions with counsel. He means
15 other than -- subject to my objection, other than
16 meeting with counsel.

17 THE WITNESS: I did review some promotional
18 materials in preparation.

19 QUESTIONS BY MR. SUGGS:

20 Q Were those selected for you or did you go out and
21 get them yourself?

22 A No. I asked for some materials for the period
23 between 2001 and 2003 where I was not directly
24 responsible for U.S. marketing of Zyprexa.

25 Q Do you recall which documents you reviewed?

06-05630CT

06-05630CI

Page 14

1 A They were promotional materials for the 2001 to
2 2003 time frame for Zyprexa.
3 Q Would these be brochures, videotapes? What kind of
4 promotional materials are you talking about?
5 A Yes, it would be promotional brochures.
6 Q I'm not going to mark these right now, but are
7 these the promotional brochures that you reviewed?
8 I notice the one that you have in your hand
9 there, I believe has a copyright date on the back
10 of 2001 and the one that Mr. Boise has in his hand
11 has a copyright mark of 2003.
12 A I can't say for certain that this is the exact
13 material that I have looked at.
14 Q Okay. Who was directly responsible for sales of
15 Zyprexa in that 2001-2003 time period?
16 MR. BOISE: Sales?
17 MR. SUGGS: In the U.S.
18 THE WITNESS: Sales for the U.S. overall?
19 QUESTIONS BY MR. SUGGS:
20 Q Yes.
21 A It would have been Glyn Parkin.
22 Q Can I have those brochures back?
23 MR. BOISE: Can I see that first one? Thanks.
24 Thanks.
25 QUESTIONS BY MR. SUGGS:

Page 15

1 Q I would like to talk a bit generally about Zyprexa.
2 You would agree that Zyprexa was one of
3 Lilly's biggest selling products in terms of dollar
4 sales, correct?
5 MR. BOISE: Time frame?
6 QUESTIONS BY MR. SUGGS:
7 Q From the time you began working on Zyprexa until
8 you stopped.
9 A Yes, that's correct.
10 Q In fact, during that time period from 1999
11 throughout 2007 it was the largest selling product
12 in the company, was it not?
13 A Yes, that's correct.
14 Q And do you happen to know what the annual sales of
15 Zyprexa were in 2007 approximately to the nearest
16 billion dollars?
17 MR. BOISE: U.S. sales?
18 MR. SUGGS: Yes.
19 THE WITNESS: I believe U.S. sales would have
20 been between 2 and \$3 billion.
21 QUESTIONS BY MR. SUGGS:
22 Q Was that lower than it had been the previous year?
23 A Yes.
24 Q How much lower?
25 A I don't know on a percentage basis.

Page 16

1 Q Do you know in terms of dollar-amount basis?
2 A No, I don't know.
3 Q Would you agree with me that sales of Zyprexa
4 declined after 2004?
5 MR. BOISE: Object to the form, beyond the
6 scope.
7 THE WITNESS: Yes.
8 QUESTIONS BY MR. SUGGS:
9 Q What -- do you recall what the peak level of sales
10 was in 2004?
11 MR. BOISE: Object to the form, beyond the
12 scope.
13 Could I have a continuing objection on general
14 sales questions?
15 THE WITNESS: I don't recall what our sales were.
16 QUESTIONS BY MR. SUGGS:
17 Q Do you recall generally, an approximation?
18 A No.
19 Q To the closest billion dollars?
20 MR. BOISE: Object to the form, beyond the
21 scope.
22 THE WITNESS: Without reviewing the results, I
23 could not say specifically.
24 QUESTIONS BY MR. SUGGS:
25 Q Wasn't it in the area of about \$4 billion?

Page 17

1 MR. SUGGS: Object to the form, beyond the
2 scope.
3 THE WITNESS: I don't know.
4 QUESTIONS BY MR. SUGGS:
5 Q Do you recall that the company increased the price
6 of Zyprexa after 2004?
7 MR. BOISE: Object to the form, beyond the
8 scope.
9 THE WITNESS: Yes.
10 QUESTIONS BY MR. SUGGS:
11 Q And did the company do that after sales began to
12 decline?
13 MR. BOISE: Object to the form, beyond the
14 scope.
15 THE WITNESS: Yes.
16 QUESTIONS BY MR. SUGGS:
17 Q Okay. Do you know who it was that made the
18 decision to increase the sales price of Zyprexa
19 when sales began to decline?
20 MR. BOISE: Object to the form, compound,
21 beyond the scope, lack of foundation.
22 THE WITNESS: No, I do not.
23 QUESTIONS BY MR. SUGGS:
24 Q Do you know, roughly, the percentage of sales of
25 Zyprexa between the 1996 time period through 2007

1 that were to Medicaid programs?
 2 MR. BOISE: Object to the form, beyond the
 3 scope.
 4 THE WITNESS: I'm sorry. I did not
 5 understand. Could you ask the question?
 6 MR. SUGGS: Sure.
 7 Could you read the question, please?
 8 (Record read.)
 9 THE WITNESS: No, I do not.
 10 QUESTIONS BY MR. SUGGS:
 11 Q Wasn't it on the order of about 60 percent?
 12 MR. BOISE: Object to the form, beyond the
 13 scope.
 14 THE WITNESS: I don't know.
 15 QUESTIONS BY MR. SUGGS:
 16 Q Were you aware that the number one driver of the
 17 budget crisis in Medicaid programs was the cost of
 18 Zyprexa?
 19 MR. BOISE: Object to the form, beyond the
 20 scope, lack of foundation.
 21 THE WITNESS: No. I don't know for certain if
 22 that's the case.
 23 QUESTIONS BY MR. SUGGS:
 24 Q Had you heard that?
 25 MR. BOISE: Object to the form, beyond the

1 scope.
 2 THE WITNESS: No, I don't know.
 3 QUESTIONS BY MR. SUGGS:
 4 Q My question wasn't whether you knew or not it was
 5 whether you heard that.
 6 MR. BOISE: Same objection.
 7 THE WITNESS: I'm sorry. Could you ask the --
 8 could you repeat the original question again?
 9 QUESTIONS BY MR. SUGGS:
 10 Q Had you heard that the number one reason for a
 11 budget crisis in Medicaid programs was because of
 12 Zyprexa?
 13 THE REPORTER: Sorry, I need your objection
 14 again.
 15 MR. BOISE: Objection, foundation, compound,
 16 beyond the scope.
 17 THE REPORTER: Your answer?
 18 THE WITNESS: My answer was no.
 19 (Deposition Exhibit 2 for identification.)
 20 QUESTIONS BY MR. SUGGS:
 21 Q I'm going to hand you what's marked Exhibit 2.
 22 It appears to be a PowerPoint presentation
 23 with a title on the first page entitled "Current
 24 Situation" and below that it says, "Budget Crisis"
 25 and it has in parens, WA, slash, OR, slash, AK,

1 slash, HI, end paren.
 2 Do you see that?
 3 A Yes, I do.
 4 Q And do you recognize those as the initials of the
 5 states of Washington, Oregon, Alaska and Hawaii?
 6 A Yes, I do.
 7 Q And are those states in the western region?
 8 A Yes, they are.
 9 Q And that was the region for which you were the head
 10 of sales, was it not, the western region?
 11 A Yes, that is correct.
 12 Q And is it your testimony that you were unaware that
 13 there was a budget crisis for Medicaid programs
 14 during the time that you were in charge of sales of
 15 the western region?
 16 MR. BOISE: Object to the form of the
 17 question.
 18 THE WITNESS: No, I did not testify to that.
 19 QUESTIONS BY MR. SUGGS:
 20 Q Were you aware then that there was, in fact, a
 21 budget crisis in the Medicaid programs in the
 22 western region in the time that you were head of
 23 that region's sales?
 24 A No. I don't know that I would characterize a
 25 crisis, a budget crisis.

1 Q Well, what were you aware of with respect to the
 2 budget of Medicaid programs during that time?
 3 A I know that all of the states had Medicaid
 4 challenges with their budgets.
 5 Q They had challenges; how is a challenge different
 6 than a crisis?
 7 MR. BOISE: Object to the form.
 8 THE WITNESS: I don't know whether I -- I
 9 don't feel like I'm in a position to be able to
 10 determine whether one of those states has a crisis
 11 or not.
 12 QUESTIONS BY MR. SUGGS:
 13 Q Apparently whoever wrote this PowerPoint indicated
 14 there was a budget crisis, correct?
 15 A Yes. That's what the document says.
 16 Q Right below the phrase Budget Crisis it states, "#1
 17 Driver Zyprexa (all states)."
 18 Do you see that?
 19 A Yes, I do.
 20 Q And were you aware when you were the head of the
 21 western region of sales that states were concerned
 22 about the price of Zyprexa for their Medicaid
 23 programs?
 24 A Yes.
 25 Q And how was it that you became aware of that?

06-0563001

06-056300

Page 22

1 A I was aware through direct customer feedback we had
2 through state Medicaid officials.
3 Q And the state Medicaid officials were telling you
4 that Zyprexa was their number one expense, correct?
5 A In many cases it was their number one expense among
6 antipsychotic products, yes.
7 Q In fact, it was their number one expense of all the
8 drugs in the Medicaid program, wasn't it? Isn't
9 that what they were telling you?
10 A In which time frame?
11 Q The time that you were head of western regional
12 sales, 2003 to 2007.
13 A I don't know for certain if that would have been
14 the case in every state.
15 Q In a lot of states, right?
16 MR. BOISE: Objection, vague.
17 QUESTIONS BY MR. SUGGS:
18 Q And at least according to this memo it says the
19 number one driver was for Zyprexa in all states,
20 correct?
21 A Yes, that's what this memo says.
22 Q Okay. You know how much a Zyprexa pill costs?
23 MR. BOISE: Object to the form, beyond the
24 scope, vague.
25 THE WITNESS: There's not one price for a

Page 23

1 Zyprexa pill.
2 QUESTIONS BY MR. SUGGS:
3 Q What is the range for a Zyprexa pill? What can it
4 vary from?
5 MR. BOISE: Object to the form, beyond the
6 scope, vague.
7 THE WITNESS: I would need to refer to our
8 pricing documents to get --
9 QUESTIONS BY MR. SUGGS:
10 Q Doesn't it range from \$8 a pill to about \$10 a
11 pill?
12 MR. BOISE: Objection, beyond the scope.
13 THE WITNESS: I could not say that all prices
14 would be within that range.
15 QUESTIONS BY MR. SUGGS:
16 Q Are there some prices that are within that range?
17 MR. BOISE: Objection, vague, beyond the
18 scope.
19 THE WITNESS: Yes.
20 QUESTIONS BY MR. SUGGS:
21 Q Okay. And how much does it cost to make a Zyprexa
22 pill -- about 10 cents?
23 MR. BOISE: Objection, vague, beyond the
24 scope.
25 THE WITNESS: I don't know.

Page 24

1 QUESTIONS BY MR. SUGGS:
2 Q I would like to direct your attention to the second
3 page of Exhibit 2, has the title Goals, slash,
4 Objectives, and the goal is to ensure unrestricted
5 availability of all the Lilly products on all state
6 formularies.
7 Do you see that language there?
8 A Yes, I do.
9 Q And the fact of the matter is that there were some
10 states that were so concerned about the price of
11 Zyprexa and the impact that it had on their
12 Medicaid programs that there was discussion of
13 restricting sales of Zyprexa or having Zyprexa be
14 on the -- require prior approval, correct?
15 MR. BOISE: Objection, beyond the scope,
16 compound, complex.
17 THE WITNESS: Yes, that's correct.
18 QUESTIONS BY MR. SUGGS:
19 Q Okay. Lilly did not want that to happen, correct?
20 MR. BOISE: Objection, compound, vague, beyond
21 the scope.
22 THE WITNESS: Our position was clearly that we
23 wanted to have equal and open access for all
24 antipsychotic products including Zyprexa.
25 QUESTIONS BY MR. SUGGS:

Page 25

1 Q If you could direct your attention to the following
2 page, it has the title on that page in quotes a
3 misspelling of the word "strategy" and says
4 "Stragedies," S-t-r-a-g-e-d-i-e-s, correct?
5 A Yes.
6 Q And then the first bullet point below that states,
7 "Implement Totally Aligned Activities of State
8 Action Teams."
9 Do you see that language?
10 A Yes.
11 Q And are you familiar with the phrase "state action
12 teams"?
13 A Yes, I am.
14 Q What were state action teams?
15 A Our state action teams were a cross-functional
16 team that were helping to implement our strategy of
17 equal and open access.
18 Q That included, apparently, something called an MPA.
19 What was that?
20 A Yes, the MPA is a manager of public affairs.
21 Q It would be like a public relations person?
22 MR. BOISE: Object to the form.
23 THE WITNESS: No.
24 QUESTIONS BY MR. SUGGS:
25 Q What is public affairs?

06-0563001

<p style="text-align: right;">Page 26</p> <p>1 A Manager of public affairs was responsible for 2 managing our relationship with government payors. 3 Q Oh, okay. And then it also included what you refer 4 to there as Advocacy Specialists. 5 Is that something different than a manager of 6 public affairs? 7 A Yes, that is different, a different role. 8 Q What is that role? 9 A Those roles had responsibility to work with 10 different advocacy groups. 11 Q Like the National Association for the Mentally Ill? 12 A Yes, that would be one example. 13 Q Is -- are there other examples? 14 A The APA would be an example. 15 Q Okay. And with respect to the National Association 16 for the Mentally Ill what would Lilly's advocacy 17 specialist do with that organization which is 18 sometimes referred to as NAMI, correct, N-A-M-I? 19 MR. BOISE: Objection, compound, beyond the 20 scope. 21 QUESTIONS BY MR. SUGGS: 22 Q My question right now is: Are you familiar with 23 the acronym NAMI? 24 A Yes, I am. 25 Q That stands for the National Association for the</p>	<p style="text-align: right;">Page 28</p> <p>1 Q What do they do? 2 A They have responsibility for -- really for our 3 marketing promotions and all of our pricing 4 negotiations with payers. 5 Q And were these state action teams organized by 6 region, by state or -- I guess they would have to 7 be by state, because they are called state action 8 teams, aren't they? 9 A Yes, they were organized by state. 10 Q Each state including Alaska would have an MPA, an 11 advocacy specialist, a PHDD, a salesperson, or a 12 sales manager, and a B2B person who were a member 13 of the state action team whose goal was to ensure 14 the unrestricted availability of all Lilly products 15 on all state formularies, correct? 16 MR. BOISE: Object to the form, foundation. 17 THE WITNESS: Their goal would be to ensure 18 open access for Zyprexa and all of the 19 antipsychotics. 20 QUESTIONS BY MR. SUGGS: 21 Q Okay. Another one of these strategies of this goal 22 was the strategic campaign to support key 23 legislators. 24 Did I read that correctly? 25 MR. BOISE: Object to the form.</p>
<p style="text-align: right;">Page 27</p> <p>1 Mentally Ill, correct? 2 A Yes, that's correct. 3 Q Okay. What would your advocacy specialist do with 4 respect to NAMI? 5 MR. BOISE: Objection, vague, beyond the 6 scope. 7 THE WITNESS: They would work with NAMI for 8 our common goals of open access. 9 QUESTIONS BY MR. SUGGS: 10 Q And then there's also reference there to someone 11 who is a PHDD. What is that? 12 A I'm not sure I can get the acronym exactly correct, 13 but it would be a representative of our public 14 health division. 15 Q And what did that person do? 16 A This is a person that, again, who worked with 17 public payers. 18 Q And then there is also a listing there for sales. 19 Would that just be a sales representative? 20 A It could be a sales representative, could be a 21 sales manager, or sales director as well. 22 Q Okay. Then there is also another member of the 23 state action team was somebody from B2B. 24 What does that stand for? 25 A That is our business to business group.</p>	<p style="text-align: right;">Page 29</p> <p>1 THE WITNESS: That's what this document says. 2 MR. BOISE: The question was: Did you read it 3 correctly? 4 MR. SUGGS: Yes. 5 Q What kind of campaign support is being referred to 6 there? 7 MR. BOISE: Object to the form, beyond the 8 scope. 9 THE WITNESS: I don't know the answer to that. 10 QUESTIONS BY MR. SUGGS: 11 Q Is this political campaign support? 12 MR. BOISE: Object to the form, beyond the 13 scope. 14 THE WITNESS: I don't know. 15 QUESTIONS BY MR. SUGGS: 16 Q How would key legislators be supported if not 17 giving them money for their campaigns? 18 MR. BOISE: Object to the form, beyond the 19 scope, calls for speculation. 20 THE WITNESS: I don't know the answer to that. 21 I can't tell who's written the document or what 22 it's referring to. 23 QUESTIONS BY MR. SUGGS: 24 Q Who are the key legislators that Lilly was 25 supporting in Alaska?</p>

IT006950-90

<p>Page 30</p> <p>1 MR. BOISE: Object to the form, beyond the 2 scope. 3 THE WITNESS: I'm not aware of -- of any 4 legislators we were supporting but -- in Alaska. 5 QUESTIONS BY MR. SUGGS: 6 Q If I could direct your attention to the following 7 page, it has the heading Tactics. And it has 8 several bullet points below that, the last of 9 which is, "Target 5-6 Key Legislators As 10 Champions." 11 Those would be champions for Lilly's goal of 12 maintaining unrestricted availability of its 13 products, correct? 14 MR. BOISE: Object to the form of the 15 question, compound, beyond the scope. 16 THE WITNESS: I can't tell what this document 17 is referring to beyond what it says there. 18 QUESTIONS BY MR. SUGGS: 19 Q You were the regional sales manager for the western 20 region, and it's your testimony you don't know what 21 this refers to when talking about targeting five to 22 six key legislators as champions; is that correct? 23 MR. BOISE: Objection, asked and answered. 24 THE WITNESS: My testimony is that I don't 25 know what this document is referring to.</p>	<p>Page 32</p> <p>1 would they? 2 MR. BOISE: Object to the form. 3 THE WITNESS: I think managed care 4 organizations are in a various state of budget 5 circumstances. 6 QUESTIONS BY MR. SUGGS: 7 Q This document talks about, on the first page, 8 various governmental issues -- democratic control 9 of legislature, negative activity by the governor, 10 persistent legislators. There are references to 11 the government activities throughout this document. 12 Wouldn't that indicate that this is regarding a 13 public system rather than a private managed care 14 organization? 15 MR. BOISE: Object to the form of the 16 question, foundation. 17 THE WITNESS: Potentially does, but I can't 18 say for certain. 19 QUESTIONS BY MR. SUGGS: 20 Q Well, when you were head of the western region of 21 sales in the U.S., were you aware that sales 22 representatives were expected to -- to have 23 contacts with drug utilization review board 24 members -- 25 MR. BOISE: Object to the form.</p>
<p>Page 31</p> <p>1 QUESTIONS BY MR. SUGGS: 2 Q If I could direct your attention to the following 3 page -- I take it back. It's several pages back. 4 It's the second to last physical page. There is a 5 PowerPoint that has "Sales Support Needed," and it 6 refers to "Coverage of DUR Board Members." 7 Do you see that? 8 A Yes. 9 Q That refers to Lilly's sales force having contact 10 with drug utilization and review board members of 11 Medicaid programs, doesn't it? 12 MR. BOISE: Object to the question, beyond the 13 scope, vague. 14 THE WITNESS: I can't tell from the document 15 whether they are referring to a Medicaid drug 16 utilization review board or not. 17 QUESTIONS BY MR. SUGGS: 18 Q What other types of drug utilization review boards 19 were there besides those for Medicaid? 20 A Often managed care organizations that are private 21 paid would have different types of drug utilization 22 review processes as well. 23 Q Now, the private organizations you talked about 24 wouldn't be having the type of budget crisis that 25 was referred to on the first page of this document,</p>	<p>Page 33</p> <p>1 QUESTIONS BY MR. SUGGS: 2 Q -- of Medicaid programs? 3 MR. BOISE: Object to the form of the 4 question, beyond the scope, vague. 5 THE WITNESS: Yes, certainly our sales 6 representatives would have been calling on some 7 members of drug utilization review boards. 8 QUESTIONS BY MR. SUGGS: 9 Q Let's focus on sales activities in Alaska in 10 particular. 11 Do you know who the Lilly sales reps were in 12 Alaska from 1996 to the present? 13 A I can't recall, from memory, all of the sales reps 14 during that time period. 15 Q Can you tell me the ones that you recall from 2000 16 to the present? 17 A No, I can't give you a comprehensive list. 18 Q Can you give me a list of some of them? 19 A Yes. 20 Q Okay. Who can you list for me? 21 A I know Joey Eski. 22 Q He is the only one? 23 A That's the only one I can recall from memory. 24 Q How long has he been a sales rep in Alaska? 25 A Joey is a she, actually.</p>

06-05630CI

Page 34

1 Q Oh, really?

2 A I'm not sure how long she's been with Lilly.

3 Q Okay. Where are the sales reps trained?

4 A Depends on what phase of their training and where

5 that would take place.

6 Q Tell me about the different phases that there are.

7 A Every new Lilly representative starts with an entry

8 level sales school that we call ID school.

9 It's initial training school which is conducted in

10 Indianapolis.

11 Q How long does that last?

12 A It varies, depending on the products they have in a

13 different time frame, but it's typically anywhere

14 from a four- to six-week initial program.

15 Q And what programs follow after that?

16 A After that we currently have a three-month school

17 which is done typically regionally in a

18 decentralized fashion and they now come back for a

19 nine-month school again which is a week-long

20 program conducted again in Indianapolis.

21 Q When you said a "three-month school," is that how

22 long the schooling lasts or does that take place

23 after they have been a sales rep for three months?

24 A Takes place after three months as a sales

25 representative.

Page 35

1 Q How long is that training session?

2 A The program is approximately two to three days.

3 Q Okay. And then the nine-month school, I would

4 presume, also does not last nine months but occurs

5 after they have been a sales rep for nine months,

6 correct?

7 A Yes, that is correct.

8 Q And how long does that take place?

9 A That's currently a week-long program.

10 Q Does the training process differ by state?

11 A Every representative goes through the comprehensive

12 program I outlined and then we do a lot of ongoing

13 training for our representatives throughout the

14 country.

15 Q Is it fair to say that sales reps are expected to

16 say particular things about Zyprexa and not say

17 other things when they are selling the product?

18 MR. BOISE: Objection, vague.

19 THE WITNESS: Our sales representatives are

20 required to follow our promotional guidelines and

21 the promotional message that we establish for them.

22 QUESTIONS BY MR. SUGGS:

23 Q And that — those promotional guidelines and the

24 message that you establish are for the product

25 throughout the United States and they are not

Page 36

1 particular for any given state or region, correct?

2 A Yes, that's correct. We have one promotional

3 message throughout the United States.

4 Q It's not left up to the individual sales reps to

5 decide what the appropriate representations are,

6 correct?

7 MR. BOISE: Object to the form.

8 Representatives?

9 MR. SUGGS: Let me restate the question.

10 Q It's not left up to the individual sales reps to

11 decide what the appropriate messages are with

12 respect to Zyprexa, correct?

13 THE WITNESS: Each of the sales

14 representatives are required to use the messages

15 that we establish for them nationally and then to

16 determine, based on the customer needs, how to

17 appropriately utilize those messages.

18 QUESTIONS BY MR. SUGGS:

19 Q In fact, sales reps are prohibited from developing

20 their own promotional materials, correct?

21 A That's correct. The sales representatives can't

22 develop homemade materials.

23 Q I'm going to hand you what we'll mark as Exhibit 3.

24 (Deposition Exhibit 3 marked for

25 identification.)

Page 37

1 QUESTIONS BY MR. SUGGS:

2 Q Which for the record is a document entitled "Lilly

3 USA, SALES GOOD PROMOTIONAL PRACTICE, Promotional

4 Materials GPP 02, dash, 003."

5 Do you recognize this document, sir?

6 A Yes, I do.

7 Q What is it?

8 A This is a portion of our good promotional

9 practices, appears effective November of 2004,

10 based on the version number at the end of the

11 document.

12 Q Says it was updated in November 2004, correct?

13 A Yes, it does.

14 Q It states that the policy is that "All promotional

15 materials must be approved by a Brand Team before

16 they may be used with any customer," correct?

17 A Yes, it does.

18 Q Okay. Was that policy in effect throughout the

19 time that you have been involved with sales at

20 Lilly?

21 A Throughout the time that I have been involved in

22 sales with Lilly we have always had an approval

23 process for all promotional materials that included

24 a cross-functional team, referred to as the brand

25 team here, that would be medical, legal, regulatory

06-05630CI

Page 38

1 and our marketing organization.
 2 Q And that brand team is located in Indianapolis and
 3 develops promotional materials and messages that
 4 are to be applicable throughout the U.S., correct?
 5 A Yes, that's correct.
 6 Q Then below that under the policy there is a
 7 heading, Information and Procedures, and then
 8 listed on the left are some materials that were
 9 apparently available from something called
 10 "E-order," and what is E-order?
 11 A E-order means electronically ordering. So a sales
 12 representative can order a new promotional tool
 13 through the E-ordering system.
 14 Q And this list includes such things as core sales
 15 aids, something called "slim jims," what were
 16 those?
 17 A A slim jim is just a smaller version of the core
 18 sales aid.
 19 Q And a core sales aid, would that be a brochure?
 20 A It could be a brochure. It's basically the primary
 21 promotional tools that the representatives are
 22 using.
 23 Q Okay. And such things as promotional star
 24 reprints, those are published medical literature
 25 that have been approved for distribution, correct?

Page 39

1 A Promotional star reprint is an approved peer
 2 review, reprint of a general article that has been
 3 approved for promotional use.
 4 Q And those articles only address on-label
 5 indications of the drug, correct?
 6 A Yes, promotional reprints would only address
 7 on-label uses of the product.
 8 Q Also available from E-order were such things as
 9 pens and note pads, calendars, coffee mugs,
 10 anatomical models, CD ROMs, videos, DVDs, posters,
 11 badge holders, brochures, correct?
 12 A Yes.
 13 Q And all of those would have been generated in
 14 Indianapolis for use nationally, correct?
 15 A Yes.
 16 Q And then on the right-hand side under Information
 17 and Procedures, it says "From KM."
 18 Am I correct that KM stands for knowledge
 19 management database?
 20 A Yes, that's correct.
 21 Q What is the knowledge management database?
 22 A Knowledge management is a database available for
 23 the sales representatives to receive communications
 24 from Indianapolis and information and tools.
 25 Q Okay. And would sales representatives be alerted

Page 40

1 that there was something on the database that they
 2 have to be aware of? Like, would they receive an
 3 E-mail or something telling them that something was
 4 on the --
 5 A Yes, oftentimes there's something on knowledge
 6 management --
 7 MR. BOISE: Let me interpose an objection.
 8 Vague.
 9 You can answer the question.
 10 THE WITNESS: Yes, oftentimes they would be
 11 notified if there was something new in knowledge
 12 management that they needed to access.
 13 QUESTIONS BY MR. SUGGS:
 14 Q Okay. And would sales representatives be expected
 15 to be aware of what was on the knowledge management
 16 database?
 17 A There is not an expectation that they know
 18 everything on the database.
 19 Q Would it be fair to say that anytime that something
 20 was posted on the knowledge management database
 21 that was new, the sales reps would be informed of
 22 that?
 23 MR. BOISE: Objection, vague.
 24 THE WITNESS: No, not in every case.
 25 QUESTIONS BY MR. SUGGS:

Page 41

1 Q And the materials that were available on the
 2 knowledge management database included such things
 3 as Lilly business cards, promotional speaker
 4 program invitations, templates, package inserts,
 5 sell sheets, approved textbook lists, preprinted
 6 prescription pads, cake and cookie templates,
 7 special brand initiatives and formulary tools,
 8 correct?
 9 MR. BOISE: This time frame?
 10 THE WITNESS: In this time frame, yes.
 11 QUESTIONS BY MR. SUGGS:
 12 Q Okay. And what are sell sheets?
 13 A Sell sheets is another form of a promotional
 14 material.
 15 Q These documents that I handed you earlier were sell
 16 sheets, were they not?
 17 MR. BOISE: Do you want to show him both?
 18 Compound question.
 19 THE WITNESS: Yes, these would be an example
 20 of sell sheets.
 21 MR. SUGGS: Okay.
 22 MR. BOISE: Give me a moment to make
 23 objections along the way.
 24 QUESTIONS BY MR. SUGGS:
 25 Q And when it refers to "formulary tools," what does

17006950-70

<p>1 that refer to?</p> <p>2 A I can't say specifically what these tools would</p> <p>3 have been then but formulary is basically a drug</p> <p>4 list of medicines that are available.</p> <p>5 Q Well, how would a sales rep use a formulary tool?</p> <p>6 MR. BOISE: Object to the form, vague.</p> <p>7 THE WITNESS: In this time frame potentially</p> <p>8 if a customer asked for formulary information, was</p> <p>9 involved in a formulary decision, the sales</p> <p>10 representative could provide them with information</p> <p>11 in the context of a formulary packet.</p> <p>12 QUESTIONS BY MR. SUGGS:</p> <p>13 Q And below those boxes that we have been talking</p> <p>14 about, there's a heading in the middle of the page</p> <p>15 numbered 1 with larger font, and it's bold and it's</p> <p>16 all caps and it says, "ALL PROMOTIONAL MATERIALS</p> <p>17 MUST BE APPROVED BY A BRAND TEAM," correct?</p> <p>18 A Yes, that is correct.</p> <p>19 Q And then in the item below that No. 2, in the</p> <p>20 second half of that paragraph it states, "Approved</p> <p>21 materials must not be copied or altered in any</p> <p>22 other way for use with customers. No highlighting,</p> <p>23 underlining or adding notes," correct?</p> <p>24 A Yes, that's correct.</p> <p>25 Q No. 3 was "The use of homemade materials is</p>	<p>Page 42</p> <p>1 the promotional materials.</p> <p>2 QUESTIONS BY MR. SUGGS:</p> <p>3 Q Let's talk about the content of the sales messages</p> <p>4 that were used by Lilly sales reps for Zyprexa, in</p> <p>5 particular, regarding hyperglycemia and diabetes.</p> <p>6 Were you -- I believe you said you began</p> <p>7 working on Zyprexa in 1999; is that correct?</p> <p>8 A Yes, that's correct.</p> <p>9 Q What month?</p> <p>10 A I believe it would have been October or November of</p> <p>11 1999.</p> <p>12 Q Okay. And at that time you were aware that there</p> <p>13 had been concerns expressed in the marketplace and</p> <p>14 in published medical articles that weight gain</p> <p>15 associated with Zyprexa could cause patients to</p> <p>16 develop diabetes, correct?</p> <p>17 A Yes, I'm aware of those concerns.</p> <p>18 Q Okay. And weight gain and possible hyperglycemia</p> <p>19 was recognized as a major threat to hyper --</p> <p>20 strike that.</p> <p>21 Weight gain and possible hyperglycemia was</p> <p>22 recognized as a major threat to Zyprexa, correct?</p> <p>23 MR. BOISE: Object to the form of the</p> <p>24 question.</p> <p>25 THE WITNESS: Weight gain was a known side</p>
<p>1 forbidden."</p> <p>2 That's in all caps, correct?</p> <p>3 A It's not in all caps; it's bold.</p> <p>4 Q I'm sorry. It's bold. I misspoke.</p> <p>5 It's in bolded font, correct?</p> <p>6 A Yes.</p> <p>7 Q Also in bolded font in that paragraph is the sentence</p> <p>8 "Homemade Materials are anything not approved by</p> <p>9 the Brand team for use with customers," correct?</p> <p>10 A Yes.</p> <p>11 Q Fair to say that the promotional materials that</p> <p>12 came out of Lilly were designed and intended --</p> <p>13 strike that.</p> <p>14 The promotional materials that came out of</p> <p>15 Lilly came out of corporate headquarters here in</p> <p>16 Indianapolis and were expected to be used as</p> <p>17 developed by the brand team without exception and</p> <p>18 without change or alteration, correct?</p> <p>19 A Promotional materials were developed by the U.S.</p> <p>20 brand team and it certainly works -- all of our</p> <p>21 sales representatives were expected to use them</p> <p>22 consistent with the promotional guidelines.</p> <p>23 Q They were expected to use them, too, weren't they?</p> <p>24 MR. BOISE: Object to the form.</p> <p>25 THE WITNESS: Yes, they were expected to use</p>	<p>Page 43</p> <p>1 effect of Zyprexa and was in our label as such from</p> <p>2 launch.</p> <p>3 MR. SUGGS: Move to strike as nonresponsive.</p> <p>4 Q Sir, weight gain and possible hyperglycemia was</p> <p>5 recognized as a major threat to Zyprexa, which was</p> <p>6 a critically important product to the company,</p> <p>7 correct?</p> <p>8 MR. BOISE: Object to the form of the</p> <p>9 question, compound.</p> <p>10 THE WITNESS: I would not regard -- major</p> <p>11 threat would not be a characterization that I made</p> <p>12 at that time.</p> <p>13 QUESTIONS BY MR. SUGGS:</p> <p>14 Q Let me hand you what's been previously marked as</p> <p>15 Plaintiffs' Exhibit No. 8262. For the record this</p> <p>16 is a string of E-mails in November of 1999.</p> <p>17 I would direct your attention, in particular,</p> <p>18 sir, to the E-mail at the bottom of the first page,</p> <p>19 which is a November 9, 1999, E-mail from Alan</p> <p>20 Breier to a number of individuals, looks like about</p> <p>21 a dozen or more, including several top executives,</p> <p>22 such as John Lechleiter and August Watanabe.</p> <p>23 Do you recognize the names of any of those</p> <p>24 individuals, sir?</p> <p>25 A Yes, I do.</p>
<p>Page 44</p>	

7306950-70

Page 46

Q And John Lechleiter was at that time the chief operating officer of the company, was he not?

MR. BOISE: Object to the form, foundation.

THE WITNESS: No. I don't believe in 1999 he was the chief operating officer.

QUESTIONS BY MR. SUGGS:

Q Do you recall what his title was back at that time?

A No, I do not.

Q He is currently the CEO of the company, correct?

A No, he is currently president and chief operating officer.

Q I thought I heard he was the new CEO or has that not become effective yet?

A He will be the new CEO effective April 1st.

Q Okay. In a couple of months he is going to be the CEO?

A Yes, he will.

Q What other names on there do you recognize?

MR. BOISE: Object, beyond the scope.

THE WITNESS: I recognize Charles Beasley. I recognize Gary Tollefson, Norma Ascroft and August Watanabe.

Page 47

QUESTIONS BY MR. SUGGS:

Q And in the first sentence in this E-mail from November 1999 it states, quote, Olanzapine-associated weight gain and possible hyperglycemia is a major threat to the long-term success of this critically important molecule.

Do you see that language?

A Yes, I do.

Q And apparently no one ever informed you of that back in November of 1999; is that correct?

MR. BOISE: Object to the form, foundation.

THE WITNESS: If you are asking whether I saw this E-mail, no.

QUESTIONS BY MR. SUGGS:

Q I was not asking about that E-mail. I figured you probably would not have seen this E-mail. Earlier you said you took over your position with Zyprexa in October of 1999 and you said that you would not characterize Zyprexa weight gain and possible hyperglycemia as a major threat to the long-term success of Zyprexa.

So my question was: Fair to say that no one ever informed you in the words of this E-mail that olanzapine-associated weight gain and possible hyperglycemia is a major threat to the long-term

Page 48

success of this critically important molecule?

MR. BOISE: Object.

QUESTIONS BY MR. SUGGS:

Q No one ever told you that?

MR. BOISE: Object, foundation, compound question, beyond the scope.

THE WITNESS: I don't believe in 1999 that weight gain and possible hyperglycemia were characterized to me as a major threat to a long-term success.

QUESTIONS BY MR. SUGGS:

Q So apparently people like Alan Breier and John Lechleiter were aware of that, but you were not in your position --

MR. BOISE: Object to the form.

QUESTIONS BY MR. SUGGS:

Q -- correct?

MR. BOISE: Foundation, beyond the scope.

THE WITNESS: I don't believe they characterized weight gain or hyperglycemia as a major threat to me in November of 1999.

QUESTIONS BY MR. SUGGS:

Q Okay. Did anyone ever tell you that olanzapine-associated weight gain and possible hyperglycemia was a major threat to the long-term success of

Page 49

Zyprexa?

A I certainly have had ongoing discussions since this time that weight gain is a side effect, was a significant issue for Zyprexa.

Q Okay. And when did you first become informed that there was a concern that the weight gain associated with Zyprexa could result in hyperglycemia?

MR. BOISE: Object to the form of the question, foundation, compound, beyond the scope.

THE WITNESS: I don't know the answer to that.

QUESTIONS BY MR. SUGGS:

Q Were you ever informed that weight gain associated with Zyprexa -- strike that.

Were you ever informed that there was a concern that the weight gain associated with Zyprexa could result in hyperglycemia?

MR. BOISE: Object, beyond the scope.

THE WITNESS: Yes, I'm certainly aware of a lot of customer concerns about the weight gain and what the metabolic effects, including the impact of hyperglycemia, might be.

QUESTIONS BY MR. SUGGS:

Q And hyperglycemia is indicative of diabetes, correct?

A Hyperglycemia is -- again, I'm not a clinician, but

7006950-90

Page 50

1 hyperglycemia reflects elevated glucose levels
2 beyond normal levels.
3 Q And, in fact, the -- are you -- were you aware that
4 the American Diabetes Association has said that a
5 fasting glucose of a hundred twenty-six milligrams
6 per deciliter or higher is the diagnostic for
7 diabetes?
8 MR. BOISE: Object to the form of the
9 question, foundation.
10 THE WITNESS: Yes, I am aware of that.
11 QUESTIONS BY MR. SUGGS:
12 Q Okay. Were you aware that the American Diabetes
13 Association has said that the random blood glucose
14 in excess of 200 milligrams per deciliter is
15 diagnostic for diabetes?
16 MR. BOISE: Object to the form, foundation.
17 THE WITNESS: Yes, I am aware.
18 QUESTIONS BY MR. SUGGS:
19 Q And when did you become aware of that, sir?
20 MR. BOISE: Object to the form, beyond the
21 scope.
22 THE WITNESS: Difficult to answer because some
23 of those guidelines have changed over time, but I
24 have been aware from the time I was a new Lilly
25 sales representative of what the diagnosis of diabetes

Page 51

1 and hyperglycemia is.
2 QUESTIONS BY MR. SUGGS:
3 Q And when did you become aware that there was a
4 concern that the weight gain associated with --
5 with Zyprexa could result in hyperglycemia?
6 MR. BOISE: Object to the form, beyond the
7 scope.
8 THE WITNESS: I don't know that I could answer
9 specifically when that issue was raised, but
10 certainly weight gain is a known risk factor for
11 diabetes among many others. I was aware of that
12 from the beginning of my work with Zyprexa.
13 QUESTIONS BY MR. SUGGS:
14 Q And you used a term there, risk factor.
15 What does the word "risk factor" mean to you?
16 MR. BOISE: Object to the form, beyond the
17 scope.
18 THE WITNESS: You are asking me to get beyond
19 my marketing expertise so --
20 QUESTIONS BY MR. SUGGS:
21 Q No. I'm asking you to explain what you mean by
22 words that you first brought up. You were the one
23 that first said that it was your understanding that
24 weight gain was a risk factor for diabetes. I
25 never used the phrase risk factor before in this

Page 52

1 deposition. You brought it up.
2 What do you mean by it?
3 MR. BOISE: Object to the form of the
4 question.
5 THE WITNESS: Again, I'm not a clinical
6 expert. I would rely on my colleagues but I know
7 that weight gain among other factors is -- I don't
8 know how else to describe it -- as a risk factor
9 for diabetes.
10 QUESTIONS BY MR. SUGGS:
11 Q Risk factor means if a person has that factor or
12 that condition that they have an increased risk of
13 developing the disease, correct?
14 MR. BOISE: Object to the form of the
15 question, foundation.
16 THE WITNESS: I don't know that that's -- that
17 I could answer that question.
18 QUESTIONS BY MR. SUGGS:
19 Q Well, you used the phrase "risk factor."
20 What do you mean by it when you use that term?
21 MR. BOISE: Object to the form, asked and
22 answered, harassing.
23 THE WITNESS: Weight gain is a known risk
24 factor for diabetes --
25 QUESTIONS BY MR. SUGGS:

Page 53

1 Q No. I'm not --
2 MR. BOISE: Let him answer the question. Let
3 him answer the question. You can ask another one,
4 David. I think you are harassing him.
5 MR. SUGGS: I'm not --
6 MR. BOISE: Were you finished with your
7 answer?
8 THE WITNESS: No.
9 MR. BOISE: Finish your answer, please.
10 THE WITNESS: Weight gain is a known risk
11 factor for diabetes. In my marketing and sales
12 roles at Lilly, I rely on our medical and
13 regulatory and legal colleagues to help me
14 characterize that as a risk factor for diabetes.
15 QUESTIONS BY MR. SUGGS:
16 Q What do you mean when you use the words risk
17 factor?
18 MR. BOISE: Objection, asked and answered.
19 THE WITNESS: I mean that it's a risk factor
20 for diabetes.
21 QUESTIONS BY MR. SUGGS:
22 Q A risk factor means it's a risk factor.
23 Can you give me any other help with -- what's
24 in your mind when you use the term risk factor?
25 A You are asking me to make a judgement that I don't

7006950-90

1 I think I'm qualified to make from a medical
2 standpoint.

3 Q No, I am just asking you to explain the words that
4 you used for yourself for the first time in this
5 deposition.

6 MR. BOISE: Objection, asked and answered,
7 harassing.

8 THE WITNESS: Risk factor meaning quite simply
9 that weight gain is a risk factor for diabetes.

10 QUESTIONS BY MR. SUGGS:

11 Q Sir, am I correct that throughout the times that
12 Zyprexa has -- strike that.

13 Am I correct that throughout the time that you
14 were involved with Zyprexa from 1999 through the
15 end of 2007 that Lilly sales representatives have
16 been trained to say that Zyprexa does not cause
17 diabetes?

18 MR. BOISE: Object to the form, foundation,
19 beyond the scope.

20 You can answer.

21 THE WITNESS: No. We have trained our
22 representatives throughout that time that -- that
23 our data is not able to answer the question as to
24 whether Zyprexa can -- causes weight gain -- I'm
25 sorry, causes diabetes.

1 QUESTIONS BY MR. SUGGS:

2 Q In fact, your sales reps have been taught to say
3 that there is no causal relationship between
4 Zyprexa and the onset of diabetes, isn't that true,
5 sir?

6 MR. BOISE: Objection, foundation.

7 THE WITNESS: Our position as
8 communicated to the sales representatives is that
9 based on our analysis of the data we cannot
10 determine a causal relationship between Zyprexa and
11 diabetes.

12 QUESTIONS BY MR. SUGGS:

13 Q I'm going to hand you what's been previously marked
14 as Plaintiffs' Exhibit 1941. For the record this
15 is a document entitled "ZYPREXA FREQUENT AREAS OF
16 CONCERN" OR "FAQ." I'll also represent to you,
17 sir, that the database that has been provided to us
18 by Lilly states that this document was generated on
19 June 28, 2002.

20 And I'll also represent to you that Lilly has
21 stated in answers to interrogatory in this case in
22 Alaska that this document was in the knowledge
23 management database and made available to sales
24 representatives.

25 Do you have any basis to dispute either the

1 date that was provided to us by Lilly or their
2 representation that this document was in the
3 knowledge management database?

4 MR. BOISE: Take a minute to look at the
5 document.

6 THE WITNESS: Okay.

7 QUESTIONS BY MR. SUGGS:

8 Q Do you have any basis, sir, to dispute the date
9 that was provided to us as June 28, 2002, as the
10 date this document was generated?

11 A No, I do not.

12 Q Do you have any basis to dispute that the answers
13 to interrogatories in this case which stated that
14 this document was made available to the sales reps
15 in the knowledge management database?

16 A No.

17 Q I'd like to direct your attention to the bottom of
18 the first page. There is some language there
19 that's actually on the bottom of every one of the
20 pages that says, "For internal use only. Not for
21 use in detailing."

22 Do you see that language?

23 A Yes, I do.

24 Q Sir, when it says, "Not for use in detailing" that
25 means that this is something that was not meant to

1 be left with a physician, correct?

2 MR. BOISE: Object to the form of the
3 question.

4 THE WITNESS: "Not for use in detailing" means
5 that this document can't be used for promotional
6 purposes with a clinician.

7 QUESTIONS BY MR. SUGGS:

8 Q You don't want the doctors to even see this, do
9 you?

10 MR. BOISE: Object to the form of the
11 question.

12 THE WITNESS: This has not been approved for
13 promotions for representatives to promote to sales
14 representatives.

15 QUESTIONS BY MR. SUGGS:

16 Q A sales rep would not provide this to the doctor,
17 he would not hand this to the doctor, correct?

18 A No, a sales representative would not be allowed to
19 hand this document to the doctor because it has not
20 gone through the promotional approval process.

21 Q Well, not only that, it would be embarrassing if
22 the doctors knew that the sales reps had a script,
23 wouldn't it?

24 MR. BOISE: Object to the form of the
25 question.

1006950-90

Page 58

1 THE WITNESS: This document can't be used with
 2 clinicians because it has not been approved for
 3 promotional use.
 4 QUESTIONS BY MR. SUGGS:
 5 Q What this document does is identify various
 6 concerns that physicians had about Zyprexa and then
 7 tells the sales rep how to respond, correct?
 8 A Yes. This document is a training document to help
 9 provide sales representatives to answers to
 10 frequently asked questions of physicians.
 11 Q One of the questions is Question No. 6 on page 2.
 12 The question is: "I am concerned about diabetes."
 13 And below that it says "Cushion."
 14 What does cushion mean?
 15 A Cushion quite simply means to -- as it describes
 16 here to thank the doctor for the concern and to
 17 show empathy for the doctor, that this is a valid
 18 concern that we want to address.
 19 Q And then it says "Clarify," and there to clarify it
 20 says, "Is this something you have seen or heard
 21 about?" Correct?
 22 A Yes.
 23 Q And then there is -- below that it says, "Address
 24 AOC." AOC stands for area of concern, correct?
 25 A Yes, that's correct.

Page 59

1 Q And in this response -- pardon me, and in that
 2 section there the sales rep is told what to tell
 3 the doctor, correct?
 4 A Yes, that's correct.
 5 Q And in the third sentence of that paragraph it
 6 states, quote, "In every study examining this
 7 subject, no causal relationship has been
 8 established between patients being treated with
 9 Zyprexa and the onset of diabetes, correct?"
 10 A Yes, that's correct.
 11 Q And do you know when it was that -- well, strike
 12 that.
 13 It's fair to say, sir, that the sales reps
 14 were taught and told to inform physicians that
 15 there was no causal relationship between Zyprexa
 16 and the onset of diabetes throughout the time
 17 period you were involved with Zyprexa, correct?
 18 Between 1999 and 2007 that's what sales reps were
 19 expected to tell physicians, correct?
 20 MR. BOISE: Object to the form of the
 21 question, mischaracterized his testimony, asked and
 22 answered.
 23 THE WITNESS: No. That's not correct.
 24 In fact, in this time frame what they were
 25 instructed to say was, In every study examining

Page 60

1 this subject, in this time frame, no causal
 2 relationship has been established between patients
 3 being treated with Zyprexa and the onset of
 4 diabetes.
 5 QUESTIONS BY MR. SUGGS:
 6 Q Have sales reps ever to your knowledge been instructed
 7 to go out and admit to physicians that Zyprexa can
 8 cause diabetes?
 9 A No, that has never been a specific verbatim for our
 10 sales representatives.
 11 Q In fact, they go on to say in this document, the
 12 following sentence says, "The incidence of
 13 diagnosed treatment-emergent diabetes with patients
 14 taking Zyprexa was comparable to those patients
 15 treated with Risperdal, Haldol and Depakote in
 16 every clinical study conducted by Lilly in by our
 17 competitors."
 18 Did I read that correctly?
 19 A Yes, you did.
 20 Q And Risperdal, Haldol and Depakote are other
 21 psychiatric drugs, correct?
 22 A Yes, Risperdal and Haldol are antipsychotic
 23 medicines and Depakote is a mood stabilizer.
 24 Q And that message of comparable rates of diabetes
 25 between Zyprexa and other drugs has been a

Page 61

1 consistent message coming from the company,
 2 correct?
 3 MR. BOISE: Object to the form.
 4 What time frame?
 5 QUESTIONS BY MR. SUGGS:
 6 Q Throughout the time you were involved with Zyprexa.
 7 A Comparable rates has not been a message throughout
 8 the time frame that I have been involved with Zyprexa.
 9 Q When was it not?
 10 A We currently do not have a message that --
 11 THE REPORTER: I can't hear you.
 12 THE WITNESS: We currently do not have a
 13 message for diabetes for comparable rates of
 14 diabetes with Zyprexa.
 15 QUESTIONS BY MR. SUGGS:
 16 Q I bet not in light of the labeling change that came
 17 out in October. When did Lilly --
 18 MR. BOISE: Hold on. Was that a question?
 19 QUESTIONS BY MR. SUGGS:
 20 Q When did Lilly stop having comparable rates be part
 21 of their message?
 22 MR. BOISE: Object to the form of the
 23 question, compound, move to strike the observations
 24 of counsel.
 25 THE WITNESS: I don't know the exact time

06-05630CI

Page 62

1 frame.

2 QUESTIONS BY MR. SUGGS:

3 Q Can you give me an approximate time frame?

4 A It would have been prior to my assuming

5 responsibilities in 2003 for Zyprexa in the U.S.

6 Q It's your testimony that after 2003 Lilly did not

7 make a claim of comparable rates?

8 A We did not have a promotional message for

9 comparable rates after 2003 is my recollection,

10 yes.

11 Q Sir, do you see a difference between the phrase

12 "comparable rates" and "no consistent differences"?

13 MR. BOISE: Object to the form.

14 THE WITNESS: You are really asking a medical

15 question that I would rely on my medical colleagues

16 to answer.

17 QUESTIONS BY MR. SUGGS:

18 Q Sir, isn't it a fact that even after 2003 Lilly

19 told physicians that there were no consistent

20 differences among atypicals in the incidence of

21 diabetes?

22 A I would want to review the specific promotional

23 material to know exactly what our communication was

24 in each time frame.

25 Q Okay. We'll get to that.

Page 63

1 If I could direct your attention to the first

2 page of this document. Let's stay with the page

3 that we were on, at least the question we were on.

4 This document, after instructing the sales reps

5 to address the area of concern, then says that the

6 sales reps should check for agreement and then get

7 back to selling, correct?

8 A I'm sorry. Where are you reading from now?

9 Q Page 3.

10 A Okay. Okay.

11 Q That's what the sales reps were told, give this

12 message here that was developed out in

13 Indianapolis -- strike that.

14 The sales reps were told that if a doctor said

15 he was concerned about diabetes they should address

16 that area of concern using that language that we've

17 talked about here and after doing that they should

18 then check for agreement and get back to selling,

19 correct?

20 A Yes, that's correct.

21 Q Okay. If I could direct your attention to the

22 first page, the first area of concern that

23 reflected there was "I do not treat that type of

24 patient."

25 Do you see that?

Page 64

1 A Yes, I do.

2 Q And under Important notes it says "Make sure the

3 PCP" -- by the way that stands for primary care

4 physician, correct?

5 A Yes, that is correct.

6 Q Make sure the primary care physician recognizes the

7 type of patient we are talking about today, not the

8 psychotic patient or severely ill patient, but the

9 complicated mood patient who has symptoms of

10 irritability, anxiety, poor sleep and mood swings.

11 This is most likely a patient he has seen for a few

12 years and has felt comfortable treating.

13 Do you see that language here?

14 A Yes, I do.

15 Q Zyprexa was never indicated for the treatment of

16 irritability, was it?

17 MR. BOISE: Object to the form.

18 THE WITNESS: No.

19 QUESTIONS BY MR. SUGGS:

20 Q It was never indicated for the treatment of

21 complicated mood, was it?

22 MR. BOISE: Object to the form.

23 THE WITNESS: No.

24 QUESTIONS BY MR. SUGGS:

25 Q It was never indicated for the treatment of

Page 65

1 anxiety, correct?

2 MR. BOISE: Object to the form.

3 THE WITNESS: No.

4 QUESTIONS BY MR. SUGGS:

5 Q It was never indicated for poor sleep, correct?

6 MR. BOISE: Object to the form.

7 THE WITNESS: No.

8 QUESTIONS BY MR. SUGGS:

9 Q It was never indicated for mood swings, correct?

10 MR. BOISE: Object to the form.

11 THE WITNESS: No.

12 QUESTIONS BY MR. SUGGS:

13 Q Okay. By the way, just so the record is clear,

14 when you are saying "no" you are agreeing with me

15 that it was not indicated for any of those?

16 A Yes, that correct.

17 Q Just so we have a clear record.

18 MR. BOISE: If you are done with the document,

19 I would like to take five minutes.

20 MR. SUGGS: Sure.

21 MR. BOISE: Okay.

22 THE VIDEOGRAPHER: We are off the record. It

23 is 10:42. This is the end of Tape No. 1 of the

24 deposition of David Noesges.

25 (Recess.)

06-05630CI

Page 66

1 THE VIDEOGRAPHER: We are back on the record.
 2 This is beginning of Tape No. 2 of the deposition
 3 of Dave Noesges. It is 10:54.
 4 QUESTIONS BY MR. SUGGS:
 5 Q Sir, I'm going to hand you two exhibits now. One
 6 is -- has been previously marked as Plaintiffs'
 7 Exhibit 995 and the other one is Plaintiffs'
 8 Exhibit 9201.
 9 For the record Exhibit 995 is a memo from Alan
 10 Breier, Jack Jordan, Dennis Torres, Mike Bandick to
 11 the policy committee dated July 7, 2003.
 12 MR. BOISE: Denice.
 13 MR. SUGGS: Pardon?
 14 MR. BOISE: Denice.
 15 MR. SUGGS: Yes. What did I say?
 16 MR. BOISE: Dennis.
 17 MR. SUGGS: I thought I said Miss. I could be
 18 wrong.
 19 Q Let's talk about that document first.
 20 You are familiar with what the policy
 21 committee is at Lilly, are you not, sir?
 22 A Yes, I am.
 23 Q It's the principal governing body of the
 24 corporation made up of top level executives,
 25 correct?

Page 67

1 A Yes, that my understanding.
 2 Q It's chaired by the CEO of the company who at the
 3 time this memo was written was Mr. Sidney Taurel,
 4 correct?
 5 A Yes, that is correct.
 6 Q And Alan Breier was the head of the Zyprexa product
 7 team, correct?
 8 A At this time, yes.
 9 Q And Jack Jordan at that time was head of U.S.
 10 marketing, correct?
 11 MR. BOISE: Object to the form, foundation.
 12 THE WITNESS: Yes, that's correct.
 13 QUESTIONS BY MR. SUGGS:
 14 Q And in this time period July 7, 2003, what were
 15 your responsibilities with respect to Zyprexa?
 16 A This time frame of July 7, 2003, I was the general
 17 manager of Lilly Australia and New Zealand.
 18 Q So you would have not had involvement with Zyprexa
 19 in the U.S., correct?
 20 A That's correct at this time.
 21 MR. BOISE: Object to the form.
 22 QUESTIONS BY MR. SUGGS:
 23 Q Did you ever work with Jack Jordan or Denice
 24 Torres?
 25 A Yes.

Page 68

1 Q Did you report to either or both of them?
 2 A No, I did not.
 3 Q How did you work with them?
 4 A When I was the sales director in the U.S. I was a
 5 colleague of Jack's. He was the marketing director
 6 at that time and I worked with Denice in my
 7 capacity as U.S. marketing director.
 8 Q Okay. What years were those?
 9 A I was the U.S. marketing director from November of
 10 2003 through, basically, October of 2004.
 11 Q Okay. So this memo would have been written a
 12 couple of months before you took over as U.S.
 13 marketing director, correct?
 14 A Yes. This is written before I took over.
 15 Q Did you succeed Jack Jordan, then, in that
 16 position?
 17 A Yes, I did.
 18 Q And it states that "The purpose of this document is
 19 to provide additional information" to the policy
 20 committee "on topics associated with Zyprexa and
 21 perceptions surrounding weight gain and diabetes,"
 22 correct?
 23 A It would be helpful if I could take a minute to
 24 read this. It will be easier to answer your
 25 questions if I could see the context.

Page 69

1 Q I don't think you need to read the entire document
 2 to answer the questions that I have for you. And
 3 since time is a factor here, what I would suggest
 4 is this, sir: Why don't I ask you the question, if
 5 after hearing that question you feel you need to
 6 read the entire document in order to answer the
 7 question I have asked, I will be happy to give you
 8 that time. I really don't think it is going to be
 9 necessary.
 10 A With due respect, sir, it would be helpful for me
 11 to know the context of the document to answer your
 12 questions.
 13 Q Sir, you don't know what my questions are. So why
 14 don't you wait and listen to what my question is
 15 first.
 16 My first question is: The first sentence of
 17 this memo to the policy committee states quote, The
 18 purpose of this document is to provide additional
 19 information on topics associated with Zyprexa and
 20 perceptions surrounding weight gain; is that
 21 correct, sir?
 22 MR. BOISE: Your question is that is what the
 23 first sentences reads?
 24 MR. SUGGS: Yes.
 25 THE WITNESS: Yes.

06-05630CI

1 QUESTIONS BY MR. SUGGS:
 2 Q If you could direct your attention to about the middle
 3 of the page there is a line across the page that says,
 4 "New Zyprexa 'Focus' Team."
 5 Do you see that?
 6 A Yes.
 7 Q Then right below that the memo states in that first
 8 paragraph, in part, quote, As discussed during the
 9 recent Policy Committee meeting, there are already
 10 multiple initiatives underway. In order to
 11 intensify our efforts, we have organized a Focus
 12 team whose charge is to deliver, by July 28, a more
 13 assertive, fully integrated and customer-tested
 14 approach to changing the way key stakeholders view
 15 and address this issue.
 16 Do you see that language, sir?
 17 A Yes.
 18 Q Was that focus team still in existence when you
 19 took over as head of U.S. marketing in November of
 20 2003?
 21 A I'm going to have to read further to understand
 22 what the focus team is they are referring to in
 23 order to answer that question.
 24 Q Okay. Go ahead.
 25 A I'm not aware of that focus team being in existence

1 during my time as marketing director. No.
 2 Q Okay. Directing your attention to the following
 3 paragraph that states, quote, Our goal is to
 4 influence key stakeholders (clinicians ... sales
 5 representatives, patients, Wall Street, the media,
 6 Lilly senior management, caregivers and thought
 7 leaders) with the facts about diabetes relative
 8 to the seriously mentally ill, Zyprexa, and other
 9 atypical agents. Our message: "-- and then they list
 10 five different--pardon me, seven points, correct?
 11 A Yes, that's correct.
 12 Q And point No. 4 was stated as a, quote, Data do
 13 NOT -- it's in all caps and bold font.
 14 "Data do NOT support a causal link between
 15 Zyprexa and diabetes; while the scientific
 16 literature is mixed, there does not appear to be
 17 consistent differences among atypicals"; is that
 18 correct?
 19 A Yes, that's what the document reads.
 20 Q Again the message is there is no causal
 21 relationship?
 22 MR. BOISE: Object to the form of the
 23 question.
 24 MR. SUGGS: Correct.
 25 THE WITNESS: No. What this statement says,

1 is that data do not support a causal link between
 2 Zyprexa and diabetes; while the scientific
 3 literature is mixed there does not appear to be
 4 consistent differences among atypicals.
 5 QUESTIONS BY MR. SUGGS:
 6 Q And what it says there, there does not appear to be
 7 consistent differences, that is essentially the
 8 same thing as saying comparable rates, correct?
 9 MR. BOISE: Object to the form of the
 10 question.
 11 THE WITNESS: No, I think this is a different
 12 statement.
 13 QUESTIONS BY MR. SUGGS:
 14 Q Different words, but it conveys the same sense,
 15 doesn't it?
 16 MR. BOISE: Object to the form.
 17 QUESTIONS BY MR. SUGGS:
 18 Q Zyprexa is no worse than anybody else?
 19 MR. BOISE: Object to the form.
 20 A No. What this says, quite simply, is that data do
 21 not support a causal link between Zyprexa and
 22 diabetes; while the scientific literature is mixed,
 23 there does not appear to be consistent differences
 24 among atypicals.
 25 Q When it says "there does not appear to be

1 consistent differences among atypicals," doesn't
 2 that mean the company was saying that Zyprexa was
 3 no worse than anybody else in terms of diabetes?
 4 MR. BOISE: Object to the form of the
 5 question, asked and answered.
 6 THE WITNESS: No, I think --
 7 QUESTIONS BY MR. SUGGS:
 8 Q That's common sense isn't it, sir?
 9 MR. BOISE: Object to the form of the
 10 question.
 11 THE WITNESS: No, sir. I think that the
 12 statement is very clear that what we are saying is
 13 data do not support a causal link between Zyprexa
 14 and diabetes and that scientific literature is
 15 mixed and through that analysis, there does not
 16 appear to be consistent differences among the
 17 atypicals.
 18 Q If you are saying there are no consistent
 19 differences among the atypicals, doesn't that mean
 20 that Zyprexa is no worse than anybody else?
 21 MR. BOISE: Object to the form.
 22 Dave, you asked it three times.
 23 MR. SUGGS: I'm trying to get a straight answer.
 24 MR. BOISE: He has given you a straight
 25 answer. Move to strike your command.

1 MR. SUGGS: No, he hasn't.
 2 Q Doesn't -- when it says there is no consistent
 3 differences, isn't that the same thing as saying
 4 that Zyprexa was no worse than anybody else?
 5 A No, sir, it's not.
 6 Q I would like to direct your attention to the second
 7 page of the document. In about the middle of the
 8 page there is a heading there for Corporate
 9 Response Letter. And it states, "On July 11,
 10 customers will begin to receive the Corporate
 11 Response Letter (Attachment 1), a letter targeted
 12 to clinicians, delivered by their Lilly sales
 13 representative. The letter is written on behalf
 14 of Lilly and signed by Dr. Alan Breier."
 15 Do you see that language, sir?
 16 A Yes, I do.
 17 Q If I could direct your attention to the
 18 following -- the other exhibit I handed you, which
 19 is Exhibit 9201, which is sitting on the table in
 20 front of you.
 21 A Um-hmm.
 22 Q That is, in fact, the letter that was being
 23 referred to there by Alan Breier, is it not?
 24 A I can't say for certain that this is the letter
 25 that this document is referring to.

1 Q I'll represent to you, sir, that we have had
 2 testimony from Dr. Breier himself that this is
 3 indeed a letter that he wrote that was, in fact,
 4 distributed.
 5 Do you have any basis to dispute that?
 6 A No, sir, I do not.
 7 Q Okay. If I could direct your attention to -- by
 8 the way, do you recall that, in fact, a letter from
 9 Dr. Breier, this letter, was distributed to the
 10 sales -- pardon me, distributed by the sales force
 11 to physicians?
 12 A No, sir, I do not.
 13 Q But you were not in the country then at that time
 14 in July or August or September of 2003, correct?
 15 A Yes, that's correct. I was in Australia.
 16 Q Okay. If, in fact, the sales reps did distribute
 17 this letter to physicians, they would be using it as
 18 a promotional piece, correct?
 19 MR. BOISE: Object to the form of the
 20 question.
 21 THE WITNESS: No, sir, that's not necessarily
 22 the case.
 23 QUESTIONS BY MR. SUGGS:
 24 Q Well, this letter does, in fact, promote the
 25 message that Zyprexa is safe, does it not?

1 MR. BOISE: Object to the form of the
 2 question. The document speaks for itself.
 3 THE WITNESS: I am going to have to read the
 4 letter. Now you have asked the question that is
 5 going to require me to read it in order to be able
 6 to answer your question.
 7 QUESTIONS BY MR. SUGGS:
 8 Q Let me withdraw that question and ask you another
 9 question.
 10 Do you see how in Dr. Breier's letter there
 11 are several paragraphs that start off with bolded
 12 font questions?
 13 A Yes, sir.
 14 Q The first one was: "Does Zyprexa cause diabetes?"
 15 MR. BOISE: That's not the first.
 16 MR. SUGGS: I'm sorry. First --
 17 MR. BOISE: First one that you asked about.
 18 THE WITNESS: Sir, I'm going to read the
 19 letter if you are going to ask me questions about
 20 it.
 21 QUESTIONS BY MR. SUGGS:
 22 Q Sir, you have not heard my question yet.
 23 MR. BOISE: It's a page and a half letter,
 24 Dave, why don't you let him read it?
 25 MR. SUGGS: We have a lot of documents to get

1 through here. We are not going to be able to get
 2 done in time. It just seems kind of odd that we
 3 take a break and right when we come back from the
 4 break, all of a sudden this witness now has to read
 5 page by page every document that we put in front of him.
 6 Is that just a coincidence? I think not.
 7 MR. BOISE: David --
 8 MR. SUGGS: Let me ask the questions.
 9 MR. BOISE: Your statement is offensive.
 10 MR. SUGGS: If he needs to read the entire
 11 document to answer the question I pose, I am happy
 12 to give him the time. I already did with the prior
 13 question. I don't think he's going to need it for
 14 this. Here is my question --
 15 MR. BOISE: Ask him the question. If he needs
 16 to read it, I ask you to respect that; and I find
 17 your comments offensive and I move to strike them.
 18 MR. SUGGS: I did. Well, it seems more than
 19 a little coincidental to me.
 20 MR. BOISE: Move to strike your comment.
 21 QUESTIONS BY MR. SUGGS:
 22 Q Directing your attention to Exhibit 9201, there is
 23 in the third paragraph a bolded question says: "Does
 24 Zyprexa cause diabetes?" Do you see that language, sir?
 25 A Yes, sir I do.

7306950-90

Page 78	Page 80
<p>1 Q And the answer to that in the first sentence is:</p> <p>2 "The available data do not establish a causal link</p> <p>3 between diabetes and Zyprexa -- or any other</p> <p>4 antipsychotic, for that matter."</p> <p>5 Do you see that language?</p> <p>6 A Yes, sir I do.</p> <p>7 Q And that's essentially saying the same thing that</p> <p>8 we saw before in Exhibit 1941, when in response to</p> <p>9 a doctor saying that he was concerned about</p> <p>10 diabetes, the sales reps were told to say, "In every</p> <p>11 study examining the subject, no causal relationship</p> <p>12 has been established between patients being treated</p> <p>13 with Zyprexa and the onset of diabetes." Those are</p> <p>14 certainly saying the same thing, isn't it, sir?</p> <p>15 MR. BOISE: You are reading from 1941 now?</p> <p>16 MR. SUGGS: Yes.</p> <p>17 MR. BOISE: Read from this one over here.</p> <p>18 THE WITNESS: He is asking me to compare?</p> <p>19 MR. BOISE: He is asking you to compare 1941</p> <p>20 under Item 6, David?</p> <p>21 MR. SUGGS: Yes.</p> <p>22 THE WITNESS: Sir, in the context of what our</p> <p>23 reps can say promotionally, the words that we</p> <p>24 choose are important. If the words are identical I</p> <p>25 would agree with you it is the same statement. If</p>	<p>1 A Yes, sir. What we are saying is that the available</p> <p>2 data do not establish a causal link between</p> <p>3 diabetes and Zyprexa.</p> <p>4 Q And if you are making that claim then you are</p> <p>5 denying that there's a causal relationship,</p> <p>6 correct?</p> <p>7 MR. BOISE: Object to the form, asked and</p> <p>8 answered.</p> <p>9 THE WITNESS: No, sir, we are saying that the</p> <p>10 available data do not establish a causal link</p> <p>11 between diabetes and Zyprexa.</p> <p>12 QUESTIONS BY MR. SUGGS:</p> <p>13 Q Well, does the company admit that Zyprexa can cause</p> <p>14 diabetes?</p> <p>15 MR. BOISE: Object to the form, asked and</p> <p>16 answered.</p> <p>17 THE WITNESS: No, sir. Our position is that</p> <p>18 the available data do not establish a causal link</p> <p>19 between diabetes and Zyprexa at this time.</p> <p>20 QUESTIONS BY MR. SUGGS:</p> <p>21 Q Then if I could direct your attention back to</p> <p>22 Exhibit 9201, at the bottom of the first page there</p> <p>23 is a paragraph with the bolded question, "Given the</p> <p>24 weight gain profile of Zyprexa, how can Lilly claim</p> <p>25 'no consistent differences' for treatment-emergent</p>
Page 79	Page 81
<p>1 they are not identical then the different words are</p> <p>2 important.</p> <p>3 QUESTIONS BY MR. SUGGS:</p> <p>4 Q So you think there is a significant difference</p> <p>5 between saying, "The available data do not establish</p> <p>6 a causal link between diabetes and Zyprexa," in the</p> <p>7 2003 letter, and the language in the 2003 Area of</p> <p>8 Concern document. "In every study examining the</p> <p>9 subject, no causal relationship has been</p> <p>10 established?" What's the difference there? I guess</p> <p>11 I'm just not getting it.</p> <p>12 MR. BOISE: Object to the form of the</p> <p>13 question.</p> <p>14 QUESTIONS BY MR. SUGGS:</p> <p>15 Q In both instances the company is denying that</p> <p>16 Zyprexa causes diabetes, correct?</p> <p>17 MR. BOISE: Object to the form of the</p> <p>18 question.</p> <p>19 THE WITNESS: No, sir, that is not correct.</p> <p>20 What the company is saying, "The available data do</p> <p>21 not establish a causal link between diabetes and</p> <p>22 Zyprexa."</p> <p>23 QUESTIONS BY MR. SUGGS:</p> <p>24 Q And it's your testimony that that does not deny</p> <p>25 that Zyprexa causes diabetes?</p>	<p>1 diabetes among patients treated with</p> <p>2 atypicals?"</p> <p>3 Do you see that language?</p> <p>4 A Yes, sir, I do.</p> <p>5 Q And then in about the middle of the paragraph there</p> <p>6 is a sentence that states, "The fact is,</p> <p>7 head-to-head clinical studies and epidemiology</p> <p>8 studies show no consistent or clinically</p> <p>9 significant difference in the risk of diabetes</p> <p>10 among patients treated with different atypical</p> <p>11 antipsychotics, despite differences in the</p> <p>12 respective weight gain profiles."</p> <p>13 Do you see that language, sir?</p> <p>14 A Yes, sir, I do.</p> <p>15 Q And that was the message that sales reps were</p> <p>16 expected to use with physicians, correct?</p> <p>17 MR. BOISE: Object to the form of the</p> <p>18 question, vague.</p> <p>19 You are in this time period?</p> <p>20 MR. SUGGS: Yes.</p> <p>21 MR. BOISE: Okay.</p> <p>22 THE WITNESS: No, sir. This -- this document</p> <p>23 is not an approved document for a sale</p> <p>24 representative to communicate. It's a document</p> <p>25 with Alan Breier's statements to physicians.</p>

06-0563001

<p style="text-align: right;">Page 82</p> <p>1 QUESTIONS BY MR. SUGGS:</p> <p>2 Q Well, sir, the sales reps, according to</p> <p>3 Exhibit 995, were instructed to deliver this to</p> <p>4 clinicians, correct?</p> <p>5 A Yes, sir, that's correct.</p> <p>6 Q And if they deliver it to the physicians and they</p> <p>7 leave it with the physician, that's the message</p> <p>8 that's being delivered by the sales rep, correct?</p> <p>9 MR. BOISE: Object to the form, vague.</p> <p>10 THE WITNESS: No, sir --</p> <p>11 MR. BOISE: Compound.</p> <p>12 THE WITNESS: The sales representatives would</p> <p>13 deliver this letter to the doctor and they would</p> <p>14 use the promotional materials which have been</p> <p>15 approved for our medical-legal regulatory process</p> <p>16 for their promotional and communication of the</p> <p>17 message.</p> <p>18 QUESTIONS BY MR. SUGGS:</p> <p>19 Q Well, the message that was communicated by Lilly to</p> <p>20 the physicians in this letter was, there is no</p> <p>21 consistent differences between the atypicals,</p> <p>22 correct?</p> <p>23 MR. BOISE: You are referring back to 9201</p> <p>24 now?</p> <p>25 MR. SUGGS: Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q He was working on Zyprexa at that time in 2000, was</p> <p>2 he not?</p> <p>3 MR. BOISE: Object to the form.</p> <p>4 THE WITNESS: I can't confirm that. I'm not</p> <p>5 certain.</p> <p>6 QUESTIONS BY MR. SUGGS:</p> <p>7 Q And he is not a psychiatrist, is he?</p> <p>8 A No, sir, he is not.</p> <p>9 Q He is an endocrinologist, isn't he?</p> <p>10 A I believe that's correct, yes.</p> <p>11 Q In fact, he was originally working on the side of</p> <p>12 the company that was dealing with diabetes,</p> <p>13 correct?</p> <p>14 MR. BOISE: Object to the form.</p> <p>15 THE WITNESS: Yes, that's correct.</p> <p>16 QUESTIONS BY MR. SUGGS:</p> <p>17 Q He was brought into the Zyprexa -- strike that.</p> <p>18 He was brought in to work on Zyprexa issues in</p> <p>19 connection with the diabetes issue, correct?</p> <p>20 A I don't know, sir.</p> <p>21 Q If I could direct your attention to page 2 of the</p> <p>22 document. There is a heading there Market</p> <p>23 Research. It starts off by saying, "There are two</p> <p>24 groups of MDs -- the 60% who do not see diabetes</p> <p>25 as a particular concern with APs and the 40% who</p>
<p style="text-align: right;">Page 83</p> <p>1 THE WITNESS: Do you want me to read this to</p> <p>2 you, sir? Is that what you are asking?</p> <p>3 MR. SUGGS: No. Let me withdraw that</p> <p>4 question.</p> <p>5 Q Sir, do you recall that the comparable rates</p> <p>6 message was developed in 2000?</p> <p>7 A I don't know specifically the time frame where the</p> <p>8 comparable rates message was developed.</p> <p>9 Q Let me hand you what's been previously marked as</p> <p>10 Plaintiffs' Exhibit 5849, which for the record is a</p> <p>11 PowerPoint presentation bearing the date December 14,</p> <p>12 2000. On the bottom left-hand corner, there's also</p> <p>13 a handwritten note at the top saying "meeting</p> <p>14 12-14-2000, Zyprexa strategy with increased glucose</p> <p>15 and weight gain."</p> <p>16 I'll also represent to you, sir, that this</p> <p>17 document was according to the database that was</p> <p>18 provided to us by Lilly came from the files of</p> <p>19 Dr. John Holcombe.</p> <p>20 Do you know Dr. John Holcombe?</p> <p>21 A Yes, I do.</p> <p>22 Q Who is he?</p> <p>23 A I'm not sure what Dr. Holcombe's title is. I'm not</p> <p>24 sure if he is still with Lilly but he is a</p> <p>25 physician.</p>	<p style="text-align: right;">Page 85</p> <p>1 are concerned."</p> <p>2 Do you see that language, sir?</p> <p>3 A Yes, sir, I do.</p> <p>4 Q Was it your understanding that the acronym "APs"</p> <p>5 stands for antipsychotics?</p> <p>6 A Yes, sir, that's correct.</p> <p>7 Q Was it your understanding in late 2000, early 2001</p> <p>8 that there were two groups of M.D.s, the 60 percent</p> <p>9 who do not see diabetes as a particular concern and</p> <p>10 the 40 percent who were concerned?</p> <p>11 A Yes, that's consistent with my recollection.</p> <p>12 Q If I could direct your attention to page 5.</p> <p>13 By the way, have you ever seen this document</p> <p>14 before?</p> <p>15 A I don't recall having seen it before, no.</p> <p>16 Q If I could direct your attention to page 5. There</p> <p>17 is a heading at the top that says, "Zyprexa and</p> <p>18 Diabetes -- what we want physicians to think."</p> <p>19 Do you see that?</p> <p>20 A Yes, sir, I do.</p> <p>21 Q It has at the top the Key Message, and the key</p> <p>22 message was: "Diabetes may occur in patients on</p> <p>23 antipsychotics and/or MMs" -- does that stand for</p> <p>24 mood stabilizers -- mood stabilizers?</p> <p>25 A Yes, sir, it appears that's what that is referring</p>

06-05630CI

<p>Page 86</p> <p>1 to.</p> <p>2 Q It says, "Diabetes may occur in patients on</p> <p>3 antipsychotics and/or mood stabilizers including</p> <p>4 Zyprexa, at rates that are comparable to each</p> <p>5 other."</p> <p>6 Do you see that language, sir?</p> <p>7 A Yes, sir, I do.</p> <p>8 Q Do you recall that in 2000 that was what Lilly</p> <p>9 wanted doctors to think?</p> <p>10 A No, sir, I can't tell that from this message for a</p> <p>11 couple of reasons. One is that this is -- I can't</p> <p>12 tell who the author of this is and whether this is</p> <p>13 a promotional decision or recommendation. Also</p> <p>14 there are portions of the document that refer to it</p> <p>15 as a draft. I think it's somebody's draft proposal</p> <p>16 for what a key message would be -- would be my</p> <p>17 interpretation of the document.</p> <p>18 Q Okay. Sir, if a document is on the knowledge</p> <p>19 management database, does that mean that the</p> <p>20 document has received approval from the brand team?</p> <p>21 A No, sir. Every document on knowledge management is</p> <p>22 not a promotional document, nor is it necessarily a</p> <p>23 document that's been approved for use with</p> <p>24 customers.</p> <p>25 MR. BOISE: Dave, I will note that you</p>	<p>Page 88</p> <p>1 QUESTIONS BY MR. SUGGS:</p> <p>2 Q Could anyone post information on the knowledge</p> <p>3 management -- strike that.</p> <p>4 Could anyone post documents or information on</p> <p>5 the knowledge management database?</p> <p>6 A Sir, I'm not certain what the specific requirements</p> <p>7 are for a knowledge management posting.</p> <p>8 Q Well, it couldn't just be some rogue person</p> <p>9 throwing up something on a database, could it?</p> <p>10 MR. BOISE: Object to the form of the</p> <p>11 question, vague, foundation.</p> <p>12 THE WITNESS: No, sir.</p> <p>13 QUESTIONS BY MR. BOISE:</p> <p>14 Q It would -- anything that was going up on the</p> <p>15 knowledge management database would have been</p> <p>16 reviewed within the company to make sure it was</p> <p>17 consistent with the message of the company with</p> <p>18 respect to the product, correct?</p> <p>19 MR. BOISE: Object to the form of the</p> <p>20 question, foundation.</p> <p>21 (Sirens sounding.)</p> <p>22 THE WITNESS: It's important to note -- there</p> <p>23 is a lot of information in knowledge management that</p> <p>24 has nothing to do with our interactions with our</p> <p>25 customers or our marketing message. There is</p>
<p>Page 87</p> <p>1 represented the document came from the files</p> <p>2 of John Holcombe, right?</p> <p>3 MR. SUGGS: This document came from John</p> <p>4 Holcombe.</p> <p>5 MR. BOISE: I don't want you to mislead him.</p> <p>6 That's all.</p> <p>7 MR. SUGGS: Okay. I'm not misleading him.</p> <p>8 MR. BOISE: I just want to make sure that you</p> <p>9 weren't suggesting that this was off the knowledge</p> <p>10 management.</p> <p>11 MR. SUGGS: No, the next one I want to talk</p> <p>12 about is.</p> <p>13 MR. BOISE: Ask him the question. That's all.</p> <p>14 QUESTIONS BY MR. SUGGS:</p> <p>15 Q Who was it that would post documents on the</p> <p>16 knowledge management database?</p> <p>17 A I don't know the specific associate who would post</p> <p>18 that, but there would be an associate in</p> <p>19 Indianapolis that would post the knowledge</p> <p>20 management documents.</p> <p>21 (Conference room phone ringing.)</p> <p>22 MR. BOISE: Off the record for a moment.</p> <p>23 MR. SUGGS: Off the record.</p> <p>24 (Discussion off the record.)</p> <p>25 THE VIDEOGRAPHER: We are back on the record.</p>	<p>Page 89</p> <p>1 information around expense reporting, information</p> <p>2 around company car utilization. It's a widespread</p> <p>3 usage of knowledge management that is well beyond</p> <p>4 just our promotion message.</p> <p>5 MR. SUGGS: Are you picking up the sirens?</p> <p>6 THE VIDEOGRAPHER: We are off the record.</p> <p>7 (Discussion off the record.)</p> <p>8 THE VIDEOGRAPHER: We are back on the record.</p> <p>9 QUESTIONS BY MR. SUGGS:</p> <p>10 Q Okay. Sir, to the extent documents found on the</p> <p>11 knowledge management database did talk about</p> <p>12 company products like Zyprexa and did talk about</p> <p>13 the messages of a product like Zyprexa, would it be</p> <p>14 fair to say that those materials would have been</p> <p>15 reviewed by management before they were put on</p> <p>16 there for the sales reps to -- to view?</p> <p>17 MR. BOISE: Object to the form of the</p> <p>18 question, foundation.</p> <p>19 THE WITNESS: For any document that's -- on</p> <p>20 knowledge management that is designed for the reps</p> <p>21 to use promotionally with their customers would</p> <p>22 have gone through our normal medical/legal/</p> <p>23 regulatory process.</p> <p>24 There may also be informational documents that</p> <p>25 are clearly not intended for representatives to use</p>

23 (Pages 86 to 89)

06-05630CI

Page 90

1 with their -- with clinicians which would not be
 2 part of the promotional message.
 3 QUESTIONS BY MR. SUGGS:
 4 Q Okay. But if there are documents that are on the
 5 knowledge management database for sales reps to use
 6 to inform them about the product, even if the
 7 document was not intended for use in detailing per
 8 se, the information in that document would have
 9 been reviewed by management before it was put out
 10 there for sales reps, wouldn't it?
 11 MR. BOISE: Object to the form of the question,
 12 foundation.
 13 THE WITNESS: Yes, sir, that's correct.
 14 QUESTIONS BY MR. SUGGS:
 15 Q Thank you. I'm going to hand you what's been previously
 16 marked as Plaintiffs Exhibit 1970. For the record
 17 Exhibit 1970 bears the date of February 2, 2001.
 18 And I'll represent to you, sir, that Lilly has
 19 stated in answers to interrogatories in the Alaska
 20 case that this document was on the knowledge
 21 management database and made available to sales
 22 reps.
 23 Do you have any basis to dispute either the
 24 date of the document or that it was, in fact, on
 25 the knowledge management database?

Page 91

1 MR. BOISE: Is your date based on the fax line
 2 or some other data point?
 3 MR. SUGGS: It's based not only on the fax line
 4 but also on the date that is on the database for the
 5 document.
 6 THE WITNESS: I can't determine the specific
 7 timing of the document, but I have no reason to
 8 dispute the date that you indicated.
 9 QUESTIONS BY MR. SUGGS:
 10 Q Okay. If I could direct your attention to page 5.
 11 There are a number of different numbers on this
 12 document. I'm going to be referring to the numbers
 13 that are sort of in bold font in the lower right-hand
 14 corner about an inch and a half or so from the
 15 bottom.
 16 A Okay.
 17 Q Okay. And on that page in the right-hand column in
 18 the first paragraph it starts off by saying,
 19 "Market research" -- you see where I'm at?
 20 A Yes.
 21 Q Starts off by saying, "Market research has shown
 22 that there are two groups of physicians with whom
 23 we must be prepared to deal. First, there is a
 24 group representing about 60% of psychiatrists who do
 25 not view diabetes as a particular concern with

Page 92

1 antipsychotics."
 2 Do you see that language, sir?
 3 A Yes, sir, I do.
 4 Q That's essentially the same market research that we
 5 saw referenced in the earlier document, the one
 6 just before this, Exhibit 5849.
 7 And it's also consistent with what your
 8 understanding was back in that time frame, correct?
 9 A Yes, sir, that's correct.
 10 Q Okay. Then in the bottom part of that paragraph,
 11 four and a half lines up above from the bottom, it
 12 states, quote, The other 40% of our psychiatrists
 13 have specific concerns about ZYPREXA and diabetes,
 14 and perhaps half of this group has begun to shy
 15 away from ZYPREXA because of their concerns.
 16 Do you see that language, sir?
 17 A Yes, sir, I do.
 18 Q And was that consistent with your understanding
 19 back at that time?
 20 A Yes, sir, that's correct.
 21 Q If I could direct your attention to page 7 in the
 22 upper left-hand corner. There is a box --
 23 actually, there's two boxes; but there is one with
 24 text in it.
 25 Briefly, diabetes may occur in patients

Page 93

1 taking antipsychotics and/or mood stabilizers
 2 including ZYPREXA, at rates that are comparable to
 3 each other."
 4 Do you see that language, sir?
 5 A Yes, sir, I do.
 6 Q So at least by February of 2001 the sales reps
 7 would have had this information made available to
 8 them in the knowledge management database, correct?
 9 A Sir, I can't tell from this document whether this
 10 was information made available to the sales
 11 representatives. It's not clear where this
 12 document came from or least in the portions you
 13 have allowed me to read thus far who it was
 14 intended for.
 15 And also there is a comment saying that the
 16 document has not been proofread -- proofread, which
 17 suggests to me that perhaps it's not a final
 18 document, maybe in draft form.
 19 Q Well, sir, I'll represent to you that in its
 20 answers to interrogatories in this case Lilly has
 21 stated on the record to us that this document was
 22 on the knowledge management database and made
 23 available to sales reps. That's my understanding
 24 of what their answers to interrogatories are with
 25 respect to this document.

06-05630CI

Page 94	Page 96
<p>1 You don't have any basis to dispute that, do 2 you?</p> <p>3 A No, sir, I don't, other than the sentence on there 4 about the document not having been proofread would 5 be inconsistent with what I would expect to be in 6 knowledge management.</p> <p>7 Q Okay. If I could direct your attention to page 8. 8 In the right-hand column there is a heading, Market 9 research testing, and then there are two paragraphs 10 below that, correct?</p> <p>11 MR. BOISE: Under that heading?</p> <p>12 MR. SUGGS: Correct.</p> <p>13 THE WITNESS: Yes.</p> <p>14 QUESTIONS BY MR. SUGGS:</p> <p>15 Q And the second paragraph it starts off by saying, 16 "If we deliver the right message to the depth 17 required, we can get physicians thinking. And 18 with the "air cover" that is being provided 19 in CME programming and other peer-to-peer 20 programs, it is our intent to reframe this issue 21 over time so that fear of diabetes does not become 22 a reason to avoid starting a patient on ZYPREXA." 23 Do you see that language?</p> <p>24 A Yes, sir, I do.</p> <p>25 Q Now, when it refers to CME programming, that refers</p>	<p>1 Q What does it mean when it talks about air cover?</p> <p>2 A Means CME programs and other peer-to-peer programs.</p> <p>3 Q How is that air cover?</p> <p>4 A I'm not sure how to answer your question other than 5 it's -- that it's the -- characterizing CME 6 programming and other peer-to-peer programs is air 7 cover.</p> <p>8 Q And Lilly did have what you referred to as a Lilly 9 speakers bureau, correct?</p> <p>10 A Yes, sir, that's correct.</p> <p>11 Q And that is composed of physicians, correct?</p> <p>12 A Yes, physicians and other healthcare providers.</p> <p>13 Q Hired by Lilly, correct?</p> <p>14 A Lilly has a contract with the physician to speak on 15 our behalf.</p> <p>16 Q As part of that or their speaking they would give 17 presentations on this issue of the relationship 18 between Zyprexa and diabetes, correct?</p> <p>19 A Yes. That could be a portion of the message they 20 would be delivering to customers.</p> <p>21 Q So Lilly would hire doctors to speak to other 22 doctors discussing the issue of diabetes and 23 Zyprexa and those physicians that were hired were 24 expected to give the message that there were 25 comparable rates of diabetes; isn't that correct?</p>
Page 95	Page 97
<p>1 to continuing medical education programs?</p> <p>2 A Yes, sir, that does.</p> <p>3 Q And am I correct that Lilly hired physicians to 4 deliver presentations at continuing medical 5 education meetings where the issue of diabetes 6 would be addressed?</p> <p>7 MR. BOISE: Object to the form of the 8 question, foundation.</p> <p>9 THE WITNESS: No, sir. Lilly does not hire 10 physicians to make presentations at CME programs.</p> <p>11 QUESTIONS BY MR. SUGGS:</p> <p>12 Q What is the "air cover" that is being referred to 13 there?</p> <p>14 A This is referring to peer-to-peer speaker programs; 15 and it's also referring to CME programs.</p> <p>16 Q Well, what is a peer-to-peer programs?</p> <p>17 A Peer-to-peer program in this context would be a 18 promotional program. And in that case it would be 19 a speaker, part of the Lilly speaker bureau, 20 speaking on Lilly's behalf in a promotional 21 program.</p> <p>22 Q Okay. And what is the air cover that was being 23 referred to there?</p> <p>24 A Air cover appears to be describing the CME 25 programming and other peer-to-peer programs.</p>	<p>1 MR. BOISE: Object to the form of the 2 question, vague, compound, time frame.</p> <p>3 THE WITNESS: My interpretation of "hire" 4 means that these physicians were Lilly employees, 5 which would not be the case.</p> <p>6 QUESTIONS BY MR. SUGGS:</p> <p>7 Q I was not saying they were Lilly employees. 8 Lilly paid the physicians to go out and give 9 those presentations, correct?</p> <p>10 MR. BOISE: Objection, vague.</p> <p>11 THE WITNESS: Yes, the physicians were 12 compensated for the presentations they made.</p> <p>13 QUESTIONS BY MR. SUGGS:</p> <p>14 Q Let's talk about what they said.</p> <p>15 The reason why this memo or this document 16 refers to those peer-to-peer programs as being air 17 cover was because the doctors that were giving 18 those presentations were being paid by Lilly to 19 give presentations that gave the comparable rates 20 message; isn't that correct?</p> <p>21 MR. BOISE: Object to the form of the 22 question, compound.</p> <p>23 THE WITNESS: I cannot tell from this document 24 in this paragraph what message the doctors were 25 delivering. I would have to go back and look at</p>

25 (Pages 94 to 97)

06-05630CI

Page 98

1 the approved slides, which would be approved for
2 those programs, to look at what the specific
3 message doctors were delivering.
4 QUESTIONS BY MR. SUGGS:
5 Q Well, Lilly did not pay doctors to go out and talk
6 to other doctors and say that Zyprexa had a higher
7 rate of diabetes, did it?
8 A No, sir, we didn't.
9 Q No.
10 If I could direct your attention to page 25.
11 The title on that page is "Hyperglycemia Sell Sheet
12 Message Script," correct?
13 MR. BOISE: Let him get to the page.
14 THE WITNESS: Okay.
15 QUESTIONS BY MR. SUGGS:
16 Q The title on page 25 is "Hyperglycemia Sell Sheet
17 Message Script," correct?
18 A Yes.
19 Q This was a script -- this message script was for
20 sales reps, was it not?
21 A Yes. This is clearly designed for sales
22 representatives; but, again, I can't tell from the
23 document whether it's a final version or not. I
24 would have to refer to the actual promotional
25 material.

Page 99

1 Q When sales reps were provided scripts, they were
2 expected to follow the script, were they not?
3 A The scripts were part of their training documents,
4 so certainly their message is required to be
5 consistent with the final message script that would
6 support the promotional document; but we didn't
7 expect sales representatives to memorize a script
8 like this and then to communicate it word for word
9 to the doctors.
10 Q They did not have to do it word for word; but you
11 certainly did not expect or intend for them to give
12 any presentation that differed in substance from
13 what was provided, correct?
14 A Yes, that's correct.
15 Q If I could direct your attention to the left-hand
16 column of page 26. There's a heading about a third
17 of the way down called "High Ground Opener,"
18 A Yes.
19 Q And there's two paragraphs below that heading,
20 correct?
21 A Yes.
22 Q And the second one starts off by saying, quote,
23 "There are two main points that I want you to walk
24 away with."
25 And this is -- would be a sales rep talking to

Page 100

1 a doctor, correct?
2 A Yes.
3 Q So there were two main points that he wanted the
4 doctor to walk away with. And he goes on to say,
5 quote, "The first is that in this head-to-head data,"
6 incidence of diagnosed treatment-emergent diabetes
7 was comparable between ZYPREXA and risperidone and
8 also between ZYPREXA and haloperidol.
9 The second point I want you to walk away with
10 is that incidence of increased random blood glucose
11 is also comparable across these 3 treatment groups.
12 Do you see that language, sir?
13 A Yes, sir, I do.
14 Q Okay. Now, you mentioned earlier that you knew a
15 Dr. Charles Beasley, correct?
16 A Yes.
17 Q How did you know Dr. Charles Beasley?
18 A He's worked as part of the Zyprexa molecule as a
19 clinical research physician.
20 Q Did you have any dealings with him yourself?
21 A I don't believe I have ever had any direct
22 interactions with Dr. Beasley.
23 Q Were you ever informed that in February of 2001,
24 the same month this document was apparently dated,
25 that Dr. Beasley wrote an E-mail in which he noted

Page 101

1 that Zyprexa had a statistically significant mean
2 increase on random glucose as compared to Haldol?
3 MR. BOISE: The question is whether he has
4 heard that before?
5 MR. SUGGS: Yes.
6 THE WITNESS: No, sir, I haven't.
7 QUESTIONS BY MR. SUGGS:
8 Q Haldol is the same thing as haloperidol that is
9 referred to in this Exhibit 1970, correct?
10 A Haldol is the branded name for haloperidol which is
11 a generic name.
12 Q And in this statement that was on the knowledge
13 management database, it's saying that the incidence
14 of diagnosed treatment-emergent diabetes was
15 comparable between Zyprexa and risperidone and also
16 between Zyprexa and haloperidol, correct, or
17 Haldol?
18 MR. BOISE: Object to the form.
19 THE WITNESS: What the document is saying is
20 that in this head-to-head data, so it's referring
21 to specific head-to-head data.
22 We would have to see the sell sheet to know
23 what head-to-head data it's referring to, that the
24 incidence of diagnosed treatment-emergent diabetes
25 was comparable between Zyprexa and risperidone and

7306950-90

Page 102

1 also between Zyprexa and haloperidol.

2 QUESTIONS BY MR. SUGGS:

3 Q It's your testimony that Dr. Beasley -- well, let

4 me ask you this -- I want to make sure to cover all

5 the bases here. Is it your testimony that neither

6 Dr. Beasley nor anyone else ever told you in

7 February 2001 that analyses of data done by Lilly

8 showed that Zyprexa had a statistically significant

9 mean increase in random glucose as compared to

10 Haldol? Is that a fair statement? No one ever

11 told you about any analysis showing that?

12 MR. BOISE: Object to the form, foundation.

13 THE WITNESS: I don't recall anyone ever telling

14 me that in February 2001, no.

15 QUESTIONS BY MR. BOISE:

16 Q Do you recall anyone ever telling you that at any

17 other, later time?

18 A Could you repeat the original question again?

19 MR. SUGGS: Sure.

20 Could you read it back to him, please?

21 (Record read.)

22 THE WITNESS: No, I don't recall anyone ever

23 telling me that.

24 QUESTIONS BY MR. SUGGS:

25 Q Okay. Did anyone -- did Dr. Beasley or anyone else

Page 103

1 ever tell you that the increases in blood glucose

2 with Zyprexa were occurring as early as the first

3 week of Zyprexa treatment?

4 MR. BOISE: Could you read back the question?

5 MR. SUGGS: Can you read it back?

6 (Record read.)

7 THE WITNESS: No, sir, I don't believe so.

8 MR. SUGGS: I'm going to hand you next what's

9 been previously marked as Plaintiffs' Exhibit 1901.

10 And I'm also going to hand you what we'll have

11 marked as Exhibit 4.

12 (Deposition Exhibit 4 marked for

13 identification.)

14 QUESTIONS BY MR. SUGGS:

15 Q By the way, when you make copies of Exhibit 4 and

16 Exhibit 5, for the record, I would like those to be

17 color copies. I did not notice you wrote a note.

18 Sorry.

19 For the record, Exhibit 1901 was dated

20 January 14, 2002, according to the database

21 provided to us by Lilly, and Lilly has represented

22 to us in answers to interrogatories in the Alaska

23 litigation that this document, Exhibit 1901, was

24 also in the knowledge management database.

25 Do you have any basis to dispute that?

Page 104

1 A No.

2 Q If I could direct your attention to Exhibit 1901.

3 It starts off about a third of the page down with a

4 heading of Situation Overview, and it states below

5 that, quote, The competition has been trying to

6 convince our customers that ZYPREXA is not

7 appropriate for many patients because of weight

8 gain and the risk of hyperglycemia and diabetes.

9 For our Lilly counterparts in the Retail Psych

10 market, hyperglycemia, slash, diabetes has become a

11 major obstacle. In October 2000, 60% of the

12 psychiatrists surveyed in market research stated

13 that they believed there was a link between ZYPREXA

14 and hyperglycemia, slash, diabetes. In April 2001,

15 that number increased to 100% of psychiatrists

16 surveyed. You can see that in a short period of

17 time, perceptions can change dramatically.

18 Do you see that language, sir?

19 A Yes.

20 Q Now, at this time in January of 2002 were you still

21 working in U.S. marketing or were you over in

22 Australia at that time?

23 A I'm sorry. I was in Australia.

24 Q Okay. Do you have any basis to dispute the

25 statistics that are referred to in that first

Page 105

1 paragraph regarding the percentage of psychiatrists

2 who were surveyed believed there was a link between

3 Zyprexa and hyperglycemia?

4 A No, I do not.

5 Q Is that, in fact, consistent with what your

6 understanding was?

7 MR. BOISE: At that time period?

8 MR. SUGGS: In that time period.

9 THE WITNESS: I can't speak to the

10 percentages, but I'm certainly aware that there

11 were psychiatrists who had a perception that there

12 was a link, yes.

13 QUESTIONS BY MR. SUGGS:

14 Q Would you agree with me, sir, that the longer

15 Zyprexa was on the market the more psychiatrists

16 became concerned about the issue of diabetes with

17 the drug?

18 MR. BOISE: Object to the form, vague.

19 THE WITNESS: Yes.

20 QUESTIONS BY MR. SUGGS:

21 Q Okay. About the middle of the page there's a

22 paragraph that starts off, "By knowing the

23 facts" -- do you see that?

24 A Yes.

25 Q It states, "By knowing the facts, you can more

06-05630CI

<p style="text-align: right;">Page 106</p> <p>1 effectively and efficiently handle any objections</p> <p>2 raised by physicians BEFORE it becomes an issue.</p> <p>3 Four Key Message points in bold," and then there</p> <p>4 are some bullet points below that, correct?</p> <p>5 A Yes.</p> <p>6 Q The four key points were, quote, Patients treated</p> <p>7 with ZYPREXA, risperidone, haloperidol, divalproex,</p> <p>8 and ziprasidone in clinical trials had comparable</p> <p>9 rates of diabetes and hyperglycemia, even when the</p> <p>10 data was analyzed in 3 different ways, correct, was</p> <p>11 one of them?</p> <p>12 A Yes.</p> <p>13 Q Second one was that there is no direct one to one</p> <p>14 correlation between weight gain and diabetes,</p> <p>15 correct?</p> <p>16 MR. BOISE: Object to the form.</p> <p>17 THE WITNESS: The point actually says,</p> <p>18 "Although weight gain is one of the risk factors</p> <p>19 associated with diabetes, it is there is no direct</p> <p>20 1:1 correlation. Weight gain can happen</p> <p>21 independent of diabetes, and diabetes can happen</p> <p>22 independently of weight gain."</p> <p>23 QUESTIONS BY MR. SUGGS:</p> <p>24 Q And if we look up above these bullet points, they</p> <p>25 say "Four Key Message points in bold" and that</p>	<p style="text-align: right;">Page 108</p> <p>1 and the second paragraph under that heading it</p> <p>2 states in bold language in the first sentence, "Our</p> <p>3 goal is to continue to drive new patient starts on</p> <p>4 ZYPREXA, keep patients on therapy longer, and</p> <p>5 ensure the appropriate dose as utilized," correct?</p> <p>6 MR. BOISE: Your question is that what the</p> <p>7 first sentence says?</p> <p>8 MR. SUGGS: Yes.</p> <p>9 THE WITNESS: Yes.</p> <p>10 QUESTIONS BY MR. SUGGS:</p> <p>11 Q Okay. And then towards the bottom of the page it</p> <p>12 refers to "Explanation of Diabetes Sell Sheet</p> <p>13 (OL 21620)."</p> <p>14 Do you see that?</p> <p>15 A Yes, sir.</p> <p>16 Q Am I correct that what we marked as Exhibit 4</p> <p>17 is the diabetes sell sheet that is being referred</p> <p>18 to there?</p> <p>19 A Yes, that's correct.</p> <p>20 Q Okay. And we can tell that by looking at the</p> <p>21 number on the last page; am I correct?</p> <p>22 A Yes, that's correct.</p> <p>23 Q It bears the number OL21620, and it says it was --</p> <p>24 apparently has a copyright date of 2001, correct?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 107</p> <p>1 language itself is in bold, correct?</p> <p>2 A Yes.</p> <p>3 Q The four key message points in bold were, No. 1,</p> <p>4 comparable rates. No. 2, there is no direct</p> <p>5 one-to-one correlation.</p> <p>6 Diabetes is common in the general adult</p> <p>7 population and is even more common in psychiatric</p> <p>8 patients, correct?</p> <p>9 MR. BOISE: Object to that characterization.</p> <p>10 QUESTIONS BY MR. SUGGS:</p> <p>11 Q And the third -- or the fourth bolded key factor</p> <p>12 was -- or key message was, A number of factors</p> <p>13 affect a person's risk for diabetes.</p> <p>14 Those were the bolded key messages being</p> <p>15 referred to, correct?</p> <p>16 MR. BOISE: Object to the form, added a few</p> <p>17 words.</p> <p>18 THE WITNESS: What you described was close to</p> <p>19 what's bolded there, not exactly.</p> <p>20 QUESTIONS BY MR. SUGGS:</p> <p>21 Q Okay. Sorry if I added an extra word in there.</p> <p>22 MR. BOISE: It was two.</p> <p>23 MR. SUGGS: Two extra words.</p> <p>24 Q Okay. If I could direct your attention to the</p> <p>25 second page. There is a heading called "Strategy,"</p>	<p style="text-align: right;">Page 109</p> <p>1 Q And what this explanation does is it refers to the</p> <p>2 different parts of the sell sheet and says why they</p> <p>3 are there and what things mean, correct?</p> <p>4 MR. BOISE: Do you have a copy of the sell</p> <p>5 sheet?</p> <p>6 MR. SUGGS: I don't.</p> <p>7 MR. BOISE: Okay.</p> <p>8 MR. SUGGS: Sorry.</p> <p>9 MR. BOISE: I'll peek.</p> <p>10 QUESTIONS BY MR. SUGGS:</p> <p>11 Q Okay. On the top of page exhibit -- on the top of</p> <p>12 the first page of Exhibit 4 is a chart that has the</p> <p>13 title -- or the heading above the chart, it says,</p> <p>14 "Comparable rates of diabetes and hyperglycemia</p> <p>15 among psychotropics," correct?</p> <p>16 A Yes.</p> <p>17 Q And the heading of the -- right below that says,</p> <p>18 "Patients treated with ZYPREXA had rates of</p> <p>19 diabetes and hyperglycemia comparable to those in</p> <p>20 patients treated with risperidone, haloperidol, and</p> <p>21 divalproex sodium in clinical trials," correct?</p> <p>22 A Yes, it states that. And there's also an asterisk</p> <p>23 which guides the physician toward the study</p> <p>24 methodologies inside the pamphlet.</p> <p>25 Q Okay. And then it notes that -- the second graph</p>

106-0563001

Page 110

1 on that page has a heading Baseline to endpoint
 2 increase in average glucose levels across
 3 comparative studies, correct?
 4 A Yes.
 5 Q And if we look at Exhibit 1901 at the very bottom
 6 of page 2, it refers to that second graph and it
 7 says, "The second graph measuring
 8 baseline-to-endpoint changes in blood glucose
 9 presents information from a bullet point in a
 10 previous sales aid, with the addition of the Pfizer
 11 study," correct?
 12 A Yes, that's what it says.
 13 Q So apparently this same data had been used in a
 14 sales aid or sell sheet before this time, correct?
 15 MR. BOISE: Object to the form,
 16 mischaracterizes.
 17 THE WITNESS: What it says to me is that there
 18 was a previous sales aid that had a bullet point;
 19 but it does not say that this exact data was
 20 necessarily in a previous sales aid. I can't tell
 21 from the document.
 22 QUESTIONS BY MR. SUGGS:
 23 Q Okay. Okay. In all of -- both of these charts
 24 relate to Message Point No. 1, which was that there
 25 are comparable rates in treatment-emergent

Page 111

1 diabetes and hyperglycemia, correct?
 2 A These data represent evidence from the clinical
 3 trials to support comparable rates of diabetes and
 4 hyperglycemia among psychotropic agents, and also
 5 support that the two other message points of
 6 patients treated with Zyprexa had rates of diabetes
 7 and hyperglycemia comparable to those in patients
 8 treated with risperidone, haloperidol and
 9 divalproex sodium in clinical trials, and also that
 10 the baseline to endpoint increase in average
 11 glucose levels across the comparative studies.
 12 Q That's a long way of saying that the main message
 13 point of No. 1 was comparable rates, correct?
 14 MR. BOISE: Object to the form, restrict your
 15 characterization.
 16 QUESTIONS BY MR. SUGGS:
 17 Q If we go back to the first page of Exhibit 1901,
 18 the four key message points in bold, was comparable
 19 rates, correct?
 20 A The message for the reps to communicate, though, and
 21 this is important in terms of how we teach them, is
 22 that, yes, comparable rates of diabetes and hyperglycemia
 23 among psychotropics is a message point; but it's
 24 also important to communicate the supporting data
 25 and the remaining comments that is referring these

Page 112

1 studies that patients treated with Zyprexa had
 2 rates of diabetes and hyperglycemia comparable to
 3 those in patients treated with risperidone and
 4 haloperidol and divalproex sodium in clinical
 5 trials.
 6 I think the context of this message statement
 7 in the context of the available clinical trials is
 8 important to be comprehensive.
 9 Q According to Exhibit 1901, the second key message
 10 point was that there is no direct correlation
 11 between weight gain and diabetes, correct?
 12 A I'm sorry. Where are you looking now?
 13 MR. BOISE: Back to --
 14 MR. SUGGS: Looking at Exhibit 1901.
 15 MR. BOISE: Exhibit 1901, which is this
 16 document, back to the first page of that document.
 17 THE WITNESS: Okay.
 18 MR. BOISE: Your question is the second point?
 19 QUESTIONS BY MR. SUGGS:
 20 Q The second mean -- what they refer to as the second
 21 key message point was that there is no direct
 22 one-to-one correlation between weight gain and
 23 diabetes, correct?
 24 MR. BOISE: Object to the form of the
 25 question.

Page 113

1 THE WITNESS: The second message point
 2 described in the resource guide is, that although
 3 weight gain is one of the risk factors associated
 4 with diabetes, there is no direct one-on-one correlation.
 5 Weight gain can happen independently of diabetes and
 6 diabetes can happen independently of weight gain.
 7 QUESTIONS BY MR. SUGGS:
 8 Q If I could direct your attention to second page of
 9 Exhibit 1901. There's a heading on the -- that
 10 page about Message Point #2, correct?
 11 MR. BOISE: Do you mean the third page, David?
 12 MR. SUGGS: No, referring to the second page
 13 of Exhibit -- I'm sorry. You are right, third page
 14 of Exhibit 1901.
 15 THE WITNESS: Yes.
 16 QUESTIONS BY MR. SUGGS:
 17 Q The first paragraph in that section states, quote,
 18 "Many physicians think there is a logical link
 19 between weight gain and diabetes. In market
 20 research we see that many of them even use these
 21 two words interchangeably. We believe it is
 22 essential to weaken this link in order to
 23 neutralize the diabetes/hyperglycemia issue."
 24 Do you see that language, sir?
 25 A Yes, sir, I do.

06-05630CI

<p>Page 114</p> <p>1 Q Do you know who it was that concluded that it was 2 essential to weaken this link in order to 3 neutralize the diabetes/hyperglycemia issue? 4 A No, I don't. I can't tell who authored the 5 document. 6 Q If I could direct your attention to the Summary at 7 the bottom of page 3. It states, "Eli Lilly ... has 8 a proud history in innovative diabetes research." 9 The relationship between Zyprexa and diabetes, slash 10 hyperglycemia is a top priority for the company and 11 has been studied extensively. The facts illustrate 12 no difference in the incidence of 13 treatment-emergent hyperglycemia and diabetes for 14 patients Zyprexa, haloperidol, risperidone, 15 ziprasidone, or divalproex. Neutralizing any 16 concern from our customers will be essential to the 17 future growth of Zyprexa in the "marketplace." 18 Do you see that language, sir? 19 A Yes, sir, I do. 20 Q Was it your understanding that the goal of the 21 company was to neutralize any concern that 22 customers had about diabetes with Zyprexa? 23 A My understanding and my experience with what our 24 goals with our customers were to ensure that they 25 understood what our available data indicated</p>	<p>Page 116</p> <p>1 question. 2 THE WITNESS: Clearly, when I read this 3 document what we are referring to because it talks 4 initially about the competition having created 5 perceptions around risk of hyperglycemia in Zyprexa 6 and diabetes with Zyprexa, and what we are trying 7 to do here is really articulate what our clinical 8 trial data indicates around the real risk of 9 diabetes for patients on Zyprexa. And that, in 10 fact, throughout clinical trials we saw a 11 comparable rate of diabetes and hyperglycemia among 12 the psychotropic agents as identified in Message 13 Point #1, that to understand the link between 14 weight gain and hyperglycemia that -- although, 15 weight gain can be a risk for hyperglycemia, that 16 even among those patients with substantial weight 17 gain a significant percentage of them had no glycemic 18 abnormalities at all. 19 So the piece was designed to -- the 20 characterization to neutralize is to offset some of 21 the misperceptions in the market place. 22 Q This piece was designed to neutralize any concerns 23 that physicians had about diabetes and Zyprexa, 24 correct? 25 MR. BOISE: Objection, mischaracterizes his</p>
<p>Page 115</p> <p>1 through our clinical trials was the risk of 2 diabetes associated with Zyprexa. 3 And that, in fact, in spite of some of the 4 perceptions that there may be a direct link that 5 our own data did not demonstrate a difference in 6 the incidence of treatment-emergent hyperglycemia 7 and diabetes in patients on Zyprexa relative to 8 these other agents. 9 Q Sir, twice in this E-mail -- pardon me, in this 10 memo the document talks about neutralizing 11 concerns, does it not? 12 MR. BOISE: Look through the document and see. 13 QUESTIONS BY MR. SUGGS: 14 Q If you look at the first paragraph, I can point two out 15 right away. The first is right under the discussion of 16 Message Point #2. It states, quote, We believe it 17 is essential to weaken this link in order to 18 neutralize the diabetes/hyperglycemia issue, and 19 the concluding sentence of the Summary which says, 20 "Neutralizing any concern from our customers 21 will be essential to the future growth of ZYPREXA 22 in this marketplace." 23 The company obviously wanted to neutralize 24 physicians' concerns about diabetes, correct? 25 MR. BOISE: Object to the form of the</p>	<p>Page 117</p> <p>1 testimony. 2 QUESTIONS BY MR. SUGGS: 3 Q It's the Summary -- the bottom line Summary of this 4 sales aid is, "Neutralizing any concern from our 5 customers will be essential to the future growth of 6 ZYPREXA in this marketplace." 7 MR. BOISE: Is your question it that what the 8 words say? 9 QUESTIONS BY MR. SUGGS: 10 Q Is that the bottom line of the Summary? 11 MR. BOISE: Is that what the last line of the 12 Summary says? Is that your question? 13 MR. SUGGS: My question stands. 14 MR. BOISE: Object to the form of the 15 question, vague. 16 What do you mean by bottom line? 17 QUESTIONS BY MR. SUGGS: 18 Q Sir, do you know what the bottom line is? 19 A I assume, by "bottom line" you mean the last line 20 in the Summary. 21 Q It happens to be the last sentence in that Summary; 22 it also happens to be the fact with respect to the 23 purpose and goal of this sell sheet was to 24 neutralize any concern that physicians had about 25 Zyprexa having a higher incidence of diabetes.</p>

1 MR. BOISE: Objection, move to strike the
2 speech.
3 QUESTIONS BY MR. SUGGS:
4 Q Isn't it?
5 MR. BOISE: Object to the form of question.
6 THE WITNESS: No sir, that's not what I said.
7 QUESTIONS BY MR. SUGGS:
8 Q I know that's not what you said, but the fact of the
9 matter is that the sell sheet was designed to
10 neutralize concerns physicians had about Zyprexa
11 having -- causing more diabetes than other drugs;
12 isn't that correct?
13 MR. BOISE: Objection, asked and answered.
14 THE WITNESS: No, sir. The sell sheet was
15 designed to communicate the results from our
16 clinical trials and our analysis of what the risk
17 of diabetes was associated with Zyprexa and other
18 psychotropic agents.
19 QUESTIONS BY MR. SUGGS:
20 Q Sir, a sell sheet is designed to increase sales,
21 correct?
22 MR. BOISE: Object to the form of the
23 question.
24 (Conference room phone ringing.)
25 THE WITNESS: Sir, a sales sheet is a

1 promotional document that is designed to
2 communicate in a fair balanced manner
3 consistent with the FDA regulations, both the
4 benefits and the side effects of our product, and
5 to increase the usage of our product for
6 appropriate patients.
7 QUESTIONS BY MR. SUGGS:
8 Q To increase sales, correct?
9 MR. BOISE: Object to the form, asked and
10 answered.
11 THE WITNESS: Sir, the purpose of our sell
12 sheets is to communicate the benefits and risks of
13 our product consistent with the promotional
14 guidelines that we work under through our good
15 promotional practices and to increase the sales of
16 the product and the use of the product in the
17 context of appropriate patients.
18 QUESTIONS BY MR. SUGGS:
19 Q The purpose of a sell sheet is to sell?
20 MR. BOISE: Object to the form, asked and
21 answered.
22 QUESTIONS BY MR. SUGGS:
23 Q Right? That's why they call it a sell sheet, isn't
24 it?
25 MR. BOISE: Object to the form.

1 THE WITNESS: Sir, the purpose of the sell
2 sheet is to communicate to clinicians the risk and
3 benefits of our products recognizing they are going
4 to make the ultimate decision.
5 Certainly, a goal is to increase the sales of
6 the product for what clinicians determine to be the
7 appropriate patients for our product.
8 QUESTIONS BY MR. SUGGS:
9 Q I assume, sir, that you are aware of the consensus
10 conference of the American Diabetes Association and
11 the American Psychiatric Association in November of
12 2003, correct?
13 A Yes, sir, I am.
14 Q Okay. You came back to the U.S. to head up U.S.
15 marketing in November of 2003?
16 A Yes, that's correct.
17 Q And in November of 2003 there was a consensus --
18 you know what, let me -- before I get into that, we
19 have to mark this as the next exhibit.
20 (Let me backtrack here and hand you what's been
21 previously marked as Exhibit No. 5.)
22 (Deposition Exhibit 5 marked for
23 identification.)
24 MR. BOISE: He did not bring enough for the whole
25 class, so I'll have to look over your shoulder.

1 QUESTIONS BY MR. SUGGS:
2 Q If I could direct your attention to the last page.
3 By the way, would you agree that this document --
4 would you characterize this document as a sell
5 sheet or brochure or something different?
6 A I think both brochure and/or sell sheet would
7 probably be a reasonable characterization of this.
8 Q If you look at the last page at the very bottom
9 there is number 60, dash, OL26280.
10 Do you see that?
11 A Yes.
12 Q What does that refer to?
13 A That's a reference number so that we know what the
14 document is.
15 Q And it indicates that the copyright for this would
16 have been 2003, correct?
17 A Yes.
18 Q So it would appear that this sell sheet or brochure
19 would have been later in time than Exhibit 4,
20 correct?
21 A Which one was Exhibit 4?
22 Q That was the other color brochure or sell sheet
23 that we were just talking about.
24 A It appears to be based on the copyright, yes.
25 Q Yeah, about two years later, correct?

J006950-90

1706950-90

Page 122	Page 124
<p>1 MR. BOISE: Object to form. It speaks for 2 itself. 3 QUESTIONS BY MR. SUGGS: 4 Q One was a 2001 copyright date, the other one has 5 2003 copyright; two years' difference, correct? 6 A Yes, that would be about two years. 7 Q Okay. And the title on the very first page of the 8 brochure is "Diabetes and patients with mental 9 illness." 10 MR. BOISE: Put that down so we can both see 11 it. There wasn't another copy provided. 12 QUESTIONS BY MR. SUGGS: 13 Q Up in the red at the very top, the heading is 14 "Diabetes and patients with mental illness." 15 A Yes. 16 Q On the second page, at least the page that has the 17 next red border at the top, it states, "How do the 18 medications you use compare?" Correct? 19 A I'm sorry. 20 Q Can you put it down for a second? 21 A I'm sorry. I skipped -- okay. 22 Q Are you now on the same page? 23 A Yes. 24 Q The heading is "How do the medications you use 25 compare?" Right below that it says, "Rates of</p>	<p>1 before. 2 In November of 2003, you came back to the U.S. 3 to head up U.S. marketing to take over from Jack 4 Jordan, correct? 5 A Yes. 6 Q And also in November of 2003, the American Diabetes 7 Association and the American Psychiatric 8 Association, the American Association of Clinical 9 Endocrinologists and also the North American 10 Association For the Study of Obesity convened a 11 consensus conference to address the issue of 12 diabetes in connection with the use of various 13 antipsychotic drugs, correct? 14 A Yes, that's correct. 15 Q Okay. And you were aware that, although that 16 conference was held in November of 2003, in, I 17 believe, it was February of 2004 those four medical 18 associations published their consensus statement, 19 were you not? 20 A Yes, my recollection is that it was in February of 21 2004. 22 Q You would have reviewed that consensus statement 23 when it came out in 2004, would you, correct? 24 A Yes. 25 Q Let me hand you a copy of what's been previously</p>
Page 123	Page 125
<p>1 diabetes were comparable for commonly prescribed 2 psychotropics during longer-term clinical trials, 3 correct? 4 A Yes. 5 Q And then if I direct your attention to the 6 following page with the red bordered heading at the 7 top, it states, "Incidence and odd ratios of 8 developing diabetes during treatment with 9 antipsychotics"; and right below that it says, 10 "Findings from 5 epidemiological studies show no 11 consistent differences regardless of the agent 12 studied," correct? 13 A That's what it says, yes. 14 Q It was expected that sales reps would use these 15 brochures in their sales representations to 16 physicians, correct? 17 MR. BOISE: Object to the form. 18 THE WITNESS: I would have to refer to the 19 implementation guide to know exactly what the 20 direction was provided to sales representatives, 21 but this clearly was a promotional tool that 22 could have been part of their sales message to 23 customers, yes. 24 QUESTIONS BY MR. SUGGS: 25 Q Okay. And bears the date 2003, as we mentioned</p>	<p>1 marked as Plaintiffs Exhibit 2368, which for the 2 record is the consensus statement, an article 3 titled "Consensus Development Conference on 4 Antipsychotic Drugs and Obesity and Diabetes." It 5 was published in Diabetes Care in February of 2004 6 and it's been previously marked as Plaintiffs 7 Exhibit 2368. 8 Sir, if I could direct your attention to Table 9 2 of this article, which is on the second page on 10 the bottom right-hand corner. 11 There is a table there rating various second 12 generation antipsychotics and their association 13 with metabolic abnormalities, correct? 14 A Yes. 15 Q And the assessments that they give there are for 16 Weight gain, Risk for diabetes, and Worsening lipid 17 profile, correct? 18 A Yes. 19 Q In the legend at the bottom they note that a plus 20 sign indicates that there is an increased effect, a 21 minus sign indicates there is no effect and a D 22 indicates that there is discrepant results. 23 correct? 24 A Yes. 25 Q And with respect to Weight gain, it shows that</p>

Page 126

1 Olanzapine and Clozapine are given three pluses and
 2 the others have lesser numbers, correct?
 3 A Yes.
 4 Q And it also shows that there is pluses for the
 5 Risk of diabetes for Olanzapine and Clozapine, but
 6 not for any of the other drugs, correct?
 7 MR. BOISE: Object to the form.
 8 THE WITNESS: Could you repeat that question
 9 for me?
 10 QUESTIONS BY MR. SUGGS:
 11 Q I'll restate the question.
 12 With respect to the Risk for diabetes, it
 13 shows that there are pluses, meaning that there is
 14 an increased effect, shown in this table for
 15 Clozapine and Olanzapine and there are no pluses
 16 besides -- beside any of other drugs, correct?
 17 A For risk for diabetes, that's correct.
 18 Q Exactly. Okay. The same thing holds true with
 19 respect to Worsening lipid profile, there are plus
 20 signs given for Clozapine and Olanzapine, but not for
 21 any of the other drugs, correct?
 22 A Yes.
 23 Q If I could direct your attention to the fifth page
 24 which is also page 600 in the article,
 25 That is the page that has the Summary in the

Page 127

1 right-hand column?
 2 A Yes.
 3 Q I would like to direct your attention to the second
 4 full paragraph in the fourth line down on that
 5 paragraph it states, quote, Clozapine and
 6 olanzapine are associated with the greatest weight
 7 gain and highest occurrence of diabetes and
 8 dyslipidemia. Risperidone and quetiapine appear to
 9 have immediate effects. Aripiprazole and
 10 ziprasidone are associated with little or no
 11 significant weight gain, diabetes, or
 12 dyslipidemia. Do you see that language, sir?
 13 A Yes.
 14 THE VIDEOGRAPHER: Excuse me, I have a couple
 15 of minutes left.
 16 QUESTIONS BY MR. SUGGS:
 17 Q And that conclusion of the American Diabetes
 18 Association and the American Psychiatric
 19 Association contradicts Lilly's claims of
 20 comparable rates --
 21 MR. BOISE: Object to the form.
 22 QUESTIONS BY MR. SUGGS:
 23 Q -- of diabetes, correct?
 24 MR. BOISE: Object to the form of the
 25 question, mischaracterizes the document.

Page 128

1 THE WITNESS: It's important to note, I'm not
 2 a clinical expert and rely on my medical colleagues
 3 to answer that question but that's certainly not
 4 consistent with our conclusions.
 5 QUESTIONS BY MR. SUGGS:
 6 Q Okay. It's quite different from your conclusions.
 7 We need to change the tape.
 8 THE VIDEOGRAPHER: Marks the end of Tape
 9 No. 2, the deposition of David Noesges at 12:14.
 10 (Lunch recess.)
 11 THE VIDEOGRAPHER: Back on the record. This
 12 is the beginning of Tape No. 3 of the deposition of
 13 Dave Noesges. We are on the record at 1:10. You
 14 may proceed.
 15 QUESTIONS BY MR. SUGGS:
 16 Q Mr. Noesges, before we took our lunch break we were
 17 talking about the consensus statement and I believe
 18 the record will show that you testified that the
 19 conclusions of the ADA consensus statement that
 20 clozapine and olanzapine are associated with the
 21 greatest weight gain and highest occurrence of
 22 diabetes and dyslipidemia were inconsistent with
 23 Lilly's position, correct?
 24 A Yes, that's correct.
 25 Q Before October of 2007 did Lilly ever instruct its

Page 129

1 sales force to tell physicians that Lilly believed
 2 that the rates of diabetes with Zyprexa were higher
 3 than with other drugs?
 4 MR. BOISE: Object to the form of the
 5 question.
 6 THE WITNESS: No, I don't believe that was
 7 ever a specific message that our representatives
 8 were instructed to communicate to physicians.
 9 QUESTIONS BY MR. SUGGS:
 10 Q After October of 2007 were Lilly sales reps -- only
 11 a couple of months ago.
 12 Between October of 2007 and the present has
 13 Lilly ever instructed its sales force to tell
 14 physicians that the rate of diabetes with Zyprexa
 15 is higher than with other drugs?
 16 A No.
 17 Q I'm going to hand you what's been previously marked
 18 as -- well, it's been previously marked in several
 19 other depositions; but it does not have a uniform
 20 number on it.
 21 I'm going to have to mark it again here as
 22 Exhibit 6.
 23 (Deposition Exhibit 6 marked for
 24 identification.)
 25 QUESTIONS BY MR. SUGGS:

7005630CI

Page 130

1 Q This is a March 28, 2007, letter from FDA to Eli
2 Lilly.
3 Do you recall ever seeing this document
4 before, sir?
5 A Yes, I have.
6 Q When did you see it?
7 THE WITNESS: Barry, can we consult?
8 MR. BOISE: You can answer that question yes
9 or no.
10 You can answer the question, time frame.
11 THE WITNESS: I saw it within the last week.
12 QUESTIONS BY MR. SUGGS:
13 Q After you stopped your responsibilities for
14 Zyprexa, correct?
15 A Yes.
16 Q Okay. If I can direct your attention to the --
17 about the middle of the first page of Exhibit 6,
18 There is a heading entitled "Updated Information on
19 Risks of Weight Gain, Hyperglycemia, and
20 Hyperlipidemia."
21 Do you see that, where I'm at, there?
22 A Yes, I do.
23 Q And the paragraph below that, in the middle of the
24 paragraph third line down, there is a sentence that
25 starts off, "In particular" -- do you see where I'm

Page 131

1 at there?
2 A Yes.
3 MR. BOISE: David, can I have a continuing
4 objection on this being beyond the scope, question
5 concerning this regulatory document?
6 MR. SUGGS: Sure.
7 QUESTIONS BY MR. SUGGS:
8 Q Sentence goes on to state, quote, "In particular,
9 we are concerned that the labeling is deficient
10 with regard to information about weight gain,
11 hyperglycemia, and hyperlipidemia that is
12 associated with olanzapine use, whether taken alone
13 or in combination with fluoxetine."
14 Do you see that language, sir?
15 A Yes, I do.
16 Q And at the time you were head of U.S. marketing for
17 Zyprexa whose generic name is olanzapine, correct?
18 MR. BOISE: Object to the form, foundation.
19 THE WITNESS: Yes, that's correct.
20 QUESTIONS BY MR. SUGGS:
21 Q Were you informed in March of 2007 -- I realize you
22 have not seen the document before. You said you
23 just saw it last week.
24 But did anyone ever tell you that FDA had
25 written to Lilly in March of 2007 and took the

Page 132

1 position that the Zyprexa labeling was deficient
2 with regard to information about weight gain,
3 hyperglycemia, and hyperlipidemia?
4 MR. BOISE: Object to the form.
5 David, I think there was a disconnect with the
6 witness as to what his position was at this time.
7 MR. SUGGS: I know what his position was at
8 this time.
9 MR. BOISE: You said marketing.
10 MR. SUGGS: Did I misspeak?
11 MR. BOISE: What was your position in March of
12 2007?
13 THE WITNESS: Yes, I'm sorry. I think I did
14 misspeak. I was the executive sales director for our
15 west region at this time frame.
16 QUESTIONS BY MR. SUGGS:
17 Q You were the executive sales director for Zyprexa
18 in the western region?
19 A I was the executive sales director for neuroscience
20 including responsibility for Zyprexa in the western
21 region, yes.
22 Q And under you, you had how many sales folks who
23 were out selling Zyprexa?
24 A I had approximately 700 sales representatives.
25 Q 700 sales representatives.

Page 133

1 They would call on, roughly, how many doctors?
2 A Each of them calls on between a hundred and
3 probably a hundred and ninety doctors.
4 Q So we are talking thousands, like 70,000 doctors?
5 Am I doing my math right?
6 A Yes, I think that's right.
7 Q Okay. So you had hundreds of sales representatives
8 who were calling on thousands, tens of thousands,
9 of doctors selling Zyprexa?
10 A Yes.
11 Q Did anyone tell you in March of 2007 that the FDA
12 had written to the company and said that they
13 believed, they, the FDA believed, that the labeling
14 for Zyprexa was deficient with regard to
15 information about weight gain, hyperglycemia and
16 hyperlipidemia?
17 MR. BOISE: Object to the form, foundation,
18 mischaracterizes the document.
19 THE WITNESS: I was aware at this time, it was
20 communicated to -- that we had had communication
21 back from the FDA on our new drug application and
22 that they had asked, as I understood it, for
23 some -- potentially some additional data and also
24 for a dialog with our medical/regulatory colleagues
25 with regard to -- with regard to our new drug

06-05630CI

Page 134

1 application.

2 QUESTIONS BY MR. SUGGS:

3 Q Is that a yes or a no?

4 MR. BOISE: Object to the form, asked and

5 answered.

6 QUESTIONS BY MR. SUGGS:

7 Q Were you aware that the FDA in this communication

8 took the position that the Zyprexa's labeling was

9 deficient with regard to information about weight

10 gain, hyperglycemia and hyperlipidemia?

11 MR. BOISE: Object to the form,

12 mischaracterizes the document.

13 THE WITNESS: No, I was not.

14 QUESTIONS BY MR. SUGGS:

15 Q Okay. Nobody told you that part of it?

16 MR. BOISE: Object to the form, foundation.

17 QUESTIONS BY MR. SUGGS:

18 Q Correct? You were not aware of that?

19 A No.

20 Q If I could direct your attention to the following

21 page.

22 Do you see how there is a section about

23 two-thirds of the way down called, "Post Marketing

24 Commitments"? It's a bolded heading about

25 two-thirds down.

Page 135

1 A Yes.

2 Q Okay. I want to direct your attention to the

3 paragraph just above that, where the FDA in this

4 letter to Lilly, stated, quote, Our overall goal is

5 to improve labeling with regard to these findings

6 so that clinicians will be better informed on what

7 the risks are for their patients. They cannot make

8 reasonable treatment decisions until they have

9 such. We do not feel that current labeling for

10 Symbyax or Zyprexa, provides sufficient information

11 on these risks, and we fully intend to insure that

12 these labels are enhanced with the best available

13 information to characterize these risks.

14 Do you see that language, sir?

15 A Yes.

16 Q Did anyone ever tell you in March of 2007 that the

17 FDA had written to the company saying that they

18 believed that the labeling was deficient and that

19 they felt, that they, the FDA felt, the physicians

20 could not make reasonable treatment decisions until

21 they had such information?

22 MR. BOISE: Object to the form,

23 mischaracterizes the document.

24 THE WITNESS: No.

25 QUESTIONS BY MR. SUGGS:

Page 136

1 Q Okay. Was the first time that you ever learned

2 that there had been the communication of those

3 positions to the company when you saw this letter

4 for the first time last week?

5 MR. BOISE: Object to the form, foundation.

6 THE WITNESS: Yes.

7 MR. SUGGS: I'm going to hand you what we'll

8 have marked as Exhibit 7.

9 (Deposition Exhibit 7 marked for

10 identification.)

11 QUESTIONS BY MR. SUGGS:

12 Q Which, for the record, is a copy of an October 5,

13 2007, Dear healthcare provider letter, and you

14 have, I'm assuming, have seen this document

15 before, sir, is that correct?

16 A Yes, I have.

17 Q And would you agree with me that this letter to

18 healthcare professionals informs them of a change

19 in Lilly's label?

20 A Yes. This is a letter to healthcare professionals

21 informing them of a change in our label for Zyprexa

22 and Symbyax.

23 Q And the change in the label was to add additional

24 language in the warning section regarding

25 hyperglycemia, correct, that was one part of it?

Page 137

1 A These label updates included warnings for weight

2 gain, hyperlipidemia, and updated information

3 in the warning for hyperglycemia.

4 Q Right. So part of it was to update or add

5 additional information on hyperglycemia?

6 A Yes.

7 Q And the other part was to add totally new warning

8 sections regarding weight gain and hyperlipidemia,

9 correct?

10 MR. BOISE: Object to the form.

11 THE WITNESS: That labeling updates included

12 new warnings for weight gain and hyperlipidemia and

13 again updated information in the warning for

14 hyperglycemia.

15 QUESTIONS BY MR. SUGGS:

16 Q Before October of 2007 there had been no language

17 in the warning sections of the labeling regarding

18 either weight gain or hyperlipidemia, correct?

19 A Weight gain and hyperlipidemia was addressed in the

20 label, but not in the warning section until

21 October 2007.

22 Q The answer to my question was --

23 MR. BOISE: Let him finish.

24 QUESTIONS BY MR. SUGGS:

25 Q The answer to my question was: No, prior to

17036950-970

Page 138

1 October 2007 there was no discussion of weight gain
2 or hyperlipidemia in the warning section; isn't
3 that correct, sir?
4 MR. BOISE: Object to the form.
5 THE WITNESS: Prior to October 2007 weight
6 gain and hyperlipidemia were addressed in our label,
7 but not in the warning section.
8 QUESTIONS BY MR. SUGGS:
9 Q In this new labeling -- by the way, was it your
10 understanding that this label change occurred at
11 the request of the FDA?
12 MR. BOISE: Object to the form, beyond the
13 scope.
14 THE WITNESS: I certainly am not a regulatory
15 expert. My understanding of the process is that
16 FDA responded to our -- originally to our new drug
17 application for Symbyax and asked for additional
18 information, and then through a collaborative
19 process and discussion with our medical and
20 regulatory colleagues, we agreed on new label
21 language.
22 QUESTIONS BY MR. SUGGS:
23 Q Well, my question, sir: Was it your understanding
24 or did anyone inform you that this label change was
25 at the specific request of FDA?

Page 139

1 MR. BOISE: Object to the form, foundation,
2 beyond the scope.
3 THE WITNESS: My understanding is that the FDA
4 asked for additional information and opened a
5 dialog with our medical and regulatory colleagues
6 in response to our new drug application for
7 Symbyax, which ultimately led to a label change.
8 QUESTIONS BY MR. SUGGS:
9 Q Did anyone inform you that the FDA said that a
10 label change was necessary in order to protect the
11 public health?
12 MR. BOISE: Object to the form, foundation.
13 THE WITNESS: No, I don't recall anyone
14 communicating that to me.
15 QUESTIONS BY MR. SUGGS:
16 Q Okay. When did you first learn that this label
17 change had occurred or was going to occur?
18 MR. BOISE: Which one?
19 MR. SUGGS: The October 2007 label change.
20 Q When were you aware that this was going to occur?
21 A I don't remember exactly, but I would have learned
22 probably several weeks prior to the label change
23 that a change was likely to occur.
24 Q Who was it that informed you of that?
25 A The communication would have come from the Zyprexa

Page 140

1 marketing director.
2 Q Which was who at that time?
3 A Mark Nagy.
4 Q If I could direct your attention to -- by the way,
5 do you know who this label -- strike that.
6 Do you know who this letter was supposed to go
7 to?
8 MR. BOISE: Object to the form, vague.
9 THE WITNESS: Yes. This letter would have
10 gone to all of our -- what we call targeted
11 physicians or physicians who are in our database to
12 whom we are directly communicating or promoting our
13 products to, both psychiatrists and primary care
14 physicians.
15 QUESTIONS BY MR. SUGGS:
16 Q So this would not have gone to all healthcare
17 professionals, only some that Lilly chose, correct?
18 MR. BOISE: Object to the form.
19 THE WITNESS: I would have to review the
20 database and probably turn to one of our marketing
21 folks to know exactly, but my understanding was it
22 would have gone as broadly as we were able to for
23 those primary care physicians and psychiatrists who
24 are in our database and to whom we could send it
25 to.

Page 141

1 QUESTIONS BY MR. SUGGS:
2 Q If I could direct your attention to the third page
3 of the document
4 A Okay.
5 Q Hyperglycemia section of the new changed label, the
6 last sentence in the first paragraph states, quote,
7 "While relative risk estimates are inconsistent, the
8 association between atypical antipsychotics and
9 increases in glucose levels appears to fall on a
10 continuum and olanzapine appears to have a greater
11 association than some other atypical
12 antipsychotics."
13 Do you see that language there?
14 A Yes.
15 Q Sir, that statement is inconsistent with Lilly's
16 prior positions, correct?
17 MR. BOISE: Object to the form of the
18 question, foundation.
19 THE WITNESS: No, that statement is not
20 inconsistent with our prior positions.
21 QUESTIONS BY MR. SUGGS:
22 Q In your view that is the same as saying rates are
23 comparable?
24 MR. BOISE: Object to the form,
25 mischaracterizes testimony.

06-05630CI

Page 142	Page 144
<p>1 THE WITNESS: No, sir, our comparable rates 2 refers to the rate of diabetes associated with 3 Zyprexa relative to other antipsychotics. 4 This is referring specifically in our label 5 change to an association between atypical 6 antipsychotics and increasing glucose levels falling 7 on a continuum. And olanzapine appears to have a 8 greater association than some other atypical 9 antipsychotics with that increase in glucose 10 levels. 11 QUESTIONS BY MR. SUGGS: 12 Q So you see no inconsistency between the statement 13 in the label that increases in glucose level 14 appears to fall on a continuum and olanzapine 15 appears to have a greater association than some 16 other atypical antipsychotics? You see no 17 contradiction or inconsistency between that and 18 Lilly's comparable rates message, correct? 19 MR. BOISE: Object to the form of the 20 question, compound, mischaracterizes prior 21 testimony, foundation. 22 THE WITNESS: No, these are two different 23 statements. The statement in our label change 24 saying that antipsychotic and increases in glucose 25 levels appear to fall on a continuum, and</p>	<p>1 question is also compound. 2 Are you saying do you recall whether this 3 letter was delivered? 4 QUESTIONS BY MR. SUGGS: 5 Q Do you recall the evidence that we saw demonstrates 6 that this letter was hand delivered to physicians 7 by the sales reps? 8 A My recollection is we looked at a document that 9 indicated that it was delivered to the sales 10 representatives. 11 Q Yeah, okay. Was -- this new label change in 12 October of 2007, was it hand delivered to treating 13 doctors by the sales reps? 14 A I'm sorry. Could you read back the question, 15 please? 16 Q Let me restate it. 17 Were the sales representatives instructed to 18 hand deliver the October 5, 2007, letter announcing 19 the label change? 20 A Yes. 21 Q Okay. And were the physicians also directly mailed 22 the label change letter in addition to the hand 23 delivery from sales reps? 24 A I'm confused now as to which letter we were talking 25 about. Because you had the Alan Breier and we had</p>
Page 143	Page 145
<p>1 olanzapine appears to have a greater association 2 than some other atypical antipsychotics with these 3 increases in glucose levels is a different 4 statement than Zyprexa has comparable rates of 5 diabetes in our clinical trials relative to other 6 antipsychotic agents. 7 QUESTIONS BY MR. SUGGS: 8 Q Sir, do you recall when we looked at the letter 9 from Dr. Breier to healthcare professionals in the 10 summer of 2003, which was Exhibit -- 11 MR. BOISE: Referring to 9201, I think. 12 MR. SUGGS: Yes. 13 QUESTIONS BY MR. SUGGS: 14 Q Exhibit 9201, we saw that in that instance where 15 the letter was saying that the available data do 16 not establish a causal link between diabetes and 17 Zyprexa and that there were -- studies show no 18 consistent or clinically significant differences in 19 the risk of diabetes among the different drugs, 20 that letter was delivered by the sales reps to 21 the physician. 22 Do you recall that? 23 MR. BOISE: Object to the form and how you have 24 characterized the letter. You have not read the 25 letter consistent with its language and the</p>	<p>1 the dear doctor letter. I want to make sure I'm 2 answering the right questions. 3 Q Okay. Good point. I want to make sure we are 4 clear about that too. 5 With respect to the October 5, 2007, letter -- 6 A Yes. 7 Q -- announcing the new label change -- 8 A Yes. 9 Q -- were sales reps instructed to hand deliver this 10 letter to treating physicians? 11 A Yes, sales representatives were instructed to -- 12 the letter was made available to them to deliver to 13 physicians and we also had a direct mailing on this 14 letter to all the clinicians in our database. 15 Q Okay. Good. 16 Does Lilly still take the position that the -- 17 that the rates of diabetes between the various 18 antipsychotic drugs are comparable? 19 MR. BOISE: Object to the form of the 20 question, asked and answered. 21 THE WITNESS: We no longer have a message that 22 our sales representatives are presenting with regard to 23 comparable rates, but it is, in fact, our position 24 that the clinical data do not show a differential 25 risk of diabetes with Zyprexa relative to the other</p>

06-05630CI

Page 146

1 antipsychotic agents.

2 QUESTIONS BY MR. SUGGS:

3 Q And if a physician asks a sales rep today is

4 there -- strike that.

5 If a physician were today to ask a sales rep

6 Are the rates of diabetes higher with Zyprexa than

7 with other antipsychotic drugs, the sales rep would

8 tell him, There is no that evidence to show that

9 is that correct?

10 MR. BOISE: Object to the form, incomplete

11 hypothetical.

12 THE WITNESS: No, the sales representative,

13 under those circumstances, would be instructed to

14 offer the doctor a medical letter from our medical

15 department to answer that question.

16 QUESTIONS BY MR. SUGGS:

17 Q Didn't require a medical letter before, did it?

18 MR. BOISE: Object to the form.

19 THE WITNESS: We have -- throughout my time

20 working on Zyprexa have met -- have had medical

21 letters available to -- for sales representatives

22 to use to respond to questions about Zyprexa in

23 its relation to weight gain and to diabetes.

24 QUESTIONS BY MR. SUGGS:

25 Q I understand that, sir, but we have already seen

Page 147

1 before there were some sell sheets, we looked at

2 those brochures, the color documents, where, in

3 fact, the sales reps were provided with materials

4 which they could show and discuss with physicians

5 addressing this issue of whether the rates were

6 comparable or whether there were consistent

7 differences and so forth.

8 Is it your testimony that sales reps would no

9 longer be permitted to use those brochures?

10 MR. BOISE: The brochures previously marked as

11 4 and 5 --

12 MR. SUGGS: Yes.

13 MR. BOISE: -- could the sales reps use these

14 brochures today?

15 MR. SUGGS: Yes.

16 THE WITNESS: No, sales representatives would

17 not be able to use those brochures today.

18 QUESTIONS BY MR. SUGGS:

19 Q And is it your testimony that if a physician asked

20 a sales rep whether the rates of diabetes are

21 comparable between Zyprexa and the other drugs, the

22 sales rep would be instructed to tell the doctor,

23 cannot discuss that with you, but I will send you a

24 medical letter?

25 A What the drug sales representatives should do if

Page 148

1 they get that question is to indicate to the doctor

2 that they would like to send a medical letter to

3 them, which we think can best answer that question

4 for them.

5 Q Well, suppose the doctor says, Well, gee, Joe, you

6 know, I remember when you were in my office in 2001

7 and 2002 and 2003 and you were talking about how

8 there were comparable rates and there were no

9 consistent differences. I want you to tell me

10 right now on the spot, you know, are you saying now

11 that still that Zyprexa has comparable rates of

12 diabetes? What would the sales rep do in that?

13 Would he say, I can't answer and walk out?

14 MR. BOISE: Objection, incomplete

15 hypothetical, lack of foundation.

16 THE WITNESS: No, sir, what the doctor would

17 be -- what the sales representative would be

18 instructed to do is to politely indicate to the

19 doctor, Look, I would like to provide you all of

20 the medical information that we have available and

21 the medical letter to answer the question.

22 QUESTIONS BY MR. SUGGS:

23 Q Would it be fair to say, then, that the sales reps

24 have now been instructed not to discuss with

25 physicians the issue of whether there are

Page 149

1 comparable rates or not and instead are instructed

2 to tell the physician that they will get them a

3 letter from the medical department back in

4 Indianapolis? Is that correct?

5 MR. BOISE: Object to the form of the

6 question, vague.

7 THE WITNESS: Our sales representatives are

8 instructed to communicate to the doctors consistent

9 with our current promotional materials. Those

10 materials are developed by our medical and

11 regulatory colleagues in conjunction with our

12 marketing colleagues which represent our current

13 marketing message and represent the current --

14 current label around Zyprexa both from an efficacy

15 and safety standpoint. That's what their

16 instructions are.

17 QUESTIONS BY MR. SUGGS:

18 Q I don't think your question -- your answer is

19 responsive.

20 Could you please read it back to him?

21 MR. BOISE: The question and the answer?

22 MR. SUGGS: No, just my question.

23 MR. BOISE: Just your question.

24 (Record read.)

25 MR. BOISE: He's answered that question.

<p>Page 150</p> <p>1 What's the next question?</p> <p>2 QUESTIONS BY MR. SUGGS:</p> <p>3 Q I don't believe you have answered that, sir.</p> <p>4 Are they or are they not instructed not --</p> <p>5 strike that.</p> <p>6 Have the sales reps been instructed not to</p> <p>7 discuss the issue of comparable rates with</p> <p>8 physicians?</p> <p>9 MR. BOISE: Object to the form of the</p> <p>10 question.</p> <p>11 QUESTIONS BY MR. SUGGS:</p> <p>12 Q Either they have or they haven't?</p> <p>13 MR. BOISE: Object to the form of the</p> <p>14 question.</p> <p>15 THE WITNESS: Sir, I answered the question.</p> <p>16 We don't communicate to our sales</p> <p>17 representatives all of the things that they can't</p> <p>18 communicate to the physicians. I think that would</p> <p>19 be impractical to do so.</p> <p>20 What we do is develop our promotional</p> <p>21 materials, develop the training tools to indicate</p> <p>22 to them what they should communicate to customers</p> <p>23 and how to respond to questions that we would</p> <p>24 anticipate them getting from doctors.</p> <p>25 QUESTIONS BY MR. SUGGS:</p>	<p>Page 152</p> <p>1 Q We looked earlier at a document that was a good</p> <p>2 promotional practice document.</p> <p>3 Do you recall that?</p> <p>4 A Yes, I recall looking at a portion of good</p> <p>5 promotional practices as one of the documents.</p> <p>6 Q And am I correct that sales reps are supposed to</p> <p>7 adhere to good promotional practices?</p> <p>8 A Yes, that's correct. That's a matter of company</p> <p>9 policy.</p> <p>10 Q Okay. I'm going to hand you -- this is troubling.</p> <p>11 Can I see that document? Did I hand you two</p> <p>12 documents before? Just the one.</p> <p>13 MR. BOISE: There is something here. Is this</p> <p>14 it?</p> <p>15 MR. SUGGS: That is it, yes.</p> <p>16 MR. BOISE: You handed me two documents.</p> <p>17 MR. SUGGS: Oh, Barry.</p> <p>18 MR. BOISE: David.</p> <p>19 MR. SUGGS: What are we up to? Are we up to 8</p> <p>20 now?</p> <p>21 MR. BOISE: Other than you handed me too many</p> <p>22 documents.</p> <p>23 (Deposition Exhibit 8 marked for</p> <p>24 identification.)</p> <p>25 QUESTIONS BY MR. SUGGS:</p>
<p>Page 151</p> <p>1 Q Well, we saw before that one of the questions that</p> <p>2 they could anticipate getting from doctors was if</p> <p>3 the doctor had a concern about diabetes, and we saw</p> <p>4 that the answer that they were supposed to give to</p> <p>5 address that area of concern was to say that there</p> <p>6 was no causal relationship and that the rates were</p> <p>7 comparable.</p> <p>8 Have sales reps still received that training</p> <p>9 or has that changed?</p> <p>10 MR. BOISE: Objection, asked and answered.</p> <p>11 THE WITNESS: Sir, as I indicated, our</p> <p>12 marketing message and our sales reps' message</p> <p>13 evolves over time and that message has changed over</p> <p>14 time. And we use a number of factors to determine</p> <p>15 that. One is a medical/regulatory/marketing</p> <p>16 process to determine how to ensure that our message</p> <p>17 is consistent with our label as it evolves and also</p> <p>18 consistent with the regulatory expectations and our</p> <p>19 good promotional practices.</p> <p>20 We also, from a marketing perspective,</p> <p>21 consistently assess customers' perceptions of the</p> <p>22 product and how best to position our message and</p> <p>23 answer their questions to answer their specific</p> <p>24 concerns.</p> <p>25 QUESTIONS BY MR. SUGGS:</p>	<p>Page 153</p> <p>1 Q I'm going to hand you what I will have marked here</p> <p>2 as Exhibit 8, which is a copy of a document</p> <p>3 entitled "LillyUSA SALES GOOD PROMOTIONAL</p> <p>4 PRACTICES, UNSOLICITED QUESTIONS ON OFF-LABEL</p> <p>5 INFORMATION OR UNAPPROVED PRODUCTS."</p> <p>6 Do you recognize this document, sir?</p> <p>7 A Yes, I do.</p> <p>8 Q What is it?</p> <p>9 A It is a portion of the company's good promotional</p> <p>10 practices with an effective date listed here on</p> <p>11 January 15th, 2004.</p> <p>12 Q Okay. This particular portion has to deal with</p> <p>13 unsolicited questions on off-label information,</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q And it notes -- as part of this document it</p> <p>17 indicates the scope of this policy, correct?</p> <p>18 A Yes.</p> <p>19 Q And it says, "This GPP applies to all sales</p> <p>20 personnel and sales support personnel in LillyUSA</p> <p>21 and all sales activities that take place in the</p> <p>22 United States or with US Healthcare Professionals,"</p> <p>23 correct?</p> <p>24 A That's correct.</p> <p>25 Q And that would include in Alaska, correct?</p>

06-05063001

<p style="text-align: right;">Page 154</p> <p>1 A Yes, it would.</p> <p>2 Q Okay. And then there is a policy statement which</p> <p>3 says, "It is the policy of Eli Lilly and Company to</p> <p>4 comply with FDA regulations that prohibit the</p> <p>5 promotion of any unapproved...product; or indication,</p> <p>6 dosage form and, slash, or dosing schedule for any</p> <p>7 marketed product, with any customer by sales and</p> <p>8 marketing personnel, or other Lilly personnel or</p> <p>9 representatives in a promotional context."</p> <p>10 Was that your understanding of the policy?</p> <p>11 A Yes, it is.</p> <p>12 Q Although this document is dated as having an</p> <p>13 effective date of January 15, 2004, was that also</p> <p>14 the policy of the company before that time?</p> <p>15 MR. BOISE: That policy statement?</p> <p>16 MR. SUGGS: Yes.</p> <p>17 THE WITNESS: I would have to refer to the</p> <p>18 prior GPP to tell you whether the language is</p> <p>19 exactly the same or not.</p> <p>20 QUESTIONS BY MR. SUGGS:</p> <p>21 Q Well, that's not really my question. I realize the</p> <p>22 language may differ to some extent, but let me</p> <p>23 phrase the question this way: Prior to January of</p> <p>24 2004, you were involved in the marketing and sales</p> <p>25 of Zyprexa, correct?</p>	<p style="text-align: right;">Page 156</p> <p>1 off-label information regardless of whether it was</p> <p>2 the year 2000, the year 1996, the year 2003, or</p> <p>3 2007, correct?</p> <p>4 MR. BOISE: Object to the form, foundation,</p> <p>5 beyond the scope.</p> <p>6 THE WITNESS: Yes. Well, I would want to</p> <p>7 consult the specific language, which could have</p> <p>8 changed slightly. The concept of what constitutes</p> <p>9 off-label information would have been consistent.</p> <p>10 QUESTIONS BY MR. SUGGS:</p> <p>11 Q There's no big changes there.</p> <p>12 And then there is a description of the</p> <p>13 procedure and it says what a sales personnel --</p> <p>14 sales personnel may do and what they may not do,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q And it says, "Sales Personnel MAY NOT;" quote,</p> <p>18 "Proactively discuss, present, or promote</p> <p>19 information concerning unapproved new products or</p> <p>20 off-label information about approved products with</p> <p>21 any customer or health care professional."</p> <p>22 Did I read that correctly?</p> <p>23 A Yes.</p> <p>24 Q And, sir, that was -- sales personnel were</p> <p>25 prohibited to do that in 2000 and in 2001 and</p>
<p style="text-align: right;">Page 155</p> <p>1 A Yes, I was. Although, as we talked about before,</p> <p>2 between 2001 and 2003 I was not responsible for</p> <p>3 U.S. promotion of Zyprexa.</p> <p>4 Q But, in any event, throughout the time you were</p> <p>5 involved with Zyprexa, was it the policy of</p> <p>6 Eli Lilly and Company to comply with FDA</p> <p>7 regulations that prohibit the promotion of any</p> <p>8 unapproved new product or indication?</p> <p>9 A Yes, it was.</p> <p>10 Q Okay. And if I could direct your attention down to</p> <p>11 the Definitions section.</p> <p>12 There is a definition of Off-label Information</p> <p>13 there.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And the definition of Off-label Information is,</p> <p>17 quote, Any information about a Lilly product that</p> <p>18 is not contained in or is not consistent with the</p> <p>19 package insert labeling approved by the FDA.</p> <p>20 Examples include, but are not limited to,</p> <p>21 indications, dosage forms, dosing schedules,</p> <p>22 combination therapy, and safety information.</p> <p>23 Do you see that language, sir?</p> <p>24 A Yes, I do.</p> <p>25 Q And that would have been a correct definition of</p>	<p style="text-align: right;">Page 157</p> <p>1 throughout the times Zyprexa has been on the</p> <p>2 market, correct?</p> <p>3 A Yes, that is correct.</p> <p>4 Q Okay. And then below that it says, "However, Sales</p> <p>5 Personnel MAY: Respond orally to unsolicited</p> <p>6 requests for pre-approval or off-label product</p> <p>7 information, but only if all of the conditions</p> <p>8 below are strictly observed," and then there are</p> <p>9 listed one, two, three, four, five, six, seven,</p> <p>10 eight, nine, ten different conditions, all of which</p> <p>11 must apply before there can be such a discussion,</p> <p>12 correct?</p> <p>13 A Yes, that was a direct -- specific direction in</p> <p>14 this time frame.</p> <p>15 Q Okay. In fact, those same types of limitations</p> <p>16 were applicable prior to January 2004; isn't that</p> <p>17 correct?</p> <p>18 A Again, we would have to look at the specific good</p> <p>19 promotional practice to understand exactly what the</p> <p>20 direction was for sales representatives and how to</p> <p>21 respond to unsolicited questions.</p> <p>22 Q Well, do you have an understand -- I realize you</p> <p>23 don't have the GPP for the prior period in time</p> <p>24 right in front of you; but do you believe that the</p> <p>25 GPP on this issue before January 2004 was more lax</p>

06-0563001

	Page 158
<p>1 in terms of what it permitted the sales reps to do?</p> <p>2 MR. BOISE: Object to the form, vague.</p> <p>3 THE WITNESS: No, sir, I do not believe that</p> <p>4 at any time we would have been, as you described</p> <p>5 it, lax; however, the specific language and exactly</p> <p>6 the steps potentially have evolved slightly or</p> <p>7 changed in response to the regulatory requirements.</p> <p>8 QUESTIONS BY MR. SUGGS:</p> <p>9 Q Was it your understanding that the restrictions on</p> <p>10 what sales personnel were allowed to say,</p> <p>11 permissibly under Lilly policy regarding off-label</p> <p>12 use, was essentially the same before 2004?</p> <p>13 A My understanding is that our promotional efforts</p> <p>14 were required to be consistent with the good</p> <p>15 promotional practices, which I understand are</p> <p>16 developed primarily by our legal and regulatory</p> <p>17 colleagues, to ensure that our company policies are</p> <p>18 consistent with the applicable laws and regulations.</p> <p>19 Q It's your understanding, as the person who's in</p> <p>20 charge of marketing and sales for some periods of</p> <p>21 time before 2004, that the restrictions against</p> <p>22 dissemination of off-label information were</p> <p>23 essentially the same as this --</p> <p>24 MR. BOISE: Dave --</p> <p>25 QUESTIONS BY MR. SUGGS:</p>	<p>1 not consistent with the package insert approved by</p> <p>2 FDA, that would be off-label information?</p> <p>3 MR. BOISE: As defined in this policy?</p> <p>4 MR. SUGGS: Yes.</p> <p>5 THE WITNESS: Could you read that question</p> <p>6 back to me, please?</p> <p>7 QUESTIONS BY MR. SUGGS:</p> <p>8 Q I can restate it.</p> <p>9 If, for example, a sales rep gave safety</p> <p>10 information that was not contained in or was not</p> <p>11 consistent with the package insert approved by FDA,</p> <p>12 that would be off-label information, correct?</p> <p>13 MR. BOISE: By this policy?</p> <p>14 MR. SUGGS: Yes.</p> <p>15 THE WITNESS: Again, I'm not an expert on</p> <p>16 on-label versus off-label. I would always consult</p> <p>17 with my regulatory colleagues to that, but</p> <p>18 generally anything -- my understanding of on-label</p> <p>19 is anything that's not in the package insert</p> <p>20 labeling would be off-label.</p> <p>21 QUESTIONS BY MR. SUGGS:</p> <p>22 Q Well, for example, here in the Definitions it says,</p> <p>23 Any -- off-label information is: "Any information about</p> <p>24 a Lilly product that is not contained in or is not</p> <p>25 consistent with a package insert labeling approved</p>
	Page 159
<p>1 Q -- before 2004, weren't they?</p> <p>2 MR. BOISE: He's answered the question.</p> <p>3 Objection, asked and answered.</p> <p>4 QUESTIONS BY MR. SUGGS:</p> <p>5 Q Can you answer?</p> <p>6 A Question was awfully broad. I'm not sure I can</p> <p>7 answer it any more effectively than I have.</p> <p>8 Q Let me just ask this question -- maybe I've phrased</p> <p>9 it similarly to this, but I want to ask the</p> <p>10 question this way: Is it your belief that the</p> <p>11 restrictions on dissemination of off-label</p> <p>12 information by Lilly personnel before January of</p> <p>13 2004 were more lax, more strict, or about the same</p> <p>14 as reflected in this policy statement?</p> <p>15 MR. BOISE: Object to the form of the</p> <p>16 question, foundation, asked and answered.</p> <p>17 THE WITNESS: I don't think I can characterize</p> <p>18 an answer in that context. What I can tell you is</p> <p>19 that our good promotional practice we endeavor to</p> <p>20 be consistent with the laws and regulations at the</p> <p>21 given time frame with the same vigilance throughout</p> <p>22 that period to do so.</p> <p>23 QUESTIONS BY MR. SUGGS:</p> <p>24 Q Okay. And, sir, am I correct if a sales rep gave</p> <p>25 safety information that was not contained in or was</p>	<p>1 by FDA. Examples include, but are not limited to,</p> <p>2 indications, dosage forms, dosing schedules,</p> <p>3 combination therapy, and safety information,"</p> <p>4 correct? That's the definition?</p> <p>5 A Yes.</p> <p>6 Q Okay. And so if, in fact, a sales rep gave safety</p> <p>7 information, which is one of the examples here,</p> <p>8 that was not contained in or was not consistent</p> <p>9 with the package insert labeling approved by the</p> <p>10 FDA, that would, by definition, be off-label</p> <p>11 information, correct?</p> <p>12 A Yes, that's correct.</p> <p>13 MR. BOISE: Object to the form.</p> <p>14 QUESTIONS BY MR. SUGGS:</p> <p>15 Q Okay. And similarly this document refers to the</p> <p>16 indications of the package insert, correct?</p> <p>17 A Yes.</p> <p>18 Q And the medical dictionary definition of an</p> <p>19 indication is something that points to or suggests</p> <p>20 the proper treatment of a disease.</p> <p>21 Would you accept that term -- that definition</p> <p>22 of the term "indication"?</p> <p>23 MR. BOISE: Could you source it for us?</p> <p>24 MR. SUGGS: Pardon?</p> <p>25 MR. BOISE: Did you give us a source? You</p>
	Page 161

06-05630CI

Page 166

1 targets. Key decisions included: Launch will
 2 occur in October 2000, promotion will be handled
 3 via the Primary Care, dash, Neuroscience sales
 4 sleeve, and funding in 2000 would be incremental to
 5 existing brand opex.
 6 Do you see that language, sir?
 7 A I must not be reading from the same portion of the
 8 document where you are.
 9 Q Under the first paragraph under the Background
 10 section.
 11 A Okay. Sorry.
 12 Q And what were your responsibilities with respect to
 13 Zyprexa in October of 2000, sir?
 14 A In October of 2000 I was a neuroscience sales
 15 director for the Midwest area responsible for our
 16 promotion to psychiatrists.
 17 Q And what area did you cover at that time? What was
 18 the Midwest area?
 19 A I don't know that I'll be able to recall all of the
 20 states. I was Indianapolis based. I had Illinois,
 21 Wisconsin, Tennessee, Minnesota, Kentucky, Ohio.
 22 That may be all of the states. I would have to go
 23 back and look specifically whether I covered all
 24 the geography that I was responsible for.
 25 Q Okay. And if I could direct your attention to the

Page 167

1 Challenges section.
 2 A Yes.
 3 Q Midway down on the first page it states, "Most
 4 PCPs" -- that refers to primary care physicians,
 5 correct?
 6 A Yes.
 7 Q "Most PCPs currently prescribe a low volume of
 8 antipsychotics and mood stabilizers. Many PCPs
 9 will refer patients in need of psychotropic
 10 treatment to a specialist rather than treat that
 11 patient. Key barriers to uptake include PCP's lack
 12 of training in this category, limited time with
 13 patients, and an aversion to perceived risk.
 14 Zyprexa's primary indications - schizophrenia and
 15 bipolar - are not viewed as PCP-treated conditions,
 16 so there's not a specific indication for Lilly reps
 17 to promote in the PCP segment."
 18 Do you see that language, sir?
 19 A Yes, I do.
 20 Q When it says Zyprexa's primary indication was
 21 schizophrenia and bipolar, at that time in 2000
 22 those were indeed the only indications for Zyprexa;
 23 isn't that correct?
 24 A Yes, that's correct.
 25 Q And then in the paragraph below that it states,

Page 168

1 Position: Zyprexa: The safe, proven solution in
 2 mood, thought, and behavioral disorders.
 3 Do you see that?
 4 A Yes, I do.
 5 Q And then about the middle of the page -- pardon me,
 6 middle of the paragraph it refers to "Mental
 7 disorders."
 8 Do you see that in quotes?
 9 A Yes, I do.
 10 Q "'Mental disorders' is intentionally broad and
 11 vague, providing latitude to frame the discussion
 12 around symptoms and behaviors rather than specific
 13 indications."
 14 Do you see that language, sir?
 15 A Yes, sir, I do.
 16 Q And, in fact, as you previously testified, Zyprexa
 17 was not indicated for mood, thought, and behavior
 18 disorders, correct?
 19 MR. BOISE: Object to the form,
 20 mischaracterizes testimony.
 21 THE WITNESS: Zyprexa is indicated at this
 22 time frame for schizophrenia and Bipolar I
 23 disorder.
 24 QUESTIONS BY MR. SUGGS:
 25 Q But Lilly reps at this time -- after this time

Page 169

1 promoted Zyprexa for the treatment of symptoms and
 2 behaviors rather than specific indications; is that
 3 correct?
 4 MR. BOISE: Object to the form, foundation.
 5 THE WITNESS: No, sir. That is not correct.
 6 QUESTIONS BY MR. SUGGS:
 7 Q Well, let's look at what's been previously marked
 8 as between 1926, which for the record bears the
 9 date June 2002 at the top of the first page.
 10 And I will represent to you, sir, that the
 11 database provided to us by Lilly indicates that
 12 this document was actually generated on May 1,
 13 2002, and Lilly has represented to us in answers to
 14 interrogatories that this document was in the
 15 knowledge management database.
 16 And, sir, do you have any information to
 17 dispute those representations?
 18 A No, sir, I have no reason to dispute the date that
 19 you provided me.
 20 Q Okay. If I could direct your attention to page 3.
 21 In the right-hand column about the middle of the
 22 page is bold heading ZYPREXA in Primary Care, and
 23 the beginning part of that paragraph states, quote,
 24 ZYPREXA was originally launched to the primary care
 25 audience by the Sigma sales force in November of

06-05630CT

Page 170

1 2000.

2 What was the Sigma sales force, do you know?

3 A Sigma was a primary care sales force that among

4 their responsibilities included Zyprexa promotion

5 to primary care physicians.

6 Q It goes on to state, "It has gained over 12 share

7 points since that time. As the current market

8 leader in primary care, ZYPREXA will continue to

9 revolutionize the way complicated mood disorders

10 are treated by primary care physicians."

11 Do you see that language, sir?

12 A Yes, sir, I do.

13 Q And as we have talked about before, Zyprexa was not

14 indicated for complicated mood disorders, was it,

15 sir?

16 MR. BOISE: Object to the form of the

17 question, mischaracterizes his prior testimony.

18 THE WITNESS: Zyprexa was indicated for

19 schizophrenia and bipolar disorder.

20 QUESTIONS BY MR. SUGGS:

21 Q If I could direct your attention to page 5. And

22 this is basically walking the sales rep through the

23 use of a brochure, correct?

24 A Yes. This is a message example for sales

25 representatives to use to help them in terms of how

Page 171

1 they communicate to physicians.

2 Q What we see here on this page in the upper

3 right-hand corner and on the succeeding pages is

4 an image of the brochure that was being used,

5 correct?

6 A Yes.

7 Q And then the rest of the text on the page is a

8 description provided by Lilly's marketing folks as

9 to how to use that brochure, correct?

10 A Yes.

11 Q For example, on page 5 here, they show the front

12 cover of the brochure -- and by the way, do you

13 recall what this particular brochure was called?

14 A I don't know that it had a name.

15 Q Okay. But anyway we see the picture of the doctor

16 and the patient on the first page. It looks like

17 the patient is fording a river by stepping on

18 various stones, correct? And the doctor is there

19 to hold her hand as she gets over there, right?

20 A Yes, that appears to be what -- what the diagram

21 depicts.

22 Q They have a suggested call opener there, correct?

23 A Yes.

24 MR. BOISE: Object to form.

25 THE WITNESS: Yes.

Page 172

1 QUESTIONS BY MR. SUGGS:

2 Q And what's a "call opener"?

3 A In this context the call opener is simply an

4 introductory statement for the sales representative

5 to make during the call to the doctor.

6 Q And the sales rep was to say, "Doctor, you treat

7 patients who present with complicated mood

8 symptoms. Many of these patients are struggling to

9 gain control of symptoms like anxiety,

10 irritability, disruptive sleep, and mood swings. I

11 would like to talk about how ZYPREXA can help you

12 help your patients gain control of these

13 complicated mood symptoms," correct?

14 A Yes, sir, that's correct.

15 Q No mention of schizophrenia or the acute manic

16 phase of Bipolar I disorder?

17 MR. BOISE: Object to the form of the

18 question. Object to the form of the question.

19 THE WITNESS: There's no mention of that in

20 this specific sentence, no.

21 QUESTIONS BY MR. SUGGS:

22 Q And Zyprexa was not approved for any of the

23 symptoms that are listed in that call opener, was

24 it, sir?

25 MR. BOISE: Object to the form of the

Page 173

1 question.

2 THE WITNESS: These symptoms are consistent

3 with the symptoms of bipolar disorder as I read

4 them.

5 QUESTIONS BY MR. SUGGS:

6 Q Sir, Zyprexa was not approved for the treatment of

7 any of the symptoms that are listed in that call

8 opener; isn't that correct, sir?

9 MR. BOISE: Object to the form of the

10 question.

11 THE WITNESS: Zyprexa is indicated for

12 schizophrenia and bipolar disorder.

13 QUESTIONS BY MR. SUGGS:

14 Q Not anxiety, irritability, disruptive sleep, or mood

15 swings or complicated mood symptoms. It was

16 indicated for schizophrenia and bipolar, correct?

17 MR. BOISE: Object to the form of the

18 question.

19 THE WITNESS: Zyprexa is indicated for bipolar

20 disorder whose symptoms include the symptoms that

21 are described here in this call opener.

22 QUESTIONS BY MR. SUGGS:

23 Q Sir, one of the things that Lilly did was to have

24 what they call "patient profiles."

25 Do you remember that?

06-05630CI

<p>Page 174</p> <p>1 A Yes, sir, that's correct.</p> <p>2 Q And one of the patient profiles was of a character</p> <p>3 that they transcribed as or named Donna, correct?</p> <p>4 A This is going back a long way and the names don't</p> <p>5 have a particular resonance with me. I would have</p> <p>6 to look at the profile to regain familiarity with</p> <p>7 it.</p> <p>8 Q If you look at page 7 --</p> <p>9 A Okay.</p> <p>10 Q -- there is a description there, Patient Profile</p> <p>11 #1: Donna, correct?</p> <p>12 A Yes.</p> <p>13 Q And she is described as a single mom in her</p> <p>14 mid-30s, presents in drab clothing and seems ill at</p> <p>15 ease.</p> <p>16 That's what the brochure says, correct?</p> <p>17 MR. BOISE: Object to the form. That's part</p> <p>18 of what it says.</p> <p>19 QUESTIONS BY MR. SUGGS:</p> <p>20 Q Do you see the brochure there under the name</p> <p>21 "Donna"?</p> <p>22 A Yes.</p> <p>23 Q It says, quote, single mom in her mid-30s presents in</p> <p>24 drab clothing and seems ill at ease. Below that</p> <p>25 there is a quote, apparently from the fictional</p>	<p>Page 175</p> <p>1 character Donna, I feel so anxious and irritable</p> <p>2 lately, end quote.</p> <p>3 A Yes, I see that.</p> <p>4 Q And below that for the history it says, Reports she</p> <p>5 has been seeing -- pardon me, sleeping more than</p> <p>6 usual, has trouble concentrating at work and at</p> <p>7 home.</p> <p>8 Now, sir, Zyprexa was approved, as we have</p> <p>9 talked about before, for the acute manic phase of</p> <p>10 Bipolar I disorder, correct?</p> <p>11 A Yes, sir.</p> <p>12 Q And --</p> <p>13 MR. BOISE: In this time frame?</p> <p>14 MR. SUGGS: In this time frame.</p> <p>15 THE WITNESS: In this time frame, yes.</p> <p>16 QUESTIONS BY MR. SUGGS:</p> <p>17 Q And, sir, patients who are in the acute manic phase</p> <p>18 of Bipolar I disorder don't usually report having</p> <p>19 been sleeping more than usual, do they, sir?</p> <p>20 MR. BOISE: Object to the form of the</p> <p>21 question, beyond the scope, foundation.</p> <p>22 THE WITNESS: Sir, you are asking me to make a</p> <p>23 medical assessment that I would defer to a medical</p> <p>24 colleague to make.</p> <p>25 QUESTIONS BY MR. SUGGS:</p>
	<p>Page 176</p> <p>1 Q Well, sir, just as a matter of common sense and as</p> <p>2 someone who has been in the pharmaceutical industry</p> <p>3 for, lo, these many years and had responsibility</p> <p>4 for the marketing of Zyprexa, was it your</p> <p>5 understanding that acute manic phase patients</p> <p>6 with Bipolar I disorder have trouble sleeping</p> <p>7 more than usual?</p> <p>8 MR. BOISE: Object to the form of the</p> <p>9 question.</p> <p>10 THE WITNESS: Again, I'm not a clinical expert</p> <p>11 and would defer to my medical colleagues; but in my</p> <p>12 experience it would not at all be unusual for a</p> <p>13 patient in acute manic phase to have difficulty</p> <p>14 sleeping.</p> <p>15 QUESTIONS BY MR. SUGGS:</p> <p>16 Q Sir, the difficulty that she describes here in this</p> <p>17 fictional report is that she has been reporting</p> <p>18 that she has been sleeping more than usual.</p> <p>19 People in the manic phase of Bipolar Disorder</p> <p>20 I, they hardly sleep at all; isn't that right?</p> <p>21 MR. BOISE: Object to the form of the</p> <p>22 question.</p> <p>23 THE WITNESS: Again, you are asking me to make</p> <p>24 a clinical assessment, but in my experience bipolar</p> <p>25 disorder is very complex and by definition has --</p>

06-05630CI

Page 178

1 was in the knowledge management database.
2 Do you have any basis to dispute that, sir?
3 A I can't tell from the document whether it would
4 have been in knowledge management or not.
5 Q Well, if that's what was represented to us in
6 answers to interrogatories that it was in the
7 knowledge management database, would you dispute
8 that?
9 A No, sir.
10 Q Okay. If I could direct your attention to the top
11 of the page. They reference ZYPREXA PCP Patient
12 Types, correct?
13 A Yes.
14 Q And it says, "Below are detailed descriptions of
15 our current patients within the detail piece."
16 And there is a reference to Donna, correct?
17 A Yes.
18 Q And as to Donna it says, "Donna, paren, bipolar
19 disorder, current episode mixed, exhibits the 4
20 core symptoms of mood swings, irritability, sleep
21 disturbances and anxiety, as well as other symptoms
22 including a lack of concentration, mood lability
23 and increased energy, depressed mood, loss of
24 interest, and agitation."
25 Do you see that language, sir?

Page 179

1 A Yes.
2 Q And they draw a distinction between Donna and
3 another fictional patient type Mark --
4 A Yes.
5 Q -- down below, correct?
6 Mark is described as having bipolar disorder,
7 current episode manic, correct?
8 A Yes.
9 Q And as we have talked about before, Zyprexa was
10 indicated in 2002 for the acute manic phase of
11 Bipolar I disorder, which would appear to be Mark,
12 right?
13 MR. BOISE: Object to the form, compound.
14 THE WITNESS: Sir, as I look at this document,
15 if you put it in context with the first statement
16 which talks about an acute mania indication
17 including patients with manic or mixed episodes
18 were part of the clinical trials, I think that's
19 referring to those two subtypes of patients for the
20 acute mania.
21 QUESTIONS BY MR. SUGGS:
22 Q Sir, the description of Mark is current episode
23 manic, correct?
24 A Yes.
25 Q And Donna is not listed as being in the acute manic

Page 180

1 phase of Bipolar I disorder, correct?
2 A Donna is listed at bipolar disorder, current
3 episode mixed; but, again, as a subset, if you look
4 at the entire document of an acute mania indication
5 reflecting mixed episode patients, who were part of
6 that clinical trial.
7 Q I'm going to show you another document, sir. I'm
8 going to hand you what's been previously marked as
9 Plaintiff's Exhibit 1949. And I'm not sure if you
10 are going to be able to help me with this or not,
11 but the database that was provided to us indicates
12 that this was dated July 8th, 2002, and Lilly has
13 represented to us in answers to interrogatories
14 that it was in the knowledge management database.
15 Do you have any basis to dispute those
16 representations?
17 A I don't think I'll ever be able to dispute that
18 anything was in knowledge management, unless it
19 says on there "was not in knowledge management."
20 Q Well, you know, we ask the questions in
21 interrogatories, Mr. Boise and the other lawyers
22 come back and tell us answers and we have to rely
23 on something so that's what we are relying on.
24 This appears to be a PowerPoint presentation.
25 Do you agree with me?

Page 181

1 A Yes, perhaps it's PowerPoint.
2 Q Okay. It refers to -- it's entitled "PCP
3 Discussion Guide."
4 Do you know what sales reps would use this for
5 or how they would use it?
6 MR. BOISE: Object to the form.
7 THE WITNESS: I'm going to have to take a look
8 at this for a minute in order to answer your
9 question.
10 QUESTIONS BY MR. SUGGS:
11 Q Okay.
12 A I'm not able to tell from the Discussion Guide
13 itself whether this was for use for sales
14 representatives or what the specific purpose was.
15 Q I notice that this document on the first page
16 there, in the lower left-hand side, has a number
17 OL 24615.
18 Does that help at all in terms of indicating
19 what this document's use was?
20 A No. I would have to go back and talk to somebody
21 who developed the document, what the specific
22 purpose was.
23 Q Okay. I'm going to hand you what's been previously
24 marked as Plaintiff's Exhibit 1961 and represent to
25 you, sir, that this -- the database that was

06-05630CI

<div>Page 182</div> <div>1 provided to us indicates that it was dated 2 September 4, 2002, and that Lilly has represented 3 to us in answers to interrogatories that it was in 4 the knowledge management database. 5 Again, do you have any basis to dispute that? 6 A No. 7 MR. BOISE: David, what was the date that you 8 gave? 9 MR. SUGGS: September 4, 2002. 10 MR. BOISE: Thank you. 11 MR. SUGGS: Sure. 12 QUESTIONS BY MR. SUGGS: 13 Q And if I could direct your attention to the first 14 page. It states, The four most common -- well, it 15 says, "4 Most Common AOC Verbatim:" -- we have 16 talked previously that AOC stands for area of 17 concern, correct? 18 A Yes, that's correct. 19 Q And is "verbatim" a term of art in the Lilly 20 company? 21 A I'm not sure I understand what "term of art" means. 22 Q Well, I know the dictionary definition of the word 23 "verbatim," but I'm not sure that means the same 24 thing in the context of selling Zyprexa. 25 What did you understand the term "verbatim" to</div>	<div>Page 183</div> <div>1 mean in Lilly? 2 MR. BOISE: In this context? 3 MR. SUGGS: Yes. 4 THE WITNESS: In this context, it appears that 5 what the document is describing is four potential 6 things that a healthcare provider might raise as an 7 area of concern to a sales representative. 8 QUESTIONS BY MR. SUGGS: 9 Q And is that what a verbatim is, an area of concern? 10 A No. I would probably have the same verbatim 11 dictionary description you have. I don't know that 12 verbatim is necessarily a good characterization of 13 this. I'm trying to interpret the document. 14 Q Okay. Well, listed under the 4 Most Common Area of 15 Concern Verbatim heading are four things. 16 No. 1 is Zyprexa causes diabetes; second, 17 Zyprexa causes weight gain; third, I refer that 18 patient; and fourth, you are not indicated for that 19 patient. 20 And if we turn the page, the heading there is 21 "Diabetes AOC Verbatim." 22 A Yes. 23 Q Below that it says, "The competition will attempt 24 to make this an issue. What do you need to convey 25 to your customers?" And then the answer is you</div>	<div>Page 184</div> <div>1 should convey "The 4 C's," correct? 2 A Yes, that's what the document says. 3 Q The 4 C's being that diabetes is common, Lilly 4 cares, there are comparable rates of 5 treatment-emergent diabetes across agents, and say 6 it with confidence. 7 Those were the 4 C's, correct? 8 A That was your summary of the 4 C's. 9 Q Is that a good summary of the 4 C's? 10 A I would defer to the document and I can read it to 11 you if you would like. 12 Q Well, we'll have this up on the screen and the jury 13 can see it. They have -- the 4 C's that they have 14 bolded there are: COMMON, CARES, COMPARABLE and 15 CONFIDENCE, correct? 16 A Yes. 17 Q And then if we turn the page, then there's the 18 Weight AOC Verbatim, and then they suggest there 19 what the sales rep should say if there is a concern 20 about weight, correct? 21 A Yes. 22 Q And they say, "Therefore on every call, either in 23 safety section of patient profile or the overall 24 safety spread, say, quote, Doctor, there is a 25 potential for increased appetite, but it may be</div>	<div>Page 185</div> <div>1 manageable with simple behavioral changes - unlike 2 Depakote and Lithium where you have to consider 3 blood monitoring and black box warnings." 4 Did I read that quote correctly? 5 A Yes, you did. 6 Q Is it fair to say that those sales reps were 7 expected to say that if the doctors raised a 8 concern about weight, correct? 9 MR. BOISE: Object to the form of the 10 question, vague, time frame. 11 THE WITNESS: In this time frame for these 12 sales representatives, that is in fact the verbatim 13 that is being recommended to them, yes. 14 QUESTIONS BY MR. SUGGS: 15 Q And finally on the next page, the area of concern 16 was, quote, You're not indicated AOC Verbatim? 17 A Yes. 18 Q And this was -- would be a situation where the 19 doctor would say, But you are not indicated for -- 20 for treating this type of patient, correct? 21 A Yes. 22 Q And the doctor -- pardon me, the sales rep was 23 instructed to say, 1, Donna is presenting with 24 symptoms of mood swings, irritability and anxiety 25 and disrupted sleep. What I am suggesting is that</div>
---	---	--	--

06-05630CI

Page 186

1 Donna may have bipolar disorder because these
2 symptoms may be related to mania instead of
3 depression.
4 Do you see that language, sir?
5 A Yes, I do.
6 MR. BOISE: Your question was do you see that
7 language?
8 MR. SUGGS: Yes. He said he did.
9 Q Then it goes on to say, "Zyprexa is indicated for
10 the treatment of acute bipolar mania in patients
11 who display an acute manic or mixed episode."
12 Do you see that language, sir?
13 A Yes.
14 Q And that's what the sales reps were instructed to
15 tell the doctor, correct?
16 MR. BOISE: Object to the form of the
17 question.
18 THE WITNESS: Yes, in this time frame these
19 representatives were instructed to tell the doctor
20 that.
21 QUESTIONS BY MR. SUGGS:
22 Q Okay. And below that it says, "The MDQ is one tool
23 that may be used to help screen for bipolar disorder
24 in patients like Donna."
25 And that was a diagnostic tool that was

Page 187

1 developed by Lilly, correct?
2 MR. BOISE: Object to the form of the
3 question, foundation, compound.
4 THE WITNESS: This is a diagnostic tool. I
5 don't believe it's a Lilly developed tool, but I
6 would have to confirm that with my medical
7 colleagues.
8 QUESTIONS BY MR. SUGGS:
9 Q Okay. I'm going to direct your attention --
10 MR. BOISE: Do you want to take five minutes?
11 THE WITNESS: Yes, short rest room --
12 THE VIDEOGRAPHER: Mark the end of Tape No. 3.
13 We are off the record at 2:22.
14 (Recess.)
15 THE VIDEOGRAPHER: We are back on the record.
16 This is the beginning of Tape No. 4 of the
17 deposition of David Noesges. We are on the record
18 at 2:35.
19 QUESTIONS BY MR. SUGGS:
20 Q Mr. Noesges, I'm going to hand you what's been
21 previously marked as Plaintiff's Exhibit 1362.
22 And for the record I'll represent that the
23 database provided to us by Lilly indicates that
24 this document was dated September 4, 2002, and
25 further that Lilly's represented to us in answers

Page 188

1 to interrogatories that it was in the knowledge
2 management database.
3 And, I would assume, sir, based on your prior
4 testimony that you don't have any basis to dispute
5 those representations; is that correct?
6 A That's correct.
7 Q Okay. The title on the first page is
8 "Hyperglycemia, slash, Diabetes: Sell Sheet
9 Implementation" and as we discussed previously a
10 sell sheet is a brochure that can be discussed with
11 and shown to a physician, correct?
12 A This is a promotional material that can be used
13 promotionally by sales representatives with
14 physicians.
15 Q Okay. This one on the second page -- or this
16 document indicates on the second page, "Proper
17 implementation is key! Our goal and focus is on
18 creating a market with Donna. The competition wins
19 if we are distracted into talking about diabetes.
20 So, stand strong against their ploys and answer the
21 AOC concisely and with confidence!"
22 Did I read that correctly?
23 A Yes.
24 Q And the AOC that is being referred to is the
25 diabetes area of concern, correct?

Page 189

1 A Yes.
2 Q On the following page there is directions for
3 handling the diabetes AOC, correct?
4 A Yes.
5 Q Below the heading states, "This is a highly
6 competitive driven issue. Therefore, we will NOT
7 proactively address the diabetes concern, but
8 rather only when it arises from an MD."
9 Do you see that language, sir?
10 A Yes, I do.
11 Q And that was indeed the policy of Lilly at that
12 time in 2002, was it not?
13 MR. BOISE: Object to the form of the
14 question.
15 THE WITNESS: That was the instructions that
16 were being provided to sales representatives
17 through this particular sell sheet implementation
18 guide.
19 QUESTIONS BY MR. SUGGS:
20 Q And then it goes on to say, "If it does" -- in
21 other words if it does arise from the doctor, this
22 issue or concern about handling -- strike that.
23 This document notes that if the doctor does
24 express a concern about diabetes, then the sales rep
25 was to do five things, correct?

- 1 A Yes.
- 2 Q No. 1 was cushion and clarify the AOC; No. 2 was
- 3 handle by providing the verbatim, correct?
- 4 A Yes.
- 5 Q We talked about what those verbatims were, correct?
- 6 MR. BOISE: Object to the form, vague. What
- 7 this specific verbatim was at this time period or what
- 8 a verbatim is?
- 9 QUESTIONS BY MR. SUGGS:
- 10 Q The prior document that we looked at also had the
- 11 same date of September 4, 2002, and it lists -- it
- 12 had the verbatims in it, correct?
- 13 A We would have to look at the sell sheet this is
- 14 referring to, to know exactly what the verbatims
- 15 were that this document is referring to.
- 16 Q But at least we can see with this -- these two
- 17 documents the representations to us by Lilly are,
- 18 they are both dated the same day, September 4, 2004;
- 19 they both appear to be -- have similar appearance
- 20 in terms of the headings on each page, correct?
- 21 A Yes.
- 22 Q Those little circles that are there and the style
- 23 and the font and everything else.
- 24 And the first document that we looked at, 1961,
- 25 has verbatims for the four most common areas of

- 1 concern, correct?
- 2 A Yes.
- 3 Q And in Exhibit 1962 on the page 3, that we were
- 4 looking at, the second thing that the sales rep was
- 5 to do, if the doctor expressed a concern, was to
- 6 handle by providing the verbatim, correct?
- 7 A Yes.
- 8 Q And the third point was -- the sales rep was to do
- 9 was to check for agreement and if there was no
- 10 agreement then the sales rep should utilize the
- 11 sell sheet.
- 12 And the sell sheet would be the brochure --
- 13 would be a brochure that the sales rep would
- 14 discuss and present to the physician, correct?
- 15 A Yes, that is correct.
- 16 Q Okay. And then it says Point 4 was to restate the
- 17 verbatim by utilizing the diabetes sell sheet;
- 18 5, check for agreement and get back to Donna,
- 19 correct? That's what it says?
- 20 A Yes.
- 21 Q Donna was the fictional patient that we talked
- 22 about before, correct?
- 23 A Donna was in the patient profile that we discussed
- 24 before.
- 25 Q Okay. And then if you turn to the following page

- 1 the heading is "What are the facts to convey and
- 2 where do you find them within the sell sheet?"
- 3 And then they are laid out there, three
- 4 different points that are in the sell sheet,
- 5 correct?
- 6 A Yes, that's correct.
- 7 Q And the first point it's emphasized that patients with
- 8 mental illness are two to four times more likely to
- 9 develop diabetes, correct?
- 10 A That statement is bolded in the first step --
- 11 first item.
- 12 Q The second item it notes, "As the 'Diabetes Care'
- 13 company, Lilly takes this issue very seriously and
- 14 will continue to offer solutions. (Not written on
- 15 the sell sheet but use as a segue to the next
- 16 point)," correct?
- 17 A Correct.
- 18 Q And the third thing was: "When you look at various
- 19 agents to treat patients with mental illness, the
- 20 rate of treatment-emergent diabetes is comparable
- 21 across agents," correct?
- 22 MR. BOISE: You are asking that's what the
- 23 statement says?
- 24 QUESTIONS BY MR. SUGGS:
- 25 Q That's what the statement says.

- 1 A Yes, that's what the statement says.
- 2 Q This is another iteration or example of the
- 3 comparable rates message back in the 2002 time
- 4 period, correct?
- 5 MR. BOISE: Object to the form, vague.
- 6 THE WITNESS: This is a third point in this
- 7 guideline for a sell sheet which says, "When you
- 8 look at various agents to treat patients with
- 9 mental illness, the rate of treatment-emergent
- 10 diabetes is comparable across agents."
- 11 QUESTIONS BY MR. SUGGS:
- 12 Q Okay. I would like to show you another section of
- 13 the Lilly Good Promotional Practice guidelines and
- 14 we'll mark this as Exhibit 9.
- 15 (Deposition Exhibit 9 marked for
- 16 identification.)
- 17 QUESTIONS BY MR. SUGGS:
- 18 Q And for the record the title of this Good
- 19 Promotional Practice says, quote, Definition of a
- 20 Sales Call and Call Notes.
- 21 And you are familiar with call notes, are you
- 22 not, sir?
- 23 A Yes, sir, I am.
- 24 Q It indicates that the scope of this promotional
- 25 practice is to apply to "all sales personnel and

06-0563061

Page 194	Page 196
<p>1 sales support personnel in LillyUSA and all sales 2 activities that take place in the United States or 3 with US Healthcare Professionals," correct? 4 A Yes, sir, that's correct. 5 Q And the policy statement was that, quote, It is the 6 policy of LillyUSA that all sales personnel 7 appropriately document sales calls with Healthcare 8 Professionals in the call tracking system; is that 9 correct? 10 A Yes, that's what it says. 11 Q What was the call tracking system? 12 A This is referring to basically the sales 13 representatives' computer database that was 14 available to them in this time frame, which would have 15 been effective June 1st, is what this document is 16 referring to -- to put their -- to document calls 17 they were making on healthcare providers. 18 MR. BOISE: just so the record is clear it's 19 June 1st, 2004. 20 Q And, in fact, this call system existed before 21 2004, correct? 22 A Yes, it did. 23 Q Okay. Can you describe for us, generally, what is 24 involved in this call system or call note system? 25 A Depends on the time frame. While that system has</p>	<p>1 got documented and, secondly, the call notes are 2 not a comprehensive description. It won't describe 3 everything that happened on the call or everything 4 that was said on the call. To the contrary, it's 5 more of a summary and notes taking process for the 6 sales representatives to use for themselves. 7 QUESTIONS BY MR. SUGGS: 8 Q Understood; but -- and management can access the 9 database quite easily, correct? 10 A Certainly the sales representative, sales managers 11 can access their call notes. 12 Q If, for example, you wanted to go to get all of the 13 call notes with respect to a particular sales 14 representative, that could be easily retrieved from 15 the call note system, correct? 16 MR. BOISE: Object to the form of the 17 question. 18 THE WITNESS: I would have to work with our IT 19 folks to get that, but I certainly could pull data 20 from the call notes. Now, what I don't know is how 21 far back the data goes at any time. 22 QUESTIONS BY MR. SUGGS: 23 Q I understand. There's a limitation on anything. 24 But I mean since whatever system is present 25 now, you could certainly go to -- go to that</p>
Page 195	Page 197
<p>1 been in place, the process of gathering call notes 2 has changed over time. 3 Q Okay. Well, is it fair to say that the sales rep 4 is expected to -- shortly after his calling on a 5 particular physician is expected to go to a 6 computer database and enter information about the 7 particular sales call that he had? 8 A Yes, that's correct. 9 Q And all of that information is to go into a 10 centralized database, correct? 11 A The sales representative inputs the data into their 12 computer laptop which then is stored centrally, but 13 I don't know the details of how -- how that 14 information gets stored. 15 Q Okay. Again, I'm not asking for the details; but 16 it's fair to say that there is a database of call 17 notes that describes the -- or that lists the -- 18 who the sales rep was, the doctors that they called 19 on, the products that they discussed and what was 20 said during the sales call, correct, or what 21 information was presented at the sales call? 22 MR. BOISE: Object to the form of the 23 question, compound. 24 THE WITNESS: No. It's important to note two 25 things: One, it depends on the time frame, what</p>	<p>1 database and make a query to pull up all of the 2 call notes from Representative Harry Jones, for 3 example? 4 A I'm assuming I would be able to. It's not 5 something I have done in management. We don't 6 routinely pull together data from the call notes. 7 Q Okay. And similarly if you wanted to get all of 8 the call notes with respect to a particular doctor, 9 the call note database would permit you to do so, 10 correct? 11 MR. BOISE: Object to the form. 12 THE WITNESS: Again, you are outside of my 13 expertise in exactly what we can retrieve from the 14 database. 15 QUESTIONS BY MR. SUGGS: 16 Q Okay. Directing your attention back to Exhibit 9. 17 A Yes. 18 Q There is a Definitions section there and sales call 19 is defined as a face-to-face discussion about Lilly 20 products between a healthcare professional and a 21 Lilly sales representative, correct? 22 A Yes, it is. 23 Q And a call note is defined as a business record 24 documented within a call system that accurately 25 reflects all aspects of the sales call, correct?</p>

Page 198	Page 200
<p>1 A Yes.</p> <p>2 Q Okay. And then below that there is a section</p> <p>3 entitled "Information and Procedures" and there's</p> <p>4 some bulleted points below that, correct?</p> <p>5 A Yes.</p> <p>6 Q The second bulleted point states, "The goal of the</p> <p>7 sales call is to appropriately influence a</p> <p>8 Healthcare Professional using the approved Lilly</p> <p>9 product information to allow him or her to choose</p> <p>10 the best therapy for his or her patients and</p> <p>11 ultimately to increase" the "sales of Lilly</p> <p>12 products," correct?</p> <p>13 A Yes, that's correct.</p> <p>14 Q And then on the following page there is a bullet</p> <p>15 point which states, "For each sales call and/or</p> <p>16 sample drop, the sales representative must</p> <p>17 accurately document the interaction in the</p> <p>18 Structured Call Note system in Premier."</p> <p>19 Do you see that language?</p> <p>20 A Yes, I do.</p> <p>21 Q What is "Premier"?</p> <p>22 A Looks like this was a typo here. It's probably</p> <p>23 referring to Premier Force which is the name of the</p> <p>24 sales representatives' computer database to enter</p> <p>25 calls, again, in this time frame, 2004.</p>	<p>1 MR. BOISE: Keep on working on it.</p> <p>2 QUESTIONS BY MR. SUGGS:</p> <p>3 Q I would like to show you some call notes that have</p> <p>4 been produced to us in the Alaska litigation, and</p> <p>5 I'll mark this next as Exhibit 10.</p> <p>6 (Deposition Exhibit 10 marked for</p> <p>7 identification.)</p> <p>8 QUESTIONS BY MR. SUGGS:</p> <p>9 Q Which I'll represent to you is a page of call notes</p> <p>10 pulled from the sample that Lilly has produced to</p> <p>11 us in the Alaska litigation. And it would appear</p> <p>12 this particular page has call notes that were</p> <p>13 generated by Margaret Williams, several by her, and</p> <p>14 also by a Thea Jung.</p> <p>15 Do you see that?</p> <p>16 A Yes, I do.</p> <p>17 Q It appears that this call note database has</p> <p>18 various fields that include the name of the sales rep,</p> <p>19 the call date, the call ID, the prescriber last</p> <p>20 name, the prescriber first name, the city in which</p> <p>21 the prescriber is, the state, and then it has</p> <p>22 action, reaction, follow up. And the rest of the</p> <p>23 information I think probably comes from this</p> <p>24 litigation.</p> <p>25 Were you -- what's your understanding of what</p>
Page 199	Page 201
<p>1 Q And the structured call note system, was that a</p> <p>2 particular program within that Premier that is</p> <p>3 being referred to there?</p> <p>4 A Yes.</p> <p>5 Q And it goes on to say, "If applicable, unsolicited</p> <p>6 questions or medical letter requests must be</p> <p>7 documented within the SCN," or structured call note,</p> <p>8 "system according to policy, GPP 02-004 Unsolicited</p> <p>9 Questions on Off-Label Information or Unapproved</p> <p>10 Products."</p> <p>11 Did I read that correctly?</p> <p>12 A Yes, you did.</p> <p>13 Q And that is the good promotional practice that we</p> <p>14 referred to earlier in Exhibit -- trying to find</p> <p>15 the number here. If you find it before I do, let</p> <p>16 me know.</p> <p>17 A Exhibit 8.</p> <p>18 Q Exhibit 8, very good. Thank you.</p> <p>19 I would also like to show you some --</p> <p>20 MR. BOISE: Dave, is there a question pending?</p> <p>21 MR. SUGGS: I'm in the process of stating it.</p> <p>22 MR. BOISE: Fair enough. Lots of shuffling of</p> <p>23 paper. I didn't know if I missed a question, if</p> <p>24 there was one.</p> <p>25 MR. SUGGS: I was working on one.</p>	<p>1 the Action field was for?</p> <p>2 A As I mentioned to you before, in this time frame</p> <p>3 this tool is really used for the reps to describe</p> <p>4 in shorthand notes to themselves as to the notes</p> <p>5 they wanted to record from their conversation with</p> <p>6 the doctor.</p> <p>7 Q And then what is the Reaction supposed to be?</p> <p>8 A The Reaction was designed to describe, kind of, a</p> <p>9 customer reaction to the calls. And my experience</p> <p>10 with these field notes is often it's not what you</p> <p>11 find in those fields. It all ends up really</p> <p>12 being shorthand notes to the representatives.</p> <p>13 Q Is it the policy and practice of Lilly management</p> <p>14 to also review the call notes of the sales reps?</p> <p>15 A No, we don't routinely review the call notes from</p> <p>16 the sales representatives.</p> <p>17 Q Do you periodically do so?</p> <p>18 A The district managers are able to access the call</p> <p>19 notes and if they choose to they can take a look at</p> <p>20 a call note or discuss it with a sales</p> <p>21 representative.</p> <p>22 Q Do you know who Margaret Williams was?</p> <p>23 A No, I do not know Margaret.</p> <p>24 MR. SUGGS: Barry, can you tell me, is she the</p> <p>25 lady who is deceased?</p>

Page 202	Page 204
<p>1 MR. BOISE: I believe so, yeah.</p> <p>2 QUESTIONS BY MR. SUGGS:</p> <p>3 Q Margaret Williams had three of the call notes on</p> <p>4 this page, and we have been -- it's been</p> <p>5 represented to us that Ms. Williams is apparently</p> <p>6 deceased. And then there's also reference to a</p> <p>7 Thea Jung down at the bottom.</p> <p>8 Do you know if she is still a sales rep?</p> <p>9 A I don't know.</p> <p>10 Q If I could direct your attention to the bottom call</p> <p>11 note by Thea Jung. In the text of the Action -- or</p> <p>12 I guess it's actually the text of the Reaction</p> <p>13 section it states, "Did full Z detail with/both.</p> <p>14 Dr. T said to just keep reminding him about Z</p> <p>15 because it's not 'stuck in' his head yet. Dr. B</p> <p>16 said she misunderstood and thought Z was just for</p> <p>17 bipolar or schizophrenia and was really excited to</p> <p>18 hear that it was applicable to her practice for</p> <p>19 'complicated mood.'"</p> <p>20 Do you see that, sir?</p> <p>21 A Yes, sir, I do.</p> <p>22 Q And, sir, that indicates that, in fact, this</p> <p>23 doctor, after hearing the presentation by the Lilly</p> <p>24 sales rep, thought Zyprexa was for something other</p> <p>25 than bipolar or schizophrenia, correct?</p>	<p>1 gave him the Donna patient type and tried to explain</p> <p>2 it's not in either."</p> <p>3 Did I read that correctly?</p> <p>4 A Yes, you read that correctly.</p> <p>5 Q I would like to show you another call note or</p> <p>6 collection of call notes, which we'll mark as soon</p> <p>7 as -- I forgot to put a sticker on that.</p> <p>8 (Deposition Exhibit 11 marked for</p> <p>9 identification.)</p> <p>10 QUESTIONS BY MR. SUGGS:</p> <p>11 Q I'm handing you what we have marked as Exhibit 11.</p> <p>12 This is another collection of --</p> <p>13 MR. BOISE: Did you hand me one, David?</p> <p>14 MR. SUGGS: I'm sorry.</p> <p>15 MR. BOISE: That's okay.</p> <p>16 QUESTIONS BY MR. SUGGS:</p> <p>17 Q -- of call notes.</p> <p>18 This is another collection of call notes from</p> <p>19 those that were produced to us in the Alaska</p> <p>20 litigation. I would like to draw your attention</p> <p>21 to --</p> <p>22 MR. BOISE: What you have handed me was a</p> <p>23 package of 13 pages.</p> <p>24 MR. SUGGS: I have not counted the pages, yes,</p> <p>25 13 pages.</p>
Page 203	Page 205
<p>1 MR. BOISE: Object to the form of the</p> <p>2 question.</p> <p>3 THE WITNESS: No, sir, it doesn't indicate</p> <p>4 that to me at all. Again, it's difficult. These</p> <p>5 are shorthand notes; but if you are asking me to</p> <p>6 interpret this, the rep seems to be reflecting that</p> <p>7 the doctor was excited to hear that it could be</p> <p>8 applicable for her practice for what she</p> <p>9 described -- or he or she described as complicated</p> <p>10 mood disorder. It does not refer at all to the</p> <p>11 sales representative having suggested that.</p> <p>12 QUESTIONS BY MR. SUGGS:</p> <p>13 Q Well, it says, "Dr. B said she misunderstood and</p> <p>14 thought Z was just for bipolar or schizophrenia and</p> <p>15 was really excited to hear that it was applicable</p> <p>16 to her practice for, quote, complicated mood, end</p> <p>17 quote," correct?</p> <p>18 A Yes, that's what the document says.</p> <p>19 Q It goes on to say, "Said she's looking forward to</p> <p>20 trying it." In the Follow-Up section it says,</p> <p>21 "Dr. T doesn't quite seem clear on the patient type.</p> <p>22 Wants to know if he should lump Z in with the</p> <p>23 anti-anxiety drugs (he used Buspar as his example)</p> <p>24 or if he should lump Z in with" all "the</p> <p>25 anti-depressants (he used Paxil as his example). I</p>	<p>1 Q I would like to direct your attention to the first</p> <p>2 call note on the first page, which appears to be</p> <p>3 call notes of Margaret Williams, regarding her</p> <p>4 meeting with Dr. Kendrick Blais, Fairbanks, Alaska,</p> <p>5 and the notes say, quote, Doc initially said any</p> <p>6 pats who needed ZYP were referred to a psych, but</p> <p>7 after detail realized he had pats who could benefit</p> <p>8 from ZYP and that ZYP wasn't just for</p> <p>9 schizophrenics. Was impressed with how safe ZYP is</p> <p>10 and how much ZYP has been used for elderly patients</p> <p>11 and how ZYP reduces hostility, agitation, improves</p> <p>12 cognition. Then went over ZYP in bipolar mania.</p> <p>13 Do you see that language, sir?</p> <p>14 A Yes, sir, I do.</p> <p>15 Q That indicates that this doctor was under the</p> <p>16 impression that this category of elderly patients</p> <p>17 with hostility and agitation was different than the</p> <p>18 schizophrenics and different than bipolar mania,</p> <p>19 correct?</p> <p>20 MR. BOISE: Object to the form of the</p> <p>21 question.</p> <p>22 THE WITNESS: Again, these are shorthand</p> <p>23 notes. It's difficult to tell what was noted here,</p> <p>24 but the rep seems to be indicating that the doctor</p> <p>25 describing just, as in here, some impressions</p>

Page 206	Page 208
<p>1 around Zyprexa's usefulness in elderly patients.</p> <p>2 QUESTIONS BY MR. SUGGS:</p> <p>3 Q And, sir, Zyprexa was never approved for the</p> <p>4 treatment of hostility in elderly patients, was it,</p> <p>5 sir?</p> <p>6 MR. BOISE: Object to the form.</p> <p>7 THE WITNESS: Zyprexa does not have an</p> <p>8 indication for hostility in elderly patients.</p> <p>9 QUESTIONS BY MR. SUGGS:</p> <p>10 Q And Zyprexa was never indicated for the treatment</p> <p>11 of agitation in elderly patients, correct?</p> <p>12 MR. BOISE: Object to the form, foundation.</p> <p>13 THE WITNESS: Zyprexa does not have a specific</p> <p>14 indication for agitation in elderly patients.</p> <p>15 QUESTIONS BY MR. SUGGS:</p> <p>16 Q And, in fact, Zyprexa was never indicated or</p> <p>17 approved for the treatment of cognition or for</p> <p>18 improving cognition, correct?</p> <p>19 MR. BOISE: Object to the form.</p> <p>20 THE WITNESS: Improvement of cognition is certainly</p> <p>21 a symptom of schizophrenia as can be hostility and</p> <p>22 agitation, but there is not a specific indication for</p> <p>23 cognition.</p> <p>24 QUESTIONS BY MR. SUGGS:</p> <p>25 Q And, in fact, nowadays, at least since 2004,</p>	<p>1 Zyprexa as being especially good for patients whose</p> <p>2 symptoms were aggravated by an SSRI?</p> <p>3 MR. BOISE: Object to the form of the</p> <p>4 question, foundation.</p> <p>5 THE WITNESS: Sir, what I can describe to you,</p> <p>6 as I have before, is what our marketing messages</p> <p>7 were on a given time frame, but I would have to</p> <p>8 know what time frame you were describing and then I</p> <p>9 could indicate to you what the company approved</p> <p>10 message was.</p> <p>11 QUESTIONS BY MR. SUGGS:</p> <p>12 Q Let me show you another set of call notes, which</p> <p>13 I'll mark as Exhibit 12.</p> <p>14 (Deposition Exhibit 12 marked for</p> <p>15 identification.)</p> <p>16 MR. SUGGS: Did I give you a copy?</p> <p>17 MR. BOISE: Not yet.</p> <p>18 MR. SUGGS: Sorry.</p> <p>19 MR. BOISE: While you are shuffling, this has</p> <p>20 been marked as Exhibit 12, is a grouping of seven</p> <p>21 pages of call notes.</p> <p>22 MR. SUGGS: Yes.</p> <p>23 Q If I could direct your attention to the first call</p> <p>24 notes -- the first call note on the first page,</p> <p>25 these appear to be call notes from Margaret</p>
Page 207	Page 209
<p>1 there's been a black box warning against using</p> <p>2 Zyprexa for patients with dementia and Alzheimer's,</p> <p>3 correct?</p> <p>4 MR. BOISE: Object to the form, foundation.</p> <p>5 THE WITNESS: Your language is not in the</p> <p>6 specific label language that we currently have.</p> <p>7 QUESTIONS BY MR. SUGGS:</p> <p>8 Q I did not represent that it was.</p> <p>9 There has been a black box warning in the</p> <p>10 Zyprexa label since 2004 with respect to the</p> <p>11 elderly, correct?</p> <p>12 A Yes, that's correct.</p> <p>13 Q That did not exist in 2002 when this call note was</p> <p>14 made, correct?</p> <p>15 MR. BOISE: Object to the form, foundation.</p> <p>16 THE WITNESS: No, I do not believe it did.</p> <p>17 QUESTIONS BY MR. SUGGS:</p> <p>18 Q Was Zyprexa indicated for the treatment of patients</p> <p>19 whose symptoms were aggravated by a SSRI?</p> <p>20 MR. BOISE: Object to the form.</p> <p>21 THE WITNESS: Zyprexa's indication, as we have</p> <p>22 discussed before, was for schizophrenia and bipolar</p> <p>23 disorder.</p> <p>24 QUESTIONS BY MR. SUGGS:</p> <p>25 Q Didn't sales reps in Alaska, in fact, promote</p>	<p>1 Williams, dated May 17, 2002, with respect to a</p> <p>2 meeting with Dr. Kathryn Flores in Soldotna,</p> <p>3 Alaska, text which says in part, "Also got in a</p> <p>4 decent ZYP recap, reminded doc that ZYP is a great</p> <p>5 mood stabilizer, especially for patients whose</p> <p>6 symptoms were aggravated by an SSRI."</p> <p>7 Do you see that language, sir?</p> <p>8 A Yes, sir, I do.</p> <p>9 Q Now, there were drugs that were approved as being</p> <p>10 mood stabilizers, correct?</p> <p>11 A I would have to check the specific indications of</p> <p>12 Lithium and Depakote to know what the label</p> <p>13 language is around their indication.</p> <p>14 Q Well, Depakote was a mood stabilizer.</p> <p>15 Zyprexa was not indicated as a mood</p> <p>16 stabilizer, was it, sir?</p> <p>17 MR. BOISE: Object to the form, foundation.</p> <p>18 THE WITNESS: Again, I'm not a clinical</p> <p>19 expert, but my understanding of the term "mood</p> <p>20 stabilizer" refers to medicines that are indicated</p> <p>21 for treating bipolar disorder.</p> <p>22 QUESTIONS BY MR. SUGGS:</p> <p>23 Q Well, sir, as we have talked about before, in 2002</p> <p>24 Zyprexa was only indicated for schizophrenia and</p> <p>25 the acute manic phase of Bipolar I disorder.</p>

Page 210	Page 212
<p>1 It was not approved as a mood stabilizer, was 2 it, sir?</p> <p>3 MR. BOISE: Object to the form, argumentative, 4 asked and answered.</p> <p>5 THE WITNESS: As I answered, I am not a 6 clinical expert to be able to try to make that 7 distinction; but my understanding is that a mood 8 stabilizer is a way that clinicians and 9 psychiatrists would describe a medicine that is 10 used to treat bipolar disorder including bipolar 11 mania.</p> <p>12 QUESTIONS BY MR. SUGGS: 13 Q Well, the acute manic phase of Bipolar I disorder 14 is something that lasts only for a couple of weeks, 15 isn't it, sir?</p> <p>16 MR. BOISE: Object to the form, beyond the 17 scope.</p> <p>18 THE WITNESS: Again, clearly, I'm not a 19 medical expert, but that's certainly not my 20 understanding. A manic phase can last for variable 21 times and stabilizing mood is a way that I have 22 often heard clinicians describe treating any phase 23 of bipolar disorder including the manic phase.</p> <p>24 QUESTIONS BY MR. SUGGS: 25 Q Sir, the labeling for Zyprexa never stated that it</p>	<p>1 THE VIDEOGRAPHER: Off the record at 3:05. 2 (Recess.)</p> <p>3 THE VIDEOGRAPHER: We are back on the record. 4 It is 3:10.</p> <p>5 EXAMINATION</p> <p>6 QUESTIONS BY MR. BOISE: 7 Q Mr. Noesges, just a few questions for you. 8 You were asked about -- during your prior 9 examination by Mr. Suggs, about what's been marked 10 previously as Zyprexa MDL Plaintiff's Exhibit 1926, 11 June 2002 document, Primary Care Sales Force 12 Resource Guide. 13 Do you see that document in front of you? 14 A Yes, I do. 15 Q Does this represent the exclusive means of training 16 a sales force concerning messaging in primary care? 17 A No, this document would be one aspect of many 18 aspects of training. I think for -- anytime you 19 see a training document like this, it needs to be 20 put in the context of our typical training 21 approach, which would be to provide a guide like 22 this for sales representatives to read. 23 Then, typically, we follow up either with a 24 conference call or a district sales meeting, at 25 which time the district manager would review the</p>
Page 211	Page 213
<p>1 was good especially for patients whose symptoms 2 were aggravated by an SSRI, did it, sir?</p> <p>3 A No, sir, it did not.</p> <p>4 Q If I could direct your attention to the call note 5 that is second from the bottom, this is another 6 Margaret Williams' call note dated June 6th, 2002. 7 Under the Action section it states, quote, 8 Actually got in a decent ZYP detail for patients 9 with unresolved symptoms, patients who fail on an 10 SSRI, patients could be suffering from complicated 11 mood order, perhaps bipolar, ZYP is an excellent 12 mood stabilizer, very safe, easy to dose? 13 Do you see that language, sir?</p> <p>14 A Yes, sir, I do.</p> <p>15 Q Zyprexa was never indicated for patients who fail 16 on an SSRI, was it?</p> <p>17 MR. BOISE: Object to the form of the 18 question.</p> <p>19 THE WITNESS: No, sir, Zyprexa does not have a 20 specific indication for patients who fail on an 21 SSRI.</p> <p>22 MR. SUGGS: I have no further questions at 23 this time.</p> <p>24 MR. BOISE: Why don't we take five minutes. I 25 have five minutes of questions.</p>	<p>1 content of the guide and the direction of the sales 2 message.</p> <p>3 The representatives would typically practice 4 that message, and then we have routine follow-up 5 with our district sales managers, when sales 6 representatives are actually making calls on 7 physicians, for them to follow up and observe the 8 sales representatives making calls, at which time 9 they can provide them feedback and how well they 10 deliver the message and how they respond to 11 physicians' concerns.</p> <p>12 Q Now, you were asked questions about a reference to, 13 quote, complicated mood disorders. In particular, 14 you were asked about questions on page 3 of the 15 document on the right-hand column under ZYPREXA in 16 Primary Care. 17 Do you see the reference to complicated mood 18 disorders in that paragraph? 19 A Which paragraph are we looking at? 20 Q Under ZYPREXA in Primary Care, you were asked 21 specifically about Zyprexa and complicated mood 22 disorders which is halfway down that paragraph. 23 A Yes. 24 Q Is bipolar disorder a complicated mood disorder? 25 A Again, I'm not a medical expert and I rely on my</p>

Page 214	Page 216
<p>1 medical colleagues to help me interpret this, but 2 it is certainly my understanding of mood 3 disorders, that bipolar disorder would be a 4 complicated mood disorder. 5 And, as I've both interacted with Lilly 6 physicians and with a large number of clinicians, 7 there seems to be a common agreement that bipolar 8 disorder would be a complex -- or complicated mood 9 disorder. 10 Q Is there any question in your mind that the 11 reference to complicated mood disorder in this 12 document refers to bipolar disorder? 13 MR. SUGGS: Objection. 14 THE WITNESS: That's clearly how I would 15 interpret the document. Just by reading a little 16 bit further it says, "ZYPREXA will continue to 17 revolutionize the way complicated mood disorders 18 are treated by primary care physicians." 19 And then the following statement is, "Just as 20 Prozac revolutionized the treatment of depression 21 in the late 80s and throughout the 90s, so too will 22 ZYPREXA forever change the way primary care 23 physicians view and treat bipolar disorder." 24 The connection there seems pretty clear to me. 25 Q Direct your attention to what's been previously</p>	<p>1 couldn't make a diagnosis from it. 2 Q If there was any questions about what Zyprexa is 3 indicated for expressed by a physician, does this 4 page also refer to what a sales rep was to say in 5 this time frame, directing to Item 3? 6 A Yes, in this time frame, you know, the front page 7 talks about four potential common areas of concern 8 a physician would have. In this one would be, 9 Physician being concerned that you are not 10 indicated. 11 And then I think what this verbatim is 12 designed to do is to help the rep clarify that, in 13 fact, we are talking about Donna who has a complex 14 set of symptoms, but then goes on to say that 15 Doctor, just to be clear, "What I am suggesting is 16 that Donna may have bipolar disorder because these 17 symptoms may be related to mania instead of 18 depression." 19 And then in the third bullet point, just to be 20 as clear as we can, reinforces that "Zyprexa is 21 indicated for the treatment of the acute bipolar 22 mania in patients who display an acute manic or 23 mixed episode." 24 MR. BOISE: Thank you. Those are my 25 questions.</p>
Page 215	Page 217
<p>1 marked as Plaintiffs' 1961. 2 A This other document? 3 Q It's the other document. In particular, I'm 4 referring to page 4 of that document. 5 Can you read for the jury what Item 4 says on 6 this page? 7 A Yes. Item 4 says, "The MDQ is one tool that may be 8 used to help screen for bipolar disorder in 9 patients like Donna." 10 Q Do you know what a screening tool is? 11 A Yes, I do. 12 Q Is it something different than a diagnostic tool? 13 A Again, it's -- I would rely on my medical 14 colleagues in terms of an expert interpretation, 15 but my understanding is a screening tool is a tool 16 to aid in diagnosis but cannot make a diagnosis in 17 and of itself. 18 Q So it's your understanding that MDQ is not a 19 diagnostic tool? 20 A Yes, that's correct. 21 I think I may have previously described it as 22 a diagnostic tool. If that's the case, then I 23 misspoke. At least in my understanding, it would 24 just be used by a clinician to help screen for -- 25 in this case, for bipolar disorder, but they</p>	<p>1 MR. SUGGS: Let me take a look at one thing. 2 I have no further questions. 3 MR. BOISE: Okay. Thank you. 4 THE VIDEOGRAPHER: Marks the end of the 5 deposition of Dave Noesges, Tape 4 of 4. We are 6 off the record at 3:16. 7 8 9 AND FURTHER DEPONENT SAITH NOT. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

Page 218		Page 220	
1	STATE OF INDIANA	1	- - - - -
2	COUNTY OF HAMILTON	2	ERRATA
3		3	- - - - -
4	I, Carolyn L. Smith, a Notary Public in and for	4	PAGE LINE CHANGE
5	said county and state, do hereby certify that the	5	_____
6	deponent herein was by me first duly sworn to tell the	6	_____
7	truth, the whole truth, and nothing but the truth in the	7	_____
8	forementioned matter;	8	_____
9	That the foregoing deposition was taken on	9	_____
10	behalf of the Plaintiff; that said deposition was taken	10	_____
11	at the time and place heretofore mentioned between	11	_____
12	9:31 a.m. and 4:16 p.m.;	12	_____
13	That said deposition was taken down in	13	_____
14	stenograph notes and afterwards reduced to typewriting	14	_____
15	under my direction; and that the typewritten transcript	15	_____
16	is a true record of the testimony given by said	16	_____
17	deponent;	17	_____
18	And thereafter presented to said witness for	18	_____
19	signature; that this certificate does not purport to	19	_____
20	acknowledge or verify the signature hereto of the	20	_____
21	deponent.	21	_____
22	I do further certify that I am a disinterested	22	_____
23	person in this cause of action; that I am not a relative	23	_____
24	of the attorneys for any of the parties.	24	_____
25	IN WITNESS WHEREOF, I have hereunto set my hand	25	_____
Page 219			
1	and affixed my notarial seal this _____ day of		
2	_____, 2008.		
3			
4			
5			
6			
7			
8	Carolyn L. Smith, Notary Public		
9	My commission expires:		
10	July 1, 2015		
11	Job No. 40357		
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

HYPERGLYCEMIA/DIABETES DATA ON DEMAND RESOURCE GUIDE

Table of Contents

1. Situation Overview
2. Strategy
3. Explanation of Diabetes Sell Sheet
4. Q/A
5. Scientific Background

Situation Overview

The competition has been trying to convince our customers that ZYPREXA is not appropriate for many patients because of weight gain and the risk of hyperglycemia and diabetes. For our Lilly counterparts in the Retail Psych market, hyperglycemia/diabetes has become a major obstacle. In October 2000, 60% of psychiatrists surveyed in market research stated that they believed there was a link between ZYPREXA and hyperglycemia/diabetes. In April 2001, that number increased to 100% of psychiatrists surveyed. You can see that in a short period of time, perceptions can change dramatically.

With the launch of Risperdal into primary care, it is expected that these issues will be a key focus in their message. In addition, at the APA this past April, Pfizer and Janssen both sponsored programs to promote the idea that ZYPREXA causes diabetes and weight gain—despite the fact that there is no credible body of data that establishes causality between ZYPREXA and hyperglycemia or diabetes.

By knowing the facts, you can more effectively and efficiently handle any objections raised by physicians BEFORE it becomes an issue. **Four Key Message points in bold:**

- Patients treated with ZYPREXA, risperidone, haloperidol, divalproex, and ziprasidone in clinical trials had **comparable rates** of diabetes and hyperglycemia, even when the data was analyzed in 3 different ways.
- Although weight gain is one of the risk factors associated with diabetes, it is **there is no direct 1:1 correlation**. Weight gain can happen independently of diabetes, and diabetes can happen independently of weight gain.
- Pfizer's own study demonstrated comparable rates of hyperglycemia with ZYPREXA and ziprasidone (a supposedly "weight neutral" product).
- **Diabetes is common in the general adult population and is even more common in psychiatric patients.** Individuals with schizophrenia and bipolar disorder may have upward of a 2-to 4-fold increase in risk.

- **A number of factors affect a person's risk for diabetes**, including those that are intrinsic (such as family history/genetics) and those that are physical (such as weight gain).
- Psychotropic therapy in any individual patient should be evaluated in the context of that patient's overall response and toleration of therapy—the "risks/benefits" equation.

Strategy

First and foremost, striking the right tone with customers is essential. Many customers have stated they are tired of representatives who either "bash the competition" or who deny or minimize the doctors' concerns. We must be proactive with the weight gain issue and only use the diabetes sell sheet when responding to a concern from a physician.

Our goal is to continue to drive new patient starts on ZYPREXA, keep patients on therapy longer, and ensure the appropriate dose is utilized. In order to maximize this effort, we must neutralize the hyperglycemia/diabetes issue, help physicians manage weight gain, and continue to sell the unparalleled efficacy and dependability of Zyprexa.

By neutralizing we mean leveling the playing field, setting the record straight with a "comparable rates" message, and convincing physicians that ZYPREXA has the best safety and efficacy profile of any atypical antipsychotic. In order to do so, we must:

- Explain to doctors that diabetes is a disease which Lilly takes very seriously. We have been a pioneer in this field for the last 50+ years and have studied the issue of hyperglycemia/diabetes extensively.
- Admit up front that all antipsychotic medications can increase blood glucose levels.
- Admit that ZYPREXA can cause weight gain, but that does NOT mean it will cause diabetes. There is no 1:1 relationship between weight gain and diabetes.
- Explain that patients with severe mental illness are at higher risk for developing diabetes than the general population.
- Be patient focused.

Explanation of Diabetes Sell Sheet (OL 21620)

Message Point #1

On the first page, the top graph is a comparison of the incidence of treatment-emergent diabetes in longer head-to-head trials. The physician will have data that compares ZYPREXA with other antipsychotics as well as a mood stabilizer. **Summary: All agents had comparable rates in treatment emergent diabetes and hyperglycemia.**

The second graph measuring baseline-to-endpoint changes in blood glucose presents information from a bulleted point in a previous sales aid, with the addition of the Pfizer study. This data

demonstrates that all agents except clozapine had mean blood glucose values within the normal range. The Pfizer study was added for 2 reasons: (1) to show a comparison vs ziprasidone (a supposedly "weight neutral" product, yet comparable rates of hyperglycemia were still found), and (2) to show that whether fasting (Pfizer) or random (Lilly) blood sugars were taken, the results were the same. Summary: All agents (except clozapine) showed similar changes in Random Glucose Levels, and ZYPREXA vs. ziprasidone showed similar changes in Fasting Glucose Levels.

The third graph measuring an individual patient's likelihood of experiencing random glucose elevations was also derived from a bulleted point in the previous diabetes piece. This information graphically illustrates the thresholds that were used to determine normal plasma glucose, elevated plasma glucose, and diabetes. Summary: Individuals taking ZYPREXA were no more likely to experience glucose elevations than patients on haloperidol or risperidone, despite their initial glucose level. Therefore, a patient with a high blood glucose level at baseline was no more likely to show an increase than a patient who had a low glucose level at baseline.

Message Point #2

Many physicians think there is a logical link between weight gain and diabetes. In market research we see that many of them even use these two words interchangeably. We believe it is essential to weaken this link in order to neutralize the diabetes/hyperglycemia issue.

The pie chart on the left demonstrates that patients who had an episode of hyperglycemia did not experience substantial weight gain. The right side looks at the patients who did see substantial weight gain and shows that an overwhelming number experienced no glycemic abnormalities. Summary: Weight gain and hyperglycemia does not exhibit a 1:1 correlation. In the rare case that patients experienced hyperglycemia, the majority (79%) did not experience weight gain. Additionally, 96% percent of patients who had substantial weight gain did not experience any glycemic abnormalities.

Message Point #3 and #4

These points are the same as in the previous diabetes sell sheet. Diabetes is a common illness in the general adult population, and is more common in patients with psychiatric illness. It also examines various intrinsic and variable risk factors for diabetes.

Summary

Eli Lilly and Company has a proud history in innovative diabetes research. The relationship between ZYPREXA and diabetes/hyperglycemia is a top priority for the company and has been studied extensively. The facts illustrate no difference in the incidence of treatment-emergent hyperglycemia and diabetes for patients ZYPREXA, haloperidol, risperidone, ziprasidone, or divalproex. Neutralizing any concern from our customers will be essential to the future growth of ZYPREXA in this marketplace.

Question/Answer

How can ZYPREXA show comparable rates of hyperglycemia to other agents when it causes more weight gain, and significant weight gain is a risk factor for diabetes?

Obesity is one of many risk factors for diabetes. Clearly, there is not a 1:1 correlation between weight gain and diabetes. In other words, weight gain can happen independent of diabetes and diabetes can happen independent of weight gain. The single most important risk factor in clinical trials may be persistent and severe mental illness. Additionally, other factors like lifestyle and family history all play an important role.

Your data looks good, but it is not what I am seeing in my daily practice. I have seen a higher incidence of hyperglycemia/diabetes in my ZYPREXA-treated patients. How do you explain this difference?

Doctor, your clinical experience is extremely important. However, your experience seems to be different from large-scale clinical studies.

There may be a couple of reasons why this may be the case. First, some physicians were more selectively assessing ZYPREXA patients for hyperglycemia or diabetes. When they began to assess patients on other medications as well, they began to uncover additional cases.

Secondly, other physicians have realized their perceptions have been influenced by the fact that they have significantly more patients on ZYPREXA.

Another possibility may be that your patient population may be different. For example, you may be treating a more severely mentally ill population and using more ZYPREXA than other physicians.

Does ZYPREXA affect risk factors other than weight gain?

That's an excellent question, since there are many factors that impact a person's chance of developing diabetes. Some of these are intrinsic and can not be impacted by lifestyle or any agent (such as genetic risk, age, gender, etc.). In terms of variable risk factors like prolactin levels, ZYPREXA does not appear to have any effect that might raise glucose levels. Regarding various lifestyle factors (lack of exercise, excessive alcohol intake, etc.), these may improve to the degree that a patient experiences efficacy from ZYPREXA, potentially improving their risk profile.

Is there a direct effect of ZYPREXA on diabetes?

We've gone back and looked for evidence both preclinically and in our clinical comparison with other antipsychotics and mood stabilizers to determine whether or not ZYPREXA directly interferes with insulin release or insulin activity. We have not found a direct effect. Specifically:

- We have examined our longer-term preclinical animal studies and have not found any changes in insulin release or changes to the pancreas.
- We also looked to determine if there were higher rates of diabetes vs comparator drugs in clinical studies. If there was a ZYPREXA-specific effect, you would expect to find much higher rates of diabetes with ZYPREXA, probably in the first weeks or months of therapy. In fact, our head-to-head clinical trials show comparable rates of diabetes or hyperglycemia to haloperidol or risperidone. While this data can not rule out a class effect, it is evidence against a ZYPREXA-specific effect.
- We are continuing to investigate these questions quite carefully.

Does ZYPREXA cause Type I diabetes?

No. Most treatment-emergent diabetes reported with ZYPREXA and other psychotropics is Type II. We do know that there are patients, independent of the agent they are taking (and even some patients not taking any agent at all), who develop Type I diabetes. In our controlled clinical trials, rates of developing Type I diabetes are not higher with ZYPREXA than with haloperidol or risperidone. Even in pre-clinical animal data, there is no evidence to suggest that ZYPREXA causes Type I diabetes.

Scientific Background (review to extent necessary)

General Overview: Basic Biology

The human body needs fuel in order to function. As we eat, our body breaks down some of the food into sugars, one of which is glucose, the body's main fuel. After glucose is created, it must be transported to the cells, where it is oxidized (burned) to supply energy and allow the body to function. (Most cells can also use alternate energy sources, such as lipids or proteins, but generally use glucose first.) The blood carries glucose to individual cells. As glucose enters the bloodstream, a person's blood glucose level begins to rise, then gradually returns to the normal range as glucose passes into the cells.

It is important to realize that there are daily fluctuations in blood glucose levels, as well as a great deal of inter- and intra-person variability. For example, a measurement of fasting blood sugars (obtained by assessing blood glucose levels 8-12 hours after the last food intake) results in "ideal" plasma levels that may range from 70-100 mg/dl. Nondiabetic individuals usually have fasting glucose levels below 125mg/dl.

The body has a very complex system that makes glucose available to cells to produce energy, and generally this system keeps blood glucose levels within a normal range. When the body senses an increase in glucose, it sends a signal to the beta cells of the pancreas to make insulin. Insulin is a hormone that lowers the blood glucose by acting as a key to unlock the body's cells, thus allowing glucose to pass from the bloodstream into the cells. Once the pancreas releases insulin into the blood, the blood glucose level begins to fall back to normal as the insulin allows glucose to pass from blood into the cell. The body's cells then utilize the glucose for fuel, creating energy for the body.

When the system fails...

If the body doesn't make enough insulin or if the insulin doesn't function properly, the sugar cannot gain access to the cells. Instead, the glucose stays in the blood, causing the blood sugar level to be high, potentially signaling diabetes.

Just because a person's blood sugar levels may be elevated doesn't necessarily mean that person has diabetes. A person has "high blood sugar" or hyperglycemia when his or her blood sugar level has risen and stayed well above the ideal range. It requires consistent elevations over a long period of time to be considered diabetes.

Hyperglycemia vs Diabetes

Hyperglycemia and diabetes are conditions characterized by abnormalities in the body's ability to use glucose.

Hyperglycemia that persists for a short period of time usually does not have an adverse effect on the body. Sometimes, hyperglycemia can cause symptoms such as excessive thirst and urination. If hyperglycemia persists for a long period of time (as in diabetes), it can damage certain organs of the body such as the kidneys, eyes, and nerves. Although many individuals experience hyperglycemia, such as after quickly eating a high calorie meal or when they are ill, usually the elevated glucose is transient and goes away without medical intervention.

Diabetes is a complex metabolic disorder predominantly characterized by blood glucose levels that are consistently higher than normal (hyperglycemia). But diabetes is more than just hyperglycemia; frequently it also entails other metabolic problems, such as elevations in cholesterol and triglycerides.

Other definitions

Fasting plasma glucose (FPG)—collected from a patient who has no caloric intake for at least 8 hours. This is the preferred method for measurement because it eliminates high measurements that may result from a patient's eating pattern.

Random plasma glucose—collected any time of the day independent of when or what the individual last ate. This test has its limitations but depending on the patient's situation, it may be the best alternative.

Impaired glucose tolerance (IGT)—These criteria define a group of patients who are hyperglycemic but do not meet the criteria for a diagnosis of diabetes.

Defining diabetes by blood glucose levels

Measurement	Diabetes	Impaired Glucose Tolerance (IGT)	Normal
Random Glucose	≥200 mg/dl	160-200 mg/dl	<160 mg/dl
Fasting Glucose	≥126 mg/dl	110-126 mg/dl	<110 mg/dl

The role of psychotropics and hyperglycemia/diabetes:

Several psychotropics have been associated with high insulin levels and insulin resistance (eg, chlorpromazine, divalproex). The National Diabetes Data Group listed chlorpromazine, haloperidol, and lithium under drugs that impair glucose tolerance.

Cases of hyperglycemia have been found and noted in clinical trials with atypicals; in fact, hyperglycemia and diabetes are included as adverse events in the package inserts of most typical antipsychotics and mood stabilizers and all currently approved atypical antipsychotics. Also, since obesity is a risk factor for diabetes, clinicians may be anticipating more hyperglycemia risk among patients with substantial weight gain during treatment.

There have been a number of case reports describing new-onset diabetes during treatment with ZYPREXA. Of note, many of the reports of abnormal glucose levels involved patients with other risk factors for developing hyperglycemia including race, obesity before treatment, or personal/family history of diabetes. In particular, of 15 case reports regarding treatment with ZYPREXA, 12 involved patients with a history of obesity.

Beyond case reports in the literature, there have been a number of studies implicating ZYPREXA as having higher rates of hyperglycemia or diabetes. Perhaps the best known is the as-yet unpublished work of Dr. Newcomer, who performed a retrospective study looking at hyperglycemia after an oral glucose load in patients on ZYPREXA, risperidone, haloperidol, or clozapine.

While provoking interesting medical research questions, the data does not have practical application, nor does it draw concrete conclusions. The Newcomer study is limited by a number of factors. First, the database is quite small, including <10 patients per group. Second, the study was designed to focus on cognition and was NOT intended to examine hyperglycemia. As such, it did not control for variables such as patient diet or family history of diabetes. Most importantly, assignments to different drugs were not randomized.

To point out how potentially spurious Dr. Newcomer's findings are, it is instructive to look at a very similar study undertaken by Dr. Prior and colleagues from Alberta, Canada. Dr. Prior conducted a study to investigate whether patients taking clozapine, risperidone, and ZYPREXA have unusual responses to oral glucose challenges. Unfortunately, this study also had a small sample size ($n=28$) and the patients were not randomly assigned to treatment. However, the results indicated that none of the patients treated with ZYPREXA had abnormal glucose metabolism, 40% of patients treated with risperidone had abnormal results, and 67% of patients treated with clozapine had abnormal results.

ZYPREXA "FREQUENT AREAS OF CONCERN" OR "FAOC"

1. *I do not treat that type of patient.*

Cushion: *Thanks for sharing that with me.*

Probe 1: *What concerns do you have in treating a patient like this? (or Donna) (This is a great place to "understand needs." Is the PCP afraid of treating the disease state or afraid of the medications he/she will use?)*

Probe 2: *If you had safe and effective treatment options, how would that impact your decision on whether you treat a patient like Donna or refer them to a psychiatrist?*

Important notes: a. Make sure the PCP recognizes the type of patient we are talking about today, not the psychotic patient or severely ill patient, but the complicated mood patient who has symptoms of irritability, anxiety, poor sleep and mood swings. This is most likely a patient he has seen for a few years and has felt comfortable treating. b. Having confirmed the patient type – it is now time to further understand the needs of the physician – and to satisfy those needs with Zyprexa.

2. *Zyprexa is an anti-psychotic.*

Cushion: *That is correct, doctor. When Zyprexa was launched, our initial indication was for schizophrenia.*

Clarify: *What is it about anti-psychotics that you are concerned about?*

Address AOC: *The FDA has now classified Zyprexa as a psychotropic (see first line in FIJ), as it is the only medication indicated to treat both schizophrenia and bipolar mania. Zyprexa is indicated for both the short term and long term treatment of schizophrenia and acute bipolar mania. Address AOC: Zyprexa's safety profile is much more favorable than the older typical anti-psychotic agents you may be familiar with. Go to Favorable Safety Page (pg. 6 in Detail Aid) and address the concern.*

Check for Agreement

Get Back to Selling

Note: *The American Psychiatric Association recently updated its Standards of Care for Bipolar Illness and listed Zyprexa as first-line therapy.*

3. *I am concerned about EPS/TD.*

Cushion: *I understand your concern regarding EPS/TD*

Clarify: *Can you clarify your concern regarding EPS?*

Address AOC: *(go to Favorable Safety page) EPS: Zyprexa has a low risk of EPS, and in a study using the most exacting measurements, the Simpson Angus Scale, Zyprexa's rate of EPS was comparable to placebo across all dose ranges (page 6) (if physician is utilizing/comparing with Risperdal). In a head-to-head study vs. Risperdal, the rate of EPS for Zyprexa was 12.5% vs. 22.3% for Risperdal. TD: Zyprexa has a minimal risk for Tardive Dyskinesia (TD). In a*

For internal use only. Not for use in detailing

clinical trial vs. Haldol, the incidence of TD was .52% with Zyprexa vs. 7.45% with Haldol over a 1-year period.

Check for Agreement How do you feel about this safety data?

Get back to Selling

4. *I am worried about sedation.*

Cushion: Thanks for sharing with me.

Clarify: For a patient like Donna, who presents with irritability, anxiety, mood swings and disrupted sleep, how do you think somnolence may affect this patient?

Address AOC: The #1 side effect that occurred in clinical trials with Zyprexa was somnolence. It appears to be transient and may benefit some patients. Therefore, it is recommended to take Zyprexa either at bedtime or earlier in the evening. Now, if a patient is drowsy in the morning, remember that Zyprexa has a 6 hour Tpeak (time to peak concentration), so simply instructing your patient to take their tablet earlier in the evening, perhaps at dinner, may alleviate the morning drowsiness.

Check for Agreement How do you feel about this safety data?

Get back to Selling

5. *I am concerned about weight gain.*

Cushion: Thanks for letting me know your concern.

Clarify: Is this something you have seen in your patients or heard about?

Address AOC: Zyprexa may cause an increase in appetite that can lead to weight gain. The increase in appetite can be manageable, and diet and behavioral modifications can help. Many describe this as carb-craving so discussing this up front with your patients is helpful. You can suggest that patients drink diet soda instead of regular soda, or cut back on the amount of carbohydrates they eat. Some patients adopt a "1-plate rule" when they sit down for dinner. Increasing daily activity may also help manage weight.

Check for Agreement How do you manage weight gain that results from other medications? If the physician has further questions, offer to have a medical letter sent to them.

Get back to Selling

6. *I am concerned about diabetes.*

Cushion: Thank you for sharing this concern with me.

Clarify: Is this something you have seen or heard about?

a. **Address AOC:** I understand your concern. The incidence of diabetes is 2-4X more common in mentally ill patients than in the general population. In every study examining this subject, no causal relationship has been established between patients being treated with Zyprexa and the onset of diabetes. The incidence of diagnosed treatment-emergent diabetes with patients taking Zyprexa was comparable to those patients treated with Risperdal, Haldol and Depakote in every clinical study conducted by Lilly or by our competitors. These facts suggest that you should choose a medication based on its efficacy

For internal use only. Not for use in detailing

in treating complicated mood symptoms, but to be aware of the incidence of diabetes in this population and address it appropriately.

Check for Agreement

Get back to Selling

Important notes: *Confidence and correct tone is very important. We cannot dismiss this objection as a non-issue but rather we need to understand their concerns and address them appropriately.*

For internal use only. Not for use in detailing

ZY200083624

016-0503012

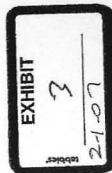
Hyperglycemia/Diabetes: Sell Sheet Implementation

For Internal Use Only
Not For Use In Detailing

Lilly
Answers That Matter.

Zyprexa M.D. Plaintiff Exhibit 10043

Zyprexa M.D. 1996 Confidential-Subject to Protective Cts.
2/10/00/0087
Page



016-0505012

Proper implementation is key!

Our goal and focus is on creating a market with Donna. The competition wins if we are distracted into talking about diabetes. So, stand strong against their ploys and answer the AOC concisely and with confidence!

Company Confidential
Copyright © 2001 Eli Lilly and Company

For internal use only. Not for use in detailing.

Zynrexa MDL Plaintiff's Exhibit No 01982

Zynrexa MDL 1598: Confidential-Subject to Protective Order
ZY200006772
Page 2

Handling the Diabetes AOC:

This is a highly competitive driven issue.

Therefore, we will NOT proactively address the diabetes concern, but rather only when it arises from an MD.

If it does, please do the following:

1. Cushion/Clarify the AOC
2. Handle by providing the verbatim
3. Check for agreement, if not satisfied then utilize the sell sheet
4. Restate the verbatim while utilizing the diabetes sell sheet
5. Check for agreement and get back to Donna!

Company Confidential
Copyright © 2001 Eli Lilly and Company

For internal use only. Not for use in detailing.

06-050307-1

What are the facts to convey and where do you find them within the sell sheet?

1. Diabetes is common in the general population, even reaching epidemic proportions. Moreover, **patients with mental illness are 2-4 times more likely to develop diabetes.** (*Inside cover, "Diabetes is common" section 3*)
2. As the "Diabetes Care" company, Lilly takes this issue very seriously and will continue to offer solutions. (*Not written on the sell sheet but use as a segue to the next point*)
3. When you look at various agents to treat patients with mental illness, the rate of **treatment-emergent diabetes is comparable across agents.** (*Front cover, "Comparable rates..." section 1*)

Correct tone is everything: Stay Confident and Informative

Company Confidential
Copyright © 2001 Eli Lilly and Company

For internal use only. Not for use in detailing.

Handling AOC - Other Risk Factors

For customers who ask about Diabetes as it relates to risk factors such as weight, please provide the following verbatim.

1. While there is a relationship between weight (or specifically obesity) and diabetes, it is not exact and constitutes one of many risk factors for diabetes. For example, another is hyperprolactinemia (*Inside cover, "A number of factors..." section 4*)
2. Even among the patients that had substantial weight gain with Zyprexa, over 96% had no glycemic abnormalities at all. (*Inside cover, "Weight gain..." section 2*)

Remember correct tone is critical, Confident and informative!
Our customers just want the facts and reassurance

Company Confidential
Copyright © 2001 Eli Lilly and Company

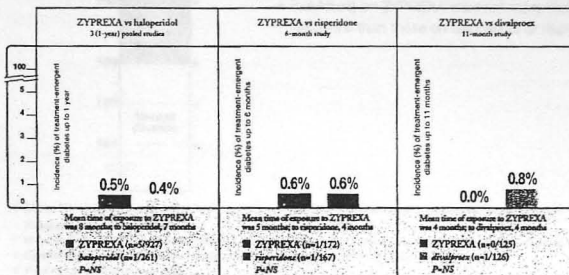
For internal use only. Not for use in detailing.



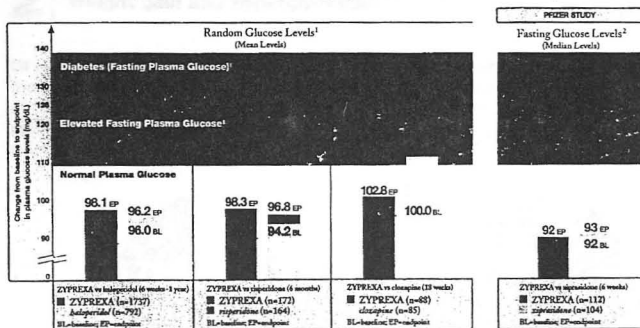
Comparable rates of diabetes and hyperglycemia among psychotropics

Patients treated with ZYPREXA had rates of diabetes and hyperglycemia comparable to those in patients treated with risperidone, haloperidol, and divalproex sodium in clinical trials*

Incidence of diagnosed treatment-emergent diabetes in longer head-to-head schizophrenia and bipolar mania trials*



Baseline to endpoint increase in average glucose level across comparative studies*



1. Allison DB, et al. Presented at: 2001 International Congress of Schizophrenia Research, Vancouver, British Columbia.
2. Glick ID, et al. Presented at: 2001 Annual Meeting of the American Psychiatric Association, New Orleans, Louisiana.

* Please see inside for study methodologies.

¹ Diabetes (Fasting Plasma Glucose) defined by ADA guidelines as ≥ 126 mg/dL (2 fasting blood draws).

² Elevated Fasting Plasma Glucose defined by ADA guidelines as ≥ 110 mg/dL (see reference 17).

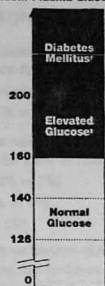
For safety information on haloperidol, risperidone, clozapine, divalproex, and ziprasidone, see the manufacturers' respective package inserts.



Lilly

Individual patient likelihood of random glucose elevations¹

Random Plasma Glucose Levels



- In head-to-head data measuring random glucose, the likelihood of an individual patient exceeding any of the following thresholds was examined (126 mg/dL, 140 mg/dL, 160 mg/dL, or 200 mg/dL).*
- Individuals on ZYPREXA were not more likely to experience glucose elevations than those on haloperidol or risperidone at any threshold.¹⁹

1. Allison DB, et al. Presented at: 2001 International Congress of Schizophrenia Research, Vancouver, British Columbia.

* Thresholds examined in this analysis.

† Diabetes (Random Plasma Glucose) defined by ADA guidelines as ≥ 200 mg/dL, confirmed with a subsequent fasting or oral plasma glucose test.

‡ Elevated (Random Plasma Glucose) outlined by ADA-supplied information as >160 mg/dL.

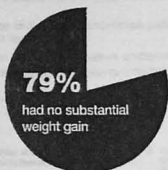
§ P values ranged from 0.11 to 0.93.

2

Weight gain and hyperglycemia*

Of patients treated with ZYPREXA, the majority (79%) of those who had an episode of hyperglycemia[†] did not experience substantial weight gain[‡] in longer-term comparative studies.

Even among those patients with substantial weight gain,[‡] over 96% had no glycemic abnormalities at all.[†]



* Analysis from Lilly-sponsored head-to-head schizophrenia treatment trials. Please see inside for study methodology.

† Hyperglycemia episodes and glycemic abnormalities defined as random glucose levels ≥ 160 mg/dL.

‡ Substantial weight gain defined as $>10\%$ increase in weight.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.

See accompanying safety profile and full Prescribing Information for ZYPREXA.

For safety information on haloperidol, risperidone, clozapine, divalproex, and ziprasidone, see the manufacturers' respective package inserts.

Additional prescribing considerations for ZYPREXA

The most common treatment-emergent adverse event associated with ZYPREXA in 6-week schizophrenia trials vs placebo was somnolence (26% vs 15%). Also observed (ZYPREXA vs placebo) were:

postural hypotension (5% vs 2%)	akathisia (5% vs 1%)	dizziness (11% vs 4%)
constipation (9% vs 3%)	personality disorder* (8% vs 4%)	weight gain (6% vs 1%)

The most common treatment-emergent adverse event associated with ZYPREXA in placebo-controlled bipolar mania trials was somnolence¹ (35% vs 13% for placebo). Also observed (ZYPREXA vs placebo) were:

dry mouth ¹ (22% vs 7%)	dizziness ¹ (18% vs 6%)	dyspepsia (11% vs 5%)
asthenia ¹ (15% vs 6%)	constipation (11% vs 5%)	increased appetite (6% vs 3%)
trémor (6% vs 3%)		

Transient, asymptomatic elevations of hepatic transaminase

In placebo-controlled schizophrenia studies, clinically significant ALT (SGPT) elevations (≥ 3 times the upper limit of the normal range) were observed in 2% (6/243) of patients exposed to ZYPREXA compared to none (0/115) of the placebo patients. None of these patients experienced jaundice. Periodic assessment of transaminases is recommended in patients with significant hepatic disease.

No baseline ECG required

No difference in clinically significant QTc prolongation with ZYPREXA compared to placebo in premarketing clinical trials.

Orthostatic hypotension

In premarketing trials of oral ZYPREXA, some patients may have experienced orthostatic hypotension associated with dizziness, tachycardia, and in some cases, syncope (15/2500, 0.6%).

Low potential for drug interactions

Important for patients changing to ZYPREXA from other antipsychotics and for those on multiple medications, such as diazepam, imipramine, lithium, warfarin, theophylline, and biperiden.

Coadministration of diazepam or ethanol with ZYPREXA may potentiate orthostatic hypotension.

Tardive dyskinesia—as with all antipsychotic medications, prescribing should be consistent with the need to minimize TD. If its signs and symptoms appear, discontinuation should be considered.

Seizures—occurred infrequently in premarketing clinical trials (22/2500, 0.9%). Confounding factors may have contributed to many of these occurrences. ZYPREXA should be used cautiously in patients with a history of seizures or with conditions that lower the seizure threshold.

* COSTART term for nonaggressive objectionable behavior.

¹ In bipolar mania trials, 4 adverse events occurred with statistically significantly higher incidence with ZYPREXA than with placebo—none of these resulted in discontinuation.

² In acute-phase, placebo-controlled schizophrenia trials (n=366), dizziness (11% vs 4%) and tachycardia (4% vs 1%) were reported; these events were not always associated with hypotension.

For safety information on haloperidol, risperidone, quetiapine, thioridazine, and clozapine, see the manufacturers' respective package inserts. See accompanying full Prescribing Information for ZYPREXA.

References

1. Allison DB, et al. Presented at 2001 International Congress of Schizophrenia Research, Vancouver, British Columbia.
2. Glick ID, Romano SJ, Horne RL, et al. Insulin resistance in ZYPREXA- and risperidone-treated patients: results of a double-blind, controlled, 6-week trial. Presented at: 2001 Annual Meeting of the American Psychiatric Association, New Orleans, Louisiana.
3. Harris, MI. Diabetes in America: epidemiology and scope of the problem. *Diabetes Care*. 1998; Suppl 5:11-14.
4. Muehleisen S, Decina P, Bocca V, et al. Diabetes mellitus in schizophrenia patients. *Compr Psychiatry*. 1996;37:69-72.
5. McKee HA, D'Arcy PFD, Wilson PJK. Diabetes and schizophrenia: a preliminary study. *J Clin Hosp Pharm*. 1996;11:297-299.
6. Keskiner A, Tourm AE, Bouquet T. Psychotropic drugs, diabetes, and chronic mental patients. *Psychosomatics*. 1993;16:176-181.
7. Cassidy F, Ahsam E, Carroll BJ. Elevated frequency of diabetes mellitus in hospitalized manic-depressive patients. *Am J Psychiatry*. 1999;156:1417-1420.
8. Charatan FB, Bartlett NG. The effect of ziprasidone (Largactin) on glucose tolerance. *J Mental Sci*. 1995;101:351-353.
9. Isgrig J, Lahtiainen TJ, Kip M, et al. Obesity and endocrine disorders in women taking valproate for epilepsy. *Ann Neurol*. 1996;39:579-584.
10. Garland EJ, Riemick RA, Zie AP. Weight gain with antidepressants and lithium. *J Clin Psychopharmacol*. 1998;8:323-330.
11. Mellner ET, Dam H, Wikschmidt G, Ratschan OJ. Diurnal variation of blood glucose during lithium treatment. *J Affective Dis*. 1983;5:341-347.
12. American Diabetes Association Screening for type 2 diabetes. *Diabetes Care*. 2000;23 (Suppl 1).
13. Reeves M, Hannan RF. Risk Factors for non-insulin dependent diabetes. *Diabetes in America 2nd Ed*. Natl Inst of Health. 1995;178-220.
14. Foss MC, Pavia FJ, Paoles GM, et al. Peripheral glucose metabolism in human hyperproliferative. *Clin Endocrinol*. 1995;43:721-726.
15. Lital PC, William GA, Strong WW, Wolfinger RD. The SAS system for mixed models. Cary, NC: SAS Institute Inc. 1996.
16. Wolfinger RD, O'Connell M. Generalized linear mixed models: a pseudo-likelihood approach. *J Stat Comput Simul*. 1993;48.
17. American Diabetes Association. Clinical practice recommendations 2000. *Diabetes Care*. 2000;23 (Suppl 1):S1-S16.

Study methodology and limitations

ZYPREXA vs haloperidol, risperidone, clozapine, and divalproex

These results are from randomized clinical trials sponsored by Eli Lilly and Company comparing ZYPREXA vs haloperidol (3 studies, each with an acute double-blind phase of 6 weeks followed by a longer-term double-blind observation allowing total exposure up to 52 weeks); ZYPREXA vs risperidone (1 28-week double-blind study); ZYPREXA vs clozapine (1 18-week double-blind study), and ZYPREXA vs divalproex for acute mania (47-week study). Mean time of exposure to haloperidol was approximately 7 months; to risperidone, approximately 4 months; and to divalproex, approximately 4 months. Patients were 18 to 65 years of age, with a DSM-III-R or DSM-IV diagnosis of schizophrenia, schizophreniform disorder, schizoaffective disorder, or Bipolar I Disorder. Dosage ranges were 2.5 to 25 mg/day for ZYPREXA, 5 to 20 mg/day for haloperidol, 4 to 12 mg/day for risperidone, 200 to 600 mg/day for clozapine, and 500 to 2500 mg/day for divalproex.

The treatment-emergent diagnosis comparison also includes 33 subjects from 1 haloperidol-controlled study receiving ZYPREXA 1 mg/day.

Treatment-emergent diagnosis of diabetes: Diagnosis was based on the clinical discretion/judgment of the investigator. For this analysis, all randomized patients were considered. The ZYPREXA-haloperidol study includes only those patients enrolled in the longer-term trial (up to 52 weeks), ZYPREXA $n=927$, haloperidol $n=261$. The patients randomized in the risperidone trial were ZYPREXA $n=172$, risperidone $n=167$, and the patients randomized in the divalproex trial were ZYPREXA $n=125$ and divalproex $n=123$.

Mean and categorical analysis of plasma glucose: As blood samples were not necessarily fasting, results are considered random plasma glucose. Generally, 2 measurements were obtained prior to initiation of therapy and then with a frequency as specified by protocol. When 2 pretreatment measurements were available, their average was used as the baseline glucose value. All measurements up to and including the day following the last day of treatment were included in these analyses, to a maximum of 52 weeks in the haloperidol-ZYPREXA comparisons, 26 weeks in the risperidone-ZYPREXA comparison, and 18 weeks in the clozapine-ZYPREXA comparison. Patients with a known diagnosis of diabetes or taking antidiabetic medications at baseline were excluded from these analyses. The resulting samples were: haloperidol $n=792$ vs ZYPREXA $n=1737$ (from 3 pooled haloperidol-ZYPREXA trials), risperidone $n=164$ vs ZYPREXA $n=172$, and clozapine $n=85$ vs ZYPREXA $n=88$.

Mean change in glucose: The significance and magnitude of the differences in mean glucose values were assessed using a restricted maximum likelihood-based repeated measures analysis.¹⁸ The following effects were included in the analysis: treatment, time, baseline BMI, mean baseline glucose, age, and study (for the haloperidol comparisons). A 2-tailed P -value of <0.05 was considered statistically significant.

Likelihood of exceeding glucose thresholds: An iteratively weighted restricted/residual pseudo likelihood (REPL)-based approach¹⁸ was used to estimate the probability of an "event" of elevated random glucose values. Multiple thresholds were used to account for the lack of universally accepted criteria for what constitutes a clinically significant elevation in random glucose, in the absence of signs or symptoms of diabetes, with 126, 140, 160 and 200 mg/dL threshold values extrapolated from published suggestions.¹⁹ Analysis with each of these thresholds was performed excluding those patients who had baseline glucose values above that threshold. An "event" was defined as occurrence of one of the following: (a) 2 consecutive glucose measurements at or above threshold, (b) last glucose measurement at or above threshold, or (c) initiation of glycemic medication or glycemic adverse event. Cox proportional hazards regression analyses were implemented to assess the relative hazard of experiencing a glucose measurement that reaches or exceeds the preestablished thresholds.

Limitations: While fasting glucose concentrations with confirmation of elevated values would be a preferable approach to defining potentially clinically significant glucose elevation,¹⁹ these trials were not designed primarily to evaluate glycemic effects. Thus, fasting glucose levels were not determined. To date, fasting glucose results are not available from large randomized prospective comparative trials of ZYPREXA. Secondly, while treatment-emergent diagnosis of diabetes was a prospectively anticipated comparison, the other information reported (mean change in random plasma glucose, likelihood of exceeding a particular glucose threshold, and weight-gain hyperglycemia relationships) are post-hoc analyses of prospectively collected data. Thirdly, these trials are of moderate duration (maximum 1 year) and therefore may not inform about the long-term risks (or lack thereof) of the drugs studied herein. Fourthly, in the studies analyzed, power to detect differences in likelihood of crossing a lower glucose threshold (eg, 126 mg/dL) is greater than at a higher threshold (eg, 200 mg/dL) because of relative infrequency of events at the latter.

ZYPREXA vs ziprasidone

This 6-week, double-blind trial sponsored by Pfizer, Inc, compared ZYPREXA ($n=133$) to ziprasidone ($n=136$) for the treatment of schizophrenia or schizoaffective disorder. Dosage was titrated up to 15 mg/day for ZYPREXA and 80 mg BID for ziprasidone. Fasting plasma glucose was measured at baseline and endpoint. Median levels were reported. (Glick et al, American Psychiatric Association, Annual Meeting, 2001.)

Diabetes is common in the general adult population, and is more common in patients with psychiatric illness

- Approximately 7.8% of the general adult population had diabetes (one-third of which was undiagnosed) as reported in an epidemiologic study of prevalence in the US.³
- An additional 6.9% of the general population had fasting blood glucose levels above normal in the same study.³
- Prevalence of type 2 diabetes among patients with schizophrenia and bipolar disorder was as high as 2-4 times greater than in the general population in several other studies.^{4,7}
- An association between antipsychotics and hyperglycemia has been reported since the 1950s.⁸
- Patients treated with certain mood stabilizers may have disrupted glucose control as compared with the general population.^{9,11}

A number of factors affect risk for diabetes

INTRINSIC FACTORS INCLUDE¹²:

Family history
Age 45 years or more
Ethnicity
(increased risk for non-Caucasians)
Previous history of glucose
intolerance

VARIABLE FACTORS INCLUDE¹³:

obesity
dyslipidemia
lack of exercise
hypertension

OTHER FACTORS THAT MAY AFFECT GLUCOSE CONTROL INCLUDE:

high-fat diet¹³
excessive alcohol use¹⁵
hyperprolactinemia¹⁴



Risk/Benefit Analysis

Benefits

Risks

Psychotropic therapy in any individual patient (including those with hyperglycemia) should be evaluated in the context of that patient's overall response and toleration of therapy.

For additional safety profile and other prescribing considerations for ZYPREXA, see inside and full Prescribing Information.
For safety information on haloperidol, risperidone, clozapine, divalproex, and ziprasidone, see the manufacturers' respective package inserts.

80-OL21822 PRINTED IN USA. 3030011436-4027 5 60901. ELI LILLY AND COMPANY. ALL RIGHTS RESERVED.
ZYPREXA is a registered trademark of Eli Lilly and Company. All other product names are the property of their respective owners.

zyprexa
Olanzapine

www.ZYPREXA.com

Lilly

Diabetes and patients with mental illness

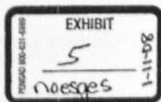
What do you consider when choosing medications?

What benefits do you associate with ZYPREXA® (olanzapine)?

What risks do you associate with it?

BENEFITS

RISKS



Diabetes is common.

- As many as 6.2% of American adults have diabetes.¹
- One half of them may not know it.¹
- 6.9% more have fasting blood glucose levels that are above normal.¹

But your patients are at an even greater risk.

- People with serious mental illness are 2 to 4 times more likely to develop diabetes.^{2,3}
- There have been reports linking antipsychotics and certain mood stabilizers with hyperglycemia since the 1950s.^{4,5}

For additional safety profile and other important prescribing considerations for ZYPREXA, see inside and the full Prescribing Information.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.

Li

It's That Matter.

Study methodology

Studies included patients aged 18 to 65 years, with a diagnosis of schizophrenia, schizophreniform disorder, schizoaffective disorder, or acute bipolar mania. Diagnosis of treatment-emergent diabetes was based on the clinical discretion of the investigator. For this analysis, all randomized patients were considered.

ZYPREXA vs haloperidol. Three randomized, double-blind studies compared ZYPREXA (5 to 20 mg/day) with haloperidol (5 to 20 mg/day). After the initial 6-week phase, further double-blind observations were conducted following exposure for up to 52 weeks.

Comparisons also include a haloperidol-controlled study of 33 subjects receiving ZYPREXA (11 mg/day).

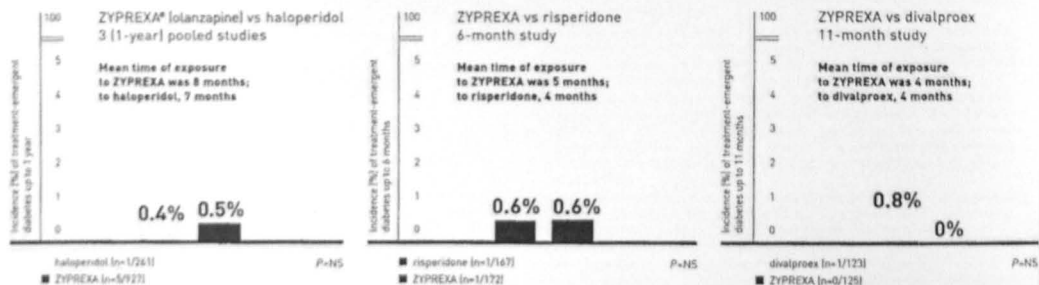
ZYPREXA vs risperidone: One 28-week, double-blind study compared ZYPREXA (5 to 20 mg/day) with risperidone (4 to 12 mg/day).

ZYPREXA vs divalproex: One 47-week, double-blind study compared ZYPREXA (5 to 20 mg/day) with divalproex (500 to 2500 mg/day).

How do the medications you use compare?

Rates of diabetes were comparable for commonly prescribed psychotropics during longer-term clinical trials.*

Incidence of diagnosed treatment-emergent diabetes in longer head-to-head schizophrenia and bipolar mania trials*



* These trials were not designed specifically to evaluate glycemic effects. Fasting glucose levels were not determined.

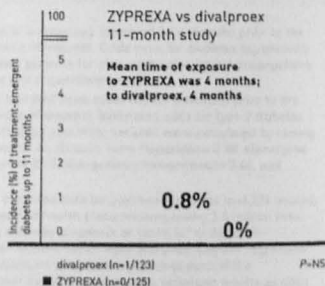
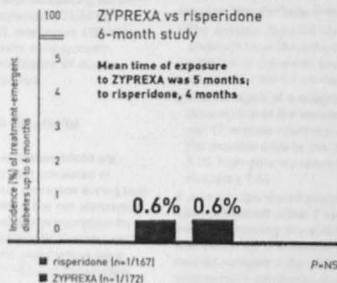
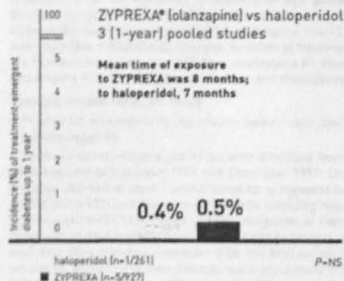
For safety information on haloperidol, risperidone, or divalproex, see the manufacturers' respective package inserts.
For additional safety profile and other important prescribing considerations for ZYPREXA, see inside and the full Prescribing Information.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.

How do the medications you use compare?

Rates of diabetes were comparable for commonly prescribed psychotropics during longer-term clinical trials.*

Incidence of diagnosed treatment-emergent diabetes in longer head-to-head schizophrenia and bipolar mania trials*



* These trials were not designed specifically to evaluate glycemic effects. Fasting glucose levels were not determined.

For safety information on haloperidol, risperidone, or divalproex, see the manufacturers' respective package inserts. For additional safety profile and other important prescribing considerations for ZYPREXA, see inside and the full Prescribing Information.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.

Study methodologies

Lilly Advance PCS Study

- Incidence among all patients combined on typical antipsychotics was 1.6% [307/19,782]
- Hazard ratio was significantly elevated for all treatment groups vs control patients not receiving antipsychotic medications

A 3-year retrospective, pharmacoepidemiological study of an independent prescription claims database (Advance PCS) containing over 50 million members. Patients who had been prescribed a diabetes medication at any point during the 12-month period prior to enrollment or who had been prescribed an antipsychotic during the 6-month period prior to enrollment were excluded. Diabetes mellitus was identified by oral hypoglycemic or insulin prescription claims in both the study and control groups. Patients in the antipsychotic study group were prescribed a single typical or atypical antipsychotic during the 6 months of follow-up. Out of this database, 5.8 million patients receiving a prescription medication that was not an antipsychotic served as the reference group. Hazard ratio was determined by Cox proportional hazard regression controlling for age, gender, and accounting for time to event. Incidence of new antidiabetic prescription was haloperidol 133/8476, thioridazine 62/3133, clozapine 7/277, olanzapine 194/13,863, quetiapine 40/4196, and risperidone 400/20,633. Average duration of treatment with antipsychotic medications was: clozapine 137 days, olanzapine 89 days, quetiapine 89 days, risperidone 90 days, haloperidol 68 days, and thioridazine 76 days.

Janssen Quebec Medicare Study

- *P*-value for olanzapine vs risperidone hazard ratio was not reported by the investigators

A Janssen-sponsored analysis of patients identified from the Quebec Medicare database between January 1997 and December 1999. One cohort consisted of patients who had at least 1 prescription for olanzapine but not clozapine during that period ($n=19,153$) and the other of patients receiving risperidone but not olanzapine or clozapine ($n=14,792$). Patients with a diagnosis of diabetes or a prescription for insulin or an oral hypoglycemic agent before beginning antipsychotic therapy were excluded. New diabetes diagnoses after the first antipsychotic prescription were tabulated. Incidence of new diabetes were olanzapine 319/19,153 and risperidone 217/14,792. Cox proportional hazard ratio adjusting for age and gender was calculated and reported relative to risperidone group. Duration of treatment with antipsychotic medicines was not reported by the investigators.

Lilly IMS Study

- Odds ratio for olanzapine- and risperidone-treated patients was not significantly different vs patients receiving typical antipsychotic medication

A retrospective analysis of the IMS LifeLink™ claims database identified patients aged 18-65 initiated on antipsychotic medicine between October 1996 and December 1998. The study included only patients with no antipsychotic use for 6 months prior and no diagnosis of diabetes or receipt of any diabetic medication for 1 year prior to antipsychotic initiation. Observed diabetes incidences were typical antipsychotics

68/3208, olanzapine 32/1530, and risperidone 43/1598. Logistic regressions were used to estimate odds ratios (OR) of a diagnosis of diabetes or use of any diabetic medication in the 1-year post-initiation compared to patients on typical antipsychotics; controlling for age, gender, mental health comorbidities, and regional differences. This analysis tabulated all diabetes incidences during 1 year subsequent to antipsychotic prescription irrespective of duration of the treatment episode.

Sernyak Study

A 4-month retrospective analysis included 38,632 outpatients listed in the Veterans Health Administration database with schizophrenia who were treated with typical or atypical antipsychotics. Using the same database, patients with a diagnosis of diabetes were also identified and used to calculate the prevalence of diabetes mellitus among patients receiving prescriptions for antipsychotic agents. Of the total number of patients included in the study, 15,984 received typical neuroleptics and 22,648 received atypical neuroleptics; 1,207 received clozapine; 10,970 olanzapine; 955 quetiapine; and 9,903 risperidone.

Janssen Health Plans Study*

- The analysis depicted here is of a subgroup observed for 4 months prior to the prescription of the antipsychotic of interest. Odds ratio for diabetes significantly elevated vs untreated psychotic patients for olanzapine and typical antipsychotic groups, but not for clozapine and risperidone groups.
- In an analysis of a subgroup that had been observed for 8 months prior to the prescription of the antipsychotic of interest, estimated odds for type 2 diabetes per 12 months relative to untreated psychotic patients were calculated by raising the monthly odds to the power of 12. Results were risperidone 0.88, olanzapine 3.10, high-potency conventionals 2.13, low-potency conventionals 3.46, and clozapine 7.44.

A Janssen-sponsored analysis of claims data for psychosis patients ($n=4,331$ treated, 3,061 untreated) within 2 unspecified health plans encompassing 2.5 million lives. Patients reporting pre-existing diabetes diagnosis or claim for antidiabetic medication up to 4 months prior to observation were excluded. Logistic regression models compared the odds of diabetes based on exposure to each of the antipsychotic categories and other explanatory variables, reporting results as odds ratio per month relative to untreated psychotic patients. Also reported were odds ratios of 1.05 high-potency typicals and 1.06 low-potency typicals. Characteristics reported for the group observed for 4 months prior to the antipsychotic treatment episode of interest were: Number of observed treatment episodes—clozapine 44, olanzapine 1,047, risperidone 1,368, high-potency typical antipsychotics 1,376, and low-potency typical antipsychotics 480. Average duration of antipsychotic treatment episodes were: clozapine 8.8 months, olanzapine 5.6 months, risperidone 6.4 months, high-potency typical antipsychotics 6.7 months, and low-potency typical antipsychotics 6.8 months. The investigators did not provide these details for the subset observed for 8 months prior to the antipsychotic treatment episode.

* Control group is psychotic patients not treated with antipsychotic medication.

Incidence and odds ratios of developing diabetes during treatment with antipsychotics.

Findings from 5 epidemiological studies show no consistent differences regardless of the agent studied.

	Lilly ¹⁰ Advance PCS Database	Janssen ¹¹ Quebec Medicare Database	Lilly ¹² IMS Database ¹	Sernyak ¹³ Veterans Database	Janssen ¹⁴ Health Plans Study
N	58,751	33,945	6,440	38,632	4,308
Control	0.8%*	-	-	-	1.00 [‡]
Clozapine	2.5%	-	-	1.25	1.08
Quetiapine	1.0%	-	-	1.31	-
Risperidone	1.9%	1.5%	2.7%	1.05	1.02
Olanzapine	1.4%	1.7%	2.1%	1.11	1.08
Typical antipsychotics	1.6-2.0%	-	2.1%	-	1.05-1.06
	OBSERVED INCIDENCE			CALCULATED ODDS RATIO/MONTH	

-I Drug not studied or value not supplied.

N=Number of antipsychotic-treated subjects studied.

* Control group is general population patients receiving prescriptions other than antipsychotic medications.

[†] Data on file, Lilly Research Laboratories.

[‡] Control group is psychotic patients not receiving prescriptions for antipsychotic medication.

§ Observed incidence is the percentage of patients taking the medication of interest who have new onset of diabetes mellitus. It does not control for potentially important factors such as patient age or duration of treatment.

|| Odds ratio refers to probability of becoming diabetic relative to control group. An odds ratio of 1.05 means that for every 100 cases seen in the control group, no more than 105 would be expected to develop diabetes in the comparison group.

For safety information on clozapine, quetiapine, or risperidone, see the manufacturers' respective package inserts.
For additional safety profile and other important prescribing considerations for ZYPREXA, see inside and the full Prescribing Information.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.



Answers That Matter

Important safety information

The most common treatment-emergent adverse event associated with ZYPREXA® (olanzapine) in 6-week schizophrenia trials vs placebo was somnolence [26% vs 15%]. Also observed [ZYPREXA vs placebo] were:

postural hypotension [5% vs 2%]	akathisia [5% vs 1%]
dizziness [11% vs 4%]	constipation [9% vs 3%]
personality disorder* [8% vs 4%]	weight gain [6% vs 1%]

The most common treatment-emergent adverse event associated with ZYPREXA in placebo-controlled bipolar mania trials was somnolence* [35% vs 13% for placebo]. Also observed [ZYPREXA vs placebo] were:

dry mouth† [22% vs 7%]	dizziness* [18% vs 6%]
dyspepsia [11% vs 5%]	asthenia† [15% vs 6%]
constipation [11% vs 5%]	increased appetite [6% vs 3%]
tremor [6% vs 3%]	

Transient, asymptomatic elevations of hepatic transaminase

In placebo-controlled schizophrenia studies, clinically significant ALT [SGPT] elevations [≥ 3 times the upper limit of the normal range] were observed in 2% [6/243] of patients exposed to ZYPREXA compared to none [0/115] of the placebo patients. None of these patients experienced jaundice. Periodic assessment of transaminases is recommended in patients with significant hepatic disease.

No baseline ECG required

No difference in clinically significant QTc prolongation with ZYPREXA compared to placebo in premarketing clinical trials.

Orthostatic hypotension

In premarketing trials of oral ZYPREXA, some patients may have experienced orthostatic hypotension associated with dizziness†, tachycardia†, and in some cases, syncope [15/2500, 0.6%].

Low potential for drug interactions

Coadministration of diazepam or ethanol with ZYPREXA may potentiate orthostatic hypotension. Lower doses of ZYPREXA should be considered in patients receiving concomitant therapy with fluvoxamine.

Tardive dyskinesia—as with all antipsychotic medications, prescribing should be consistent with the need to minimize the risk of TD. If its signs and symptoms appear, discontinuation should be considered.

Seizures—occurred infrequently in premarketing clinical trials [22/2500, 0.9%]. Confounding factors may have contributed to many of these occurrences. ZYPREXA should be used cautiously in patients with a history of seizures or with conditions that lower the seizure threshold.

* COSTART term for nonaggressive objectionable behavior.

† In bipolar mania trials, 4 adverse events occurred with statistically significant higher incidence with ZYPREXA than with placebo—none of these resulted in discontinuation.

‡ In acute phase, placebo-controlled schizophrenia trials [n=348], dizziness (11% vs 4%) and tachycardia (4% vs 1%) were reported; these events were not always associated with hypotension.

References

1. HHS Direct. Diabetes, risk factors for diabetes. Available at: <http://www.psychiatry.org/academic/diabetes/patient/diagnosis/risk.html>. Accessed March 7, 2003.
2. Mukherjee S, Decina P, Bocella V, et al. Diabetes mellitus in schizophrenic patients. *Compr Psychiatry* 1986;27:68-73.
3. McKee HA, D'Arcy PFD, Wilson JKH. Diabetes and schizophrenia: a preliminary study. *J Clin Hosp Pharm* 1986;11:297-299.
4. Kaskiner A, Tourani AE, Bousquet T. Psychotropic drugs, diabetes, and chronic mental patients. *Psychosomatics* 1973;14:176-181.
5. Cassidy F, Ahearn E, Carroll BJ. Elevated frequency of diabetes mellitus in hospitalized manic-depressive patients. *Am J Psychiatry* 1999;156:1417-1420.
6. Charatan FBE, Bartlett HG. The effect of chlorpromazine [Largactil] on glucose tolerance. *J Mental Sci* 1950;101:351-353.
7. Isiguro J, Lahtiainen TJ, Krip M, et al. Obesity and endocrine disorders in women taking valproate for epilepsy. *Ann Neurol* 1994;35:579-584.
8. Garland EJ, Renick RA, Zi AP. Weight gain with antidepressants and lithium. *J Clin Psychopharmacol* 1988;8:323-330.
9. Mellnerup ET, Dam H, Wildschmidt G, Høfsten OJ. Diurnal variation of blood glucose during lithium treatment. *J Affect Dis* 1983;5:341-347.
10. Buse JB, Cavarero P, Harnack K, et al. A retrospective cohort study of diabetes mellitus and antipsychotic treatment in the United States. *J Clin Epidemiol* 2003;56:144-170.
11. Caro JJ, Ward A, Levinson G, Robinson K. The risk of diabetes during olanzapine use compared with risperidone use: a retrospective database analysis. *J Clin Psychiatry* 2002;63(12):1135-1139.
12. Lage MJ, Kemner J, Loosbroek D, Hill AL. Use of atypical antipsychotics and the incidence of diabetes: evidence from a claims database. Presented at: 53rd IPS Annual Meeting; Oct 10-14, 2001; Orlando, Florida.
13. Sernyak MJ, Leslie DL, Alarcon RD, et al. Association of diabetes mellitus with use of atypical neuroleptics in the treatment of schizophrenia. *Am J Psychiatry* 2002;159:561-564.
14. Gianfrancesco FO, Grogg AL, Mahmoud RA, et al. Differential effects of risperidone, olanzapine, clozapine, and conventional antipsychotics on type 2 diabetes: findings from a large health plan database. *J Clin Psychiatry* 2002;63(10):920-930.
15. American Diabetes Association Screening for type 2 diabetes. *Diabetes Care* 2000;23 (suppl 1).
16. Riewers M, Hamman RF. Risk factors for non-insulin dependent diabetes. *Diabetes in America* 2nd Ed. National Health, 1995:179-220.
17. Foss MC, Paula FJ, Piccinini GM, et al. Peripheral glucose metabolism in human hyperprolactinaemia. *Clin Endocrinol* 1995;43:721-726.

Important safety information

The most common treatment-emergent adverse event associated with ZYPREXA® (olanzapine) in 6-week schizophrenia trials vs placebo was somnolence (26% vs 15%). Also observed (ZYPREXA vs placebo) were:

postural hypotension (5% vs 2%)	akathisia (5% vs 1%)
dizziness (11% vs 4%)	constipation (9% vs 3%)
personality disorder* (8% vs 2%)	weight gain (6% vs 1%)

The most common treatment-emergent adverse event associated with ZYPREXA in placebo-controlled bipolar mania trials was somnolence* (35% vs 13% for placebo). Also observed (ZYPREXA vs placebo) were:

dry mouth* (22% vs 7%)	dizziness* (18% vs 6%)
dyspepsia (11% vs 5%)	asthenia* (15% vs 6%)
constipation (11% vs 5%)	increased appetite (6% vs 3%)
tremor (6% vs 3%)	

Transient, asymptomatic elevations of hepatic transaminase

In placebo-controlled schizophrenia studies, clinically significant ALT [SGPT] elevations (≥ 2 times the upper limit of the normal range) were observed in 2% (6/243) of patients exposed to ZYPREXA compared to none (0/115) of the placebo patients. None of these patients experienced jaundice. Periodic assessment of transaminases is recommended in patients with significant hepatic disease.

No baseline ECG required

No difference in clinically significant QTc prolongation with ZYPREXA compared to placebo in premarketing clinical trials.

Orthostatic hypotension

In premarketing trials of oral ZYPREXA, some patients may have experienced orthostatic hypotension associated with dizziness¹; tachycardia¹; and in some cases, syncope (15/2500, 0.6%).

Low potential for drug interactions

Coadministration of diazepam or ethanol with ZYPREXA may potentiate orthostatic hypotension. Lower doses of ZYPREXA should be considered in patients receiving concomitant therapy with fluvoxamine.

Tardive dyskinesia—as with all antipsychotic medications, prescribing should be consistent with the need to minimize the risk of TD. If its signs and symptoms appear, discontinuation should be considered.

Seizures—occurred infrequently in premarketing clinical trials (22/2500, 0.9%). Confounding factors may have contributed to many of these occurrences. ZYPREXA should be used cautiously in patients with a history of seizures or with conditions that lower the seizure threshold.

* COSTART term for nonaggressive objectionable behavior.

¹ In bipolar mania trials, adverse events occurred with statistically significantly higher incidence with ZYPREXA than with placebo—none of these resulted in discontinuation.

² In acute-phase, placebo-controlled schizophrenia trials (N=364), dizziness (11% vs 4%) and tachycardia (4% vs 1%) were reported; these events were not always associated with hypotension.

References

1. NIMH Direct. Diagnosis, risk factors for diabetes. Available at: <http://www.psychiatry.ucsf.edu/diabetes/patient/diagnosis/risk.html>. Accessed March 7, 2003.
2. Mahajan S, Devine P, Bocota V, et al. Diabetes mellitus in schizophrenic patients. *Compr Psychiatry*. 1996;37:68-73.
3. McKee HA, D'Amico PFD, Wilson PJK. Diabetes and schizophrenia: a preliminary study. *J Clin Hosp Pharm*. 1984;11:297-299.
4. Krasner A, Tucci AE, Boustead T. Psychotropic drugs, diabetes, and chronic mental patients. *Psychosomatics*. 1972;13:174-181.
5. Cassidy F, Ahrens E, Carroll BJ. Elevated frequency of diabetes mellitus in hospitalized manic-depressive patients. *Am J Psychiatry*. 1999;156:1417-1420.
6. Charan FB, Bartlett HG. The effect of chlorpromazine (Largactin®) on glucose tolerance. *J Mental Sci*. 1956;101:351-353.
7. Isomura J, Laakkonen T, Krip M, et al. Obesity and endocrine disorders in women taking valproate for epilepsy. *Ann Neurol*. 1996;39:579-584.
8. Garland EJ, Benrick RA, Zu AP. Weight gain with antidepressants and lithium. *J Clin Psychopharmacol*. 1988;8:322-326.
9. Mettlerup ET, Dam H, Wildschiodt G, Rasmussen GJ. Diurnal variation of blood glucose during lithium treatment. *J Affective Dis*. 1993;54:341-347.
10. Buse JB, Cavazzoni P, Hornbuckle K, et al. A retrospective cohort study of diabetes mellitus and antipsychotic treatment in the United States. *J Clin Epidemiol*. 2003;56:164-170.
11. Caro JJ, Ward A, Levinson C, Robinson K. The risk of diabetes during olanzapine use compared with risperidone use: a retrospective database analysis. *J Clin Psychiatry*. 2002;63(12):1135-1139.
12. Lage MJ, Kemmer J, Loosbrock D, Hill AL. Use of atypical antipsychotics and the incidence of diabetes: evidence from a claims database. Presented at: 53rd IPS Annual Meeting; Oct 10-14, 2001; Orlando, Florida.
13. Sernyak MJ, Leslie DL, Alarcon RD, et al. Association of diabetes mellitus with use of atypical neuroleptics in the treatment of schizophrenia. *Am J Psychiatry*. 2002;159:561-564.
14. Gianfrancesco FD, Grigg AL, Mahmoud RA, et al. Differential effects of risperidone, olanzapine, clozapine, and conventional antipsychotics on Type 2 diabetes: findings from a large health plan database. *J Clin Psychiatry*. 2002;63(10):920-930.
15. American Diabetes Association. Screening for type 2 diabetes. *Diabetes Care*. 2000;23 (suppl 1).
16. Hatters M, Hamman RF. Risk Factors for non-insulin dependent diabetes. *Diabetes in America 2nd Ed*. Natl Inst of Health. 1995:179-220.
17. Foss MC, Paula FJ, Paccolla GM, et al. Peripheral glucose metabolism in human hyperprolactinemia. *Clin Endocrinol*. 1995;43:721-724.

The diabetes risk your patients face may be even greater if they:¹⁵⁻¹⁷

- ☒ Are African American, Native American, Asian American/Pacific Islander, or Hispanic.
- ☒ Are 45 years of age or older.
- ☒ Have a body mass index ≥ 25 kg/m².
- ☒ Have dyslipidemia.
- ☒ Do not get enough exercise.
- ☒ Are hypertensive.
- ☒ Have polycystic ovary syndrome.
- ☒ Have a previous history of glucose intolerance.
- ☒ Have a family history of diabetes.
- ☒ Have a history of gestational diabetes or delivered a baby weighing >9 lbs.

For additional safety profile and other important prescribing considerations for ZYPREXA, see inside and the full Prescribing Information.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.

Consider the whole story.

- Diabetes is **common**, and people with serious **mental illness** are at an even **greater risk**
- Among patients treated with different antipsychotics, clinical trial and epidemiological data show **no consistent differences** in rates of diabetes
- **Assess** patients for **risk factors** of diabetes, irrespective of which psychotropic is prescribed
- Treatment selection should be based on the patient's underlying **psychiatric condition** and the overall **risk/benefit profile** of the medication

For additional safety profile and other important prescribing considerations for ZYPREXA, see inside and the full Prescribing Information.

The Adverse Reactions section of the full Prescribing Information for ZYPREXA includes hyperglycemia (infrequent), glycosuria (infrequent), diabetes mellitus (infrequent), diabetic acidosis (rare), and ketosis (rare) as well as postintroduction reports of diabetic coma.

60-CK-26780 PRINTED IN USA. 30603885 0010 0003, ELI LILLY AND COMPANY. ALL RIGHTS RESERVED. ZYPREXA is a registered trademark of Eli Lilly and Company. All other product names are the property of their respective owners.



This document has
NOT been proofread

Table of Contents

Table of Contents

Strategy Overview	5
Scientific Background	11
Message Algorithm	23
Message Script	25
Q&A	31
Materials Available	35
References	37



This document has
NOT been proofread

Introduction

Strategy

part, their perceptions of ZY

Welcome to the ZYPREXA[®] hyperglycemia/
Diabetes Data on Demand Resource Guide.
This guide will function as your "go-to" resource
when you are faced with an objection surrounding
hyperglycemia or diabetes. Since the launch of
ZYPREXA four years ago for schizophrenia and
almost one year ago for bipolar disorder, we have
been very successful in communicating the
outstanding efficacy and safety of ZYPREXA to
our customers. You have helped thousands of
patients with schizophrenias or bipolar disorder
achieve either reintegration or balance. Now, with
the launch of the new schizophrenia message—
including the maintenance of treatment response
data—we're taking ZYPREXA to an even
higher level.

Our primary focus, as always, is on the outstanding efficacy of ZYPREXA. Clearly, this is the most important facet of an antipsychotic, and a mood stabilizer to patients, family members, and the treatment team. Nevertheless, as you are well aware, over the last several years our competition has been relentless in trying to convince our customers that ZYPREXA is not appropriate for many patients because of weight gain. And, more recently, they have focused on a very logical argument: ZYPREXA causes more weight gain; significant weight gain is a risk factor for diabetes, and therefore (they want MDs to think) ZYPREXA causes more hyperglycemia and diabetes.

It is very important to have a good understanding of hyperglycemia and diabetes. This will allow you to be able to properly handle any possible objections you may get, and in the end, spend more time sharing the outstanding efficacy story with your customers. You will learn more about hyperglycemia and diabetes in the Scientific Background beginning on page 11 of this guide.

Not every physician has bought into the weight gain/diabetes argument, but there are a growing number of psychiatrists who have. For the most

part, their perceptions of ZYPREXA and diabetes have been based on an intuitive argument, but many have either read about case reports in the literature, heard about a patient on ZYPREXA who has developed diabetes, or in some cases, have had a patient on ZYPREXA develop diabetes. In essence, most physicians' perceptions have been based on an argument put forth by our competition buttressed by some anecdotal evidence.

Market research has shown there are two groups of physicians with whom we must be prepared to deal. First, there is a group representing about 60% of psychiatrists who do not view diabetes as a particular concern with antipsychotics. However, this does not mean they have not heard the argument put forth by our competition. In fact, while these physicians may not be concerned enough to let this issue affect their prescribing of ZYPREXA, most of them have heard the argument. If you can get into a deep enough dialogue with them, we've found that many of them do wonder if it might be true. The other 40% of our psychiatrists have specific concerns about ZYPREXA and diabetes, and perhaps half of this group has begun to shy away from ZYPREXA because of their concerns.

Diabetics, after all, is a pretty scary thought for most psychiatrists. First, most are not comfortable with the science around the disease. Though many remember some of their medical school training on the subject, most do not deal with diabetes on a day-to-day basis, so they may not be well versed in the basics, such as risk factors for the disease, diagnostic criteria, or treatments. Second, they are fearful of "causing" a disease that can lead to permanent complications. Even though they may be comfortable assessing the risks of using antipsychotics that may lead to tardive dyskinesia—they've had about 50 years to get used to thinking about that potential side effect. As one psychiatrist said, "We've had to be neurologists, and I don't want to have to become an endocrinologist."

Strategy Overview



This document has
NOT been pre-read

Situation overview

We all have been aware of the competitive activity and changing physician perception for some time, and we've been fairly proactive in the marketplace. Along with proactively changing the PI in the second quarter of 2000, we launched a number of efforts to address physician concerns. It is clear that many of you have made some progress utilizing the first hyperglycemia sell sheet with some of your physicians. And there has been a steady DTP effort (CME, Strategy and Consultant Conferences, etc) on the topic. Also, last year, the neuropharm division of the FDA requested all preclinical, clinical, and post-marketing surveillance data from each of the manufacturers of newer antipsychotics. And, in late 2000, the FDA asked Lilly to remove the paragraph in the ZYPREXA PI relating to the relative incidence of treatment-emergent hyperglycemia pending its review of all manufacturers' data.

We anticipate that the FDA will make additional changes to the PIs of many or even all antipsychotics in the next six months to a year. We believe the most likely scenario is that there will be some sort of "class labeling" around hyperglycemia/diabetes.

So, how do we address this issue?

There are a number of "lessons learned" from our experiences selling Redacted ZYPREXA that we need to remember as we address this issue. We've done some good things, and have also made some mistakes as we've dealt with competitive issues such as Redacted Redacted weight gain with ZYPREXA.

- We must be fully aware that "brush fires can turn into forest fires." In essence, although we've handled the competitive attacks on diabetes fairly well to date, we must not be overly confident. We must work to make sure that the 60% of psychiatrists who don't have specific concerns about ZYPREXA remain confident in both the efficacy and safety of our agent.

- We've learned that it's important to be forthcoming—we must not be perceived as "merely denying" a potentially serious side effect, and therefore must address the issue constructively, confidently, and empathetically.
- We must not fight a battle around just one side effect. We must make our first priority discussing the benefits of ZYPREXA with our physicians.
- We must continue to give appropriate tools to the neuroscience sales force, and help provide "air cover" in terms of physician-to-physician communications.
- We must be relentlessly consistent in our alignment and execution across the marketing mix—in the sales force and in our other marketing efforts.
- We must recognize and understand the nature of each customer's concern and tailor our objection handling based on our knowledge of that customer's concern.

Strategy overview

Our strategy for how to deal with this issue is based on a number of things:

- a firm understanding of our customers' perceptions of ZYPREXA and of Lilly;
- an understanding of past, current, and likely future regulatory events;
- an ever-evolving understanding of the truth about ZYPREXA and other psychotropics with respect to hyperglycemia and diabetes; and
- an understanding of the patients our physicians are treating.

So what is the story behind hyperglycemia and ZYPREXA? Our US and Product Team physicians have been working diligently to learn more about the potential for treatment-emergent hyperglycemia and/or diabetes in patients who are treated with ZYPREXA and other agents.



This document has
NOT been proofread

Strategy Overview

Briefly, diabetes may occur in patients taking antipsychotics and/or mood stabilizers, including ZYPREXA, at rates that are comparable to each other.

This is the key message that we will focus on, and the one that is most relevant to clinicians. After looking at data from pooled clinical trials, we have found that the incidence of treatment-emergent, diagnosed diabetes is comparable between ZYPREXA, haloperidol, and risperidone. We also looked at rates of abnormally elevated blood glucose across these three agents using four different cutoff points, and again found that the likelihood of patients experiencing elevations was not different between these agents at any threshold examined. We will go into more detail in the Scientific Background, page 19.

Of note, you will notice that the thrust of our new data on demand for diabetes/hyperglycemia focuses on comparable rates with relevant treatment alternatives in patients with schizophrenia, rather than placebo. One limitation of our placebo data in patients with schizophrenia is that the time of exposure to placebo in our trials is relatively short—on the order of a few weeks—making comparisons of rates challenging. On the other hand, our database comparing ZYPREXA to haloperidol, risperidone, and clozapine is quite robust, having a large number of randomized, prospectively assigned patients followed over a relatively long duration. And perhaps most importantly, these agents (particularly risperidone and haloperidol) are two very relevant alternatives in today's treatment paradigm for patients with schizophrenia and, perhaps to a lesser extent, bipolar mania. You'll note that we do not include data in this sheet on Depakote. This is simply because the data that we have are limited to the three-week GHGQ study, where we did not see differences in glucose levels, but would not have expected to, given the relatively short duration of the trial. In Abbott's 12-week comparative study of ZYPREXA and Depakote, no significant differences in glucose levels were found.

We have also analyzed the large head-to-head database looking at average blood glucose levels for patients taking ZYPREXA and the other comparator agents. Here, we did see some small elevations in patients taking ZYPREXA, but as Dr. Breier discussed in his video shown in the January meetings, these small increases were not clinically relevant. Nevertheless, it is important that we share this information with our customers because it helps build credibility. We are NOT saying that there are no changes in blood glucose on ZYPREXA, nor are we saying that there are no differences in blood glucose for patients on ZYPREXA as compared with patients on the other agents. The key point is that we do not see differences in rates of diabetes or hyperglycemia across these agents.

There are, of course, a number of other key messages that are essential to communicate.

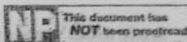
- Diabetes is quite common in the general population, and is higher in patients with psychiatric illness.

The incidence of diabetes is on the rise in the United States. In the general population, the incidence of diabetes is 7.8%, with about one third being undiagnosed. In other words, there are people who have diabetes and don't even know it. On top of this, an additional 6.9% have abnormal hyperglycemia, with blood glucose levels falling short of the diagnostic threshold for diabetes.

The incidence of diabetes among patients with schizophrenia and bipolar disorder is 2-4 times higher than the general population.

We do not mean to minimize the problem of glucose elevation at all. In fact, to the contrary, it is important our physicians understand that if they were to look carefully at their patient population, they likely would find elevations in glucose. Clearly, hyperglycemia and diabetes are part of a much bigger picture than merely the effects of psychotropic medications. This leads us to the next part of our message.

Strategy Overview



- There are a large number of factors that affect risk for diabetes, such as obesity or other potentially stronger risk factors.

There are some factors that cannot be changed, such as family history, age, ethnicity, etc. On the other hand, there are a number of factors that are variable. Variable factors include diet and exercise, which can play a role beyond mere weight gain. Although significant weight gain is indeed a risk factor for hyperglycemia and/or diabetes, there are many other factors involved. Even though a patient has some or even all of these risk factors, he/she may not develop diabetes. Conversely, some patients with diabetes have none of these risk factors. Clearly, diabetes is a complex disease with a large number of contributing factors.

So then, how can ZYPREXA be associated with more weight gain, but still have comparable rates of hyperglycemia? In fact, differences in patterns of weight gain on various agents that we've analyzed did NOT translate into differences in rates of diabetes or hyperglycemia. As Dr. Beiler outlined in his video, weight gain is just one part of the picture. In fact, the majority of patients (79%) who did have an episode of hyperglycemia did NOT experience substantial weight gain (i.e., increase of 10% or more from baseline). And even among those patients with substantial weight gain, over 95% had no glycemic abnormalities. Further detail is provided in the Scientific Background, page 19.

In essence, our strategy is to set the record straight regarding the incidence of hyperglycemia associated with antipsychotic medications. Specifically:

- Rates of hyperglycemia/diabetes are comparable among patients taking antipsychotic medications
- Diabetes is common in the general adult population and is more common in patients with psychiatric illness
- There are many factors that influence hyperglycemia/diabetes
- Obesity is one risk factor among many that may contribute to hyperglycemia

Market research testing

We have had the opportunity to test the new sell sheet with a number of your key customers. First off, in our testing, physicians had a very consistent take-away of key message points. And, the message appears to be generally believable. Now, this is not to say that in all cases physicians "changed their minds" on the spot. In almost all cases, however, the dialogue with the physician succeeded in making them think.

If we deliver the right message to the depth required, we can get physicians thinking. And with the "air cover" that is being provided in CME programming and other peer-to-peer programs, it is our intent to reframe this issue over time so that fear of diabetes does not become a reason to avoid starting a patient on ZYPREXA (or on any other psychotropic).

Resources available

At upcoming coaching clinics, you will be working with a new sell sheet. This guide includes photos of the front and back of the sell sheet, as well as a sample script.

In addition, there are a number of other resources that you have at your disposal. Of course there is a medical letter available. And, there are several enduring materials from DTP programs that can also provide good information on this topic for physicians who request it. Specifically, you may want to provide the November 2000 PsychLink (as discussed in the January meetings) to those physicians who request it. We also have updated speaker slides that can be used in peer-to-peer selling efforts.



This document has
NOT been proofread

Strategy Overview

Critical observations on this new information

First, these data are an enhancement to and consistent with our previous message. Clearly, the information in this sell sheet is more relevant to physicians because it directly discusses comparable rates across certain psychotropic agents. Please note you must discontinue use of the previous sell sheet (OL # 18524) after the upcoming district meeting/coaching clinic.

Second, you must utilize the new sell sheet appropriately with your physicians. Specifically, if you know a physician (or treatment team member) who (a) has a deep-seated and specific objection to using ZYPREXA due to fear of hyperglycemia, and/or (b) brings up a serious hyperglycemia objection at the beginning of your detail, you should address the objection up front in your detail, utilizing the new materials. For other physicians (which will probably be most physicians), you should proceed with the usual "efficacy" message, making sure that you probe carefully during the safety/tolerability section of the detail to uncover an objection. Of course, if you discover one, please handle it appropriately with the new materials.

Additionally, it is critical that you tailor the objection handling to the physician based on a clear understanding of the physician's perceptions. In most instances, you can limit your discussion to the "comparable rates" page. If necessary, though, the second page provides additional information.

Third, our success will be largely dependent on our tone with physicians: we must handle the objection in a confident, non-defensive, forthcoming manner. But we must also answer the objection to the depth required, based on a good understanding of that physician's thoughts and perceptions of the issue. So, of course, active listening is required. Also, the sell sheet is designed so that you can limit your discussion to the "comparable rates" if that will handle the objection. If more is required, you can use the back page as well. In fact, based on our testing

with physicians, we've learned that it is essential to avoid a "data dump." Therefore, we will practice utilizing this information both in a brief way and a more complete way in the upcoming coaching clinic.

Critical success factors for appropriately dealing with the hyperglycemia/diabetes objection:

1. Focus your sales presentation on the outstanding efficacy of ZYPREXA
2. Have a good understanding of hyperglycemia/diabetes
3. Understand how and when to properly use the hyperglycemia Data on Demand sheet
4. Frame hyperglycemia in the context of the overall safety profile of antipsychotic medications

In closing...

We hope you find this Resource Guide helpful as you prepare yourself to handle any hyperglycemia and/or diabetes objections that your customers may raise. We appreciate your dedication and expertise and are counting on those attributes as we move forward.

We wish you great success in the field!

Scientific Background

This section is designed to give you a brief but fairly thorough understanding of what hyperglycemia is, what diabetes is, and how they differ. Each condition affects the body in different ways. Certain risk factors may predispose one person more than the next. Some of these factors are manageable, some are not. Diabetes has become more common in the general population, and it may be even more common in patients with serious and persistent mental illness.

Once you have an understanding of the disease state, you will then be able to better understand our data on ZYPREXA and diabetes, and how these data compare to other antipsychotics. Obviously, we do not expect you to become diabetes experts. You are sales representatives for ZYPREXA, and your primary mission is to sell ZYPREXA. But unfortunately, for some customers, that may mean you will have to address their concerns about hyperglycemia and diabetes. We hope that we have provided the information to allow you to do that, and then easily transition back to our efficacy message.

General Overview

Basic biology

The human body needs fuel in order to function. As we eat, our body breaks down some of the food into sugars, one of these sugars is glucose, the body's main fuel. After glucose is created, it needs to be transported to the cells in order for the body to function. Glucose is oxidized (burned) in the cells to supply their energy. (Most cells can also use alternate energy sources, such as lipids or proteins, but generally use glucose first.) The blood is responsible for carrying glucose to individual cells. As glucose enters the bloodstream, a person's glucose levels begin to rise, but gradually return to the normal range.

It is important to realize that there are daily fluctuations in blood glucose levels, as well as a great deal of inter- and intra-person variability in blood sugar levels. For example, by one measure of blood sugars (obtained by assessing blood glucose levels 8-12 hours after the last food intake), "ideal" plasma levels may range from 70-100 mg/dl¹ and nondiabetic individuals usually have fasting glucose of below 125 mg/dl.²

The body has a very complex system that makes glucose available to cells to produce energy, and generally this system keeps blood glucose levels within a normal range. When the body senses an increase in glucose, it sends a signal to the beta cells of the pancreas to make insulin. Insulin is a hormone that lowers the blood glucose by acting as a key to unlock the body's cells, thus allowing glucose to pass from the bloodstream into the cells. Once the pancreas releases insulin into the blood, the blood glucose level begins to fall back to normal since the insulin allows glucose to pass from blood into the cell. The body's cells then utilize the glucose for fuel, creating energy for the body.

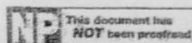
When this system fails...

If the body doesn't make enough insulin or if the insulin doesn't function properly, the sugar cannot gain access to the cells. Instead, the glucose stays in the blood, causing the blood sugar level to be high, potentially signaling diabetes.

Just because a person's blood sugar levels may be elevated doesn't necessarily mean that person has diabetes. A person has "high blood sugar" or hyperglycemia when his or her blood sugar level has risen and stayed well above the ideal range. Consistent elevation over a long period of time makes one more likely to develop diabetes.

Conversely, if blood sugar levels fall below 60-70 mg/dl,³ this may be an indication of low blood sugar (hypoglycemia). When this happens, people may experience unpleasant symptoms, such as lightheadedness, nausea, drowsiness, or confusion. These symptoms can develop quite suddenly.

Scientific Background



Although hypoglycemia is usually easy to treat, serious reactions may result if it is not dealt with quickly, including passing out or having convulsions.

The next section of the Scientific Background will explain in a little more detail the difference between hyperglycemia and diabetes, as well as discuss how each condition can affect the body.

Disease State Overview

Hyperglycemia vs diabetes

Hyperglycemia and diabetes are conditions that center around abnormalities in the body's ability to use glucose. As mentioned, our bodies have a very elaborate mechanism to keep the amount of glucose in the blood within a range that is sufficient to keep body cells energized.

Hyperglycemia that persists for a short period of time usually does not have adverse effects on the body. Sometimes, hyperglycemia can cause symptoms such as excessive thirst and urination. If hyperglycemia persists for a long period of time (as occurs in untreated diabetes mellitus), it can damage certain organs of the body such as the kidneys, eyes, and nerves. Although many individuals experience hyperglycemia, such as after quickly eating a high-calorie meal or when they are ill with the flu, usually the elevated glucose is transient and goes away without medical intervention.

An individual can have episodes of hyperglycemia and not have diabetes or any complications.

Diabetes is a complex metabolic disorder predominantly characterized by blood glucose levels that are consistently higher than normal (hyper-glycemia). But diabetes is more than just hyperglycemia; frequently it also entails other metabolic problems, such as elevations in cholesterol and triglycerides, and symptoms or

complications as discussed below. A diagnosis of diabetes is given when the patient meets a certain set of blood glucose criteria, measured by a couple different tests. Let's start by discussing the two types of diabetes, the measurement and evaluation of blood glucose level, and the role of insulin.

Diabetes is more than just hyperglycemia:

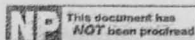
- it is characterized by persistently elevated blood glucose levels above certain thresholds; and
- it is also characterized by frequent lipid abnormalities and other complications.

Types of diabetes

There are two major types of diabetes. Though both include blood sugar elevation, both types have very different causes and presentations, as described below.

Insulin-Dependent Diabetes Mellitus (Type 1 Diabetes) occurs when beta cells of the pancreas do not produce sufficient insulin, typically due to beta cell destruction. Circulating insulin levels are low or undetectable. As such, patients with Type 1 Diabetes require insulin administration for life. While Type 1 Diabetes can occur at any age, it usually presents in children or teens with symptoms such as extreme thirst, frequent urination, and weight loss. In most instances, insulin-dependent diabetes occurs with a background of genetic susceptibility to the disease but is precipitated by altered immune responses and/or environmental stressors. About 10% of all patients with diabetes have insulin-dependent diabetes. As the name of the disorder suggests, most Type 1 Diabetes patients require daily insulin injections in order to live.

Type 1 Diabetes is characterized by very low or virtually absent insulin production.



Scientific Background

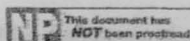
The other 90% of diabetes patients have **non-insulin dependent diabetes mellitus (Type 2 Diabetes)**. Type 2 Diabetes usually occurs in individuals over the age of 40, is often without symptoms in its early stages, and may go undiagnosed for years (average is 7 years). In contrast to insulin-dependent diabetes, non-insulin dependent diabetes is a consequence of the body's cells using insulin inefficiently. Such individuals are not diabetic while blood glucose levels remain normal. The cells are said to be "resistant" to the effects of insulin. When this happens, the body compensates by producing a greater-than-normal amount of insulin. As a result of this compensation, the individual avoids having elevated blood glucose levels even though his or her body's cells have become "insulin resistant." However, the pancreas can only continue this increased insulin secretion for a

limited number of years. Eventually the pancreatic beta cells (insulin-secreting cells) lose their ability to maintain adequately high levels of insulin. As the pancreas beta cells fail, insulin levels begin to fall below the supernormal values, and glucose levels begin to rise above normal. As the glucose levels rise above normal and the pancreas is no longer able to compensate by producing more insulin, persistent hyperglycemia develops, and Type 2 Diabetes can be diagnosed when glucose crosses diagnostic thresholds. This high glucose may occur even when measured insulin is in the normal range, because the cells are inefficient in their insulin use.

Type 2 Diabetes is characterized by the body's cells using insulin inefficiently.

Type 1 Diabetes vs Type 2 Diabetes		
	Type 1 Diabetes	Type 2 Diabetes
Onset	Sudden onset usually before age 30 but may occur at any age	Gradual onset usually after age 40 but increasing incidence in adolescents
Symptoms at onset	Excessive thirst, hunger, and urination; weight loss; fatigue; nausea/vomiting; sweet breath; frequent/recurring infections	Often mild or no symptoms early; blurred vision, frequent urination; cuts/bruises slow to heal; tingling/numbness in hands/feet
Possible causes	Immune mediated, viral, or environmental causes	Not known, but family history and other risk factors are known
Level of insulin deficiency	Absolute insulin deficiency	inefficient insulin use and insufficient compensatory rise in insulin level

Scientific Background



Blood glucose levels

The diagnosis for hyperglycemia or diabetes centers on measurements of blood glucose. The measurements depend on the method of measurement, which can depend on the testing situation. It is extremely important that plasma glucose levels be interpreted within the context of the testing situation. The fasting plasma glucose (FPG) is the preferred method of measurement. The random plasma glucose is also a reliable method, but is not preferred over the fasting plasma glucose due to its limitations, which are described below. The other two tests mentioned below are not as commonly used.

- **Fasting plasma glucose (FPG)** - collected from a patient who has no caloric intake for at least 8 hours. This is the preferred method of evaluating blood glucose levels because it eliminates high measurements that may result from a patient's eating pattern, thereby allowing a more "standardized" comparison to published normal ranges. Once one abnormal result is obtained, this test is repeated before an actual diagnosis of diabetes is made.
- **Random plasma glucose** - collected any time of the day independent of when or what the individual last ate. Unfortunately, this measurement may not accurately reflect normal plasma glucose—if the patient recently ate a meal that he or she doesn't normally eat, such as a McDonald's Big Mac, this particular measurement may not be as reflective of the normal plasma

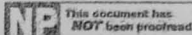
glucose level as compared to a fasting plasma glucose measurement. Clearly, this test has some limitations. However, depending on the patient's situation, it may be the best alternative (patient is unable to fast for 8 hours, etc). This is the measurement that we have in our clinical database.

- **2-hour oral glucose tolerance test (OGTT)** - collected two hours after the patient consumes an oral drink "loaded" with glucose. The OGTT is inconvenient and uses more medical resources, so this method is not recommended for routine diagnosis of diabetes.
- **Hemoglobin A_{1c} test** (sometimes called "glycosylated hemoglobin") - abnormally high amounts of hemoglobin A_{1c} are produced when plasma glucose is high. As turnover of hemoglobin A_{1c} is relatively slow, it is used to estimate severity of glucose elevation over several weeks. This measurement thereby gives a more longitudinal view than a single measurement of glucose itself. However, it is not currently recommended for the diagnosis of diabetes, and is more helpful in evaluating glucose control in patients with known diabetes.

Defining diabetes by blood glucose levels

The chart below lists the blood glucose levels that may suggest the presence of hyperglycemia or diabetes.²

Measurement	Diabetes	Impaired Glucose Tolerance (IGT)	Normal
Random glucose	≥ 200 mg/dl	160-200 mg/dl	<160 mg/dl
Fasting glucose	≥ 126 mg/dl	110-126 mg/dl	<110 mg/dl



Scientific Background

It is important to understand that these numbers are arbitrary, as is blood pressure for example. It is not as though 127 mg/dl is significantly different from 125 mg/dl. However, if a patient has two different levels of blood sugars while fasting on two different occasions and both measurements are over 125 mg/dl, then that person would be diagnosed with diabetes. This is an important point, as the diagnosis of diabetes requires several fasting measurements above 126 mg/dl, as will be explained in greater detail later.

Impaired Glucose Tolerance (IGT): These criteria also recognize a group of patients who are hyperglycemic (have fasting glucose that is higher than the normal values of 110 mg/dl), but do not meet the criteria for a diagnosis of diabetes. Patients whose glucose values fall between "normal" and "diabetic" are said to have Impaired Glucose Tolerance (IGT) or Impaired Fasting Glucose (IFG). This is an important classification for several reasons. First, it is important to note that IGT and IFG are not clinical entities but rather risk factors for future diabetes and cardiovascular disease.⁴ Patients with IGT do not necessarily progress to diabetes, and some patients with IGT revert to normal with appropriate diet and exercise. Whereas an estimated 16 million Americans have diabetes, an estimated 21 million Americans have IGT. And at least 35-40 % of these will go on to develop diabetes.⁴ This means that 7 % of the population, or 1 out of 12 individuals, is at high risk for developing diabetes.⁴

Complications of diabetes and hyperglycemia

Remember, just because a person has hyperglycemia does not mean that he or she necessarily has diabetes. However, patients with diabetes do have hyperglycemia, but they also have other metabolic problems, such as elevated cholesterol and triglycerides. From a diagnostic perspective, though, it's really the severity of hyperglycemia that matters, not levels of fat or protein. Diabetes also begins to negatively affect many parts of the body.

Diabetes can lead to a number of long-term complications. While precise mechanisms remain unknown, glucose elevation appears to play a key role. Controlling hyperglycemia, in other words, keeping the blood glucose as close to normal as possible, can prevent or delay many diabetes complications. The main types of complications brought about by diabetes are listed below.⁵

- **Retinopathy** causes the deterioration of the retina, which can lead to blindness; if detected and treated early, retinopathy can be prevented or delayed. Research indicates that the risk for retinopathy can be reduced through good glucose control.
- **Nephropathy** is a kidney disease that, left unchecked, can lead to kidney failure requiring renal dialysis or kidney transplant.
- **Peripheral neuropathy**, damage to sensory nerves in the extremities, may cause patients to be unaware that they've been cut or have an infection; hence, this kind of neuropathy increases the risk of more serious infections. Peripheral neuropathy often leads to amputations because infections of the feet or legs can become advanced before the patient realizes there's a problem (and because damage to blood vessels impairs healing). Diabetes is the leading cause of nontraumatic amputations in the US.
- **Autonomic neuropathy**, damage to nerves in autonomic systems, impairs the "automatic" functions of the internal organs. Difficulty in emptying the stomach, the bladder, or obtaining or maintaining an erection may result.
- **Other microvascular complications** may include disease of the arteries/veins in the heart, extremities, and brain. A thickening of blood vessel walls and arteriosclerosis, a lipid buildup that clogs arteries, can lead to heart attack and stroke. Of patients with diabetes, 80% will die from a cardiac event.

While the above complications accrue due to long-term effects of hyperglycemia and are usually progressive, there are three other types of acute diabetic complications due to imbalance of glucose and insulin. These potentially severe "metabolic" complications are usually both treatable and preventable.

Scientific Background



This document has
NOT been proofread

- **Hyperosmolar coma** is usually a complication of Type 2 Diabetes. Patients become abnormally drowsy and symptomatic can progress to coma. Very high blood glucose and dehydration are responsible for the symptoms. Above a certain plasma glucose level (approximately 180 mg/dl), the kidneys cannot fully prevent glucose from "spilling" into the urine. This glucose pulls more water into the urine by osmotic force. Consequently, increased urination and compensatory increased thirst are common symptoms of hyperglycemia. These symptoms worsen as the blood sugar increases. Patients who are unable to drink enough to keep up with the urinary losses (eg, those who are bedridden) are particularly likely to progress to dehydration and hyperosmolar coma. Hyperosmolar coma is treatable with insulin, fluids, and other supportive measures.
- **Diabetic ketoacidosis (DKA)** is a potentially life-threatening situation. It usually reflects a very severe insulin deficit, so is more common in Type 1 Diabetes. DKA usually presents with gastrointestinal symptoms such as pain or nausea, but can progress to drowsiness and coma. In ketoacidosis, as in diabetic coma, blood sugar is elevated. However, unlike diabetic coma, DKA is characterized by greatly excessive blood levels of ketones. Ketones, derived from the body's fatty acids, are acidic and lower the blood's pH. This upsets electrolyte balance and leads to various potentially serious complications. DKA can be treated with appropriate insulin, fluid, and other supportive measures.
- **Hypoglycemic (insulin) shock** comes from abnormally low plasma glucose, resulting from excessive insulin dosing, or (to a lesser degree) from oral hypoglycemics. Nervous system functioning requires adequate availability of glucose. Patients with low blood sugar may experience headache, irritability, and confusion. In severe cases, this may lead to coma. It is treatable with glucose (for example, from orange juice).

It is becoming increasingly clear that the earlier diabetes is diagnosed and appropriately treated, the better chance the patient will have to delay or prevent its complications. Estimates reflect that

the typical patient with Type 2 Diabetes has actually had hyperglycemia for at least 5 years before the diagnosis is made, so it is imperative that efforts to reduce and control glucose levels be made as quickly as possible.

Risk factors

There are several risk factors that either directly cause diabetes or are statistically associated with it. The correlation of a risk factor(s) with development of diabetes is never 100%; usually multiple factors are involved. The greater the number of risk factors present in an individual, the greater the chance the individual will develop diabetes. However, it is important to note that just because a person has some or all of these risk factors, it does NOT mean he/she will develop diabetes. And conversely, some patients with diabetes do not have ANY of these risk factors.

The major risk factors for Type 2 Diabetes include intrinsic factors (factors that a person cannot change) and variable factors (factors that can be managed).¹

Intrinsic factors include:

- **Family history:** If a person has a parent or sibling who has diabetes, that person's risk of developing Type 2 Diabetes is increased by 40%.
- **Race or ethnic background:** The risk of developing Type 2 Diabetes is 2 to 3 times greater for non-Caucasian Americans.
- **Impaired Glucose Tolerance (IGT) diagnostic:** Those patients with a prior diagnosis of IGT have a greater risk of developing diabetes.
- **Age 45 or greater:** The risk of developing diabetes increases progressively as one ages.
- **Diabetes during pregnancy (gestational diabetes):** Women who become diabetic during pregnancy are 40% more likely later to develop persisting Type 2 Diabetes.

Scientific Background

Variable factors include:

- **Dyslipidemia:** Those with abnormal blood cholesterol or triglyceride levels (HDL), or "good" cholesterol levels under 35 mg/dl, and/or a triglyceride level of over 250 mg/dl, have a greater risk of developing Type 2 Diabetes.
- **Hypertension:** Those with high blood pressure have a 20% greater risk of developing Type 2 Diabetes.
- **Obesity (>20% over ideal body weight):** Almost 90% of all people with newly diagnosed Type 2 Diabetes are overweight.³ In one 20-year study looking at the effects of weight gain over the first 10 years of the incidence of diabetes, the excess incidence of diabetes in those who gained the most weight (over 20 kg) was less than 1% per year more than those who did not have significant weight change. [Ford et al, *Am J Epidemiology*, 146:214-22, 1997.] Obesity increases insulin resistance and contributes to many health problems. Sometimes, losing just 10 pounds can help the body to use insulin better and help bring diabetes under control.
- **Sedentary lifestyle:** Those who exercise or perform some form of increased physical activity 3-4 times per week may decrease their risk of developing Type 2 Diabetes by 40%.

There are a number of other factors that may affect glucose control. For example, excessive alcohol use over a period of many years has been associated with increased risk of Type 2 Diabetes. Also, diets high in fat have been implicated, since those who eat foods high in cholesterol may develop dyslipidemia and increase the risk of developing Type 2 Diabetes. Also, though not as robustly associated with hyperglycemia as the other factors listed above, there is some evidence to suggest that hyperprolactinemia may be associated with elevated glucose levels.

These risk factors are not necessarily causal links, but over time, correlations between one or more of them to diabetes have been observed. For example, weight gain by itself may not contribute to diabetes, but a person who gains weight in the presence of other risk factors may be more likely to get diabetes. In this sense, risk factors help describe the environmental factors that most often work together to produce diabetes. It is prudent that a patient whose history is positive for one or more of these factors be evaluated for the development of diabetes symptoms and/or tested for this condition.

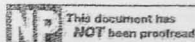
HYPERGLYCEMIA, DIABETES, AND MENTALLY ILL PATIENTS

Now that we have outlined hyperglycemia and diabetes, we need to know how this affects us, our customers, and their patients. Interestingly enough, diabetes is common in patients with serious and persistent mental illness. Below we present data on this subject.

General population data

The number of patients with Type 2 Diabetes in the general population continues to increase at an alarming rate in the US and other developed countries. During the 1990s, the prevalence of Type 2 Diabetes increased by 33% overall, and by 70% among people in their 30s. Currently an estimated 16 million Americans (6%) have diabetes. As many as one third of the people with the disease, or about 5 million individuals, are undiagnosed.⁴ Further, an additional 6.9% of the general population have fasting glucose levels that are above normal, but not high enough to be classified as diabetes.

Scientific Background



Serious and Persistent Mental Illness (SPMI) patient data

The rates of Type 2 Diabetes have been reported to be more common in patients with major mood disorders and schizophrenia than the general population, although reasons for this phenomenon remain unclear.

Some studies even show that the rates of diabetes in patients with bipolar disorder or schizophrenia are 2-4 times greater than the general population.^{7,8-11}

Commonly, the onset of psychosis precedes the onset of diabetes, but usually the risk of diabetes is determined by factors other than those influencing age at onset and illness chronicity. Studies in the US found comparable rates of diabetes among patients with schizophrenia who were hospitalized or outpatients.⁷ Mukherjee and colleagues (1996) had found that approximately one third of young patients with schizophrenia had a positive family history of Type 2 Diabetes.⁷

The relation between bipolar disorder and diabetes is less clear, but these patients seem to be affected in a similar way. As is the case for patients with schizophrenia, the cause of this relationship is unknown. However, Cassidy and colleagues suggest that possible reasons include: a genetic relationship between the disorders, an overlapping disturbance affecting similar regions of the brain, or the effect of psychotropic medications.¹²

Though increased risk is clear in this population, it is not yet clear whether this reflects a biological predisposition in schizophrenia or bipolar disorder or an individual or class effect of antipsychotic drugs. Quite possibly, it is due to a combination of factors.

Ultimately, these analyses support the disproportionately high incidence and rate of hyperglycemia, IGT and diabetes in patients with schizophrenia, including those treated with placebo in clinical trials.

Antipsychotic-induced hyperglycemia/diabetes data

Several psychotropics have been associated with high insulin levels and insulin resistance (eg, chlorpromazine,¹⁴ divalproex¹⁵). The National Diabetes Data Group listed chlorpromazine, haloperidol, and lithium under drugs that impair glucose tolerance.¹

Your customers may already have heard the buzz surrounding recent reports suggesting a link between diabetes and clozapine treatment. These reports have stirred up a swarm of speculation suggesting that atypical antipsychotics as a class provoke increased glucose levels or incidence of diabetes at a greater rate than conventional antipsychotics.¹⁶

Today's clinicians may be unaware that speculation about a link to diabetes similarly implicated conventional antipsychotic drugs, especially phenothiazines, many years ago.

Cases of hyperglycemia have been found and noted in clinical trials with atypicals; in fact, hyperglycemia and diabetes are included as adverse events in the package inserts of most typical antipsychotics and mood stabilizers and all currently approved atypical antipsychotics.¹⁸ Also, since obesity is a risk factor for diabetes, clinicians may be anticipating more hyperglycemia risk among patients with substantial weight gain during treatment.¹²⁻¹⁸

There have been a number of case reports describing new-onset diabetes during treatment with ZYPREXA. Of note, many of the reports of abnormal glucose levels involved patients with other risk factors for developing hyperglycemia, including race, obesity before treatment, or personal/family history of diabetes.¹⁸ In particular, of 15 case reports regarding treatment with ZYPREXA, 12 involved patients with a history of obesity.

One factor that may contribute to the higher number of case reports for patients on ZYPREXA as compared with risperidone or other agents could be that physicians may be



This document has
NOT been proofread

Scientific Background

more prone to monitor and/or report abnormalities on ZYPREXA due to preconceptions about effects on glucose.

Beyond case reports in the literature, there have been a number of studies implicating ZYPREXA as having higher rates of hyperglycemia or diabetes. Perhaps the best known is the unpublished (so far) work of Dr. Newcomer, who performed a retrospective study looking at hyperglycemia after an oral glucose load in patients on ZYPREXA, risperidone, haloperidol, and clozapine.

While provoking interesting medical research questions, the data has no practical application nor does it make concrete conclusions. Unfortunately, used and misrepresented by Janssen in a number of CME programs and physician programs, Newcomer's data is generating undue concerns and misinformation.

The Newcomer study was restricted by a number of factors. First, the data are quite limited, including <10 patients per group. Second, the study was designed to focus on cognition and was NOT intended to examine hyperglycemia. As such, it did not control for variables such as patient diet or family history of diabetes. Most importantly, assignment to the different drugs was not randomized. Further, these data are not interpretable because of the methodology used to look at glucose levels: instead of a standard, 2-hour glucose test, Dr. Newcomer looked at values at 15, 45, and 75 minutes. Lastly, the glucose levels he used did not meet the criteria for diabetes.

To point out how potentially spurious Dr. Newcomer's findings are, it is instructive to look at a very similar study undertaken by Dr. Prior and colleagues, from Alberta, Canada. Dr. Prior conducted a study to investigate whether patients taking clozapine, risperidone, and ZYPREXA have unusual responses to oral glucose challenges. Unfortunately, this study also had a small sample size, which did not allow proper statistical evaluation (n=28). Like the Newcomer study, patients were not randomly assigned to treatment. However, the results indicated that none of the

patients treated with ZYPREXA had abnormal glucose metabolism, 40% of patients treated with risperidone had abnormal results, and 67% of patients treated with clozapine had abnormal results.

Clearly, more robust methodology must be employed to understand the relative incidence of hyperglycemia in patients treated with these various agents. For now, the best available data regarding ZYPREXA comes from Lilly's extensive clinical trial database.

Data from our clinical trial database

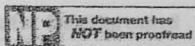
The main point of the new sell sheet is this:

Patients treated with ZYPREXA had rates of diabetes and hyperglycemia comparable to those in patients treated with risperidone and haloperidol in clinical trials.

To demonstrate this, we included 2 graphs in the sell sheet that illustrate the incidence of diagnosed treatment-emergent diabetes in longer head-to-head schizophrenia trials. These are actual cases. The first graph depicts 3 pooled 1-year studies of ZYPREXA vs haloperidol, which includes the largest head-to-head study conducted between these two agents. The incidence of treatment-emergent diabetes for patients treated with ZYPREXA was less than 1%, 0.5% to be exact. This amounts to 5 patients out of 927 (mean ZYPREXA exposure = 8 months). The incidence for haloperidol was 0.4% (1 patient out of 261, with a mean haloperidol exposure = 7 months). These data demonstrate that the two agents had comparable rates of diabetes.

The second graph depicts a 6-month study of ZYPREXA vs risperidone in patients with schizophrenia (ie, the Tran study), which again is the largest head-to-head study between these 2 agents. The incidence of treatment-emergent diabetes was 0.6% for both. This corresponds to 1 patient treated with ZYPREXA out of 172 vs 1 risperidone patient out of 167 (mean exposure to

Scientific Background



ZYPREXA = 5 months and to risperidone = 4 months). Again, the important point here is that both agents had the same rate of diabetes.

Another way to help address physicians' concerns was to analyze what happened to the patients' random blood glucose levels on ZYPREXA and other agents. During the clinical trials, we saw a relatively small elevation in glucose, on the order of 3.2 mg/dl to 4.6 mg/dl for patients treated with ZYPREXA. (These elevations were examined using a "least squares mean" estimate, which corrects for baseline variable and dropouts.) To put this in perspective, the average random glucose level at baseline for patients treated with ZYPREXA in these trials was 95 mg/dl to 100 mg/dl. During market research, we found that most physicians were comfortable with this information, and recognized that these elevations in glucose levels were not clinically significant.

Now, we know that the average random blood glucose elevation with ZYPREXA was relatively small, but how did this compare to other agents? We found that there was a non-significant difference compared with risperidone (ZYPREXA was 1.5 mg/dl above haloperidol). The increase with ZYPREXA was 4.3 mg/dl above that on haloperidol and 10.1 mg/dl below that found with clozapine. Again, most physicians we spoke with during market research felt comfortable with the fact that indeed these agents are comparable. Some were even pleasantly surprised.

To determine the likelihood of a patient experiencing random blood glucose elevations, we looked at elevations above 4 different thresholds based on random blood glucose measurements—elevations above 126, 140, 160, and 200 mg/dl. The data show that there were comparable estimated rates of hyperglycemia across all treatments studied, with a total of 2850 patients included in the analysis. What this re-emphasized to physicians was that, regardless of the level of increase in blood glucose, all agents showed similar effects.

These data were positively received by most of the physicians we spoke with during market research. However, some brought up the fact that they associate weight gain with increased risk for hyperglycemia. Clearly, we must understand and be able to explain why ZYPREXA contributes to more weight gain than, for example, risperidone and haloperidol and yet rates of hyperglycemia are comparable.

What we are trying to communicate is this: in the context of these studies, substantial weight gain (>10% from baseline weight), was associated in most comparisons with some increase in risk of a glycemic event. However, the magnitude of this excess risk was consistently less than 1%, not enough to lead to clinically significant between-treatment differences in categorical risk. This likely reflects (a) weight gain did not occur exclusively within the ZYPREXA group; (b) even among those with substantial weight gain, the great majority did not have a glycemic event in the course of these observations; and (c) as there are many known (and probably unknown) factors beside weight impacting glucose regulation, glycemic events also occurred in the group without substantial weight increase.

So, the majority of patients (79%) who did have an episode of hyperglycemia (random glucose elevations above 150 mg/dl), did NOT experience substantial weight gain. Furthermore, of those patients who did experience substantial weight gain, over 95% had no glycemic abnormalities at all. So, while obesity is a risk factor for diabetes, differences in weight across the various treatment groups did not result in different rates of diabetes or hyperglycemia across these agents.

The dataset and analysis that we are presenting are far bigger than any other clinical trial on the topic. However, like all analyses, there are some limitations. Keep in mind that the clinical trial database was designed to study the efficacy of ZYPREXA for psychiatric disorders and NOT to look specifically at glycemic effects. Therefore, these studies did not require fasting blood samples (which probably would have been hard to obtain in long-term schizophrenia trials, even if we had so intended).

Scientific Background

As discussed earlier, random plasma glucose is not the usual tool for diagnosing diabetes, and some elevations may be "false positives." The Lilly investigators dealt with this by defining cases by any of 3 criteria: elevation of 2 consecutive levels above the threshold; elevation of the last level above the threshold; or prescribing of an antidiabetic medication. They also sought to characterize effects at a variety of thresholds. Of course, the higher the threshold the fewer the number of cases, and the lower the power to detect differences. For example, in the ZYPREXA-risperidone trial at the 200 threshold, there were just 2 cases on ZYPREXA and one on risperidone. There may or may not prove to be significant differences in risk of crossing glucose in extremely large databases. However, it is reassuring that there were not significant differences in this very large dataset, suggesting that it is unlikely an individual physician would observe a statistically or clinically significant difference in practice.

Finally, despite the fact that we cannot completely answer what happens to patients' glycemic levels over the long term (the maximum duration of these trials was 1 year), this analysis is based on a randomized data set that is bigger and longer than any other results available to date.

But what about Depakote and lithium?

We do not have longer term head-to-head data comparing hyperglycemia rates of ZYPREXA vs Depakote or lithium. However, there have been case reports of patients treated with Depakote who have experienced changes in glucose control, mainly as a factor of weight gain.¹⁵ Likewise, lithium also has been associated with changes in glucose regulation, again, mainly as a factor of weight gain.¹⁶ Lithium's effects on glucose metabolism have been reported as early as the late 1960s, with some studies finding increases in fasting glucose shortly after administration of lithium.¹⁷

In the 3-week HGHQ study comparing ZYPREXA with Depakote, we did not see significant differences in glucose levels. Of course, one would not expect to see differences given the relatively short duration of the trial. Nevertheless, in Abbott's 12-week comparative study of ZYPREXA and Depakote, no significant difference in glucose levels was reported.

We have given you a tremendous amount of information on diabetes and hyperglycemia, and the incidence of these two conditions with ZYPREXA and our major competitors. We hope that you will be able to take this information and use it in the manner that we will outline in the next sections of this Resource Guide.



This document has
NOT been proofread

Message Algorithm

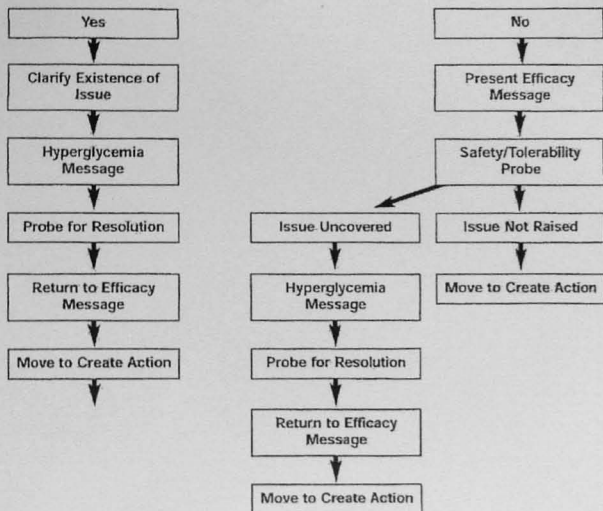
MESSAGE ALGORITHM

When and How-level Implementation Hows

Known Hyperglycemia Concern (affecting prescribing habits)?

Consider:

- Discussions reveal a large % of patients being stopped or not started due to issue
- Physician complains that excessive weight gain leads to hyperglycemia/diabetes
- Physician has attended competitively-sponsored conference/symposium in extensive conversations with competitors (ie, Janssen)





This document has
NOT been proofread

Message Script

Hyperglycemia Sell Sheet Message Script

Hi, my name is [Name] and I'm a [Title] at [Company]. I'm calling you today because I have some information that I think you'll find interesting.

What are you interested in? Any questions or questions? Just let me know.

So, you're interested in [Topic]. I can tell you that [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

Let me tell you a little more about [Topic]. [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

So, you're interested in [Topic]. I can tell you that [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

Let me tell you a little more about [Topic]. [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

So, you're interested in [Topic]. I can tell you that [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

Let me tell you a little more about [Topic]. [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

So, you're interested in [Topic]. I can tell you that [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

Let me tell you a little more about [Topic]. [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

So, you're interested in [Topic]. I can tell you that [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

Let me tell you a little more about [Topic]. [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

So, you're interested in [Topic]. I can tell you that [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

Let me tell you a little more about [Topic]. [Topic] is a very important part of [Company's] business and it's something that we're very proud of.

MESSAGE SCRIPT

First, clarify the objection:

Doctor, help me understand your concern. Also, please help me understand the basis for your concern. If we can effectively address this concern, can I share some new information with you on the largest head-to-head study ever done between two mood stabilizers...or some new information about how ZYPREXA offers patients a better chance to achieve REINTEGRATION and stay there?

High Ground Opener

I understand that this is an issue of potential concern, and there is certainly a lot of noise from pharmaceutical firms on this issue. This question deserves some dialogue and to have large/controlled data brought to bear. Lilly wants to continue to be forthcoming in addressing this topic. This new information I have today is important in that it comes from the large, randomized, double-blind, controlled data within Lilly's clinical database.

There are two main points that I want you to walk away with. The first is that in this head-to-head data, incidence of diagnosed treatment-emergent diabetes was comparable between ZYPREXA and risperidone and also between ZYPREXA and haloperidol. The second point I want you to walk away with is that incidence of increased random blood glucose is also comparable across these 3 treatment groups. Let's take a closer look at this information.

Core Message

The first graph is from 3 year-long studies of ZYPREXA vs haloperidol with over 2,000 patients, which includes, in fact, the largest head-to-head study ever done between these two agents. The incidence of treatment-emergent diabetes, that is, diabetes diagnosed during the clinical trial, was less than 1% for each agent. Notice that the same holds true in a six-month study comparing ZYPREXA to risperidone, which, again, was the largest head-to-head study

between these two agents. In this case, the incidence of treatment-emergent diabetes was 0.6% for both ZYPREXA and risperidone.

PROBE: Are you surprised by this? Any comments or questions? (wait for the answer)

Another way to look at this is to compare what happened to the patients' random blood glucose levels on ZYPREXA with these other treatments. On ZYPREXA, across all patients, we see a relatively small elevation in glucose, on the order of 3.2 mg/dl to 4.6 mg/dl. To put this in perspective, the average random glucose level at baseline for patients treated with ZYPREXA in these trials was 95 mg/dl to 100 mg/dl.

PROBE: Do you consider this to be clinically significant?

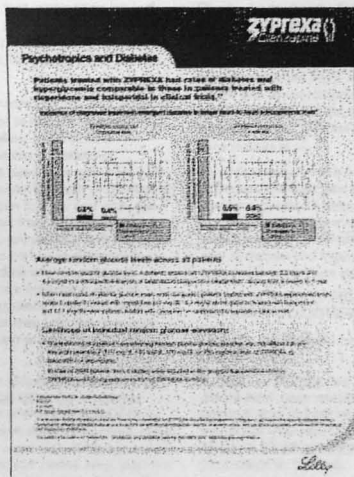
When looking at how this small increase might compare with changes seen on other agents, we found that changes on ZYPREXA were very similar to changes on risperidone (a difference of >2 mg/dl). Also, the small increase of ZYPREXA was 4.3 mg/dl above that on haloperidol, and it was 10.1 mg/dl below that on clozapine.

We found comparable rates of diabetes, and saw some small increases in average random glucose levels. We delved deeper into the relative rates of hyperglycemia between these agents. To do this, we looked at the likelihood of blood glucose elevations above four different thresholds based on random blood glucose measurements—elevations above 126, 140, 160, and 200 mg/dl. What the data shows is that across treatment groups, there were again comparable rates of hyperglycemia at each of these thresholds.

PROBE: Do you find this surprising? Or comforting? How does this data affect the way you think about this issue? (wait for answer)

IF THIS ADDRESSES THE MD'S QUESTIONS, collect the chip for a concern answered and get back to a sense of joint discovery with the efficacy-oriented discussion.

Message Script



Notes

For your information ONLY; not for use in detailing.

ZYPREXA
Olanzapine

Message Script

This document has
NOT been proofread

If physician still has concerns based on weight gain, (ie, "but ZYPREXA has more weight gain, and I know weight gain can cause diabetes") then continue on.

Considering the contributing factors to incidence of diabetes, we ought to look at the general population as a baseline. In the general population, the incidence of diabetes or abnormally elevated blood glucose is about 15%. Now, other studies show that with the persistently mentally ill population that you deal with, that rate may be anywhere from 2 to 4 times higher. So, in your practice, you should not be surprised to find patients who are having elevations in blood glucose regardless of choice of agent. Clearly, while there are comparable rates of diabetes and hyperglycemia in patients taking these various medications, Lilly does not want to minimize the extent or seriousness of this common illness.

Now, there are a lot of factors, independent of treatment choice, that affect risk of diabetes. There are a number of intrinsic factors such as family history, age, and ethnic background. Other factors that may be more controllable by a patient include exercise, diet, and obesity. Also, excessive alcohol use, hyperprolactinemia, and diets high in lipids have been implicated in higher levels of blood glucose. Clearly, this is not as simple as saying the presence of one factor means a patient will get diabetes. In fact, you may have patients who have all of these risk factors and do not develop diabetes, and conversely you may have patients diagnosed with diabetes who have none of these risk factors.

PROBE: Any questions? What are your thoughts? How does this information, in the context of the overall efficacy of ZYPREXA, impact your selection of a mood stabilizer? (Wait for answer.)

(If needed—eg, the physician is looking for an explanation of how ZYPREXA can have more weight gain and yet have comparable rates of diabetes/hyperglycemia)

Clearly, obesity is a risk factor for diabetes, but it is one of many that may increase a patient's risk for diabetes. The majority of patients—in fact about 79%—who did have an episode of hyperglycemia, did NOT experience substantial weight gain in our clinical studies. Furthermore, of those patients who did experience substantial weight gain, over 95% had no glycemic abnormalities at all.

So while obesity is a risk factor for diabetes, differences in weight gain across the various treatment groups did not result in different rates of diabetes or hyperglycemia across these agents. In fact, large controlled data demonstrate that rates of diabetes and hyperglycemia are comparable across these agents.

Frame in terms of efficacy, GET BACK TO JOINT DISCOVERY!

Does this information I have provided address your concern?

If "Yes"—Doctor, we have just talked about how your choices are comparable in one respect. Now, let me show you how ZYPREXA stands alone in its broad-spectrum efficacy. (Get back to selling)

If "No"—Probe deeper to expose where concern still exists.

Message Script

[illegible]

Notes

For your information ONLY; not for use in detailing.

ZYPREXA
Olanzapine



This document has
NOT been proofread

Q&A

Q&A

During your sales calls, you may encounter other kinds of questions surrounding hyperglycemia and/or diabetes. Use the verbatim below as answers, then, as always, refocus on your Selling Message.

How can you be comparable in rates of hyperglycemia to other agents when you cause more weight gain, and significant weight gain is a risk factor for diabetes?

In fact, we have examined Lilly's large database of prospectively, randomly assigned patients in longer-term trials. In these trials, weight gain was not found exclusively on ZYPREXA treated patients, although it is no doubt more common in ZYPREXA treated patients.

Clearly, obesity is a risk factor for diabetes, but it is one of many that may increase a patient's risk for diabetes. The majority of patients—in fact about 79%—who did have an episode of hyperglycemia, defined as random glucose levels above 160 mg/dl, did NOT experience substantial weight gain (defined as an increase of 10% or more from baseline).

Furthermore, of those patients who did experience substantial weight gain, over 95% had no glycemic abnormalities at all (again, defined as random glucose levels above 160 mg/dl).

So while obesity is a risk factor for diabetes, differences in weight gain across the various therapies in our head-to-head database did not result in different rates of diabetes or hyperglycemia.

How do you explain the Newcomer data?

The data from the Newcomer study raise a question pertaining to relative impact of the various agents on hyperglycemia. It is not consistent with other data presented in the work described here. When reviewing the study, several

limitations became apparent:

- It was a retrospective study designed to look at cognition, not hyperglycemia.
- The study was grossly underpowered (about 8 patients in each group).
- The original study was not controlled—there was no distinction made due to intrinsic risk factors (family history, gender, etc), nor was the patients' behavior monitored (diet, exercise, etc). Most importantly, assignment to the different drugs was not random.
- These findings are not readily interpretable because standard 2-hour glucose levels were not taken. You cannot rely on glucose levels taken before 90 minutes (Dr. Newcomer took levels at 15, 45, and 75 minutes).
- The glucose levels in the study (even with all other limitations) do not meet the criteria for diabetes.

Does ZYPREXA affect risk factors other than weight gain?

That's an excellent question, since there are many factors that impact a person's chance of developing diabetes. Some of these are intrinsic and cannot be impacted by lifestyle or any agent (such as genetic risk, age, gender, etc). In terms of the variable factors like prolactin, ZYPREXA does not appear to have an effect that might increase the risk of diabetes. In addition, we have not seen any effects of ZYPREXA on other factors such as hypertension or dyslipidemia. Regarding various lifestyle factors (lack of exercise, excessive alcohol intake, etc), these factors may improve to the degree that a patient experiences efficacy from ZYPREXA, potentially improving their risk profile.

What does Lilly's database say about the rates of diabetes with other agents (such as Seroquel, Depakote, Clozaril, or Zeldox)?

- The one other large head-to-head, long-term database we have beyond risperidone and haloperidol is versus clozapine. Those data demonstrate that ZYPREXA is much safer in this respect vs clozapine.
- In terms of other mood stabilizers, although the HGHQ head-to-head data vs Depakote has the limitation of being relatively short-term, there was no significant difference in changes in average random glucose levels and none of the 251 patients on either drug developed treatment-emergent hyperglycemia or diabetes.
- In addition, we know from case reports that hyperglycemia and/or diabetes has been reported with virtually all psychotropics (including lithium, quetiapine, risperidone, and clozapine).
- Lastly, it is too early to tell what the true efficacy or side effect profile of ziprasidone may be.

I know that the structure of ZYPREXA is close to that of clozapine. How is it that clozapine has this problem and ZYPREXA does not?

- It is correct that the two compounds are structurally similar. ZYPREXA was derived from clozapine, but with changes in the molecule which were specifically designed to preserve efficacy and remove toxicity.
- In regards to hyperglycemia, as with agranulocytosis, it looks like the changes worked.

Is there a direct effect of ZYPREXA on diabetes?

We've gone back through and looked for evidence both preclinically and in our clinical comparison trials—with other antipsychotics and mood stabilizers to determine whether or not ZYPREXA directly interferes with insulin release or insulin activity and have not found a direct effect. Specifically:

- We have examined our longer-term preclinical animal studies and have not found any changes in insulin release or changes to the pancreas.
- We also looked to determine if there were higher rates of diabetes versus comparator drugs in clinical studies. If there was a direct effect, you would expect to find much higher rates of diabetes with ZYPREXA, probably in the first weeks or months of therapy. In fact, our head-to-head clinical trials show comparable rates of diabetes or hyperglycemia to haloperidol or risperidone.
- We are continuing to investigate these questions quite carefully.

Does ZYPREXA cause Type 1 Diabetes?

We do know that there are patients, independent of the agent they are on (or they may not be on any agent at all) who develop insulin-dependent diabetes. Since diabetes will develop in the general population, the specific question relates to whether ZYPREXA patients develop insulin-dependent diabetes at a rate higher than the general population. In our controlled comparative clinical trials, rates of developing Type 1 Diabetes are not higher on ZYPREXA than on haloperidol or risperidone. We have gone back to our longer-term preclinical animal studies and have not found any changes to insulin release or changes to the pancreas.



This document has
NOT been proofread

Q&A

How is this different from what you were telling me over the last few months?

It is consistent with what we've been saying. What we're telling you about rates on ZYPREXA has not changed at all. What we have done is expand our analyses comparing rates on ZYPREXA to other antipsychotics, which may be more clinically relevant to you. This new data presents the finding of these various analyses, which conclude that the rates of developing diabetes or hyperglycemia are comparable across agents.

Why do I need to monitor blood when you tell me that no blood monitoring is required with ZYPREXA?

The fact is, you do not have to conduct routine blood monitoring of patients on ZYPREXA. The data suggest that if the right factors are present, hyperglycemia can happen with a patient. Accordingly, just like any other concerns you may have relative to a specific patient, regardless of what agent they're taking, you may need to look further. Fortunately, that's likely to be only a relatively small fraction of patients who are taking ZYPREXA and a number comparable to that found with other agents as well.

How does ZYPREXA affect a person who has diabetes? Glucose intolerance?

As with adding any new medication to the regimen of a patient who has hyperglycemia or diabetes, you may want to check to see what effects the medication may have.

The controlled comparisons that showed comparable rates for blood glucose elevations excluded patients with preexisting diabetes. Lilly is currently conducting analyses of patients with diabetes in clinical trials.

Which patients should I be concerned about?

As you begin to treat any patient, the assessment of their general health is a standard and important step. The risk of hyperglycemia and diabetes are two factors within each patient's scope of overall health that should be considered (along with mental health, lifestyle, etc).

Specific to hyperglycemia and irrespective of disease state and agent used, there may be some people who are inherently at a higher risk relative to other people. They are as follows:

- Clearly, the group of Pima Indians within your practice deserve some special attention since we all know that their risk of developing hyperglycemia is far higher than that of the general (and mental health) population
- Patients who have a number of risk factors (intrinsic and variable)
- Patients who have poor glucose control to begin with
- Patients with extreme weight gain (regardless of source)



This document has
NOT been proofread

Materials Available

MATERIALS AVAILABLE

In addition to the Hyperglycemia Sell Sheet, you may find these other resources helpful when addressing this question with your physicians.

Enduring Materials:

November 2000 PsychLink

January 2001 Provision

Educational Resources:

NTTP educational resources related to healthy lifestyles

Local partners trained in delivering the message of NTTP

Websites:

www.diabetes.org

(official website of the ADA)

www.lillydiabetes.com

(Lilly-sponsored website on diabetes)



This document has
NOT been proofread

References

REFERENCES FOR SCIENTIFIC BACKGROUND

1. Isselbacher K (ed). Harrison's Principles of Internal Medicine. 13th ed. Bethesda, MD: McGraw Hill; 1994.
2. American Diabetes Association. Screening for type 2 diabetes. *Diabetes Care* 2000;23(suppl 1).
3. National Institute of Diabetes and Digestive and Kidney Diseases. Hypoglycemia. <http://www.niddk.nih.gov/health/diabetes/pubs/hypo/hypo.html>. Accessed 1/17/01.
4. Fuller JH, Shipley MJ, Rose G, Jarrett RJ, Keen H. Coronary heart disease risk and impaired glucose tolerance: the Whitehall Study. *Lancet* 1980;1:1373-1376.
5. Diabetes care module. Instruction module. Eli Lilly and Company. March 1999.
6. Harris MI. Classification, diagnostic criteria, and screening for diabetes.
7. Mukherjee S, Decina P, Bocola V, Saraceni F, Scapicchio. Diabetes mellitus in schizophrenic patients. *Compr Psychiatry* 1996;37:68-72.
8. American Diabetes Association. Weight loss—think thin: how you may eat may be just as important as what you eat. <http://www.diabetes.org/adac/c40g/asp>. Accessed 1/16/01.
9. Harris MI, Hadden WC, Knowler WC, Bennett PH. Prevalence of diabetes and impaired glucose tolerance and plasma glucose levels in the U.S. population aged 20-74 yrs. *Diabetes* 1987;36:523-534.
10. Keskiner A, Tuncel AE, Bousquet T. Psychotropic drugs, diabetes, and chronic mental patients. *Psychosomatics* 1973;16:176-181.
11. McKee HA, D'Arcy PFD, Wilson PJK. Diabetes and schizophrenia: a preliminary study. *J Clin Hosp Pharm* 1986;11:297-299.
12. Mukherjee S. High prevalence of type II diabetes in schizophrenic patients. *Schizophr Res* 1995;15:195 (abstr).
13. Cassidy F, Ahearn E, Carroll, BJ. Elevated frequency of diabetes mellitus in hospitalized manic-depressive patients. *Am J Psychiatry* 1999;156:1417-1420.
14. Erle G, Basso M, Federspil G, et al. Effect of chlorpromazine on blood glucose and plasma insulin in man. *Eur J Clin Pharmacol* 1977;11:15-18.
15. Isojarvi JJ, Laatikainen TJ, Knip M, et al. Obesity and endocrine disorders in women taking valproate for epilepsy. *Ann Neurol* 1996;39:579-584.
16. Beasley CM, Kwong K, Berg PH, Taylor CC, Danenberg J, Brier A. Incidence and rate of treatment-emergent potential impaired glucose tolerance (IGT) and potential diabetes with olanzapine compared to other antipsychotic agents and placebo. ACNP Poster.
17. Ford ES, Williamson DF, Liu S. Weight change and diabetes incidence: findings from a national cohort of US adults. *Am J Epidemiol* 1997;146:214-222.
18. Colditz GA, Willet WC, Rotnitzky A, Manson JE. Weight gain as a risk factor for clinical diabetes mellitus in women. *Ann Int Med* 1995;122:481-486.
19. Chan JM, Rimm EB, Colditz FA, Stampfer MG, Willet WC. Obesity, fat distribution, and weight gain as risk factors for clinical diabetes in men. *Diabetes Care* 1994;17:961-969.
20. Garland EJ, Remick RA, Zis AP. Weight gain with antidepressants and lithium. *J Clin Psychopharmacol* 1988;8:323-330.
21. Møllerup ET, Damm H, Wøldschmidt G, Rafalsen OJ. Diurnal variation of blood glucose during lithium treatment. *J Affective Dis* 1983;5:341-347.

ZYPREXA – Primary Care

Strategy and Implementation Overview

Background: Following several months of study by the LillyUSA Zyprexa Brand Team, the affiliate approved the recommendation that Lilly actively promote Zyprexa to selected current primary care prescriber targets. Key decisions included: Launch will occur in October 2000, promotion will be handled via the Primary Care – Neuroscience sales sleeve (510 reps), and funding in 2000 would be incremental to existing brand opex.

Current situation: PCPs account for about 18 % of all retail antipsychotic prescriptions. Risperdal holds a 29 share, compared to 18 for Zyprexa. Typical agents, such as Haldol, account for another 40+ percent. Nearly half of all PCP antipsychotic prescriptions go to patients age 65+.

Opportunities: We believe there to be significant unmet medical need among office-based primary care physicians (PCPs). This customer group is huge (>250,000 prescribers, ~ 59,000 are key targets) and its potential in this arena is virtually untapped. By targeting the top deciles, we can maximize return while building a strong clinical foundation. Zyprexa's profile is ideal for primary care (safe, simple, well-tolerated, effective, versatile). Zyprexa would enjoy first mover advantage in this segment, pre-empting Janssen (Risperdal), Abbott (Depakote) and Pfizer (Zeldox). Historically, Zyprexa has closed market share gaps in every segment in which we've actively competed.

Challenges: Most PCPs currently prescribe a low volume of antipsychotics and mood stabilizers. Many PCPs will refer patients in need of psychotropic treatment to a specialist rather than treat that patient. Key barriers to uptake include PCP's lack of training in this category, limited time with patients, and an aversion to perceived risk. Zyprexa's primary indications – schizophrenia and bipolar – are not viewed as PCP-treated conditions, so there's not a specific indication for Lilly reps to promote in the PCP segment. Face-to-face sales time with PCPs is very limited. There is some concern that brand image will be diluted.

Position: Zyprexa: The safe, proven solution in mood, thought and behavior disorders
We will emphasize safety to address barriers to adoption, and merchandise the brand's "Four years – Four million patients" base of experience. The word "solution" speaks to unmet medical need, and enables the PCP to take control of clinical situations that previously had led to referrals and/or poor outcomes. "Mental disorders" is intentionally broad and vague, providing latitude to frame the discussion around symptoms and behaviors rather than specific indications. We will position Zyprexa as the incremental next step in the PCP's expanding clinical orbit: e.g., SSRIs => 2nd generation antidepressants => safe, gentle psychotropics.

Strategy: Launch in phases. The launch phase, with its compressed timeline, will focus on a limited # of physicians (10-20K), a clear but lightly tested message, and strong emphases on sales training, peer-to-peer programs (psychiatrists training PCPs) and tight integration with the Neuroscience sales organization. In 2001, the customer list will expand (based on an ROI threshold), materials will be updated to reflect customer feedback (both external and internal), and segment-specific clinical research (outcomes, health economics) will be designed to strengthen Zyprexa's long-term presence in the PCP segment. The Zyprexa-PCP strategy is designed to fit within the brand vision of broad spectrum efficacy.

ZY 9388 248

Implementation: Market research, message development, medical support and the creation of a training calendar is in progress. Logistical details surrounding a proposed single-site launch meeting, sampling considerations, the communications plan, sales metrics and incentives, customer targeting and direct-to-physician initiatives are also underway. Additional pre-launch activities (sales force integration, sales support items) are planned.

Mike Bandick, Brand Manager

August 2000

ZY 9388 249

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville, MD 20857

NDA 21-520/S-012

Ell Lilly & Company
Attention: Robin Pitts Wojcieszek, R.Ph.
Associate Director, U.S. Regulatory Affairs
Lilly Corporate Center
Indianapolis, IN 46285

Dear Ms. Wojcieszek:

Please refer to your supplemental new drug application dated September 28, 2006, received September 29, 2006 submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act for Symbyax (olanzapine/fluoxetine) 3 mg/25 mg, 6 mg/25 mg, 6 mg/50 mg, 12 mg/25 mg, and 12 mg/50 mg (mg equivalent olanzapine/mg equivalent fluoxetine) capsules.

We acknowledge receipt of your amendments dated November 8, 28, 2006, December 11, 14, 2006, and February 5, 20, 2007.

This supplemental new drug application provides for the use of Symbyax (olanzapine/fluoxetine) capsules for Treatment Resistant Depression (TRD).

We completed our review of this application, and it is approvable. Before the application may be approved, however, you must address the following issues:

Updated Information on Risks of Weight Gain, Hyperglycemia, and Hyperlipidemia

A primary concern with this application and the primary basis for our not taking a final action is our view that we lack important safety information needed to adequately update the labeling with all relevant risk information. In particular, we are concerned that the labeling is deficient with regard to information about weight gain, hyperglycemia, and hyperlipidemia that is associated with olanzapine use, whether taken alone or in combination with fluoxetine. You must fully address these concerns before we will be able to take a final action on this application.

Defining what your response will need to be to fully address these concerns will likely involve an interactive process with us over a period of several weeks, because we, first of all, need to fully understand the universe of relevant olanzapine and olanzapine/fluoxetine combination (OFC) studies and their characteristics. Once we better understand this set of studies and what data pertinent to our concerns were collected, we will be in a better position to provide detailed advice on what studies to pool, what data to provide, and what additional analyses to conduct. In characterizing these trials, it will be important to provide details on what data were collected (e.g., plasma glucose, HbA1c, total cholesterol, HDL, LDL, triglyceride, and urine glucose), under what conditions (e.g., fasting vs non-

EXHIBIT

6

2007

Joesge

MAR 28 2007

G. Brophy

fasting), the demographic characteristics of the subjects (e.g., pediatric vs adult), and at what intervals. Once we have this information, we will work with you to define what studies to pool, and what data to provide to us and in what format.

Regarding data displays, an overall strategy will be to subgroup patients on the basis of their status at baseline so that clinicians can better understand the risks associated with treatment of patients falling into different risk categories. For example, we note that your proposed Symbyax label includes information only on proportions of patients who are relatively normal at baseline with regard to random blood glucose (< 140 mg/dL), i.e., 2.9% of such patients receiving OFC had on-treatment levels ≥ 200 mg/dL compared to 0.3% of placebo-treated patients. However, we note that 46% of patients who were borderline to high at baseline (140 to 200) had such on-treatment levels compared to only 5% of placebo-treated patients. This latter finding was based on a small number of patients in the OFC program, and for this reason, we would like to see such data for the entire olanzapine program. In addition, we were troubled that this important finding was not included in your proposed label. We will want you to provide similar information based on subgroupings of patients on the basis of weight and BMI (for weight change), and lipid findings for the lipid data. We will want you to provide data both on proportions of patients meeting certain on-treatment criteria and also for mean change from baseline.

If you feel you have already aggregated and submitted data to address these concerns, then we ask that you direct us to precisely which submissions these are. If, on the other hand, you have aggregated the appropriate data for your own internal purposes but not submitted them, we ask you to submit them. Your recent February 20, 2007 response to our January 12, 2007 letter regarding the New York Times story has not been particularly helpful in addressing these concerns.

Our overall goal is to improve labeling with regard to these findings so that clinicians will be better informed on what the risks are for their patients. They cannot make reasonable treatment decisions until they have such information. We do not feel that current labeling for either Symbyax or Zyprexa, provides sufficient information on these risks, and we fully intend to insure that these labels are enhanced with the best available information to characterize these risks.

Post Marketing Commitments

Long-Term Efficacy Studies

Since TRD is a chronic illness, you are required to assess the longer-term effectiveness and safety of Symbyax in TRD. Accordingly, we ask for your commitment to submit, as a Postmarketing commitment, the results of this study to evaluate Symbyax's ability to reduce the risk of relapse in acutely remitted patients with TRD. We ask that you commit to submitting these results no later than 3 years after the date of approval of this supplemental application.

Labeling

Please submit revised draft labeling for the drug. The labeling should be identical in content to the enclosed labeling text for the package insert.

In addition, all previous revisions, as reflected in the most recently approved package insert, must be included. To facilitate review of your submission, provide a highlighted or marked-up copy that shows the changes.

MAR 28 2007

G. Brophy

NDA 21-520/S-012

Page 3

If additional information relating to the safety or effectiveness of this drug becomes available, revision of the labeling may be required.

Foreign Regulatory Update/Labeling

We require a review of the status of all Symbyax actions taken or pending before foreign regulatory authorities. Approval actions can be noted, but we ask that you describe in detail any and all actions taken that have been negative, supplying a full explanation of the views of all parties and the resolution of the matter. If Symbyax has been approved by any non-US regulatory bodies, we ask that you provide us any approved labeling for Symbyax along with English translations when needed.

Request for Safety Update and World Literature Update

When you respond to the above deficiencies, include a safety update as described at 21 CFR 314.50(d)(5)(vi)(b). The safety update should include data from all non-clinical and clinical studies of the drug under consideration regardless of indication, dosage form, or dose level.

1. Describe in detail any significant changes or findings in the safety profile.
2. When assembling the sections describing discontinuations due to adverse events, serious adverse events, and common adverse events, incorporate new safety data as follows:
 - o Present new safety data from the studies for the proposed indication using the same format as the original NDA submission.
 - o Present tabulations of the new safety data combined with the original NDA data.
 - o Include tables that compare frequencies of adverse events in the original NDA with the retabulated frequencies described in the bullet above.
 - o For indications other than the proposed indication, provide separate tables for the frequencies of adverse events occurring in clinical trials.
3. Present a retabulation of the reasons for premature study discontinuation by incorporating the drop-outs from the newly completed studies. Describe any new trends or patterns identified.
4. Provide case report forms and narrative summaries for each patient who died during a clinical study or who did not complete a study because of an adverse event. In addition, provide narrative summaries for serious adverse events.
5. Describe any information that suggests a substantial change in the incidence of common, but less serious, adverse events between the new data and the original NDA data.
6. Prior to an approval action, we require an updated report on the world's archival literature pertaining to the safety of Symbyax. Please provide a summary of worldwide experience on the safety of this drug. Include an updated estimate of use for drug marketed in other countries. This report should include only literature not covered in your previous submissions. We will need your warrant that you have reviewed this literature systematically, and in detail, and that you have discovered no finding that would adversely affect conclusions about the safety of Symbyax. The report should also detail how the literature search was conducted, by whom (their credentials) and whether it relied on abstracts or full texts (including translations) of

MAR 26 2007

G. Brophy

NDA 21-520/S-012

Page 4

articles. The report should emphasize clinical data, but new findings in preclinical reports of potential significance should also be described. Should any report or finding be judged important, a copy (translated as required) should be submitted for our review.

Promotional Materials

In addition, submit three copies of the Introductory promotional materials that you propose to use for this product. Submit all proposed materials in draft or mock-up form, not final print. Send one copy to this division and two copies of both the promotional materials and the package insert directly to:

Food and Drug Administration
Center for Drug Evaluation and Research
Division of Drug Marketing, Advertising, and Communications
5901-B Amundson Road
Beltsville, MD 20705-1266

Within 10 days after the date of this letter, you are required to amend the application, notify us of your intent to file an amendment, or follow one of your other options under 21 CFR 314.110. If you do not follow one of these options, we will consider your lack of response a request to withdraw the application under 21 CFR 314.65. Any amendment should respond to all the deficiencies listed. We will not process a partial reply as a major amendment nor will the review clock be reactivated until all deficiencies have been addressed.

Under 21 CFR 314.102(d), you may request a meeting or telephone conference with the Division of Psychiatry Products to discuss what further steps need to be taken before the application may be approved.

If you have any questions, call LCDR Renmeet Growl, Pharm.D., Regulatory Project Manager, at (301) 796-1080.

Sincerely,

(See appended electronic signature page)

Thomas Laughren, M.D.
Director
Division of Psychiatry Products
Office of Drug Evaluation I
Center for Drug Evaluation and Research

Enclosure

MAR 26 2007

G. Brophy

This version of labeling is based up on the version submitted with the application. We have used track changes to indicate our additions and deletions. We have added bracketed comments to explain our actions where needed.

HIGHLIGHTS OF PRESCRIBING INFORMATION

These highlights do not include all the information needed to use SYMBAYX safely and effectively. See full prescribing information for SYMBAYX.

SYMBAYX® (olanzapine and fluoxetine HCl capsules) for oral administration
Initial U.S. Approval: 2003

WARNING

See full prescribing information for complete boxed warning.

- SUICIDALITY IN CHILDREN AND ADOLESCENTS:** Increased risk of suicidal thoughts and behavior in children and adolescents taking SYMBAYX for major depressive disorder (MDD) and other psychiatric disorders. Not approved for use in children and adolescents.

- INCREASED MORTALITY IN ELDERLY PATIENTS:** Increased mortality in elderly patients with dementia-related psychosis compared to placebo. Not approved for the treatment of patients with dementia-related psychosis.

SUICIDALITY IN CHILDREN AND ADOLESCENTS: Increased risk of suicidal thoughts and behavior in children and adolescents taking SYMBAYX for major depressive disorder (MDD) and other psychiatric disorders. Not approved for use in children and adolescents.

RECENT MAJOR CHANGES

Warnings and Precautions: Mortality in patients with dementia-related psychosis (4.1)	10/2005
Contraindications: Pimozide (4)	3/2006
Warnings and Precautions: Dysphagia events (5.14)	4/2006
Warnings and Precautions: Serotonin Syndrome (5.8)	8/2006
Warnings and Precautions: Weight Gain	
Seriousness and Precautions: Risk of Glucose Dysregulation	
Warnings and Precautions: Hypotension	

INDICATIONS AND USAGE
SYMBAYX combines olanzapine, a psychotropic agent belonging to the thienothiazine class, and fluoxetine, a selective serotonin reuptake inhibitor, indicated for treatment of:

- Depressive episodes associated with bipolar disorder (1.1)
- Treatment Resistant Depression (major depressive disorder in patients who do not respond to 2 antidepressants of adequate dose and duration in the current episode) (1.2)

DOSE AND ADMINISTRATION
• Once daily in the evening, generally beginning with 6 mg/25 mg (7)
• Escalate dose cautiously in patients predisposed to hypotensive reactions, hepatic impairment, or with pruritus for slowed metabolism (2.3)
• Dysphagia events (2.4)
• The safety of doses above 18 mg olanzapine with 75 mg fluoxetine has not been evaluated in clinical trials.

DOSE FORMS AND STRENGTHS
• Capsules: 3 mg/25 mg, 6 mg/25 mg, 6 mg/50 mg, 12 mg/25 mg, and 12 mg/50 mg (mg equivalent olanzapine/fluoxetine) (2)

CONTRAINDICATIONS
• Do not use with an MAOI or within 14 days of discontinuing an MAOI. At least 5 weeks should be allowed after stopping SYMBAYX before starting treatment with an MAOI (4, 7.13)
• Do not use with Pimozide (4, 7.13)

- Do not use with Theophylline. Do not use Theophylline within 5 weeks of discontinuing SYMBAYX (4, 7.18)

WARNINGS AND PRECAUTIONS

- Patients should be monitored for clinical worsening and suicidal thinking and behavior (5.2)
- Cardiovascular adverse events including fatalities were reported more commonly with olanzapine than placebo in trials of elderly patients with dementia-related psychosis (5.7)
- Neuroleptic Malignant Syndrome has been reported with atypical antipsychotics (5.4)
[See **Adverse Effects** for information concerning for Neuroleptic Malignant Syndrome]
- Hypotension. In some cases orthostatic and associated with orthostatic or hypotensive causes or death, has been reported in patients taking atypical antipsychotics, including olanzapine alone as well as olanzapine taken concomitantly with fluoxetine. Diabetic patients should be monitored regularly for worsening of glucose control. Patients with risk factors for diabetes should undergo fasting blood glucose testing at the beginning of and periodically during treatment. Monitor all patients for symptoms of hypoglycemia. (5.9)
- Hypotension. **Insert appropriate warning here, see Adverse Effects for information.**
- **Discontinuation of treatment may occur.**
- Serotonin Syndrome may occur with SYMBAYX (5.8)
- Discontinue upon appearance of rash or allergic phenomena (5.7)
- Screen for bipolar disorder and monitor for mania/hypomania (5.8)
- Tardive Dyskinesia may develop slowly or occasionally (5.9)
- Orthostatic hypotension associated with dizziness, orthostatic hypotension, and in some patients, syncope may occur, especially during initial dose titration. Use caution in patients with cardiovascular disease, cerebrovascular disease, and those conditions that could affect hemodynamic responses (5.10)
- Use cautiously in patients at risk for aspiration pneumonia due to esophageal dysmotility (5.11)
- Use cautiously in patients with a history of seizures or other conditions that potentially lower the seizure threshold (5.12)
- Glucose dysregulation may occur in patients with diabetes (5.14)
- Asymptomatic elevations of hepatic transaminases and elevated phosphatase have been observed with olanzapine. Periodic assessments recommended in patients with hepatic disease (5.14)
- May increase the risk of bleeding. Use with NSAIDs or drugs that affect coagulation may potentiate the risk of gastrointestinal or other bleeding (5.13)
- Hypertension (some cases with serum sodium levels less than 110 mEq/L) possibly associated with the syndrome of inappropriate antidiuretic hormone (SIADH) have been reported with fluoxetine (5.16)
- May potentiate to impair judgment, thinking, and motor skills (5.17)
- May disrupt temperature regulation (5.18)
- Due to anticholinergic activity, use with caution in patients with clinically significant preexisting hypotension, narrow-angle glaucoma, or a history of urinary tract or related conditions (5.19)
- Use a lower dose in patients with cirrhosis (5.19)
- May elevate prolactin levels (5.20)
- Use caution when prescribing with other products containing olanzapine, and/or fluoxetine as active ingredients (i.e., Zyprexa, Prozac, Sarafem) (5.21)
- Fluoxetine has a long elimination half-life (5.22)
- Monitor when discontinuing treatment until discontinuation symptoms may occur (5.22)

ADVERSE REACTIONS

Most common adverse events (25% and at least twice that for placebo) are disturbance in attention, dry mouth, fatigue, hyperemia, increased sweating, peripheral edema, sedation, somnolence, tremor, vision blurred, and weight increased (6.1)

To report SUSPECTED ADVERSE REACTIONS, contact Lilly at 1-800-546-3979 or FDA at 1-800-FDA-1088 or www.fda.gov/medwatch.

DRUG INTERACTIONS

- Antihypertensives – combined antihypertensive effect (7.1)
- Anti-Parkinsonian – may antagonize levodopa/dopaamine therapy (7.2)

MAR 28 2007

G. Brophy

2. Benzodiazepines - may potentiate urticaria hyperemesis and sedation (7.3)
- Carbamazepine - potential for elevated carbamazepine levels (7.5)
 - Clozapine - may elevate Clozapine levels (7.6)
 - CNS Acting Drugs - caution should be used when taken in combination with other centrally acting drugs and alcohol (7.7)
 - Epinephrine - may potentiate methionine and epinephrine hyperemesis (7.9)
 - Fluoxetine - may double nortriptyline levels (7.10)
 - Haloperidol - elevated haloperidol levels have been observed (7.11)
 - Lithium - monitor lithium levels (7.12)
 - Phenytoin - potential for elevated phenytoin levels (7.14)
 - Serotonergic drugs - potential for Serotonin Syndrome (5.6, 7.14, 7.20)
 - Tricyclic antidepressants (TCAs) - monitor TCA levels (7.13)
 - Warfarin - increase monitoring with SYMBYAX dose change (7.23)
 - Drugs that interfere with hemostasis (NSAIDs, aspirin, warfarin, etc.) may potentiate the risk of bleeding (7.24)
 - Fluoxetine is an inhibitor of CYP4502D6 enzyme pathway (7.23)
 - Drugs tightly bound to plasma proteins, may cause shift in plasma concentrations (7.25)

USE IN SPECIFIC POPULATIONS

- Pregnancy: SYMBYAX should be used during pregnancy only if the potential benefit justifies the potential risk to the fetus (8.1)
- Nursing mothers: breast feeding is not recommended (8.3)

See 17 for PATIENT COUNSELING INFORMATION and FDA-approved patient labeling.

Revised: (9/2006)

(BNL3M13AHZ)

MAR 28 2007
G. Brophy

FULL PRESCRIBING INFORMATION: CONTENTS*

(Section reference numbers must be inserted to reflect changes, both here and in the body of the document.)

WARNING — INCREASED MORTALITY IN ELDERLY PATIENTS and SUICIDALITY IN CHILDREN AND ADOLESCENTS

1 INDICATIONS AND USAGE

- 1.1 Bipolar Depression
- 1.2 Treatment-Resistant Depression

2 DOSAGE AND ADMINISTRATION

- 2.1 Bipolar Depression
- 2.2 Treatment-Resistant Depression
- 2.3 Special Populations
- 2.4 Discontinuation of Treatment with SYMBYAX

3 DOSAGE FORMS AND STRENGTHS

4 CONTRAINDICATIONS

5 WARNINGS AND PRECAUTIONS

- 5.1 Increased Mortality in Elderly Patients with Dementia-Related Psychosis
- 5.2 Clinical Worsening and Suicide Risk
- 5.3 Cardiovascular Adverse Events (CVAE), Including Stroke, in Elderly Patients with Dementia-Related Psychosis
- 5.4 Neuroleptic Malignant Syndrome (NMS)
- 5.5 Hyperglycemia and Diabetes Mellitus
- 5.6 Serotonin Syndrome
- 5.7 Allergic Events and Rash
- 5.8 Screening Patients for Bipolar Disorder and Monitor for Mania/Hypomania
- 5.9 Tardive Dyskinesia
- 5.10 Ophthalmic Hypertension
- 5.11 Dysphagia
- 5.12 Seizures
- 5.13 Weight Gain
- 5.14 Transaminase Elevations
- 5.15 Abnormal Bleeding
- 5.16 Hypomagnesemia
- 5.17 Cognitive and Motor Impairment
- 5.18 Body Temperature Regulation
- 5.19 Use in Patients with Concomitant Illness
- 5.20 Precautions
- 5.21 Concomitant Use of Olanzapine and Fluoxetine
- 5.22 Long Half-Life of Fluoxetine
- 5.23 Discontinuation of Treatment with SYMBYAX
- 5.24 Laboratory Tests

ADVERSE REACTIONS

- 6.1 Clinical Trial Experience

7 DRUG INTERACTIONS

- 7.1 Anticholinergic Agents
- 7.2 Anti-Parkinsonism
- 7.3 Benzodiazepines

- 7.4 Biperiden
- 7.5 Carbamazepine
- 7.6 Clozapine
- 7.7 CNS Acting Drugs
- 7.8 Electroconvulsive Therapy (ECT)
- 7.9 Ethanol
- 7.10 Fluoxetine
- 7.11 Haloperidol
- 7.12 Lithium
- 7.13 Monoamine oxidase inhibitors
- 7.14 Phenytoin
- 7.15 Pimozide
- 7.16 Serotonergic drugs
- 7.17 Theophylline
- 7.18 Thioridazine
- 7.19 Tricyclic antidepressants (TCAs)
- 7.20 Triptans
- 7.21 Tyrosinase
- 7.22 Valproate
- 7.23 Warfarin
- 7.24 Drugs that interfere with hemostasis (NSAIDs, aspirin, warfarin, etc.)
- 7.25 Drugs metabolized by CYP2D6
- 7.26 Drugs metabolized by CYP3A4
- 7.27 Effect of olanzapine on drugs metabolized by other CYP enzymes
- 7.28 The effect of other drugs on olanzapine
- 7.29 Drugs highly bound to plasma proteins

8 USE IN SPECIFIC POPULATIONS

- 8.1 Fertility
- 8.2 Labor and Delivery
- 8.3 Nursing Mothers
- 8.4 Pediatric Use
- 8.5 Geriatric Use

9 DRUG ABUSE AND DEPENDENCE

- 9.1 Dependence

10 OVERDOSE

- 10.1 Management of Overdose

11 DESCRIPTION

12 CLINICAL PHARMACOLOGY

- 12.1 Mechanism of Action
- 12.2 Pharmacodynamics
- 12.3 Pharmacokinetics

- 12.4 Special Populations

13 NONCLINICAL TOXICOLOGY

- 13.1 Carcinogenesis, Mutagenesis, Impairment of Fertility

14 CLINICAL STUDIES

- 14.1 Bipolar Depression
- 14.2 Treatment-Resistant Depression

15 HOW SUPPLIED/STORAGE AND HANDLING

16 PATIENT COUNSELING INFORMATION

- 16.1 Information for Patients
- 16.2 Clinical Worsening and Suicide Risk
- 16.3 Serotonin Syndrome
- 16.4 FDA Approved Medication Guide

*Sections or subsections omitted from the full prescribing information are not listed.

MAR 9 2007
G. Brophy

4
FULL PRESCRIBING INFORMATION

WARNING

Suicidality in Children and Adolescents — Antidepressants increased the risk of suicidal thinking and behavior (suicidality) in short-term studies in children and adolescents with major depressive disorder (MDD) and other psychiatric disorders. Anyone considering the use of SYMBYAX or any other antidepressant in a child or adolescent must balance this risk with the clinical need. Patients who are started on therapy should be observed closely for clinical worsening, suicidality, or unusual changes in behavior. Families and caregivers should be advised of the need for close observation and communication with the prescriber. SYMBYAX is not approved for use in pediatric patients. [See Warnings and Precautions (5.2) and Use in Specific Populations (8.4)].

Pooled analyses of short-term (4 to 16 weeks) placebo-controlled trials of 9 antidepressant drugs (SSRIs and others) in children and adolescents with major depressive disorder (MDD), obsessive compulsive disorder (OCD), or other psychiatric disorders (a total of 24 trials involving over 4400 patients) have revealed a greater risk of adverse events representing suicidal thinking or behavior (suicidality) during the first few months of treatment in those receiving antidepressants. The average risk of such events in patients receiving antidepressants was 4%, twice the placebo risk of 2%. No suicides occurred in these trials. [See Warnings and Precautions (5.2)].

Increased Mortality in Elderly Patients — Elderly patients with dementia-related psychosis treated with atypical antipsychotic drugs are at an increased risk of death compared to placebo. Analyses of seventeen placebo-controlled trials (modal duration of 10 weeks) in these patients revealed a risk of death in the drug-treated patients of between 1.5 to 1.7 times that seen in placebo-treated patients. Over the course of a typical 10-week controlled trial, the rate of death in drug-treated patients was about 4.5%, compared to a rate of about 2.6% in the placebo group. Although the causes of death were varied, most of the deaths appeared to be either cardiovascular (e.g., heart failure, sudden death) or infections (e.g., pneumonia) in nature. SYMBYAX (olanzapine and fluoxetine HCl) is not approved for the treatment of patients with dementia-related psychosis [see Warnings and Precautions (5.1)].

Suicidality in Children and Adolescents — Antidepressants increased the risk of suicidal thinking and behavior (suicidality) in short-term studies in children and adolescents with major depressive disorder (MDD) and other psychiatric disorders. Anyone considering the use of SYMBYAX or any other antidepressant in a child or adolescent must balance this risk with the clinical need. Patients who are started on therapy should be observed closely for clinical worsening, suicidality, or unusual changes in behavior. Families and caregivers should be advised of the need for close observation and communication with the prescriber. SYMBYAX is not approved for use in pediatric patients. [See Warnings and Precautions (5.2) and Use in Specific Populations (8.4)].

Pooled analyses of short-term (4 to 16 weeks) placebo-controlled trials of 9 antidepressant drugs (SSRIs and others) in children and adolescents with major depressive disorder (MDD), obsessive compulsive disorder (OCD), or other psychiatric disorders (a total of 24 trials involving over 4400 patients) have revealed a greater risk of adverse events representing suicidal thinking or behavior (suicidality) during the first few months of treatment in those receiving antidepressants. The average risk of such events in patients receiving antidepressants was 4%, twice the placebo risk of 2%. No suicides occurred in these trials. [See Warnings and Precautions (5.2)].

1 INDICATIONS AND USAGE

1.1 Bipolar Depression

SYMBYAX is indicated for the treatment of depressive episodes associated with bipolar disorder.

Unlike with unipolar depression, there are no established guidelines for the length of time patients with bipolar disorder experiencing a major depressive episode should be treated with agents containing antidepressant drugs.

The effectiveness of SYMBYAX for maintaining antidepressant response in this patient population beyond 8 weeks has not been established in controlled clinical studies. Physicians who elect to use SYMBYAX for extended periods should periodically reevaluate the benefits and long-term risks of the drug for the individual patient.

1.2 Treatment-Resistant Depression

SYMBYAX is indicated for treatment-resistant depression (major depressive disorder in patients who do not respond to 2 antidepressants of adequate dose and duration in the current episode) [see Clinical Studies (14.2)].

The effectiveness of SYMBYAX for maintaining antidepressant response in this patient population beyond 8 weeks has not been established in controlled clinical studies. Physicians who elect to use SYMBYAX for extended periods should periodically reevaluate the benefits and long-term risks of the drug for the individual patient.

MAR 2 8 2007

G. Brophy

2 DOSAGE AND ADMINISTRATION

2.1 Bipolar Depression

SYMBYAX should be administered once daily in the evening, generally beginning with the 6-mg/25-mg capsule. While food has no appreciable effect on the absorption of olanzapine and fluoxetine given individually, the effect of food on the absorption of SYMBYAX has not been studied. Dosage adjustments, if indicated, can be made according to efficacy and tolerability. Antidepressant efficacy was demonstrated with SYMBYAX in a dose range of olanzapine 6 to 12 mg and fluoxetine 25 to 50 mg (see *Clinical Studies* (14)).

The safety of doses above 18 mg/75 mg has not been evaluated in clinical studies.

2.2 Treatment Resistant Depression

SYMBYAX should be administered once daily in the evening, generally beginning with the 6-mg/25-mg capsule. While food has no appreciable effect on the absorption of olanzapine and fluoxetine given individually, the effect of food on the absorption of SYMBYAX has not been studied. Dosage adjustments, if indicated, can be made according to efficacy and tolerability. Antidepressant efficacy was demonstrated with SYMBYAX in a dose range of olanzapine 6 to 18 mg and fluoxetine 25 to 50 mg (see *Clinical Studies* (14)). The safety of doses above 18 mg/75 mg has not been evaluated in clinical studies.

2.3 Special Populations

The starting dose of SYMBYAX 3 mg/25 + 6 mg/25 mg should be used for patients with a predisposition to hypotensive reactions, patients with hepatic impairment, or patients who exhibit a combination of factors that may slow the metabolism of SYMBYAX (female gender, geriatric age, nonsmoking status) or those patients who may be pharmacodynamically sensitive to olanzapine. When initiated, dose escalation should be performed with caution in these patients. SYMBYAX has not been systematically studied in patients over 65 years of age or in patients <18 years of age (see *Warnings and Precautions* (3.19), *Use in Specific Populations* (8.4 and 8.5), and *Clinical Pharmacology* (12.3)).

2.4 Discontinuation of Treatment with SYMBYAX

Symptoms associated with discontinuation of fluoxetine, a component of SYMBYAX, and other SSRIs and SNRIs, have been reported (see *Warnings and Precautions* (3.23)).

3 DOSAGE FORM AND STRENGTHS

Capsules (mg equivalent olanzapine/mg equivalent fluoxetine):

- 3 mg/25 mg
- 6 mg/25 mg
- 6 mg/50 mg
- 12 mg/25 mg
- 12 mg/50 mg

4 CONTRAINDICATIONS

The use of SYMBYAX is contraindicated with the following:

- Monoamine Oxidase Inhibitors (MAOI) — (see *Drug Interactions* (7.13))
- Pimozide — (see *Drug Interactions* (7.15))
- Thioridazine — (see *Drug Interactions* (7.18))

5 WARNINGS AND PRECAUTIONS

5.1 Increased Mortality in Elderly Patients with Dementia-Related Psychosis

Elderly patients with dementia-related psychosis treated with atypical antipsychotic drugs are at an increased risk of death compared to placebo. SYMBYAX is not approved for the treatment of patients with dementia-related psychosis (see *Box Warning*).

In olanzapine placebo-controlled clinical trials of elderly patients with dementia-related psychosis, the incidence of death in olanzapine-treated patients was significantly greater than placebo-treated patients (3.5% vs 1.5%, respectively).

5.2 Clinical Worsening and Suicide Risk

Patients with major depressive disorder (MDD), both adult and pediatric, may experience worsening of their depression and/or the emergence of suicidal ideation and behavior (suicidality) or unusual changes in behavior, whether or not they are taking antidepressant medications, and this risk may persist until significant remission occurs. There has been a long-standing concern that

MAR 28 2007

G. Brophy

6

antidepressants may have a role in inducing worsening of depression and the emergence of suicidality in certain patients.

Antidepressants increased the risk of suicidal thinking and behavior (suicidality) in short-term studies in children and adolescents with major depressive disorder (MDD) and other psychiatric disorders.

Pooled analyses of short-term placebo-controlled trials of 9 antidepressant drugs (SSRIs and others) in children and adolescents with MDD, OCD, or other psychiatric disorders (a total of 24 trials involving over 4400 patients) have revealed a greater risk of adverse events representing suicidal behavior or thinking (suicidality) during the first few months of treatment in those receiving antidepressants. The average risk of such events in patients receiving antidepressants was 4%, twice the placebo risk of 2%. There was considerable variation in risk among drugs, but a tendency toward an increase for almost all drugs studied. The risk of suicidality was most consistently observed in the MDD trials, but there were signals of risk arising from some trials in other psychiatric indications (obsessive compulsive disorder and social anxiety disorder) as well. No suicides occurred in any of these trials. It is unknown whether the suicidality risk in pediatric patients extends to longer-term use, i.e., beyond several months. It is also unknown whether the suicidality risk extends to adults.

All pediatric patients being treated with antidepressants for any indication should be observed closely for clinical worsening, suicidality, and unusual changes in behavior, especially during the initial few months of a course of drug therapy, or at times of dose changes, either increases or decreases. Such observation would generally include at least weekly face-to-face contact with patients or their family members or caregivers during the first 4 weeks of treatment, then every other week visits for the next 4 weeks, then at 12 weeks, and as clinically indicated beyond 12 weeks. Additional contact by telephone may be appropriate between face-to-face visits.

Adults with MDD or co-morbid depression in the setting of other psychiatric illness being treated with antidepressants should be observed similarly for clinical worsening and suicidality, especially during the initial few months of a course of drug therapy, or at times of dose changes, either increases or decreases.

The following symptoms, anxiety, agitation, panic attacks, insomnia, irritability, hostility, aggressiveness, impulsivity, akathisia (psychomotor restlessness), hypomania, and mania, have been reported in adult and pediatric patients being treated with antidepressants for major depressive disorder as well as for other indications, both psychiatric and nonpsychiatric. Although a causal link between the emergence of such symptoms and either the worsening of depression and/or the emergence of suicidal impulses has not been established, there is concern that such symptoms may represent precursors to emerging suicidality.

Consideration should be given to changing the therapeutic regimen, including possibly discontinuing the medication, in patients whose depression is persistently worse, or who are experiencing emergent suicidality or symptoms that might be precursors to worsening depression or suicidality, especially if these symptoms are severe, abrupt in onset, or were not part of the patient's presenting symptoms.

If the decision has been made to discontinue treatment, medication should be tapered, as rapidly as is feasible, but with recognition that abrupt discontinuation can be associated with certain symptoms [see Warnings and Precautions (5.2) and Dosage and Administration (2.4)], for a description of the risks of discontinuation of SYMBYAX.

Families and caregivers of pediatric patients being treated with antidepressants for major depressive disorder or other indications, both psychiatric and nonpsychiatric, should be alerted about the need to monitor patients for the emergence of agitation, irritability, unusual changes in behavior, and the other symptoms described above, as well as the emergence of suicidality, and to report such symptoms immediately to health care providers. Such monitoring should include daily observation by families and caregivers. Prescriptions for SYMBYAX should be written for the smallest quantity of capsules consistent with good patient management, in order to reduce the risk of overdose. Families and caregivers of adults being treated for depression should be similarly advised.

It should be noted that SYMBYAX is not approved for use in treating any indications in the pediatric population.

5.3 Cerebrovascular Adverse Events (CVAE), Including Stroke, in Elderly Patients with Dementia-Related Psychosis

Cerebrovascular adverse events (e.g., stroke, transient ischemic attack), including fatalities, were reported in patients in trials of olanzapine in elderly patients with dementia-related psychosis. In placebo-controlled trials, there was a significantly higher incidence of cerebrovascular adverse events in patients treated with olanzapine compared to patients treated with placebo. Olanzapine and SYMBYAX are not approved for the treatment of patients with dementia-related psychosis.

5.4 Neuroleptic Malignant Syndrome (NMS)

A potentially fatal symptom complex sometimes referred to as NMS has been reported in association with administration of antipsychotic drugs, including olanzapine. Clinical manifestations of NMS are hyperreflexia, muscle rigidity, altered mental status, and evidence of autonomic instability (irregular pulse or blood pressure, tachycardia, diaphoresis, and cardiac dysrhythmias). Additional signs may include elevated creatine phosphokinase, myoglobinuria (rhabdomyolysis), and acute renal failure.

The diagnostic evaluation of patients with this syndrome is complicated. In arriving at a diagnosis, it is important to exclude cases where the clinical presentation includes both serious medical illness (e.g., pneumonia, systemic infection, etc.) and untreated or

MAR 2 2007

G. Brophy

7 inadequately treated extrapyramidal signs and symptoms (EPS). Other important considerations in the differential diagnosis include central anticholinergic toxicity, heat stroke, drug fever, and primary central nervous system pathology.

The management of NMS should include: 1) immediate discontinuation of antipsychotic drugs and other drugs not essential to concurrent therapy, 2) intensive symptomatic treatment and medical monitoring, and 3) treatment of any concomitant serious medical problems for which specific treatments are available. There is no general agreement about specific pharmacological treatment regimens for NMS.

If after recovering from NMS, a patient requires treatment with an antipsychotic, the patient should be carefully monitored, since recurrences of NMS have been reported.

As noted above, we have requested additional information on treating patients with hyperglycemia in the Approvable Letter. Section 5.5 will be modified when we have reviewed the requested information. We have also crossed hyperglycemia, hypertriglyceridemia, and weight gain together (see Full Prescribing Contents section and order the appropriate sections below to correspond to those changes.)

5.5 Hyperglycemia and Diabetes Mellitus

Hyperglycemia, in some cases extreme and associated with ketoacidosis or hyperosmolar coma or death, has been reported in patients treated with atypical antipsychotics, including olanzapine alone, as well as olanzapine taken concomitantly with fluoxetine. Assessment of the relationship between atypical antipsychotic use and glucose abnormalities is complicated by the possibility of an increased background risk of diabetes mellitus in patients with schizophrenia and the increasing incidence of diabetes mellitus in the general population. Given these confounders, the relationship between atypical antipsychotic use and hyperglycemia-related adverse events is not completely understood. However, epidemiological studies suggest an increased risk of treatment-emergent hyperglycemia-related adverse events in patients treated with the atypical antipsychotics. Precise risk estimates for hyperglycemia-related adverse events in patients treated with atypical antipsychotics are not available.

Patients with an established diagnosis of diabetes mellitus who are started on atypical antipsychotics should be monitored regularly for worsening of glucose control. Patients with risk factors for diabetes mellitus (e.g., obesity, family history of diabetes) who are starting treatment with atypical antipsychotics should undergo fasting blood glucose testing at the beginning of treatment and periodically during treatment. Any patient treated with atypical antipsychotics should be monitored for symptoms of hyperglycemia including polydipsia, polyuria, polyphagia, and weakness. Patients who develop symptoms of hyperglycemia during treatment with atypical antipsychotics should undergo fasting blood glucose testing. In some cases, hyperglycemia has resolved when the atypical antipsychotic was discontinued; however, some patients required continuation of anti-diabetic treatment despite discontinuation of the suspect drug.

5.6 Serotonic Syndrome

The development of a potentially life-threatening serotonin syndrome may occur with SYMBYAX, particularly with concomitant use of serotonergic drugs (including triptans) and with drugs which impair metabolism of serotonin (including MAOIs). Serotonin syndrome symptoms may include mental status changes (e.g., agitation, hallucinations, coma), autonomic instability (e.g., tachycardia, labile blood pressure, hyperthermia), neuromuscular aberrations (e.g., hyperreflexia, incoordination) and/or gastrointestinal symptoms (e.g., nausea, vomiting, diarrhea).

The concomitant use of SYMBYAX with MAOIs intended to treat depression is contraindicated [see Contraindications (4) and Drug Interactions (7.13)].

If concomitant treatment of SYMBYAX with a 5-hydroxytryptamine receptor agonist (triptan) is clinically warranted, careful observation of the patient is advised, particularly during treatment initiation and dose increases [see Drug Interactions (7.19)].

The concomitant use of SYMBYAX with serotonin precursors (such as tryptophan) is not recommended [see Drug Interactions (7.20)].

5.7 Allergic Events and Rash

In SYMBYAX premarketing controlled clinical studies, the overall incidence of rash or allergic events in SYMBYAX-treated patients [4.6% (26/571)] was similar to that of placebo [5.2% (25/477)]. The majority of the cases of rash and/or urticaria were mild; however, three patients discontinued (one due to rash, which was moderate in severity and two due to allergic events, one of which included face edema).

In fluoxetine US clinical studies, 7% of 10,782 fluoxetine-treated patients developed various types of rashes and/or urticaria. Among the cases of rash and/or urticaria reported in premarketing clinical studies, almost a third were withdrawn from treatment because of the rash and/or systemic signs or symptoms associated with the rash. Clinical findings reported in association with rash include fever, leukocytosis, arthralgias, edema, carpal tunnel syndrome, respiratory distress, lymphadenopathy, proteinuria, and mild transaminase elevation. Most patients improved promptly with discontinuation of fluoxetine and/or adjunctive treatment with antihistamines or steroids, and all patients experiencing these events were reported to recover completely.

MAR 28 2007

G. Brophy

9 decreases of at least 30 mm Hg. Orthostatic systolic blood pressure decreases of at least 30 mm Hg occurred in 4.0% (28/705), 2.3% (19/831), 4.3% (18/399), and 1.8% (8/442) of the SYMBYAX, olanzapine, fluoxetine, and placebo groups, respectively. In this group of studies, the incidence of syncope-related adverse events (i.e., syncope and/or loss of consciousness) in SYMBYAX-treated patients was 0.4% (3/771) compared to placebo 0.2% (1/477).

In a clinical pharmacology study of SYMBYAX, three healthy subjects were discontinued from the trial after experiencing severe, but self-limited, hypotension and bradycardia that occurred 2 to 9 hours following a single 12-mg/50-mg dose of SYMBYAX. Reactions consisting of this combination of hypotension and bradycardia (and also accompanied by sinus pause) have been observed in at least three other healthy subjects treated with various formulations of olanzapine (one oral, two intramuscular). In controlled clinical studies, the incidence of patients with a ≥ 20 bpm decrease in orthostatic pulse concomitantly with a ≥ 20 mm Hg decrease in orthostatic systolic blood pressure was 0.3% (2/706) in the SYMBYAX group, 0.2% (1/443) in the placebo group, 0.7% (6/837) in the olanzapine group, and 0% (0/404) in the fluoxetine group.

SYMBYAX should be used with particular caution in patients with known cardiovascular disease (history of myocardial infarction or ischemia, heart failure, or conduction abnormalities), cerebrovascular disease, or conditions that would predispose patients to hypotension (dehydration, hypovolemia, and treatment with antihypertensive medications).

5.11 Dysphagia

Esophageal dysmotility and aspiration have been associated with antipsychotic drug use. Aspiration pneumonia is a common cause of morbidity and mortality in patients with advanced Alzheimer's disease. Olanzapine and other antipsychotic drugs should be used cautiously in patients at risk for aspiration pneumonia.

5.12 Seizures

Seizures occurred in 0.2% (4/2547) of SYMBYAX-treated patients during open-label clinical studies. No seizures occurred in the controlled SYMBYAX studies. Seizures have also been reported with both olanzapine and fluoxetine monotherapy. SYMBYAX should be used cautiously in patients with a history of seizures or with conditions that potentially lower the seizure threshold. Conditions that lower the seizure threshold may be more prevalent in a population of ≥ 65 years of age.

[As noted, we will the Weight Section revised with new requested information and moved to be adjacent to the hypervolemia and hyperlipidemia sections.]

5.13 Weight Gain

In clinical studies, the mean weight increase for SYMBYAX-treated patients after 8 weeks of treatment was statistically significantly greater than placebo-treated (4.3 kg vs -0.5 kg) and fluoxetine-treated (4.3 kg vs -0.2 kg) patients, but was not statistically significantly different from olanzapine-treated patients (4.3 kg vs 4.1 kg). Thirty-five percent of SYMBYAX-treated patients met criterion for having gained $> 7\%$ of their baseline weight. This was statistically significantly greater than placebo-treated (3%) and fluoxetine-treated patients (3%) but was not statistically significantly different than olanzapine-treated patients (31%).

5.14 Transaminase Elevations

As with olanzapine, asymptomatic elevations of hepatic transaminases [ALT (SGPT), AST (SGOT), and GGT] and alkaline phosphatase have been observed with SYMBYAX. In the SYMBYAX-controlled database, ALT (SGPT) elevations (normal baseline and ≥ 3 times the upper limit of the normal range post-baseline) were observed in 3.4% (20/586) of patients exposed to SYMBYAX compared with none of the 342 placebo patients and 3.5% (23/665) of olanzapine-treated patients. The difference between SYMBYAX and placebo was statistically significant. Of the SYMBYAX patients who started normal at baseline and had increases in ALT ≥ 3 times the upper limit of normal range, none experienced jaundice and four had transient elevations > 200 IU/L. In the premarketing SYMBYAX-controlled database, ALT (SGPT) elevations (≥ 3 times the upper limit of the normal range) were observed in 6.3% (31/495) of patients exposed to SYMBYAX compared with 0.5% (3/584) of the placebo patients and 4.5% (25/560) of olanzapine-treated patients (see Adverse Reactions (5.1)).

In olanzapine placebo-controlled studies, clinically significant ALT (SGPT) elevations (≥ 3 times the upper limit of the normal range) were observed in 2% (6/243) of patients exposed to olanzapine compared with 0% (0/115) of the placebo patients. None of these patients experienced jaundice. In 2 of these patients, liver enzymes decreased toward normal despite continued treatment, and in 2 others, enzymes decreased upon discontinuation of olanzapine. In the remaining 2 patients, 1, seropositive for hepatitis C, had persistent enzyme elevations for 4 months after discontinuation, and the other had insufficient follow-up to determine if enzymes normalized.

Within the larger olanzapine premarketing database of about 2400 patients with baseline SGPT ≤ 90 IU/L, the incidence of SGPT elevation > 200 IU/L was 2% (30/2381). Again, none of these patients experienced jaundice or other symptoms attributable to liver impairment and most had transient changes that tended to normalize while olanzapine treatment was continued. Among all 2500 patients in olanzapine clinical studies, approximately 1% (23/2500) discontinued treatment due to transaminase increases.

MAR 28 2007

G. Brophy,

10 Rare postmarketing reports of hepatitis have been received. Very rare cases of cholestatic or mixed liver injury have also been reported in the postmarketing period.

Caution should be exercised in patients who signs and symptoms of hepatic impairment, in patients with pre-existing conditions associated with limited hepatic functional reserve, and in patients who are being treated with potentially hepatotoxic drugs. Periodic assessment of transaminases is recommended in patients with significant hepatic disease (see *Warnings and Precautions* (5.14)).

5.15 Abnormal Bleeding

Published case reports have documented the occurrence of bleeding episodes in patients treated with psychotropic drugs that interfere with serotonin reuptake. Subsequent epidemiological studies, both of the case-control and cohort design, have demonstrated an association between use of psychotropic drugs that interfere with serotonin reuptake and the occurrence of upper gastrointestinal bleeding. In two studies, concurrent use of a nonsteroidal anti-inflammatory drug (NSAID) or aspirin potentiated the risk of bleeding (see *Drug Interactions* (7.23, 7.24)). Although these studies focused on upper gastrointestinal bleeding, there is reason to believe that bleeding at other sites may be similarly potentiated. Patients should be cautioned regarding the risk of bleeding associated with the concomitant use of SYMBYAX with NSAIDs, aspirin, or other drugs that affect coagulation.

5.16 Hyponatremia

Hyponatremia has been observed in SYMBYAX premarketing clinical studies. In controlled trials, no SYMBYAX-treated patients had a treatment-emergent serum sodium below 129 mmol/L; however, a lowering of serum sodium below the reference range occurred at an incidence of 1.6% (11/693) of SYMBYAX-treated patients compared with 0.5% (2/380) of placebo patients. This difference was not statistically significant. In open label studies, 0.0% (1/2376) of these SYMBYAX-treated patients had a treatment-emergent serum sodium below 129 mmol/L.

Cases of hyponatremia (some with serum sodium lower than 110 mmol/L) have been reported with fluoxetine. The hyponatremia appeared to be reversible when fluoxetine was discontinued. Although these cases were complex with varying possible etiologies, some were possibly due to the syndrome of inappropriate antidiuretic hormone secretion (SIADH). The majority of these occurrences have been in older patients and in patients taking diuretics or who were otherwise volume depleted. In two 6-week controlled studies in patients ≥60 years of age, 10 of 323 fluoxetine patients and 6 of 327 placebo recipients had a lowering of serum sodium below the reference range; this difference was not statistically significant. The lowest observed concentration was 129 mmol/L. The observed decreases were not clinically significant.

5.17 Cognitive and Motor Impairment

Sedation-related adverse events were commonly reported with SYMBYAX treatment occurring at an incidence of 26.6% in SYMBYAX-treated patients compared with 10.9% in placebo-treated patients. Sedation-related adverse events (sedation, somnolence, hypersomnia, and lethargy) led to discontinuation in 2% (15/771) of patients in the controlled clinical studies. As with any CNS-active drug, SYMBYAX has the potential to impair judgment, thinking, or motor skills. Patients should be cautioned about operating hazardous machinery, including automobiles, until they are reasonably certain that SYMBYAX therapy does not affect them adversely.

5.18 Body Temperature Regulation

Disruption of the body's ability to reduce core body temperature has been attributed to antipsychotic drugs. Appropriate care is advised when prescribing SYMBYAX for patients who will be experiencing conditions which may contribute to an elevation in core body temperature (e.g., exercising strenuously, exposure to extreme heat, receiving concomitant medication with anticholinergic activity, or being subject to dehydration).

5.19 Use in Patients with Concomitant Illness

Clinical experience with SYMBYAX in patients with concomitant systemic illnesses is limited (see *Clinical Pharmacology* (12.4)). The following precautions for the individual components may be applicable to SYMBYAX.

Olanzapine exhibits in vitro muscarinic receptor affinity. In premarketing clinical studies, SYMBYAX was associated with constipation, dry mouth, and tachycardia, all adverse events possibly related to cholinergic antagonism. Such adverse events were not often the basis for study discontinuations; SYMBYAX should be used with caution in patients with clinically significant prostatic hypertrophy, narrow angle glaucoma, a history of paralytic ileus, or related conditions.

In five placebo-controlled studies of olanzapine in elderly patients with dementia-related psychosis (n=1184), the following treatment-emergent adverse events were reported in olanzapine-treated patients at an incidence of at least 2% and significantly greater than placebo-treated patients: falls, somnolence, peripheral edema, abnormal gait, urinary incontinence, lethargy, increased weight, asthenia, pyrexia, pneumonia, dry mouth and visual hallucinations. The rate of discontinuation due to adverse events was significantly greater with olanzapine than placebo (13% vs 7%). Elderly patients with dementia-related psychosis treated with olanzapine are at an increased risk of death compared to placebo. Olanzapine is not approved for the treatment of patients with dementia-related psychosis.

MAR 28 2007

G. Brophy

11

If the prescriber elects to treat elderly patients with dementia-related psychosis, vigilance should be exercised (see Box Warning and Warnings and Precautions (3.1)).

As with other CNS-active drugs, SYMBYAX should be used with caution in elderly patients with dementia. Olanzapine is not approved for the treatment of patients with dementia-related psychosis. If the prescriber elects to treat elderly patients with dementia-related psychosis, vigilance should be exercised (see Box Warning and Warnings and Precautions (3.1)).

SYMBYAX has not been evaluated or used to any appreciable extent in patients with a recent history of myocardial infarction or unstable heart disease. Patients with these diagnoses were excluded from clinical studies during the premarket testing.

Caution is advised when using SYMBYAX in cardiac patients and in patients with diseases or conditions that could affect hemodynamic responses (see Warnings and Precautions (3.10)).

In subjects with cirrhosis of the liver, the clearances of fluoxetine and its active metabolite, norfluoxetine, were decreased, thus increasing the elimination half-lives of these substances. A lower dose of the fluoxetine-component of SYMBYAX should be used in patients with cirrhosis. Caution is advised when using SYMBYAX in patients with diseases or conditions that could affect its metabolism (see Clinical Pharmacology (12.4) and Dosage and Administration (2.3)).

Olanzapine and fluoxetine Individual pharmacokinetics do not differ significantly in patients with renal impairment. SYMBYAX dosing adjustment based upon renal impairment is not routinely required (see Clinical Pharmacology (12.4)).

5.20 Hyperprolactinemia

As with other drugs that antagonize dopamine D₂ receptors, SYMBYAX elevates prolactin levels, and a modest elevation persists during administration; however, possibly associated clinical manifestations (e.g., galactorrhea and breast enlargement) were infrequently observed.

Tissue culture experiments indicate that approximately one-third of human breast cancers are prolactin dependent in vitro, a factor of potential importance if the prescription of these drugs is contemplated in a patient with previously detected breast cancer of this type. Although disturbances such as galactorrhea, amenorrhea, gynecomastia, and impotence have been reported with prolactin-elevating compounds, the clinical significance of elevated serum prolactin levels is unknown for most patients. As is common with compounds that increase prolactin release, an increase in mammary gland neoplasia was observed in the olanzapine carcinogenicity studies conducted in mice and rats (see Nonclinical Toxicology (13.1)). However, neither clinical studies nor epidemiologic studies have shown an association between chronic administration of this class of drugs and tumorigenesis in humans; the available evidence is considered too limited to be conclusive.

5.21 Concomitant Use of Olanzapine and Fluoxetine Products

SYMBYAX contains the same active ingredients that are in Zyprexa and Zyprexa Zydis (olanzapine) and in Prozac, Prozac Weekly, and Sarafem (fluoxetine HCl). Caution should be exercised when prescribing these medications concomitantly with SYMBYAX (see Overdosage (10)).

5.22 Long Half-Life of Fluoxetine

Because of the long elimination half-lives of fluoxetine and its major active metabolite, changes in dose will not be fully reflected in plasma for several weeks, affecting both strategies for titration to final dose and withdrawal from treatment (see Clinical Pharmacology (12.3)).

5.23 Discontinuation of Treatment with SYMBYAX

During marketing of fluoxetine, a component of SYMBYAX, and other SSRIs and SNRIs (serotonergic and norepinephrine reuptake inhibitors), there have been spontaneous reports of adverse events occurring upon discontinuation of these drugs, particularly when abrupt, including the following: dysphoric mood, irritability, agitation, dizziness, sensory disturbances (e.g., paresthesias such as electric shock sensations), anxiety, confusion, headache, lethargy, emotional lability, insomnia, and hypomania. While these events are generally self-limiting, there have been reports of serious discontinuation symptoms. Patients should be monitored for these symptoms when discontinuing treatment with fluoxetine. A gradual reduction in the dose rather than abrupt cessation is recommended whenever possible. If intolerable symptoms occur following a decrease in the dose or upon discontinuation of treatment, then resuming the previously prescribed dose may be considered. Subsequently, the physician may continue decreasing the dose but at a more gradual rate. Plasma fluoxetine and norfluoxetine concentration decrease gradually at the conclusion of therapy, which may minimize the risk of discontinuation symptoms with this drug (see Dosage and Administration (2.4)).

5.24 Laboratory Tests

Periodic assessment of transaminases is recommended in patients with significant hepatic disease (see Warnings and Precautions, 5.14)).

6 ADVERSE REACTIONS

6.1 Clinical Trials Experience

MAR 29 2007

G. Brophy

The information below is derived from a clinical study database for SYMBYAX consisting of 2547 patients with treatment resistant depression, bipolar depression, major depressive disorder with psychosis, or sexual dysfunction with approximately 1085 patient-years of exposure. The conditions and duration of treatment with SYMBYAX varied greatly and included (in overlapping categories) open-label and double-blind phases of studies, inpatients and outpatients, fixed-dose and dose-titration studies, and short-term or long-term exposure.

Adverse events were recorded by clinical investigators using descriptive terminology of their own choosing. Consequently, it is not possible to provide a meaningful estimate of the proportion of individuals experiencing adverse events without first grouping similar types of events into a limited (i.e., reduced) number of standardized event categories.

In the tables and tabulations that follow, MedDRA or COSTART Dictionary terminology has been used to classify reported adverse events. The data in the tables represent the proportion of individuals who experienced, at least once, a treatment-emergent adverse event of the type listed. An event was considered treatment-emergent if it occurred for the first time or worsened while receiving therapy following baseline evaluation. It is possible that events reported during therapy were not necessarily related to drug exposure.

The prescribers should be aware that the figures in the tables and tabulations cannot be used to predict the incidence of side effects in the course of usual medical practice where patient characteristics and other factors differ from those that prevailed in the clinical studies. Similarly, the cited frequencies cannot be compared with figures obtained from other clinical investigations involving different treatments, uses, and investigators. The cited figures, however, do provide the prescribing clinician with some basis for estimating the relative contribution of drug and non-drug factors to the side effect incidence rate in the population studied.

Incidence in Controlled Clinical Studies

The following findings are based on the short-term, controlled studies including bipolar depression and treatment resistant depression.

Adverse events associated with discontinuation of treatment — Overall, 11.3% of the 771 patients in the SYMBYAX group discontinued due to adverse events compared with 4.4% of the 477 patients for placebo. Adverse events leading to discontinuation associated with the use of SYMBYAX (incidence of at least 1% for SYMBYAX and greater than that for placebo) using MedDRA Dictionary coding were weight increased (2%) and sedation (1%) versus placebo patients which had 0% incidence of weight increased and sedation.

Commonly observed adverse events in controlled clinical studies — The most commonly observed adverse events associated with the use of SYMBYAX (incidence ≥3% and at least twice that for placebo in the SYMBYAX-controlled database) using MedDRA Dictionary coding were: disturbance in attention, dry mouth, fatigue, hypersomnia, increased appetite, peripheral edema, sedation, somnolence, tremor, vision blurred and weight increased. Adverse events reported in clinical trials of olanzapine/fluoxetine in combination are generally consistent with treatment-emergent adverse events during olanzapine or fluoxetine monotherapy.

Adverse events occurring at an incidence of 2% or more in short-term controlled clinical studies — Table 1 enumerates the treatment-emergent adverse events associated with the use of SYMBYAX (incidence of at least 2% for SYMBYAX and twice or more than for placebo). The SYMBYAX-controlled column includes patients with various diagnoses while the placebo column includes only patients with bipolar depression and major depression with psychotic features.

Table 1: Treatment-Emergent Adverse Events:
Incidence in Controlled Clinical Studies

System Organ Class	Adverse Event	Percentage of Patients Reporting Event	
		SYMBYAX-Controlled (N=771)	Placebo (N=477)
Eye disorders	Vision blurred	3	2
Gastrointestinal disorders	Dry mouth	15	6
	Flatulence	3	1
	Abdominal distention	2	0
General disorders and administration site conditions	Fatigue	12	2
	Edema peripheral	9	0
	Edema	3	0
	Ashtenia	3	1
	Pain	2	1

MAR 28 2007

G. Brophy

13

	Pyrexia	2	1
Infections and infestations	Sinusitis	2	2
Investigations	Weight increased	25	3
Metabolism and nutrition disorders	Increased appetite	20	4
Musculoskeletal and connective tissue disorders	Arthralgia	4	1
	Pain in extremity	3	1
	Musculoskeletal stiffness	2	1
Nervous system disorders	Somnolence	14	6
	Tremor	9	3
	Sedation	8	4
	Hypersomnia	5	1
	Disturbance in attention	5	1
	Lethargy	3	1
Psychiatric disorders	Restlessness	4	1
	Thinking abnormal	2	1
	Nervousness	2	1
Reproductive system and breast disorders	Erectile dysfunction	2	1

Additional Findings Observed in Clinical Studies

Effect on cardiac repolarization — The mean increase in QTc interval for SYMBYAX-treated patients (4.4 msec) in clinical studies was significantly greater than that for placebo-treated (-0.8 msec), olanzapine-treated (-0.3 msec) patients, and fluoxetine-treated (1.7 msec) patients. There were no significant differences between patients treated with SYMBYAX, placebo, olanzapine, or fluoxetine in the incidence of QTc outliers (>500 msec).

As discussed above, we intend to move and group together data relevant to treatment-emergent hyperglycemia, hyperlipidemia, and weight gain to Warnings/Precautions. In addition, the information in these sections will need to be revised to include new information based on requested new data searches and analyses.

Laboratory changes — In SYMBYAX clinical studies, (including treatment resistant depression, bipolar depression, major depressive disorder with psychosis, or sexual dysfunction) SYMBYAX was associated with statistically significantly greater frequencies for the following treatment-emergent findings in laboratory analytes (normal at baseline to abnormal at any time during the trial) compared to placebo: elevated random blood glucose levels of ≥ 200 mg/dL in patients with levels of <140 mg/dL at baseline (2.9% vs. 0.3%); elevated random cholesterol ≥ 240 mg/dL in patients with levels of <200 mg/dL at baseline (9.7% vs. 1.9%); elevated prolactin (27.6% vs. 4.8%); elevated urea nitrogen (2.8% vs. 0.8%); elevated uric acid (2.9% vs. 0.3%); low albumin (2.7% vs. 0.3%); low bicarbonate (14.1% vs. 8.8%); low hemoglobin (2.6% vs. 0%); low inorganic phosphorus (1.9% vs. 0.3%); low lymphocytes (1.9% vs. 0%); and low total bilirubin (15.3% vs. 3.9%).

In olanzapine clinical studies among olanzapine-treated patients with random triglyceride levels of <150 mg/dL at baseline (N=659), 0.5% of patients experienced triglyceride levels of ≥ 500 mg/dL anytime during the trials. In these same trials, olanzapine-treated patients (N=1183) had a mean increase of 20 mg/dL in triglycerides from a mean baseline value of 175 mg/dL.

Sexual dysfunction — In the pool of controlled SYMBYAX studies in patients with bipolar depression, there were higher rates of the treatment-emergent adverse events decreased libido, anorgasmia, impotence and abnormal ejaculation in the SYMBYAX group than in the placebo group. One case of decreased libido led to discontinuation in the SYMBYAX group. In the controlled studies that contained a fluoxetine arm, the rates of decreased libido and abnormal ejaculation in the SYMBYAX group were less than the rates in the fluoxetine group. None of the differences were statistically significant.

Sexual dysfunction, including priapism, has been reported with all SSRIs. While it is difficult to know the precise risk of sexual dysfunction associated with the use of SSRIs, physicians should routinely inquire about such possible side effects.

Vital signs — Tachycardia, bradycardia, and orthostatic hypotension have occurred in SYMBYAX-treated patients [see Warnings and Precautions (3.10)]. The mean standing pulse rate of SYMBYAX-treated patients was reduced by 0.7 beats/min.

MAR 26 2007

G. Brophy

14

Other Events Observed in Clinical Studies

Following is a list of treatment-emergent adverse events reported by patients treated with SYMBYAX in clinical trials. This listing is not intended to include events (1) already listed in previous tables or elsewhere in labeling, (2) for which a drug cause was remote, (3) which were so general as to be uninformative, (4) which were not considered to have significant clinical implications, or (5) which occurred at a rate equal to or less than placebo.

Events are classified by body system using the following definitions: frequent adverse events are those occurring in at least 1/100 patients; infrequent adverse events are those occurring in 1/100 to 1/1000 patients; and rare events are those occurring in fewer than 1/1000 patients.

Provide your justification for modifying the listings of events below from currently approved labeling.

Body as a Whole — *Frequent:* chills, neck rigidity, photosensitivity reaction.

Cardiovascular System — *Frequent:* vasodilatation; *Infrequent:* QT-Interval prolonged.

Digestive System — *Frequent:* diarrhea; *Infrequent:* gastritis, gastroenteritis, nausea and vomiting, peptic ulcer;

Rare: gastrointestinal hemorrhage, intestinal obstruction, liver fatty deposit, pancreatitis.

Hemic and Lymphatic System — *Frequent:* ecchymosis; *Infrequent:* anemia; *Rare:* leukopenia, purpura.

Metabolic and Nutritional — *Frequent:* generalized edema, weight loss; *Infrequent:* glycosuria, obesity; *Rare:*

bilirubinemia, creatinine increased, gout.

Musculoskeletal System — *Rare:* osteoporosis

Nervous System — *Frequent:* amnesia; *Infrequent:* ataxia, buccoglossal syndrome, cogwheel rigidity, dysarthria, emotional lability, euphoria, extrapyramidal syndrome, hypokinesia, movement disorder, myoclonus; *Rare:* dystonia, hyperkinesia, libido increased, withdrawal syndrome.

Respiratory System — *Infrequent:* opistaxis, yawn; *Rare:* laryngismus.

Skin and Appendages — *Infrequent:* alopecia, dry skin, pruritis; *Rare:* exfoliative dermatitis.

Special Senses — *Frequent:* taste perversion; *Infrequent:* abnormality of accommodation, dry eyes.

Urogenital System — *Frequent:* breast pain, menorrhagia¹, urinary frequency, urinary incontinence;

Infrequent: amenorrhea¹, female lactation¹, hypomenorrhea¹, metrorrhagia¹, urinary retention, urinary urgency, urination impaired;

Rare: breast engorgement¹.

¹ Adjusted for gender.

Other Events Observed with Olanzapine or Fluoxetine Monotherapy

The following adverse events were not observed in SYMBYAX-treated patients during premarketing clinical studies but have been reported with olanzapine or fluoxetine monotherapy: aplastic anemia, cholestatic jaundice, diabetic coma, dyskinesia, eosinophilic pneumonia, erythema multiforme, jaundice, rhabdomyolysis, serotonin syndrome, vasculitis, venous thromboembolic events (including pulmonary embolism and deep venous thrombosis), violent behaviors. Random triglyceride levels of ≥ 1000 mg/dL have been rarely reported.

7 DRUG INTERACTIONS

The risks of using SYMBYAX in combination with other drugs have not been extensively evaluated in systematic studies. The drug-drug interactions of the individual components are applicable to SYMBYAX. As with all drugs, the potential for interaction by a variety of mechanisms (e.g., pharmacodynamic, pharmacokinetic drug inhibition or enhancement, etc.) is a possibility. Caution is advised if the concomitant administration of SYMBYAX and other CNS-active drugs is required. In evaluating individual cases, consideration should be given to using lower initial doses of the concomitantly administered drugs, using conservative titration schedules, and monitoring of clinical status (see *Clinical Pharmacology* (12.3)).

7.1 Antihypertensive agents

Because of the potential for olanzapine to induce hypotension, SYMBYAX may enhance the effects of certain antihypertensive agents (see *Warnings and Precautions* (5.10)).

7.2 Anti-Parkinsonism

The olanzapine component of SYMBYAX may antagonize the effects of levodopa and dopamine agonists.

7.3 Benzodiazepines

Multiple doses of olanzapine did not influence the pharmacokinetics of diazepam and its active metabolite N-desmethyldiazepam. However, the coadministration of diazepam with olanzapine potentiated the orthostatic hypotension observed with olanzapine.

MAR 28 2007

G. Brophy

15

When concurrently administered with fluoxetine, the half-life of diazepam may be prolonged in some patients (see *Clinical Pharmacology* (7.29, 12.3)). Coadministration of alprazolam and fluoxetine has resulted in increased alprazolam plasma concentrations and in further psychomotor performance decrement due to increased alprazolam levels.

7.4 Biperiden

Multiple doses of olanzapine did not influence the pharmacokinetics of biperiden.

7.5 Carbamazepine

Carbamazepine therapy (200 mg BID) causes an approximate 50% increase in the clearance of olanzapine. This increase is likely due to the fact that carbamazepine is a potent inducer of CYP1A2 activity. Higher daily doses of carbamazepine may cause an even greater increase in olanzapine clearance.

Patients on stable doses of carbamazepine have developed elevated plasma anticonvulsant concentrations and clinical anticonvulsant toxicity following initiation of concomitant fluoxetine treatment.

7.6 Clozapine

Elevation of blood levels of clozapine has been observed in patients receiving concomitant fluoxetine.

7.7 CNS Acting Drugs

Given the primary CNS effects of olanzapine, caution should be used when olanzapine is taken in combination with other centrally acting drugs.

7.8 Electroconvulsive therapy (ECT)

There are no clinical studies establishing the benefit of the combined use of ECT and fluoxetine. There have been rare reports of prolonged seizures in patients on fluoxetine receiving ECT treatment (see *Warnings and Precautions* (5.12)).

7.9 Ethanol

Ethanol (45 mg/70 kg single dose) did not have an effect on olanzapine pharmacokinetics. The coadministration of ethanol with SYMBYAX may potentiate sedation and orthostatic hypotension.

7.10 Fluvoxamine

Fluvoxamine, a CYP1A2 inhibitor, decreases the clearance of olanzapine. This results in a mean increase in olanzapine C_{max} following fluvoxamine administration of 54% in female nonsmokers and 77% in male smokers. The mean increase in olanzapine AUC is 52% and 108%, respectively. Lower doses of the olanzapine component of SYMBYAX should be considered in patients receiving concomitant treatment with fluvoxamine.

7.11 Haloperidol

Elevation of blood levels of haloperidol has been observed in patients receiving concomitant fluoxetine.

7.12 Lithium

Multiple doses of olanzapine did not influence the pharmacokinetics of lithium.

There have been reports of both increased and decreased lithium levels when lithium was used concomitantly with fluoxetine. Cases of lithium toxicity and increased serotonergic effects have been reported. Lithium levels should be monitored in patients taking SYMBYAX concomitantly with lithium.

7.13 Monoamine oxidase inhibitors

SYMBYAX should not be used in combination with an MAOI, or within a minimum of 14 days of discontinuing therapy with an MAOI. There have been reports of serious, sometimes fatal reactions (including hyperthermia, rigidity, myoclonus, autonomic instability with possible rapid fluctuations of vital signs, and mental status changes that include extreme agitation progressing to delirium and coma) in patients receiving fluoxetine in combination with an MAOI, and in patients who have recently discontinued fluoxetine and are then started on an MAOI. Some cases presented with features resembling neuroleptic malignant syndrome. Since fluoxetine and its major metabolite have very long elimination half-lives, at least 5 weeks (perhaps longer, especially if fluoxetine has been prescribed chronically and/or at higher doses (see *Clinical Pharmacology* (12.3))) should be allowed after stopping SYMBYAX before starting an MAOI. (See *Contraindications* (4)).

7.14 Phenytoin

Patients on stable doses of phenytoin have developed elevated plasma levels of phenytoin with clinical phenytoin toxicity following initiation of concomitant fluoxetine.

7.15 Pimozide

Concomitant use of fluoxetine and pimozide is contraindicated. Clinical studies of pimozide with other antidepressants demonstrate an increase in drug interaction or QT prolongation. While a specific study with pimozide and fluoxetine has not been conducted, the potential for drug interactions or QT prolongation warrants restricting the concurrent use of pimozide and fluoxetine. (See *Contraindications* (4)).

MAR 26 2007

G. Brophy

16

7.16 Serotonergic Drugs

Based on the mechanism of action of SYMBYAX and the potential for serotonin syndrome, caution is advised when SYMBYAX is coadministered with other drugs that may affect the serotonergic neurotransmitter systems, such as triptans, linezolid (an antibiotic which is a reversible non-selective MAOI), lithium, tramadol, or St. John's Wort (see **Warnings and Precautions (5.6)**). The concomitant use of SYMBYAX with other SSRIs, SNRIs or tryptophan is not recommended (see **Drug Interactions (7.21)**).

7.17 Theophylline

Multiple doses of olanzapine did not affect the pharmacokinetics of theophylline or its metabolites.

7.18 Thioridazine

Thioridazine should not be administered with SYMBYAX or administered within a minimum of 5 weeks after discontinuation of SYMBYAX.

In a study of 19 healthy male subjects, which included 6 slow and 13 rapid hydroxylators of debrisoquin, a single 25-mg oral dose of thioridazine produced a 2.4-fold higher C_{max} and a 4.5-fold higher AUC for thioridazine in the slow hydroxylators compared with the rapid hydroxylators. The rate of debrisoquin hydroxylation is felt to depend on the level of CYP2D6 isozyme activity. Thus, this study suggests that drugs that inhibit CYP2D6, such as certain SSRIs, including fluoxetine, will produce elevated plasma levels of thioridazine (see **Contraindications (4)**).

Thioridazine administration produces a dose-related prolongation of the QT_c interval, which is associated with serious ventricular arrhythmias, such as torsades de pointes-type arrhythmias and sudden death. This risk is expected to increase with fluoxetine-induced inhibition of thioridazine metabolism (see **Contraindications (4)**).

7.19 Tricyclic antidepressants (TCAs)

Single doses of olanzapine did not affect the pharmacokinetics of imipramine or its active metabolite desipramine.

In two fluoxetine studies, previously stable plasma levels of imipramine and desipramine have increased 2- to 10-fold when fluoxetine has been administered in combination. This influence may persist for three weeks or longer after fluoxetine is discontinued. Thus, the dose of TCA may need to be reduced and plasma TCA concentrations may need to be monitored temporarily when SYMBYAX is coadministered or has been recently discontinued (see **Drug Interactions (7.23)** and **Clinical Pharmacology (12.3)**).

7.20 Triptans

There have been rare postmarketing reports of serotonin syndrome with use of an SSRI and a triptan. If concomitant treatment of SYMBYAX with a triptan is clinically warranted, careful observation of the patient is advised, particularly during treatment initiation and dose increases (see **Warnings and Precautions (5.6)**).

7.21 Tryptophan

Five patients receiving fluoxetine in combination with tryptophan experienced adverse reactions, including agitation, restlessness, and gastrointestinal distress. Concomitant use with tryptophan is not recommended.

7.22 Valproate

In vitro studies using human liver microsomes determined that olanzapine has little potential to inhibit the major metabolic pathway, glucuronidation, of valproate. Further, valproate has little effect on the metabolism of olanzapine in vitro. Thus, a clinically significant pharmacokinetic interaction between olanzapine and valproate is unlikely.

7.23 Warfarin

Warfarin (20-mg single dose) did not affect olanzapine pharmacokinetics. Single doses of olanzapine did not affect the pharmacokinetics of warfarin.

Altered anticoagulant effects, including increased bleeding, have been reported when fluoxetine is coadministered with warfarin (see **Warnings and Precautions (5.15)**). Patients receiving warfarin therapy should receive careful coagulation monitoring when SYMBYAX is initiated or stopped.

7.24 Drugs that interfere with hemostasis (NSAIDs, aspirin, warfarin, etc.)

Serotonin release by platelets plays an important role in hemostasis. Epidemiological studies of the case-control and cohort design that have demonstrated an association between use of psychotropic drugs that interfere with serotonin reuptake and the occurrence of upper gastrointestinal bleeding have also shown that concurrent use of an NSAID or aspirin potentiated the risk of bleeding (see **Warnings and Precautions (5.15)**). Thus, patients should be cautioned about the use of such drugs concurrently with SYMBYAX.

7.25 Drugs metabolized by CYP2D6

In vitro studies utilizing human liver microsomes suggest that olanzapine has little potential to inhibit CYP2D6. Thus, olanzapine is unlikely to cause clinically important drug interactions mediated by this enzyme.

MAR 26 2007

G. Brophy

so administered alone at the high-doses (4 and 8 mg/kg/day, respectively, in the rat; 8 and 8 mg/kg/day, respectively, in the rabbit). In the rabbit, there was no evidence of teratogenicity; however, the high-dose combination produced decreases in fetal weight and retarded skeletal ossification in conjunction with maternal toxicity. Similarly, in the rat there was no evidence of teratogenicity; however, a decrease in fetal weight was observed with the high-dose combination.

In a pre- and postnatal study conducted in rats, olanzapine and fluoxetine were administered during pregnancy and throughout lactation in combination (low-dose: 2 and 4 mg/kg/day [1 and 0.5 times the MRHD on a mg/m² basis], respectively, high-dose: 4 and 8 mg/kg/day [2 and 1 times the MRHD on a mg/m² basis], respectively, and alone: 4 and 8 mg/kg/day [2 and 1 times the MRHD on a mg/m² basis], respectively). Administration of the high-dose combination resulted in a marked elevation in offspring mortality and growth retardation in comparison to the same doses of olanzapine and fluoxetine administered alone. These effects were not observed with the low-dose combination; however, there were a few cases of testicular degeneration and atrophy, depletion of epididymal sperm and infertility in the male progeny. The effects of the high-dose combination on postnatal endpoints could not be assessed due to high progeny mortality.

There are no adequate and well-controlled studies with SYMBYAX in pregnant women.

SYMBYAX should be used during pregnancy only if the potential benefit justifies the potential risk to the fetus.

Olanzapine — In reproduction studies in rats at doses up to 18 mg/kg/day and in rabbits at doses up to 30 mg/kg/day (9 and 30 times the MRHD on a mg/m² basis, respectively), no evidence of teratogenicity was observed. In a rat teratology study, early resorptions and increased numbers of nonviable fetuses were observed at a dose of 18 mg/kg/day (9 times the MRHD on a mg/m² basis). Gestation was prolonged at 10 mg/kg/day (5 times the MRHD on a mg/m² basis). In a rabbit teratology study, fetal toxicity manifested as increased resorptions and decreased fetal weight occurred at a maternally toxic dose of 30 mg/kg/day (30 times the MRHD on a mg/m² basis).

Placental transfer of olanzapine occurs in rat pups.

There are no adequate and well-controlled clinical studies with olanzapine in pregnant women. Seven pregnancies were observed during premarketing clinical studies with olanzapine, including two resulting in normal births, one resulting in neonatal death due to a cardiovascular defect, three therapeutic abortions, and one spontaneous abortion.

Fluoxetine — In embryo fetal development studies in rats and rabbits, there was no evidence of teratogenicity following administration of up to 12.5 and 15 mg/kg/day, respectively (1.5 and 3.6 times the MRHD on a mg/m² basis, respectively) throughout organogenesis. However, in rat reproduction studies, an increase in stillborn pups, a decrease in pup weight, and an increase in pup deaths during the first 7 days postpartum occurred following maternal exposure to 12 mg/kg/day (1.5 times the MRHD on a mg/m² basis) during gestation or 7.5 mg/kg/day (0.9 times the MRHD on a mg/m² basis) during gestation and lactation. There was no evidence of developmental neurotoxicity in the surviving offspring of rats treated with 12 mg/kg/day during gestation. The no-effect dose for rat pup mortality was 3 mg/kg/day (0.6 times the MRHD on a mg/m² basis).

Treatment of Pregnant Women During the Third Trimester — Neonates exposed to fluoxetine, a component of SYMBYAX/SYMBYAX, and other SSRIs or SNRIs, late in the third trimester have developed complications requiring prolonged hospitalization, respiratory support, and tube feeding. Such complications can arise immediately upon delivery. Reported clinical findings have included respiratory distress, cyanosis, apnea, seizures, temperature instability, feeding difficulty, vomiting, hypoglycemia, hypotonia, hyperreflexia, tremor, jitteriness, irritability, and constant crying. These features are consistent with either a direct toxic effect of SSRIs and SNRIs or, possibly, a drug discontinuation syndrome. It should be noted that, in some cases, the clinical picture is consistent with serotonin syndrome [see *Contraindications* (4) and *Drug Interactions* (7.16)]. When treating pregnant women with fluoxetine during the third trimester, the physician should carefully consider the potential risks and benefits of treatment. The physician may consider tapering fluoxetine in the third trimester.

2 Labor and Delivery

SYMBYAX — The effect of SYMBYAX on labor and delivery in humans is unknown. Parturition in rats was not affected by SYMBYAX. SYMBYAX should be used during labor and delivery only if the potential benefit justifies the potential risk.

Olanzapine — The effect of olanzapine on labor and delivery in humans is unknown. Parturition in rats was not affected by olanzapine.

Fluoxetine — The effect of fluoxetine on labor and delivery in humans is unknown. Fluoxetine crosses the placenta; therefore, there is a possibility that fluoxetine may have adverse effects on the newborn.

3 Nursing Mothers

SYMBYAX — There are no adequate and well-controlled studies with SYMBYAX in nursing mothers or infants. Studies evaluating the individual components of SYMBYAX (olanzapine and fluoxetine) in nursing mothers are described below. It is not known whether SYMBYAX is excreted in human milk and because of the potential for serious adverse reactions in nursing infants

MAR 28 2007

G. Brophy

on SYMBYAX, a decision should be made whether to discontinue nursing or to discontinue the drug, taking into account the importance of the drug to the mother. It is recommended that women not breast-feed when receiving SYMBYAX.

Olanzapine — In a study in lactating, healthy women, olanzapine was excreted in breast milk. Mean infant dose at steady state was estimated to be 1.8% of the maternal olanzapine dose. It is recommended that women receiving olanzapine should not breast-feed.

Fluoxetine — Fluoxetine is excreted in human breast milk. In one breast milk sample, the concentration of fluoxetine plus norfluoxetine was 70.4 ng/mL. The concentration in the mother's plasma was 295.0 ng/mL. No adverse effects on the infant were reported. In another case, an infant nursed by a mother on fluoxetine developed crying, sleep disturbance, vomiting, and watery stools. The infant's plasma drug levels were 340 ng/mL of fluoxetine and 208 ng/mL of norfluoxetine on the 2nd day of feeding.

3.4 Pediatric Use

SYMBYAX — Safety and effectiveness in the pediatric population have not been established (see *Box Warning and Warnings and Precautions (3.3)*). Anyone considering the use of SYMBYAX in a child or adolescent must balance the potential risks with the clinical need.

Fluoxetine — Significant toxicity, including myotoxicity, long-term neurobehavioral and reproductive toxicity, and impaired bone development, has been observed following exposure of juvenile animals to fluoxetine. Some of these effects occurred at clinically relevant exposures.

In a study in which fluoxetine (3, 10, or 30 mg/kg) was orally administered to young rats from weaning (Postnatal Day 21) through adulthood (Day 90), male and female sexual development was delayed at all doses, and growth (body weight gain, femur length) was decreased during the dosing period in animals receiving the highest dose. At the end of the treatment period, serum levels of creatine kinase (marker of muscle damage) were increased at the intermediate and high doses, and abnormal muscle and reproductive organ histopathology (skeletal muscle degeneration and necrosis, testicular degeneration and necrosis, epididymal vacuolation and hypospermatia) was observed at the high dose. When animals were evaluated after a recovery period (up to 11 weeks after cessation of dosing), neurobehavioral abnormalities (decreased reactivity at all doses and learning deficit at the high dose) and reproductive functional impairment (decreased mating at all doses and impaired fertility at the high dose) were seen; in addition, testicular and epididymal microscopic lesions and decreased sperm concentrations were found in the high dose group, indicating that the reproductive organ effects seen at the end of treatment were irreversible. The reversibility of fluoxetine-induced muscle damage was not assessed. Adverse effects similar to those observed in rats treated with fluoxetine during the juvenile period have not been reported after administration of fluoxetine to adult animals. Plasma exposures (AUC) to fluoxetine in juvenile rats receiving the low, intermediate, and high dose in this study were approximately 0.1-0.2, 1-2, and 3-10 times, respectively, the average exposure in pediatric patients receiving the maximum recommended dose (MRD) of 20 mg/day. Rat exposures to the major metabolite, norfluoxetine, were approximately 0.3-0.8, 1-8, and 3-20 times, respectively, pediatric exposures at the MRD.

A specific effect of fluoxetine on bone development has been reported in mice treated with fluoxetine during the juvenile period. When mice were treated with fluoxetine (5 or 20 mg/kg, intraperitoneal) for 4 weeks starting at 4 weeks of age, bone formation was reduced resulting in decreased bone mineral content and density. These doses did not affect overall growth (body weight gain or femoral length). The doses administered to juvenile mice in this study are approximately 0.5 and 2 times the MRD for pediatric patients on a body surface area (mg/m²) basis.

In another mouse study, administration of fluoxetine (10 mg/kg intraperitoneal) during early postnatal development (Postnatal Days 4 to 21) produced abnormal emotional behaviors (decreased exploratory behavior in elevated plus-maze, increased risk avoidance latency) in adulthood (12 weeks of age). The dose used in this study is approximately equal to the pediatric MRD on mg/m² basis. Because of the early dosing period in this study, the significance of these findings to the approved pediatric use in humans is uncertain.

3.5 Geriatric Use

SYMBYAX — Clinical studies of SYMBYAX did not include sufficient numbers of patients ≥65 years of age to determine whether they respond differently from younger patients. Other reported clinical experience has not identified differences in responses between the elderly and younger patients. In general, dose selection for an elderly patient should be cautious, usually starting at the low end of the dosing range, reflecting the greater frequency of decreased hepatic, renal, or cardiac function, and of concomitant disease or other drug therapy (see *Dosage and Administration (2.1)*).

Olanzapine — Of the 2500 patients in premarketing clinical studies with olanzapine, 1194 (263 patients) were ≥65 years of age. In patients with schizophrenia, there was no indication of any different tolerability of olanzapine in the elderly compared with younger patients. Studies in patients with dementia-related psychosis have suggested that there may be a different tolerability profile in this population compared with younger patients with schizophrenia. In placebo-controlled studies of olanzapine in elderly patients with dementia-related psychosis, there was a significantly higher incidence of cerebrovascular adverse events (e.g., stroke, transient ischemic attack) in patients treated with olanzapine compared to patients treated with placebo. Olanzapine is not approved for the

MAR 26 2007

G. Brophy

20

treatment of patients with dementia-related psychosis. If the prescriber elects to treat elderly patients with dementia-related psychosis, vigilance should be exercised (see Box Warning, Warnings and Precautions (3.19) and Dosage and Administration (2.3)).

As with other CNS-active drugs, olanzapine should be used with caution in elderly patients with dementia. Also, the presence of factors that might decrease pharmacokinetic clearance or increase the pharmacodynamic response to olanzapine should lead to consideration of a lower starting dose for any geriatric patient.

Fluoxetine — US fluoxetine clinical studies (10,782 patients) included 687 patients 265 years of age and 93 patients ≥75 years of age. No overall differences in safety or effectiveness were observed between these subjects and younger subjects, and other reported clinical experience has not identified differences in responses between the elderly and younger patients, but greater sensitivity of some older individuals cannot be ruled out. As with other SSRIs, fluoxetine has been associated with cases of clinically significant hyponatremia in elderly patients.

9 DRUG ABUSE AND DEPENDENCE

9.3 Dependence

SYMBYAX, as with fluoxetine and olanzapine, has not been systematically studied in humans for its potential for abuse, tolerance, or physical dependence. While the clinical studies did not reveal any tendency for any drug-seeking behavior, these observations were not systematic, and it is not possible to predict on the basis of this limited experience the extent to which a CNS-active drug will be misused, diverted, and/or abused once marketed. Consequently, physicians should carefully evaluate patients for history of drug abuse and follow such patients closely, observing them for signs of misuse or abuse of SYMBYAX (e.g., development of tolerance, incrementation of dose, drug-seeking behavior).

In studies in rats and rhesus monkeys designed to assess abuse and dependence potential, olanzapine alone was shown to have acute depressive CNS effects but little or no potential of abuse or physical dependence at oral doses up to 15 (rat) and 8 (monkey) times the MRHD (20 mg) on a mg/m² basis.

10 OVERDOSAGE

SYMBYAX — During premarketing clinical studies of the olanzapine/fluoxetine combination, overdose of both fluoxetine and olanzapine were reported in five study subjects. Four of the five subjects experienced loss of consciousness (3) or coma (1). No fatalities occurred.

Adverse events involving overdose of fluoxetine and olanzapine in combination, and SYMBYAX, have been reported spontaneously to Eli Lilly and Company. An overdose of combination therapy is defined as confirmed or suspected ingestion of a dose of >20 mg olanzapine in combination with a dose of >80 mg fluoxetine. Adverse events associated with these reports included somnolence (sedation), impaired consciousness (coma), impaired neurologic function (ataxia, confusion, convulsions, dysarthria), anarthria, tachypnea, essential tremor, agitation, acute psychosis, hypotension, hypertension, and aggression. Fatalities have been confounded by exposure to additional substances including alcohol, thioridazine, oxycodone, and propoxyphene.

Olanzapine — In postmarketing reports of overdose with olanzapine alone, symptoms have been reported in the majority of cases. In symptomatic patients, symptoms with ≥10% incidence included agitation/aggressiveness, dysrhythmia, tachycardia, various extrapyramidal symptoms, and reduced level of consciousness ranging from sedation to coma. Among less commonly reported symptoms were the following potentially medically serious events: aspiration, cardiopulmonary arrest, cardiac arrhythmias (such as supraventricular tachycardia as well as a patient that experienced sinus pause with spontaneous resumption of normal rhythm), delirium, possible neuroleptic malignant syndrome, respiratory depression/arrest, convulsion, hypertension, and hypotension. Eli Lilly and Company has received reports of fatality in association with overdose of olanzapine alone. In 1 case of death, the amount of acutely ingested olanzapine was reported to be possibly as low as 450 mg; however, in another case, a patient was reported to survive an acute olanzapine ingestion of 1500 mg.

Fluoxetine — Worldwide exposure to fluoxetine is estimated to be over 38 million patients (circa 1999). Of the 1578 cases of overdose involving fluoxetine, alone or with other drugs, reported from this population, there were 195 deaths.

Among 633 adult patients who overdosed on fluoxetine alone, 34 resulted in a fatal outcome, 378 completely recovered, and 13 patients experienced sequelae after overdose, including abnormal accommodation, abnormal gait, confusion, unresponsiveness, nervousness, pulmonary dysfunction, vertigo, tremor, elevated blood pressure, impotence, movement disorder, and hypomania. The remaining 268 patients had an unknown outcome. The most common signs and symptoms associated with non-fatal overdose were seizures, somnolence, nausea, tachycardia, and vomiting. The largest known ingestion of fluoxetine in adult patients was 8 grams in a patient who took fluoxetine alone and who subsequently recovered. However, in an adult patient who took fluoxetine alone, an ingestion as low as 520 mg has been associated with lethal outcome, but causality has not been established.

Among pediatric patients (ages 3 months to 17 years), there were 156 cases of overdose involving fluoxetine alone or in combination with other drugs. Six patients died, 127 patients completely recovered, 1 patient experienced renal failure, and 22 patients

MAR 28 2007

G. Brophy

21 had an unknown outcome. One of the 6 fatalities was a 9-year-old boy who had a history of OCD, Tourette's Syndrome with tics, attention deficit disorder, and fetal alcohol syndrome. He had been receiving 100 mg of fluoxetine daily for 6 months in addition to clonidine, methylphenidate, and promethazine. Mixed-drug ingestion or other methods of suicide complicated all 6 overdoses in children that resulted in fatalities. The largest ingestion in pediatric patients was 3 grams, which was non-lethal.

Other important adverse events reported with fluoxetine overdose (single or multiple drugs) included coma, delirium, ECG abnormalities (such as QT-interval prolongation and ventricular tachycardia, including torsades de pointes-type arrhythmias), hypotension, mania, neuroleptic malignant syndrome-like events, pyrexia, stupor, and syncope.

13.1 Management of Overdose

In managing overdose, the possibility of multiple drug involvement should be considered. In case of acute overdose, establish and maintain an airway and ensure adequate ventilation, which may include intubation. Induction of emesis is not recommended as the possibility of obtundation, seizures, or dystonic reactions of the head and neck following overdose may create a risk for aspiration. Gastric lavage (after intubation, if patient is unconscious) and administration of activated charcoal together with a laxative should be considered. Cardiovascular monitoring should commence immediately and should include continuous electrocardiographic monitoring to detect possible arrhythmias.

A specific precaution involves patients who are taking or have recently taken SYMBYAX and may have ingested excessive quantities of a TCA (tricyclic antidepressant). In such cases, accumulation of the parent TCA and/or an active metabolite may increase the possibility of serious sequelae and extend the time needed for close medical observation.

Due to the large volume of distribution of olanzapine and fluoxetine, forced diuresis, dialysis, hemoperfusion, and exchange transfusion are unlikely to be of benefit. No specific antidote for either fluoxetine or olanzapine overdose is known. Hypotension and circulatory collapse should be treated with appropriate measures such as intravenous fluids and/or sympathomimetic agents. Do not use epinephrine, dopamine, or other sympathomimetics with β -agonist activity, since beta stimulation may worsen hypotension in the setting of olanzapine-induced alpha blockade.

The physician should consider contacting a poison control center for additional information on the treatment of any overdose. Telephone numbers for certified poison control centers are listed in the Physicians' Desk Reference (PDR).

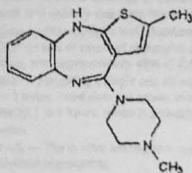
11 DESCRIPTION

SYMBYAX® (olanzapine and fluoxetine HCl capsules) combines 2 psychotropic agents, olanzapine (the active ingredient in Zyprexa®, and Zyprexa Zydis®) and fluoxetine hydrochloride (the active ingredient in Prozac®, Prozac Weekly™, and Sarafem®).

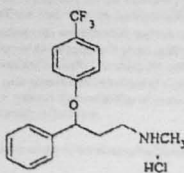
Olanzapine belongs to the thienobenzodiazepine class. The chemical designation is 2-methyl-4-(4-methyl-1-piperazinyl)-10H-thieno[2,3-b][1,5]benzodiazepine. The molecular formula is $C_{17}H_{18}N_2S$, which corresponds to a molecular weight of 312.44.

Fluoxetine hydrochloride is a selective serotonin reuptake inhibitor (SSRI). The chemical designation is (+)-N-methyl-3-phenyl-3-[(o,a,-trifluoro-m-tolyl)oxy]propylamine hydrochloride. The molecular formula is $C_{17}H_{18}F_3NO \cdot HCl$, which corresponds to a molecular weight of 365.79.

The chemical structures are:



Olanzapine



fluoxetine hydrochloride

Olanzapine is a yellow crystalline solid, which is practically insoluble in water.

Fluoxetine hydrochloride is a white to off-white crystalline solid with a solubility of 14 mg/mL in water.

MAR 26 2007

G. Brophy

22

Each capsule also contains pregelatinized starch, gelatin, dimethylsiloxane, titanium dioxide, sodium lauryl sulfate, edible black ink, red iron oxide, yellow iron oxide, and/or black iron oxide.

12 CLINICAL PHARMACOLOGY

12.1 Mechanism of Action

Although the exact mechanism of SYMBYAX is unknown, it has been proposed that the activation of 3 monoaminergic neural systems (serotonin, norepinephrine, and dopamine) is responsible for its enhanced antidepressant effect. This is supported by animal studies in which the olanzapine/fluoxetine combination has been shown to produce synergistic increases in norepinephrine and dopamine release in the prefrontal cortex compared with either component alone, as well as increases in serotonin.

12.2 Pharmacodynamics

Olanzapine is a psychotropic agent with high affinity binding to the following receptors: serotonin $5HT_{2A/2C}$ ($K_i=4$ and 11 nM, respectively), dopamine D_{1-4} ($K_i=11$ to 31 nM), muscarinic M_{1-3} ($K_i=1.9$ to 25 nM), histamine H_1 ($K_i=7$ nM), and adrenergic α_1 receptors ($K_i=19$ nM). Olanzapine binds weakly to $GABA_A$, β_2D , and β -adrenergic receptors ($K_i>10$ μ M). Fluoxetine is an inhibitor of the serotonin transporter and is a weak inhibitor of the norepinephrine and dopamine transporters.

Antagonism at receptors other than dopamine and $5HT_2$ with similar receptor affinities may explain some of the other therapeutic and side effects of olanzapine. Olanzapine's antagonism of muscarinic M_{1-3} receptors may explain its anticholinergic effects. The antagonism of histamine H_1 receptors by olanzapine may explain the somnolence observed with this drug. The antagonism of α_1 -adrenergic receptors by olanzapine may explain the orthostatic hypotension observed with this drug. Fluoxetine has relatively low affinity for muscarinic, α_1 -adrenergic, and histamine H_1 receptors.

12.3 Pharmacokinetics

SYMBYAX — Fluoxetine (administered as a 60-mg single dose or 60 mg daily for 8 days) caused a small increase in the mean maximum concentration of olanzapine (16%) following a 5-mg dose, an increase in the mean area under the curve (17%) and a small decrease in mean apparent clearance of olanzapine (16%). In another study, a similar decrease in apparent clearance of olanzapine of 14% was observed following olanzapine doses of 6 or 12 mg with concomitant fluoxetine doses of 25 mg or more. The decrease in clearance reflects an increase in bioavailability. The terminal half-life is not affected, and therefore the time to reach steady state should not be altered. The overall steady-state plasma concentrations of olanzapine and fluoxetine when given as the combination in the therapeutic dose ranges were comparable with those typically attained with each of the monotherapies. The small change in olanzapine clearance, observed in both studies, likely reflects the inhibition of a minor metabolic pathway for olanzapine via CYP2D6 by fluoxetine, a potent CYP2D6 inhibitor, and was not deemed clinically significant. Therefore, the pharmacokinetics of the individual components is expected to reasonably characterize the overall pharmacokinetics of the combination.

Absorption and Bioavailability

SYMBYAX — Following a single oral 12-mg/50-mg dose of SYMBYAX, peak plasma concentrations of olanzapine and fluoxetine occur at approximately 4 and 6 hours, respectively. The effect of food on the absorption and bioavailability of SYMBYAX has not been evaluated. The bioavailability of olanzapine given as Zyprexa, and the bioavailability of fluoxetine given as Prozac were not affected by food. It is unlikely that there would be a significant food effect on the bioavailability of SYMBYAX.

Olanzapine — Olanzapine is well absorbed and reaches peak concentration approximately 6 hours following an oral dose. Food does not affect the rate or extent of olanzapine absorption when olanzapine is given as Zyprexa. It is eliminated extensively by first pass metabolism, with approximately 40% of the dose metabolized before reaching the systemic circulation.

Fluoxetine — Following a single oral 40-mg dose, peak plasma concentrations of fluoxetine from 15 to 55 ng/mL are observed after 6 to 8 hours. Food does not appear to affect the systemic bioavailability of fluoxetine given as Prozac, although it may delay its absorption by 1 to 2 hours, which is probably not clinically significant.

Distribution

SYMBYAX — The in vitro binding to human plasma proteins of the olanzapine/fluoxetine combination is similar to the binding of the individual components.

Olanzapine — Olanzapine is extensively distributed throughout the body, with a volume of distribution of approximately 1000 L. It is 93% bound to plasma proteins over the concentration range of 7 to 1100 ng/mL, binding primarily to albumin and α_1 -acid glycoprotein.

Fluoxetine — Over the concentration range from 200 to 1000 ng/mL, approximately 94.5% of fluoxetine is bound in vitro to human serum proteins, including albumin and α_1 -glycoprotein. The interaction between fluoxetine and other highly protein-bound drugs has not been fully evaluated [see Drug Interactions (7.2)].

MAR 28 2007

G. Brophy

Metabolism and Elimination

SYMBAX — SYMBAX therapy yielded steady-state concentrations of norfluoxetine similar to those seen with fluoxetine in the therapeutic dose range.

Olanzapine — Olanzapine displays linear pharmacokinetics over the clinical dosing range. Its half-life ranges from 21 to 54 hours (5th to 95th percentile; mean of 30 hr), and apparent plasma clearance ranges from 12 to 47 L/hr (5th to 95th percentile; mean of 25 L/hr). Administration of olanzapine once daily leads to steady-state concentrations in about 1 week that are approximately twice the concentrations after single doses. Plasma concentrations, half-life, and clearance of olanzapine may vary between individuals on the basis of smoking status, gender, and age [see *Dosage and Administration* (2.3) and *Clinical Pharmacology* (12.4)].

Following a single oral dose of 14 C-labeled olanzapine, 7% of the dose of olanzapine was recovered in the urine as unchanged drug, indicating that olanzapine is highly metabolized. Approximately 57% and 30% of the dose was recovered in the urine and feces, respectively. In the plasma, olanzapine accounted for only 12% of the AUC for total radioactivity, indicating significant exposure to metabolites. After multiple dosing, the major circulating metabolites were the 10-N-glucuronide, present at steady state at 44% of the concentration of olanzapine, and 4'-N-desmethyl olanzapine, present at steady state at 31% of the concentration of olanzapine. Both metabolites lack pharmacological activity at the concentrations observed.

Direct glucuronidation and CYP450-mediated oxidation are the primary metabolic pathways for olanzapine. *In vivo* studies suggest that CYP1A2, CYP2D6, and the flavin-containing monooxygenase system are involved in olanzapine oxidation. CYP2D6-mediated oxidation appears to be a minor metabolic pathway *in vivo*, because the clearance of olanzapine is not reduced in subjects who are deficient in this enzyme.

Fluoxetine — Fluoxetine is a racemic mixture (50/50) of R-fluoxetine and S-fluoxetine enantiomers. In animal models, both enantiomers are specific and potent serotonin uptake inhibitors with essentially equivalent pharmacologic activity. The S-fluoxetine enantiomer is eliminated more slowly and is the predominant enantiomer present in plasma at steady state.

Fluoxetine is extensively metabolized in the liver to its only identified active metabolite, norfluoxetine, via the CYP2D6 pathway. A number of unidentified metabolites exist.

In animal models, S-norfluoxetine is a potent and selective inhibitor of serotonin uptake and has activity essentially equivalent to R- or S-fluoxetine. R-norfluoxetine is significantly less potent than the parent drug in the inhibition of serotonin uptake. The primary route of elimination appears to be hepatic metabolism to inactive metabolites excreted by the kidney.

Clinical Issues Related to Metabolism and Elimination

The complexity of the metabolism of fluoxetine has several consequences that may potentially affect the clinical use of SYMBAX.

Variability in metabolism — A subset (about 7%) of the population has reduced activity of the drug-metabolizing enzyme CYP2D6. Such individuals are referred to as "poor metabolizers" of drugs such as desipramine, dextromethorphan, and the tricyclic antidepressants (TCAs). In a study involving labeled and unlabeled enantiomers administered as a racemate, these individuals metabolized S-fluoxetine at a slower rate and thus achieved higher concentrations of S-fluoxetine. Consequently, concentrations of S-norfluoxetine at steady state were lower. The metabolism of R-fluoxetine in these poor metabolizers appears normal. When compared with normal metabolizers, the total sum at steady state of the plasma concentrations of the 4 enantiomers was not significantly greater among poor metabolizers. Thus, the net pharmacodynamic activities were essentially the same. Alternative nonsaturable pathways (non-CYP2D6) also contribute to the metabolism of fluoxetine. This explains how fluoxetine achieves a steady-state concentration rather than increasing without limit.

Because the metabolism of fluoxetine, like that of a number of other compounds including TCAs and other selective serotonin antidepressants, involves the CYP2D6 system, concomitant therapy with drugs also metabolized by this enzyme system (such as the TCAs) may lead to drug interactions [see *Drug Interactions* (7.19 and 7.23)].

Accumulation and slow elimination — The relatively slow elimination of fluoxetine (elimination half-life of 1 to 3 days after acute administration and 4 to 6 days after chronic administration) and its active metabolite, norfluoxetine (elimination half-life of 4 to 16 days after acute and chronic administration), leads to significant accumulation of these active species in chronic use and delayed attainment of steady state, even when a fixed dose is used. After 30 days of dosing at 40 mg/day, plasma concentrations of fluoxetine in the range of 91 to 302 ng/mL and norfluoxetine in the range of 72 to 258 ng/mL have been observed. Plasma concentrations of fluoxetine were higher than those predicted by single-dose studies, because the metabolism of fluoxetine is not proportional to dose. However, norfluoxetine appears to have linear pharmacokinetics. Its mean terminal half-life after a single dose was 8.6 days and after multiple dosing was 9.3 days. Steady-state levels after prolonged dosing are similar to levels seen at 4 to 5 weeks.

The long elimination half-lives of fluoxetine and norfluoxetine assure that, even when dosing is stopped, active drug substance will persist in the body for weeks (primarily depending on individual patient characteristics, previous dosing regimen, and length of previous therapy at discontinuation). This is of potential consequence when drug discontinuation is required or when drugs are prescribed that might interact with fluoxetine and norfluoxetine following the discontinuation of fluoxetine.

24

12.4 Special Populations

Geriatric — Based on the individual pharmacokinetic profiles of olanzapine and fluoxetine, the pharmacokinetics of SYMBYAX may be altered in geriatric patients. Caution should be used in dosing the elderly, especially if there are other factors that might adversely influence drug metabolism and/or pharmacodynamic sensitivity.

In a study involving 24 healthy subjects, the mean elimination half-life of olanzapine was about 1.5 times greater in elderly subjects (>65 years of age) than in non-elderly subjects (≤65 years of age).

The disposition of single doses of fluoxetine in healthy elderly subjects (>65 years of age) did not differ significantly from that in younger normal subjects. However, given the long half-life and nonlinear disposition of the drug, a single-dose study is not adequate to rule out the possibility of altered pharmacokinetics in the elderly, particularly if they have systemic illness or are receiving multiple drugs for concomitant diseases. The effects of age upon the metabolism of fluoxetine have been investigated in 260 elderly but otherwise healthy depressed patients (≥60 years of age) who received 20 mg fluoxetine for 6 weeks. Combined fluoxetine plus norfluoxetine plasma concentrations were 209.3 ± 85.7 ng/mL at the end of 6 weeks. No unusual age-associated pattern of adverse events was observed in these elderly patients.

Renal Impairment — The pharmacokinetics of SYMBYAX has not been studied in patients with renal impairment. However, olanzapine and fluoxetine individual pharmacokinetics do not differ significantly in patients with renal impairment. SYMBYAX dosing adjustment based upon renal impairment is not routinely required.

Because olanzapine is highly metabolized before excretion and only 1% of the drug is excreted unchanged, renal dysfunction alone is unlikely to have a major impact on the pharmacokinetics of olanzapine. The pharmacokinetic characteristics of olanzapine were similar in patients with severe renal impairment and normal subjects, indicating that dosage adjustment based upon the degree of renal impairment is not required. In addition, olanzapine is not removed by dialysis. The effect of renal impairment on olanzapine metabolite elimination has not been studied.

In depressed patients on dialysis (N=12), fluoxetine administered as 20 mg once daily for 2 months produced steady-state fluoxetine and norfluoxetine plasma concentrations comparable with those seen in patients with normal renal function. While the possibility exists that renally excreted metabolites of fluoxetine may accumulate to higher levels in patients with severe renal dysfunction, use of a lower or less frequent dose is not routinely necessary in renally impaired patients.

Hepatic Impairment — Based on the individual pharmacokinetic profiles of olanzapine and fluoxetine, the pharmacokinetics of SYMBYAX may be altered in patients with hepatic impairment. The lowest starting dose should be considered for patients with hepatic impairment (see *Warnings and Precautions* (5.19) and *Dosage and Administration* (2.3)).

Although the presence of hepatic impairment may be expected to reduce the clearance of olanzapine, a study of the effect of impaired liver function in subjects (N=6) with clinically significant cirrhosis (Childs-Pugh Classification A and B) revealed little effect on the pharmacokinetics of olanzapine.

As might be predicted from its primary site of metabolism, liver impairment can affect the elimination of fluoxetine. The elimination half-life of fluoxetine was prolonged in a study of cirrhotic patients, with a mean of 7.6 days compared with the range of 2 to 3 days seen in subjects without liver disease; norfluoxetine elimination was also delayed, with a mean duration of 12 days for cirrhotic patients compared with the range of 7 to 9 days in normal subjects.

Gender — Clearance of olanzapine is approximately 30% lower in women than in men. There were, however, no apparent differences between men and women in effectiveness or adverse effects. Dosage modifications based on gender should not be needed.

Smoking Status — Olanzapine clearance is about 40% higher in smokers than in nonsmokers, although dosage modifications are not routinely required.

Race — No SYMBYAX pharmacokinetic study was conducted to investigate the effects of race. Results from an olanzapine cross-study comparison between data obtained in Japan and data obtained in the US suggest that exposure to olanzapine may be about 2-fold greater in the Japanese when equivalent doses are administered. Olanzapine clinical study safety and efficacy data, however, did not suggest clinically significant differences among Caucasian patients, patients of African descent, and a 3rd pooled category including Asian and Hispanic patients. Dosage modifications for race, therefore, are not routinely required.

Combined Effects — The combined effects of age, smoking, and gender could lead to substantial pharmacokinetic differences in populations. The clearance of olanzapine in young smoking males, for example, may be 3 times higher than that in elderly nonsmoking females. SYMBYAX dosing modification may be necessary in patients who exhibit a combination of factors that may result in slower metabolism of the olanzapine component (see *Dosage and Administration* (2.3)).

13 NONCLINICAL TOXICOLOGY

13.1 Carcinogenesis, Mutagenesis, Impairment of Fertility

No carcinogenicity, mutagenicity, or fertility studies were conducted with SYMBYAX. The following data are based on findings in studies performed with the individual components.

MAR 26 2007

G. Brophy

Carcinogenesis

Olanzapine — Oral carcinogenicity studies were conducted in mice and rats. Olanzapine was administered to mice in two 78-week studies at doses of 3, 10, and 30/20 mg/kg/day [equivalent to 0.8 to 5 times the maximum recommended human daily dose (MRHD) on a mg/m² basis] and 0.25, 2, and 8 mg/kg/day (equivalent to 0.06 to 2 times the MRHD on a mg/m² basis). Rats were dosed for 2 years at doses of 0.25, 1, 2.5, and 4 mg/kg/day (males) and 0.25, 1, 4, and 8 mg/kg/day (females) (equivalent to 0.1 to 2 and 0.1 to 4 times the MRHD on a mg/m² basis, respectively). The incidence of liver hemangiomas and hemangioendotheliomas was significantly increased in one mouse study in females dosed at 8 mg/kg/day (2 times the MRHD on a mg/m² basis). These tumors were not increased in another mouse study in females dosed at 10 or 30/20 mg/kg/day (2 to 5 times the MRHD on a mg/m² basis); in this study, there was a higher incidence of early mortalities in males of the 30/20 mg/kg/day group. The incidence of mammary gland adenomas and adenocarcinomas was significantly increased in female mice dosed at 8 mg/kg/day and in female rats dosed at 24 mg/kg/day (0.5 and 2 times the MRHD on a mg/m² basis, respectively). Antipsychotic drugs have been shown to chronically elevate prolactin levels in rodents. Serum prolactin levels were not measured during the olanzapine carcinogenicity studies; however, measurements during subchronic toxicity studies showed that olanzapine elevated serum prolactin levels up to 4-fold in rats at the same doses used in the carcinogenicity study. An increase in mammary gland neoplasms has been found in rodents after chronic administration of other antipsychotic drugs and is considered to be prolactin-mediated. The relevance for human risk of the finding of prolactin-mediated endocrine tumors in rodents is unknown [see *Warnings and Precautions* (3.20)].

Fluoxetine — The dietary administration of fluoxetine to rats and mice for two years at doses of up to 10 and 12 mg/kg/day, respectively (approximately 1.2 and 0.7 times, respectively, the MRHD on a mg/m² basis), produced no evidence of carcinogenicity.

Mutagenesis

Olanzapine — No evidence of mutagenic potential for olanzapine was found in the Ames reverse mutation test, in vivo micronucleus test in mice, the chromosomal aberration test in Chinese hamster ovary cells, unscheduled DNA synthesis test in rat hepatocytes, induction of forward mutation test in mouse lymphoma cells, or in vivo sister chromatid exchange test in bone marrow of Chinese hamsters.

Fluoxetine — Fluoxetine and nortofluoxetine have been shown to have no genotoxic effects based on the following assays: bacterial mutation assay, DNA repair assay in cultured rat hepatocytes, mouse lymphoma assay, and in vivo sister chromatid exchange assay in Chinese hamster bone marrow cells.

Impairment of Fertility

SYMBYAX — Fertility studies were not conducted with SYMBYAX. However, in a repeat-dose rat toxicology study of three months duration, ovary weight was decreased in female rats treated with the low-dose [2 and 4 mg/kg/day (1 and 0.5 times the MRHD on a mg/m² basis), respectively] and high-dose [4 and 8 mg/kg/day (2 and 1 times the MRHD on a mg/m² basis), respectively] combinations of olanzapine and fluoxetine. Decreased ovary weight, and corpora luteal depletion and uterine atrophy were observed to a greater extent in the females receiving the high-dose combination than in females receiving either olanzapine or fluoxetine alone. In a 3-month repeat-dose dog toxicology study, reduced epididymal sperm and reduced testicular and prostate weights were observed with the high-dose combination of olanzapine and fluoxetine [5 and 5 mg/kg/day (9 and 2 times the MRHD on a mg/m² basis), respectively] and with olanzapine alone [5 mg/kg/day or 9 times the MRHD on a mg/m² basis].

Olanzapine — In a fertility and reproductive performance study in rats, male mating performance, but not fertility, was impaired at a dose of 22.4 mg/kg/day and female fertility was decreased at a dose of 3 mg/kg/day (1 and 1.5 times the MRHD on a mg/m² basis, respectively). Discontinuation of olanzapine treatment reversed the effects on male-mating performance. In female rats, the preovulatory period was increased and the mating index reduced at 5 mg/kg/day (2.5 times the MRHD on a mg/m² basis). Dystocia was prolonged and estrous was delayed at 1.1 mg/kg/day (0.6 times the MRHD on a mg/m² basis); therefore, olanzapine may produce a delay in ovulation.

Fluoxetine — Two fertility studies conducted in adult rats at doses of up to 7.5 and 12.5 mg/kg/day (approximately 0.9 and 1.5 times the MRHD on a mg/m² basis) indicated that fluoxetine had no adverse effects on fertility [see *Use in Specific Populations* (8.4)].

14 CLINICAL STUDIES

14.1 Bipolar Depression

The efficacy of SYMBYAX for the treatment of depressive episodes associated with bipolar disorder was established in 2 identically designed, 8-week, randomized, double-blind, controlled studies of patients who met Diagnostic and Statistical Manual 4th edition (DSM-IV) criteria for Bipolar I Disorder, Depressed utilizing flexible dosing of SYMBYAX (6/25, 6/50, or 12/50 mg/day), olanzapine (3 to 20 mg/day), and placebo. These studies included patients (≥18 years of age [n=788]) with or without psychotic symptoms and with or without a rapid cycling course.

MAR 28 2007

G. Brophy

26 The primary rating instrument used to assess depressive symptoms in these studies was the Montgomery-Asberg Depression Rating Scale (MADRS), a 10-item clinician-rated scale with total scores ranging from 0 to 60. The primary outcome measure of these studies was the change from baseline to endpoint in the MADRS total score. In both studies, SYMBYAX was statistically superior to both citalopram monotherapy and placebo in reduction of the MADRS total score. The results of the studies are summarized below (Table 3).

**Table 3: MADRS Total Score
Mean Change from Baseline to Endpoint**

Study	Treatment Group	Baseline Mean	Change to Endpoint Mean ¹
Study 1	SYMBYAX (N=40)	30	-16*
	Citalopram (N=40)	33	-12
	Placebo (N=41)	34	-9
Study 2	SYMBYAX (N=45)	33	-18*
	Citalopram (N=45)	35	-14
	Placebo (N=44)	34	-9

¹ Negative number denotes improvement from baseline.

* Statistically significant compared to both citalopram and placebo.

14.2 Treatment Resistant Depression

[We have revised the following section to more accurately reflect the data used to assess efficacy.]

The efficacy of SYMBYAX in treatment resistant depression was demonstrated with data from 5-1 clinical studies (n=579) (Table 3). Doses evaluated in these studies ranged from 65-1420 mg for citalopram and 2520-5060 mg for fluoxetine.

Two identically-designed 8-week randomized, double-blind controlled studies (Study 1 and 2) were conducted to evaluate the efficacy of SYMBYAX in patients (n=300) who met DSM-IV criteria for major depressive disorder and did not respond to 2 antidepressants of adequate dose and duration in their current episode (n=600). Patients who were not responding to an antidepressant in their current episode entered an 8-week open-label fluoxetine lead-in; non-responders were randomized (1:1:1) to receive SYMBYAX, citalopram, or fluoxetine, and were treated for 8 weeks. SYMBYAX was flexibly dosed between 650 mg, 1250 mg, and 1850 mg. Results from one (Study 1) of these 2 studies (this study yielded statistically significant greater reduction (p=0.004) in mean total MADRS scores from baseline to endpoint for SYMBYAX (-14.6) versus fluoxetine (-9.0) and citalopram (-7.7). A second study with the same treatment-resistant patient population (n=23), when analyzed with change in MADRS as the primary outcome measure, demonstrated statistically significant greater reduction in MADRS scores for SYMBYAX versus fluoxetine and citalopram. Additionally, a third study (Study 3), similarly designed and conducted (Study 3: n=406-430-week duration (n=86, 252, 360, respectively) demonstrated statistically significant greater reduction in total MADRS scores for SYMBYAX versus fluoxetine (p=0.033-0.003, 0.104) and/or citalopram alone (p=0.033-0.003, 0.007) respectively, when analyzed for the same 3 subpopulation of depressed patients (n=231) who met the definition of treatment-resistant patients who were had not responding responded to 2 antidepressants of adequate dose and duration, both during the current episode).

An integrated analysis of the 3 studies yielded statistically significant greater reduction in mean total MADRS scores from baseline to endpoint in the defined population (p=0.015, p=0.007 versus fluoxetine and citalopram, respectively) for SYMBYAX (-12.3) versus fluoxetine (-5.5) and citalopram (-7.7).

**Table 3: MADRS Total Score
Mean Change from Baseline to Endpoint in
Treatment-Resistant Depression**

MAR 28 2007

G. Brophy

27

	Treatment Group	Baseline Mean	Change-to-Endpoint Mean ¹
Study 1	SYMBYAX (N=97)	30.6	-4.6
	Fluoxetine (N=101)	30.4	-9.43
	Olanzapine (N=103)	30.7	-7.72
Study 2	SYMBYAX (N=10)	30.9	-13.6
	Fluoxetine (N=10)	32.3	-4.32
	Olanzapine (N=3)	25.0	-2.83
Study 3	SYMBYAX (N=143)	30.4	-12.7
	Fluoxetine (N=41)	31.1	-10.62
	Olanzapine (N=15)	24.5	-8.82
Study 4	SYMBYAX (N=94)	29.4	-9.0
	Fluoxetine (N=80)	28.0	-7.022
	Olanzapine (N=90)	28.4	-5.12
Study 5	SYMBYAX (N=104)	30.5	-10.3
	Fluoxetine (N=102)	29.7	-9.422
	Olanzapine (N=95)	29.7	-10.122
Integrated analysis of Studies	SYMBYAX (N=462)	30.0	-12.3
	Fluoxetine (N=342)	30.6	-8.52
	Olanzapine (N=342)	30.6	-7.72

¹ Negative number denotes improvement from baseline.² SYMBYAX statistically significant ($p < 0.05$) compared to fluoxetine and olanzapine.^{2,2} SYMBYAX demonstrated a greater reduction in total MADRS score, however did not reach statistical significance ($p < 0.05$).

16 HOW SUPPLIED/STORAGE AND HANDLING

SYMBYAX capsules are supplied in 3/25-, 6/25-, 6/50-, 12/25-, and 12/50-mg (mg equivalent olanzapine/mg equivalent fluoxetine*) strengths.

SYMBYAX	CAPSULE STRENGTH				
	3 mg/25 mg	6 mg/25 mg	6 mg/50 mg	12 mg/25 mg	12 mg/50 mg
Color	Peach	Mustard Yellow	Mustard Yellow	Red & Light	Red & Light
	& Light Yellow	& Light Yellow	& Light Grey	Yellow	Grey
Capsule No.	PU3230	PU3231	PU3233	PU3232	PU3234
Identification	Lilly 3230	Lilly 3231	Lilly 3233	Lilly 3232	Lilly 3234
	3/25	6/25	6/50	12/25	12/50
NDC Codes					
Bottles 30	0002-3230-30	0002-3231-30	0002-3233-30	0002-3232-30	0002-3234-30
Bottles 100		0002-3231-02	0002-3233-02	0002-3232-02	0002-3234-02
Bottles 1000		0002-3231-04	0002-3233-04	0002-3232-04	0002-3234-04
Blisters 10 ¹ 00		0002-3231-33	0002-3233-33	0002-3232-33	0002-3234-33

* Fluoxetine base equivalent.

¹ IDENTI-DOSE®, Unit Dose Medication, Lilly.

MAR 28 2007

G. Brophy

28

Store at 25°C (77°F); excursions permitted to 15-30°C (59-86°F) (see USP Controlled Room Temperature).
Keep tightly closed and protect from moisture.

17 PATIENT COUNSELING INFORMATION

17.1 Information for Patients

Prescribers or other health professionals should inform patients, their families, and their caregivers about the benefits and risks associated with treatment with SYMBYAX and should counsel them in its appropriate use. A patient Medication Guide About Using Antidepressants in Children and Teenagers is available for SYMBYAX. The prescriber or health professional should instruct patients, their families, and their caregivers to read the Medication Guide and should assist them in understanding its contents. Patients should be given the opportunity to discuss the contents of the Medication Guide and to obtain answers to any questions they may have. The complete text of the Medication Guide is reprinted at the end of this document.

Patients should be advised of the following issues and asked to alert their prescriber if these occur while taking SYMBYAX.

Patients should be cautioned about the concomitant use of SYMBYAX and NSAIDs, aspirin, or other drugs that affect coagulation since the combined use of psychotropic drugs that interfere with serotonin reuptake and these agents has been associated with an increased risk of bleeding (see Warnings and Precautions (5.15)).

Patients should be advised to avoid alcohol while taking SYMBYAX.

As with any CNS-active drug, SYMBYAX has the potential to impair judgment, thinking, or motor skills. Patients should be cautioned about operating hazardous machinery, including automobiles, until they are reasonably certain that SYMBYAX therapy does not affect them adversely.

Patients should be advised to inform their physician if they are taking Prozac®, Prozac Weekly™, Sarafem®, fluoxetine, Zyprexa®, or Zyprexa Zydis®. Patients should be advised to inform their physicians if they are taking or plan to take any prescription or over-the-counter drugs, including herbal supplements, since there is a potential for interactions. Patients should also be advised to inform their physicians if they plan to discontinue any medications they are taking while taking SYMBYAX, as stopping a medication may also impact the overall blood level of SYMBYAX.

Patients should be advised regarding appropriate care in avoiding overheating and dehydration.

Patients, if taking SYMBYAX, should be advised not to breast-feed.

Patients should be advised of the risk of orthostatic hypotension, especially during the period of initial dose titration and in association with the use of concomitant drugs that may potentiate the orthostatic effect of olanzapine, e.g., diazepam or alcohol (see Warnings and Precautions (5.10) and Drug Interactions (7)).

Patients should be advised to notify their physician if they become pregnant or intend to become pregnant during SYMBYAX therapy.

Patients should be advised to notify their physician if they develop a rash or hives while taking SYMBYAX.

Patients should be advised to take SYMBYAX exactly as prescribed, and to continue taking SYMBYAX as prescribed even after their mood symptoms improve. Patients should be advised that they should not alter their dosing regimen, or stop taking SYMBYAX, without consulting their physician.

Patient information is printed at the end of this insert. Physicians should discuss this information with their patients and instruct them to read the Medication Guide before starting therapy with SYMBYAX and each time their prescription is refilled.

17.2 Clinical Worsening and Suicide Risk

Patients, their families, and their caregivers should be encouraged to be alert to the emergence of anxiety, agitation, panic attacks, insomnia, irritability, hostility, aggressiveness, impulsivity, akathisia (psychomotor restlessness), hypomania, mania, other unusual changes in behavior, worsening of depression, and suicidal ideation, especially early during antidepressant treatment and when the dose is adjusted up or down. Families and caregivers of patients should be advised to observe for the emergence of such symptoms on a day-to-day basis, since changes may be abrupt. Such symptoms should be reported to the patient's prescriber or health professional, especially if they are severe, abrupt in onset, or were not part of the patient's presenting symptoms. Symptoms such as these may be associated with an increased risk for suicidal thinking and behavior and indicate a need for very close monitoring and possibly changes in the medication.

17.3 Serotonin Syndrome

Patients should be cautioned about the risk of serotonin syndrome with the concomitant use of SYMBYAX and triptans, tramadol or other serotonergic agents.

17.4 FDA Approved Medication Guide

MAR 28 2007

G. Brophy

Medication Guide

About Using Antidepressants in Children and Teenagers

What is the most important information I should know if my child is being prescribed an antidepressant?

Parents or guardians need to think about 4 important things when their child is prescribed an antidepressant:

1. There is a risk of suicidal thoughts or actions
2. How to try to prevent suicidal thoughts or actions in your child
3. You should watch for certain signs if your child is taking an antidepressant
4. There are benefits and risks when using antidepressants

1. There is a Risk of Suicidal Thoughts or Actions

Children and teenagers sometimes think about suicide, and many report trying to kill themselves.

Antidepressants increase suicidal thoughts and actions in some children and teenagers. But suicidal thoughts and actions can also be caused by depression, a serious medical condition that is commonly treated with antidepressants. Thinking about killing yourself or trying to kill yourself is called *suicidality* or *being suicidal*.

A large study combined the results of 24 different studies of children and teenagers with depression or other illnesses. In these studies, patients took either a placebo (sugar pill) or an antidepressant for 1 to 4 months. *No one committed suicide in these studies*, but some patients became suicidal. On sugar pills, 2 out of every 100 became suicidal. On the antidepressants, 4 out of every 100 patients became suicidal.

For some children and teenagers, the risks of suicidal actions may be especially high. These include patients with

- Bipolar illness (sometimes called manic-depressive illness)
- A family history of bipolar illness
- A personal or family history of attempting suicide

If any of these are present, make sure you tell your health care provider before your child takes an antidepressant.

2. How to Try to Prevent Suicidal Thoughts and Actions

To try to prevent suicidal thoughts and actions in your child, pay close attention to changes in her or his moods or actions, especially if the changes occur suddenly. Other important people in your child's life can help by paying attention as well (e.g., your child, brothers and sisters, teachers, and other important people). The changes to look out for are listed in Section 3, on what to watch for.

Whenever an antidepressant is started or its dose is changed, pay close attention to your child.

After starting an antidepressant, your child should generally see his or her health care provider

- Once a week for the first 4 weeks
- Every 2 weeks for the next 4 weeks
- After taking the antidepressant for 12 weeks
- After 12 weeks, follow your health care provider's advice about how often to come back
- More often if problems or questions arise (see Section 3)

You should call your child's health care provider between visits if needed.

3. You Should Watch for Certain Signs if Your Child is Taking an Antidepressant

Contact your child's health care provider *right away* if your child exhibits any of the following signs for the first time, or if they seem worse, or worry you, your child, or your child's teacher:

MAR 1 5 2007

G. Brophy

30

- Thoughts about suicide or dying
- Attempts to commit suicide
- New or worse depression
- New or worse anxiety
- Feeling very agitated or restless
- Panic attacks
- Difficulty sleeping (insomnia)
- New or worse irritability
- Acting aggressive, being angry, or violent
- Acting on dangerous impulses
- An extreme increase in activity and talking
- Other unusual changes in behavior or mood

Never let your child stop taking an antidepressant without first talking to his or her health care provider. Stopping an antidepressant suddenly can cause other symptoms.

4. There are Benefits and Risks When Using Antidepressants

Antidepressants are used to treat depression and other illnesses. Depression and other illnesses can lead to suicide. In some children and teenagers, treatment with an antidepressant increases suicidal thinking or actions. It is important to discuss all the risks of treating depression and also the risks of not treating it. You and your child should discuss all treatment choices with your health care provider, not just the use of antidepressants.

Other side effects can occur with antidepressants (see section below).

Of all the antidepressants, only fluoxetine (Prozac®) has been FDA approved to treat pediatric depression.

For obsessive compulsive disorder in children and teenagers, FDA has approved only fluoxetine (Prozac®), sertraline (Zoloft®), fluvoxamine, and clomipramine (Anafranil®).

Your health care provider may suggest other antidepressants based on the past experience of your child or other family members.

Is this all I need to know if my child is being prescribed an antidepressant?

No. This is a warning about the risk for suicidality. Other side effects can occur with antidepressants. Be sure to ask your health care provider to explain all the side effects of the particular drug he or she is prescribing. Also ask about drugs to avoid when taking an antidepressant. Ask your health care provider or pharmacist where to find more information.

Prozac® is a registered trademark of Eli Lilly and Company.

Zoloft® is a registered trademark of Pfizer Pharmaceuticals.

Anafranil® is a registered trademark of Mallinckrodt Inc.

This Medication Guide has been approved by the US Food and Drug Administration for all antidepressants.

Rx only

Literature revised September 9, 2006

Eli Lilly and Company
Indianapolis, IN 46225

www.SYMBYAX.com

PRINTED IN USA

MAR 28 2007

G. Brophy

This is a representation of an electronic record that was signed electronically and
this page is the manifestation of the electronic signature.

/s/

Thomas Laughren
3/28/2007 02:51:39 PM

MAR 28 2007

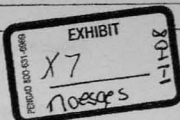
G. Brophy

TOTAL P.14

TOTAL P.38

Phone 317 276 2000

October 5, 2007



Re: Safety data on Zyprexa® (olanzapine) and Symbyax® (olanzapine and fluoxetine HCl capsules) – Hyperglycemia, Weight Gain, and Hyperlipidemia

Dear Health Care Professional,

Eli Lilly and Company would like to inform you of important information being added to the Zyprexa® (olanzapine) and Symbyax® (olanzapine and fluoxetine HCl) labels. These labeling updates include new WARNINGS for Weight Gain and Hyperlipidemia and updated information in the WARNING for Hyperglycemia. These changes reflect results of recently completed pooled analyses of clinical trials in adults and adolescents as well as information from two published large studies of atypical antipsychotics, CATIE¹ and CAFE².

The new labeling language is detailed below. Monitoring of glucose, weight, and lipids is recommended during olanzapine and olanzapine/fluoxetine combination treatment. Guidelines published by the American Diabetes Association (ADA) following the consensus development conference³ provide recommendations for the monitoring of blood glucose, weight, and lipid levels in those treated with atypical antipsychotics. Other highlights of the updated labeling include:

- Abnormal or borderline glucose levels at baseline are an important risk factor for further glucose increase.
- While relative risk estimates are inconsistent, the association between atypical antipsychotics and increases in glucose levels appears to fall on a continuum and olanzapine appears to have a greater association than some other atypical antipsychotics.
- Significantly greater mean increases in total cholesterol, LDL cholesterol, and triglycerides were observed in Zyprexa-treated patients compared with placebo-treated patients both with and without evidence of dyslipidemia at baseline.
- Labeling provides information on magnitude and distribution of weight gain over a two year period in Zyprexa-treated patients.
- Labeling also provides information on glucose, weight gain, and lipids from studies of Zyprexa for adolescent patients. Please note that Zyprexa and Symbyax are not approved currently for use in children and adolescents aged less than 18 years old.

Answers That Matter.

Eli Lilly and Company remains committed to providing you with the most current product information available for the management of your patients and we will continue our ongoing research and analyses in these areas.

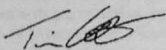
Please refer to the full prescribing information for Zyprexa and Symbyax included with this letter.

Should you have any questions or would like additional information regarding this important safety information, please contact the Lilly medical department at 1-800-Lilly-Rx or your Eli Lilly and Company sales representative.

The Medical Community can further our understanding of adverse events by reporting all cases to the Agency via the MedWatch program by phone at 1-800-FDA-1088, by fax at 1-800-FDA-0178, via the MedWatch website at www.fda.gov/medwatch or by mail:

MEDWATCH
Food and Drug Administration
5515 Security Lane
Suite 5100, HFD-001
Rockville, MD 20852

Sincerely,



Tim Garnett, M.D.
Vice President,
Global Patient Safety
Eli Lilly and Company

The following are the updated Hyperglycemia WARNINGS and the new Hyperlipidemia and Weight WARNINGS included in the Zyprexa label.

WARNINGS:

Zyprexa:

The following is updated language in the WARNINGS section of the Zyprexa package insert, and will be reflected in other materials.

Hyperglycemia — Hyperglycemia, in some cases extreme and associated with ketoacidosis or hyperosmolar coma or death, has been reported in patients treated with atypical antipsychotics including olanzapine. Assessment of the relationship between atypical antipsychotic use and glucose abnormalities is complicated by the possibility of an increased background risk of diabetes mellitus in patients with schizophrenia and the increasing incidence of diabetes mellitus in the general population. Given these confounders, the relationship between atypical antipsychotic use and hyperglycemia-related adverse events is not completely understood. However, epidemiological studies suggest an increased risk of treatment-emergent hyperglycemia-related adverse events in patients treated with the atypical antipsychotics. While relative risk estimates are inconsistent, the association between atypical antipsychotics and increases in glucose levels appears to fall on a continuum and olanzapine appears to have a greater association than some other atypical antipsychotics.

Mean increases in blood glucose have been observed in patients treated (median exposure of 9.2 months) with olanzapine in phase I of the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE). The mean increase of serum glucose (fasting and nonfasting samples) from baseline to the average of the two highest serum concentrations was 15.0 mg/dL.

Olanzapine Monotherapy in Adults — In an analysis of 5 placebo-controlled adult olanzapine monotherapy studies with treatment duration up to 12 weeks, olanzapine was associated with a greater mean change in fasting glucose levels compared to placebo (2.76 mg/dL versus 0.17 mg/dL). The difference in mean changes between olanzapine and placebo was greater in patients with evidence of glucose dysregulation at baseline (patients diagnosed with diabetes mellitus or related adverse events, patients treated with antidiabetic agents, patients with a baseline random glucose level ≥ 200 mg/dL, and/or a baseline fasting glucose level ≥ 126 mg/dL). These patients had a statistically significantly greater mean increase in HbA_{1c} compared to placebo. In patients with baseline normal fasting glucose levels (< 100 mg/dL), 2.2% (N= 543) of those treated with olanzapine were found to have high glucose levels (≥ 126 mg/dL) during olanzapine treatment versus 3.4% (N= 293) of those treated with placebo. In patients with baseline borderline fasting glucose levels (≥ 100 mg/dL and < 126 mg/dL), 17.4% (N=178) of those treated with

olanzapine were found to have high glucose levels (≥ 126 mg/dL) during olanzapine treatment versus 11.5% (N=96) of those treated with placebo.

Olanzapine Monotherapy in Adolescents — The safety and efficacy of olanzapine have not been established in patients under the age of 18 years. In an analysis of 3 placebo-controlled olanzapine monotherapy studies of adolescent patients, including those with schizophrenia (6 weeks) or bipolar disorder (manic or mixed episodes) (3 weeks), olanzapine was associated with a statistically significantly greater mean change in fasting glucose levels compared to placebo (2.68 mg/dL versus -2.59 mg/dL). In patients with baseline normal fasting glucose levels (< 100 mg/dL), zero out of 124 (0%) of those treated with olanzapine were found to have high glucose levels (≥ 126 mg/dL) during olanzapine treatment versus 1 out of 53 (1.9%) of those treated with placebo. In patients with baseline borderline fasting glucose levels (≥ 100 mg/dL and < 126 mg/dL), 2 out of 14 (14.3%) of those treated with olanzapine were found to have high glucose levels (≥ 126 mg/dL) during olanzapine treatment versus zero out of 13 (0%) of those treated with placebo.

Physicians should consider the risks and benefits when prescribing olanzapine to patients with an established diagnosis of diabetes mellitus or having borderline increased blood glucose level (fasting 100–126 mg/dL, non-fasting 140–200 mg/dL). Patients taking olanzapine should be monitored regularly for worsening of glucose control. Patients with risk factors for diabetes mellitus (e.g., obesity, family history of diabetes) who are starting treatment with atypical antipsychotics should undergo fasting blood glucose testing at the beginning of treatment and periodically during treatment. Any patient treated with atypical antipsychotics should be monitored for symptoms of hyperglycemia including polydipsia, polyuria, polyphagia, and weakness. Patients who develop symptoms of hyperglycemia during treatment with atypical antipsychotics should undergo fasting blood glucose testing. In some cases, hyperglycemia has resolved when the atypical antipsychotic was discontinued; however, some patients required continuation of anti-diabetic treatment despite discontinuation of the suspect drug.

Hyperlipidemia — Undesirable alterations in lipids have been observed with olanzapine use. Clinical monitoring, including baseline and follow-up lipid evaluations in patients using olanzapine, is advised.

Significant, and sometimes very high (> 500 mg/dL), elevations in triglyceride levels have been observed with olanzapine use. Modest mean increases in total cholesterol have also been seen with olanzapine use.

Olanzapine Monotherapy in Adults — In an analysis of 5 placebo-controlled olanzapine monotherapy studies with treatment duration up to 12 weeks, olanzapine-treated patients had statistically significant increases from baseline in mean fasting total cholesterol, LDL cholesterol, and triglycerides of 5.3 mg/dL, 3.0 mg/dL, and 20.8 mg/dL respectively compared to decreases from baseline in mean fasting total cholesterol, LDL cholesterol, and triglycerides of 6.1 mg/dL,

4.3 mg/dL, and 10.7 mg/dL for placebo-treated patients. For fasting HDL cholesterol, no statistically significant differences were observed between olanzapine-treated patients and placebo-treated patients. Mean increases in fasting lipid values (total cholesterol, LDL cholesterol, and triglycerides) were greater in patients without evidence of lipid dysregulation at baseline, where lipid dysregulation was defined as patients diagnosed with dyslipidemia or related adverse events, patients treated with lipid lowering agents, or patients with high baseline lipid levels. Table 1 shows categorical changes in fasting lipid values.

Table 1. Changes in Fasting Lipids Values from Adult Placebo-Controlled Olanzapine Monotherapy Studies with Treatment Duration up to 12 Weeks

Laboratory Analyte	Category Change from Baseline	Treatment Arm	N	Patients
Fasting Triglycerides	Increase by ≥ 250 mg/dL	Olanzapine	745	39.6% ^a
		Placebo	402	26.1%
	Normal to High (<150 mg/dL to ≥ 200 mg/dL)	Olanzapine	457	9.2% ^a
		Placebo	251	4.4%
	Borderline to High (≥ 150 mg/dL and <200 mg/dL to ≥ 200 mg/dL)	Olanzapine	135	39.3% ^a
		Placebo	65	20.0%
Fasting Total Cholesterol	Increase by ≥ 240 mg/dL	Olanzapine	745	21.6% ^a
		Placebo	402	9.5%
	Normal to High (<200 mg/dL to ≥ 240 mg/dL)	Olanzapine	392	2.8%
		Placebo	207	2.4%
	Borderline to High (≥ 200 mg/dL and <240 mg/dL to ≥ 240 mg/dL)	Olanzapine	222	23.0% ^a
		Placebo	112	12.5%
Fasting LDL Cholesterol	Increase by ≥ 30 mg/dL	Olanzapine	536	23.7% ^a
		Placebo	304	14.1%
	Normal to High (<100 mg/dL to ≥ 160 mg/dL)	Olanzapine	154	0%
		Placebo	82	1.2%
	Borderline to High (≥ 100 mg/dL and <160 mg/dL to ≥ 160 mg/dL)	Olanzapine	302	10.6%
		Placebo	173	8.1%

^a Statistically significant compared to placebo.

In phase 1 of the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE), over a median exposure of 9.2 months, the mean increase in triglycerides in patients taking olanzapine was 40.5 mg/dL. In phase 1 of CATIE, the mean increase in total cholesterol was 9.4 mg/dL.

Olanzapine Monotherapy in Adolescents — The safety and efficacy of olanzapine have not been established in patients under the age of 18 years. In an analysis of 3 placebo-controlled olanzapine monotherapy studies of adolescent patients, including those with schizophrenia (6 weeks) or bipolar disorder (manic or mixed episodes) (3 weeks), for fasting HDL cholesterol, no statistically significant

differences were observed between olanzapine-treated patients and placebo-treated patients. Table 2 shows categorical changes in fasting lipid values in adolescent patients.

Table 2. Changes in Fasting Lipids Values from Adolescent Placebo-Controlled Olanzapine Monotherapy Studies

Laboratory Analyte	Category Change from Baseline	Treatment Arm	N	Patients
Fasting Triglycerides	Increase by ≥ 50 mg/dL	Olanzapine	138	37.0%*
		Placebo	66	15.2%
	Normal to High (< 90 mg/dL to ≥ 130 mg/dL)	Olanzapine	67	26.9%
		Placebo	28	10.7%
	Borderline to High (≥ 90 mg/dL and ≥ 130 mg/dL to ≥ 130 mg/dL)	Olanzapine	37	59.5%
		Placebo	17	35.3%
Fasting Total Cholesterol	Increase by > 40 mg/dL	Olanzapine	138	14.5%*
		Placebo	66	4.5%
	Normal to High (< 170 mg/dL to ≥ 200 mg/dL)	Olanzapine	87	6.9%
		Placebo	43	2.3%
	Borderline to High (≥ 170 mg/dL and < 200 mg/dL to ≥ 200 mg/dL)	Olanzapine	36	38.9%*
		Placebo	13	7.7%
Fasting LDL Cholesterol	Increase by ≥ 30 mg/dL	Olanzapine	137	17.5%
		Placebo	63	11.1%
	Normal to High (< 110 mg/dL to ≥ 130 mg/dL)	Olanzapine	98	5.1%
		Placebo	44	4.5%
	Borderline to High (≥ 110 mg/dL and < 130 mg/dL to ≥ 130 mg/dL)	Olanzapine	29	48.3%*
		Placebo	9	0%

* Statistically significant compared to placebo.

Weight Gain — Potential consequences of weight gain should be considered prior to starting olanzapine. Patients receiving olanzapine should receive regular monitoring of weight.

Olanzapine Monotherapy in Adults — In an analysis of 13 placebo-controlled olanzapine monotherapy studies, olanzapine-treated patients gained an average of 2.6 kg, which was statistically significantly different compared to an average 0.3 kg weight loss in placebo-treated patients with a median exposure of 6 weeks; 22.2% of olanzapine-treated patients gained at least 7% of their baseline weight, which was statistically significantly different compared to 3% of placebo-treated patients, with a median exposure of 8 weeks; 4.2% of olanzapine-treated patients gained at least 15% of their baseline weight, which was statistically significantly different compared to 0.3% of placebo-treated patients, with a median exposure of 12 weeks. Clinically significant weight gain was observed across all baseline Body Mass

Index (BMI) categories. Discontinuation due to weight gain occurred in 0.2% of olanzapine-treated patients and in zero placebo-treated patients.

During long-term continuation therapy with olanzapine (238 median days of exposure), 56% of olanzapine patients met the criterion for having gained greater than 7% of their baseline weight. Average weight gain during long term therapy was 5.4 kg.

Table 3 includes data on weight gain with olanzapine pooled from 68 clinical trials. The data in each column represent data for those patients who completed treatment periods of the durations specified.

Table 3. Weight Gain with Olanzapine Use

Amount Gained kg (lb)	6 Weeks (N=2976) (%)	6 Months (N=1536) (%)	12 Months (N=778) (%)	24 Months (N=422) (%)
≤0	27	21	20	22
0.5 (0-11 lb)	57	34	25	22
5-10 (11-22 lb)	15	26	25	22
10-15 (22-33 lb)	2	12	16	18
>15 (>33 lb)	0	6	14	16

Olanzapine Monotherapy in Adolescents — The safety and efficacy of olanzapine have not been established in patients under the age of 18 years. In an analysis of 4 placebo-controlled olanzapine monotherapy studies of adolescent patients (ages 13 to 17 years), including those with schizophrenia (6 weeks) or bipolar disorder (manic or mixed episodes) (3 weeks), olanzapine-treated patients gained an average of 4.6 kg, which was statistically significantly different compared to an average of 0.3 kg in placebo-treated patients, with a median exposure of 3 weeks; 40.6% of olanzapine-treated patients gained at least 7% of their baseline body weight, which was statistically significantly different compared to 9.8% of placebo-treated patients, with a median exposure of 4 weeks; 7.1% of olanzapine-treated patients gained at least 15% of their baseline weight, compared to 2.7% of placebo-treated patients, with a median exposure of 19 weeks. Clinically significant weight gain was observed across all baseline Body Mass Index (BMI) categories, but mean changes in weight were greater in adolescents with BMI categories above normal at baseline. Discontinuation due to weight gain occurred in 1% of olanzapine-treated patients, compared to zero placebo-treated patients.

During long-term continuation therapy with olanzapine, 65% of olanzapine-treated patients met the criterion for having gained greater than 7% of their baseline weight. Average weight gain during long-term therapy was 7.4 kg.

Information for Patients:

Hyperglycemia — Patients should be advised of the potential risk of hyperglycemia-related adverse events. Patients should be monitored regularly for worsening of glucose control.

Weight Gain — Patients should be counseled that olanzapine is associated with weight gain. Patients should have their weight monitored regularly.

The following are the updated Hyperglycemia WARNINGS and the new Hyperlipidemia and Weight WARNINGS included in the Symbyax label.

WARNINGS:

Symbyax:

The following is updated language in the WARNINGS section of the Symbyax package insert, and will be reflected in other materials.

Hyperglycemia — Hyperglycemia, in some cases extreme and associated with ketoacidosis or hyperosmolar coma or death, has been reported in patients treated with atypical antipsychotics, including olanzapine alone, as well as olanzapine taken concomitantly with fluoxetine. Assessment of the relationship between atypical antipsychotic use and glucose abnormalities is complicated by the possibility of an increased background risk of diabetes mellitus in patients with schizophrenia and the increasing incidence of diabetes mellitus in the general population. Given these confounders, the relationship between atypical antipsychotic use and hyperglycemia-related adverse events is not completely understood. However, epidemiological studies suggest an increased risk of treatment-emergent hyperglycemia-related adverse events in patients treated with the atypical antipsychotics. While relative risk estimates are inconsistent, the association between atypical antipsychotics and increases in glucose levels appears to fall on a continuum and olanzapine appears to have a greater association than some other atypical antipsychotics.

Mean increases in blood glucose have been observed in patients treated (median exposure of 9.2 months) with olanzapine in phase I of the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE). The mean increase of serum glucose (fasting and nonfasting samples) from baseline to the average of the two highest serum concentrations was 15.0 mg/dL.

In an analysis of 7 controlled clinical studies, 2 of which were placebo-controlled, with treatment duration up to 12 weeks, SYMBYAX was associated with a statistically significantly greater mean change in random glucose compared to placebo (8.65 mg/dL versus -3.86 mg/dL). In patients with baseline normal random glucose levels (<140 mg/dL), 2.3% of those treated with SYMBYAX were found to have high glucose levels (≥ 200 mg/dL) during SYMBYAX treatment and were statistically significantly different compared to 0.3% of those treated with placebo. In patients with baseline borderline random glucose levels (≥ 140 mg/dL and <200 mg/dL), 34.1% of those treated with SYMBYAX were found to have high glucose levels (≥ 200 mg/dL) during SYMBYAX treatment and were statistically significantly different compared to 3.6% of those treated with placebo. The difference in mean changes between SYMBYAX and placebo was greater in patients with evidence of glucose dysregulation at baseline (including those patients diagnosed with diabetes mellitus or related adverse events, patients treated with anti-diabetic agents,

patients with a baseline random glucose level ≥ 200 mg/dL, or a baseline fasting glucose level ≥ 126 mg/dL). These patients had a greater mean increase in HbA_{1c} .

Controlled fasting glucose data is limited for SYMBYAX; however, in an analysis of 5 placebo-controlled olanzapine monotherapy studies with treatment duration up to 12 weeks, olanzapine was associated with a greater mean change in fasting glucose levels compared to placebo (2.76 mg/dL vs 0.17 mg/dL).

Olanzapine Monotherapy in Adolescents — The safety and efficacy of olanzapine and olanzapine and fluoxetine in combination have not been established in patients under the age of 18 years. In an analysis of 3 placebo-controlled olanzapine monotherapy studies of adolescent patients, including those with schizophrenia (6 weeks) or bipolar disorder (manic or mixed episodes) (3 weeks), olanzapine was associated with a statistically significantly greater mean change in fasting glucose levels compared to placebo (2.68 mg/dL versus -2.59 mg/dL). In patients with baseline normal fasting glucose levels (< 100 mg/dL), zero out of 124 (0%) of those treated with olanzapine were found to have high glucose levels (≥ 126 mg/dL) during olanzapine treatment versus 1 out of 53 (1.9%) of those treated with placebo. In patients with baseline borderline fasting glucose levels (> 100 mg/dL and < 126 mg/dL), 2 out of 14 (14.3%) of those treated with olanzapine were found to have high glucose levels (≥ 126 mg/dL) during olanzapine treatment versus zero out of 13 (0%) of those treated with placebo.

Physicians should consider the risks and benefits when prescribing SYMBYAX to patients with an established diagnosis of diabetes mellitus or having borderline increased blood glucose level (fasting 100–126 mg/dL, nonfasting 140–200 mg/dL). Patients taking SYMBYAX should be monitored regularly for worsening of glucose control. Patients with risk factors for diabetes mellitus (e.g., obesity, family history of diabetes) who are starting treatment with atypical antipsychotics should undergo fasting blood glucose testing at the beginning of treatment and periodically during treatment. Any patient treated with atypical antipsychotics should be monitored for symptoms of hyperglycemia including polydipsia, polyuria, polyphagia, and weakness. Patients who develop symptoms of hyperglycemia during treatment with atypical antipsychotics should undergo fasting blood glucose testing. In some cases, hyperglycemia has resolved when the atypical antipsychotic was discontinued; however, some patients required continuation of anti-diabetic treatment despite discontinuation of the suspect drug.

Hyperlipidemia — Undesirable alterations in lipids have been observed with SYMBYAX use. Clinical monitoring, including baseline and follow-up lipid evaluations in patients using SYMBYAX, is advised.

Significant, and sometimes very high (> 500 mg/dL), elevations in triglyceride levels have been observed with SYMBYAX use. Significant increases in total cholesterol have also been seen with SYMBYAX use.

Controlled fasting lipid data is limited for SYMBYAX.

In an analysis of 7 controlled clinical studies, 2 of which were placebo controlled, with treatment duration up to 12 weeks, SYMBYAX-treated patients had an increase from baseline in mean random total cholesterol of 12.1 mg/dL compared to a statistically significantly different increase from baseline in mean random total cholesterol of 4.8 mg/dL for olanzapine-treated patients and a decrease in mean random total cholesterol of 5.5 mg/dL for placebo-treated patients. Table 3 shows categorical changes in nonfasting lipid values.

Table 3. Changes in Nonfasting Lipids Values from Controlled Clinical Studies with Treatment Duration up to 12 Weeks

Laboratory Analyte	Category Change from Baseline	Treatment Arm	N	Patients (%)
Nonfasting Triglycerides	Increase by ≥ 50 mg/dL	OFC	174	67.8%
		Olanzapine	172	72.7%
	Normal to High (<150 mg/dL to ≥ 500 mg/dL)	OFC	57	0%
		Olanzapine	58	0%
	Borderline to High (≥ 150 mg/dL and <500 mg/dL to ≥ 500 mg/dL)	OFC	106	15.1%
		Olanzapine	103	8.7%
Nonfasting Total Cholesterol	Increase by ≥ 40 mg/dL	OFC	685	35% ^{ab}
		Olanzapine	749	22.7%
		Placebo	390	9%
	Normal to High (<200 mg/dL to ≥ 240 mg/dL)	OFC	256	8.2% ^{ab}
		Olanzapine	279	2.9%
		Placebo	175	1.7%
	Borderline to High (≥ 200 mg/dL and <240 mg/dL to ≥ 240 mg/dL)	OFC	213	36.2% ^{ab}
		Olanzapine	261	27.6%
		Placebo	111	9.9%

* Statistically significant compared to olanzapine.

^b Statistically significant compared to placebo.

Controlled fasting lipid data is limited for SYMBYAX; however, in an analysis of 5 placebo-controlled olanzapine monotherapy studies with treatment duration up to 12 weeks, olanzapine-treated patients had statistically significant increases from baseline in mean fasting total cholesterol, LDL cholesterol, and triglycerides of 5.3 mg/dL, 3.0 mg/dL, and 20.8 mg/dL respectively compared to decreases from baseline in mean fasting total cholesterol, LDL cholesterol, and triglycerides of 6.1 mg/dL, 4.3 mg/dL, and 10.7 mg/dL for placebo-treated patients. For fasting HDL cholesterol, no statistically significant differences were observed between olanzapine-treated patients and placebo-treated patients. Mean increases in fasting lipid values (total cholesterol, LDL cholesterol, and triglycerides) were greater in

patients without evidence of lipid dysregulation at baseline, where lipid dysregulation was defined as patients diagnosed with dyslipidemia or related adverse events, patients treated with lipid lowering agents, patients with high baseline lipid levels. Table 4 shows categorical changes in fasting lipid values.

Table 4. Changes in Fasting Lipids Values from Adult Placebo-Controlled Olanzapine Monotherapy Studies with Treatment Duration up to 12 Weeks

Laboratory Analyte	Category Change from Baseline	Treatment Arm	N	Patients
Fasting Triglycerides	Increase by ≥ 50 mg/dL	Olanzapine	745	39.6%*
		Placebo	402	26.1%
	Normal to High (<150 mg/dL to ≥ 200 mg/dL)	Olanzapine	457	9.2%*
		Placebo	251	4.4%
	Borderline to High (≥ 150 mg/dL and <200 mg/dL to ≥ 200 mg/dL)	Olanzapine	135	39.3%*
		Placebo	65	20.0%
Fasting Total Cholesterol	Increase by ≥ 40 mg/dL	Olanzapine	745	21.6%*
		Placebo	402	9.5%
	Normal to High (<200 mg/dL to ≥ 240 mg/dL)	Olanzapine	392	2.8%
		Placebo	207	2.4%
	Borderline to High (≥ 200 mg/dL and <240 mg/dL to ≥ 240 mg/dL)	Olanzapine	222	23.0%*
		Placebo	112	12.5%
Fasting LDL Cholesterol	Increase by ≥ 30 mg/dL	Olanzapine	536	23.7%*
		Placebo	304	14.1%
	Normal to High (<100 mg/dL to ≥ 160 mg/dL)	Olanzapine	154	0%
		Placebo	82	1.2%
	Borderline to High (≥ 100 mg/dL and <160 mg/dL to ≥ 160 mg/dL)	Olanzapine	302	10.6%
		Placebo	173	8.1%

* Statistically significant compared to placebo.

In phase 1 of the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE), over a median exposure of 9.2 months, the mean increase in triglycerides in patients taking olanzapine was 40.5 mg/dL. In phase 1 of CATIE, the median increase in total cholesterol was 9.4 mg/dL.

Olanzapine Monotherapy in Adolescents — The safety and efficacy of olanzapine and olanzapine and fluoxetine in combination have not been established in patients under the age of 18 years. In an analysis of 3 placebo-controlled olanzapine monotherapy studies of adolescent patients, including those with schizophrenia (6 weeks) or bipolar disorder (manic or mixed episodes) (3 weeks), for fasting HDL cholesterol, no statistically significant differences were observed between olanzapine-treated patients and placebo-treated patients. Table 5 shows categorical changes in fasting lipid values in adolescent patients.

Table 5. Changes in Fasting Lipids Values from Adolescent Placebo-Controlled Olanzapine Monotherapy Studies

Laboratory Analyte	Category Change from Baseline	Treatment Arm	N	Patients
Fasting Triglycerides	Increase by ≥ 50 mg/dL	Olanzapine	138	37.0%*
		Placebo	66	15.2%
	Normal to High (<90 mg/dL to ≥ 130 mg/dL)	Olanzapine	67	26.9%
		Placebo	28	10.7%
	Borderline to High (≥ 90 mg/dL and <130 mg/dL to ≥ 130 mg/dL)	Olanzapine	37	59.5%
		Placebo	17	35.3%
Fasting Total Cholesterol	Increase by ≥ 40 mg/dL	Olanzapine	138	14.5%*
		Placebo	66	4.5%
	Normal to High (<170 mg/dL to ≥ 200 mg/dL)	Olanzapine	87	6.9%
		Placebo	43	2.3%
	Borderline to High (≥ 170 mg/dL and <200 mg/dL to ≥ 200 mg/dL)	Olanzapine	36	38.9%*
		Placebo	13	7.7%
Fasting LDL Cholesterol	Increase by ≥ 30 mg/dL	Olanzapine	137	17.5%
		Placebo	63	11.1%
	Normal to High (<110 mg/dL to ≥ 130 mg/dL)	Olanzapine	98	5.1%
		Placebo	44	4.5%
	Borderline to High (≥ 110 mg/dL and <130 mg/dL to ≥ 130 mg/dL)	Olanzapine	29	48.3%*
		Placebo	9	0%

* Statistically significant compared to placebo.

Weight Gain— Potential consequences of weight gain should be considered prior to starting SYMBYAX. Patients receiving SYMBYAX should receive regular monitoring of weight.

In an analysis of 7 controlled clinical studies, 2 of which were placebo-controlled, the mean weight increase for SYMBYAX-treated patients was statistically significantly greater than placebo-treated (4 kg vs -0.3 kg). Twenty-two percent of SYMBYAX-treated patients gained at least 7% of their baseline weight, with a median exposure of 6 weeks. This was statistically significantly greater than in placebo-treated patients (1.8%). Approximately 3% of SYMBYAX-treated patients gained at least 15% of their baseline weight, with a median exposure of 8 weeks. This was statistically significantly greater than in placebo-treated patients (0%). Clinically significant weight gain was observed across all baseline Body Mass Index (BMI) categories. Discontinuation due to weight gain occurred in 2.5% of SYMBYAX-treated patients and zero placebo-treated patients.

Table 6 includes data on weight gain with olanzapine pooled from 68 clinical trials. The data in each column represent data for those patients who completed treatment periods of the durations specified.

Table 6. Weight Gain with Olanzapine Use

Amount Gained kg (lb)	6 Weeks (N=2976) (%)	6 Months (N=1536) (%)	12 Months (N=778) (%)	24 Months (N=422) (%)
≥0	27	21	20	22
0-5 (0-11 lb)	57	34	25	22
5-10 (11-22 lb)	15	26	25	22
10-15 (22-33 lb)	2	12	16	18
>15 (>33 lb)	0	6	14	16

During long-term continuation therapy with olanzapine monotherapy (238 median days of exposure), 56% of olanzapine patients met the criterion for having gained greater than 7% of their baseline weight. Average weight gain during long-term therapy was 5.4 kg.

Olanzapine Monotherapy in Adolescents — The safety and efficacy of olanzapine and olanzapine and fluoxetine in combination have not been established in patients under the age of 18 years. In an analysis of 4 placebo controlled olanzapine monotherapy studies of adolescent patients (ages 13 to 17 years), including those with schizophrenia (6 weeks) or bipolar disorder (manic or mixed episodes) (3 weeks), olanzapine-treated patients gained an average of 4.6 kg, which was statistically significantly different compared to an average of 0.3 kg in placebo-treated patients, with a median exposure of 3 weeks; 40.6% of olanzapine-treated patients gained at least 7% of their baseline body weight, which was statistically significantly different compared to 9.8% of placebo-treated patients, with a median exposure of 4 weeks; 7.1% of olanzapine-treated patients gained at least 15% of their baseline weight, compared to 2.7% of placebo-treated patients, with a median exposure of 19 weeks. Clinically significant weight gain was observed across all baseline Body Mass Index (BMI) categories, but mean changes in weight were greater in adolescents with BMI categories above normal at baseline. Discontinuation due to weight gain occurred in 1% of olanzapine-treated patients, compared to zero placebo-treated patients.

During long-term continuation therapy with olanzapine, 65% of olanzapine-treated patients met the criterion for having gained greater than 7% of their baseline weight. Average weight gain during long-term therapy was 7.4 kg.

Information for Patients:

Hyperglycemia — Patients should be advised of the potential risk of hyperglycemia-related adverse events. Patients should be monitored regularly for worsening of glucose control.

Weight Gain — Patients should be counseled that SYMBYAX is associated with weight gain. Patients should have their weight monitored regularly.

References:

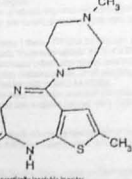
1. Lieberman, JA, Stroup, TS, McEvoy, JP, S. Swartz, MS, Rosenheck, RA, Perkins, DO, Keefe, RSE, Davis, SM, Davis, CE, Lebowitz, BD, Severe, J, Hsiao, JK. 2005. Effectiveness of Antipsychotic Drugs in Patients with Chronic Schizophrenia. *New Engl J Med* 353(12): 1209-1223
2. McEvoy, JP, Lieberman, JA, Perkins, DO, Hamer, RM, Gu, H, Lazarus, A, Sweitzer, D, Olexy, C, Weiden, P, Strakowski, SD. 2007. Efficacy and Tolerability of Olanzapine, Quetiapine, and Risperidone in the Treatment of Early Psychosis: A Randomized, Double-Blind 52-Week Comparison. *Am J Psychiatry* 164:1050-1060.
3. American Diabetes Association, American Psychiatric Association, American Association of Clinical Endocrinologists, and North American Association for Study of Obesity. 2004. Consensus Development Conference on Antipsychotic Drugs and Obesity and Diabetes. *Diabetes Care* 27: 596-601. <http://care.diabetesjournals.org/cgi/content/full/27/2/596>

Zyprexa® (olanzapine) is indicated for the short-term and maintenance treatment of schizophrenia. Zyprexa is also indicated as monotherapy or in combination with lithium or valproate for the short-term treatment of acute mixed or manic episodes associated with Bipolar I Disorder and as maintenance treatment in bipolar disorder. Symbyax® (olanzapine and fluoxetine HCl capsules) is indicated for treatment of depressive episodes associated with bipolar disorder.

ZYPREXA® Olanzapine Tablets
ZYPREXA® ZYDIS® Olanzapine Orally Disintegrating Tablets
ZYPREXA® IntraMuscular Olanzapine for Injection

WARNING:
Increased Mortality in Elderly Patients with Schizophrenia-Related Psychosis—Elderly patients with dementia-related psychosis treated with olanzapine had an increased risk of death compared to placebo. Analyses of olanzapine placebo-controlled trials (total duration of 10 weeks) in these patients revealed a risk of death in patients treated with olanzapine that was 1.7 times that in placebo-treated patients. Over the course of a typical 10-week controlled trial, the rate of death in drug-treated patients was about 4.5%, compared to a rate of about 2.6% in the placebo group. The causes of death included, most but not limited to, infections (e.g., pneumonia), heart failure, sudden death or infection (e.g., sepsis), or suicide. ZYPREXA (olanzapine) is not approved for the treatment of patients with dementia-related psychosis (see **WARNINGS**).

CAUTION: ZYPREXA (olanzapine) is a psychotropic agent that belongs to the thienobenzodiazepine class. The chemical structure is 7-[4-(2,1,3-benzoxazol-5-yl)-1-piperazinyl]-2,1,3-benzoxazole. The molecular formula is $C_{17}H_{14}N_4O$. **W20** (olanzapine) is a Schedule II controlled drug per 212.44. The chemical structure is:



Olanzapine is a piperazine derivative with a benzoxazole moiety. ZYPREXA tablets are intended for oral administration. Each tablet contains olanzapine equivalent to 2.5 mg (9 mg), 5 mg (18 mg), 7.5 mg (24 mg), 10 mg (33 mg), 15 mg (48 mg), or 20 mg (63 mg) of olanzapine. ZYPREXA ZYDIS tablets are intended for oral administration. Each ZYPREXA ZYDIS tablet contains olanzapine equivalent to 2.5 mg (9 mg), 5 mg (18 mg), 7.5 mg (24 mg), 10 mg (33 mg), 15 mg (48 mg), or 20 mg (63 mg) of olanzapine. ZYPREXA IntraMuscular Olanzapine for Injection is intended for intramuscular use. Each ZYPREXA IntraMuscular Olanzapine for Injection contains olanzapine equivalent to 5 mg (18 mg), 10 mg (33 mg), 15 mg (48 mg), or 20 mg (63 mg) of olanzapine. ZYPREXA IntraMuscular Olanzapine for Injection is intended for intramuscular use. Each ZYPREXA IntraMuscular Olanzapine for Injection contains olanzapine equivalent to 5 mg (18 mg), 10 mg (33 mg), 15 mg (48 mg), or 20 mg (63 mg) of olanzapine. ZYPREXA IntraMuscular Olanzapine for Injection is intended for intramuscular use. Each ZYPREXA IntraMuscular Olanzapine for Injection contains olanzapine equivalent to 5 mg (18 mg), 10 mg (33 mg), 15 mg (48 mg), or 20 mg (63 mg) of olanzapine.

PHARMACOLOGICAL ACTION: ZYPREXA (olanzapine) is a selective noncompetitive antagonist with high affinity binding to following receptors: 5-HT_{2A}, 5-HT_{2C}, 5-HT_{1A}, 5-HT_{1B}, 5-HT_{1D}, 5-HT_{1E}, 5-HT_{1F}, 5-HT_{1G}, 5-HT_{1H}, 5-HT_{1I}, 5-HT_{1J}, 5-HT_{1K}, 5-HT_{1L}, 5-HT_{1M}, 5-HT_{1N}, 5-HT_{1O}, 5-HT_{1P}, 5-HT_{1Q}, 5-HT_{1R}, 5-HT_{1S}, 5-HT_{1T}, 5-HT_{1U}, 5-HT_{1V}, 5-HT_{1W}, 5-HT_{1X}, 5-HT_{1Y}, 5-HT_{1Z}, 5-HT_{1AA}, 5-HT_{1AB}, 5-HT_{1AC}, 5-HT_{1AD}, 5-HT_{1AE}, 5-HT_{1AF}, 5-HT_{1AG}, 5-HT_{1AH}, 5-HT_{1AI}, 5-HT_{1AJ}, 5-HT_{1AK}, 5-HT_{1AL}, 5-HT_{1AM}, 5-HT_{1AN}, 5-HT_{1AO}, 5-HT_{1AP}, 5-HT_{1AQ}, 5-HT_{1AR}, 5-HT_{1AS}, 5-HT_{1AT}, 5-HT_{1AU}, 5-HT_{1AV}, 5-HT_{1AW}, 5-HT_{1AX}, 5-HT_{1AY}, 5-HT_{1AZ}, 5-HT_{1BA}, 5-HT_{1BB}, 5-HT_{1BC}, 5-HT_{1BD}, 5-HT_{1BE}, 5-HT_{1BF}, 5-HT_{1BG}, 5-HT_{1BH}, 5-HT_{1BI}, 5-HT_{1BJ}, 5-HT_{1BK}, 5-HT_{1BL}, 5-HT_{1BM}, 5-HT_{1BN}, 5-HT_{1BO}, 5-HT_{1BP}, 5-HT_{1BQ}, 5-HT_{1BR}, 5-HT_{1BS}, 5-HT_{1BT}, 5-HT_{1BU}, 5-HT_{1BV}, 5-HT_{1BW}, 5-HT_{1BX}, 5-HT_{1BY}, 5-HT_{1BZ}, 5-HT_{1CA}, 5-HT_{1CB}, 5-HT_{1CC}, 5-HT_{1CD}, 5-HT_{1CE}, 5-HT_{1CF}, 5-HT_{1CG}, 5-HT_{1CH}, 5-HT_{1CI}, 5-HT_{1CJ}, 5-HT_{1CK}, 5-HT_{1CL}, 5-HT_{1CM}, 5-HT_{1CN}, 5-HT_{1CO}, 5-HT_{1CP}, 5-HT_{1CQ}, 5-HT_{1CR}, 5-HT_{1CS}, 5-HT_{1CT}, 5-HT_{1CU}, 5-HT_{1CV}, 5-HT_{1CW}, 5-HT_{1CX}, 5-HT_{1CY}, 5-HT_{1CZ}, 5-HT_{1DA}, 5-HT_{1DB}, 5-HT_{1DC}, 5-HT_{1DD}, 5-HT_{1DE}, 5-HT_{1DF}, 5-HT_{1DG}, 5-HT_{1DH}, 5-HT_{1DI}, 5-HT_{1DJ}, 5-HT_{1DK}, 5-HT_{1DL}, 5-HT_{1DM}, 5-HT_{1DN}, 5-HT_{1DO}, 5-HT_{1DP}, 5-HT_{1DQ}, 5-HT_{1DR}, 5-HT_{1DS}, 5-HT_{1DT}, 5-HT_{1DU}, 5-HT_{1DV}, 5-HT_{1DW}, 5-HT_{1DX}, 5-HT_{1DY}, 5-HT_{1DZ}, 5-HT_{1EA}, 5-HT_{1EB}, 5-HT_{1EC}, 5-HT_{1ED}, 5-HT_{1EE}, 5-HT_{1EF}, 5-HT_{1EG}, 5-HT_{1EH}, 5-HT_{1EI}, 5-HT_{1EJ}, 5-HT_{1EK}, 5-HT_{1EL}, 5-HT_{1EM}, 5-HT_{1EN}, 5-HT_{1EO}, 5-HT_{1EP}, 5-HT_{1EQ}, 5-HT_{1ER}, 5-HT_{1ES}, 5-HT_{1ET}, 5-HT_{1EU}, 5-HT_{1EV}, 5-HT_{1EW}, 5-HT_{1EX}, 5-HT_{1EY}, 5-HT_{1EZ}, 5-HT_{1FA}, 5-HT_{1FB}, 5-HT_{1FC}, 5-HT_{1FD}, 5-HT_{1FE}, 5-HT_{1FF}, 5-HT_{1FG}, 5-HT_{1FH}, 5-HT_{1FI}, 5-HT_{1FJ}, 5-HT_{1FK}, 5-HT_{1FL}, 5-HT_{1FM}, 5-HT_{1FN}, 5-HT_{1FO}, 5-HT_{1FP}, 5-HT_{1FQ}, 5-HT_{1FR}, 5-HT_{1FS}, 5-HT_{1FT}, 5-HT_{1FU}, 5-HT_{1FV}, 5-HT_{1FW}, 5-HT_{1FX}, 5-HT_{1FY}, 5-HT_{1FZ}, 5-HT_{1GA}, 5-HT_{1GB}, 5-HT_{1GC}, 5-HT_{1GD}, 5-HT_{1GE}, 5-HT_{1GF}, 5-HT_{1GG}, 5-HT_{1GH}, 5-HT_{1GI}, 5-HT_{1GJ}, 5-HT_{1GK}, 5-HT_{1GL}, 5-HT_{1GM}, 5-HT_{1GN}, 5-HT_{1GO}, 5-HT_{1GP}, 5-HT_{1GQ}, 5-HT_{1GR}, 5-HT_{1GS}, 5-HT_{1GT}, 5-HT_{1GU}, 5-HT_{1GV}, 5-HT_{1GW}, 5-HT_{1GX}, 5-HT_{1GY}, 5-HT_{1GZ}, 5-HT_{1HA}, 5-HT_{1HB}, 5-HT_{1HC}, 5-HT_{1HD}, 5-HT_{1HE}, 5-HT_{1HF}, 5-HT_{1HG}, 5-HT_{1HH}, 5-HT_{1HI}, 5-HT_{1HJ}, 5-HT_{1HK}, 5-HT_{1HL}, 5-HT_{1HM}, 5-HT_{1HN}, 5-HT_{1HO}, 5-HT_{1HP}, 5-HT_{1HQ}, 5-HT_{1HR}, 5-HT_{1HS}, 5-HT_{1HT}, 5-HT_{1HU}, 5-HT_{1HV}, 5-HT_{1HW}, 5-HT_{1HX}, 5-HT_{1HY}, 5-HT_{1HZ}, 5-HT_{1IA}, 5-HT_{1IB}, 5-HT_{1IC}, 5-HT_{1ID}, 5-HT_{1IE}, 5-HT_{1IF}, 5-HT_{1IG}, 5-HT_{1IH}, 5-HT_{1II}, 5-HT_{1IJ}, 5-HT_{1IK}, 5-HT_{1IL}, 5-HT_{1IM}, 5-HT_{1IN}, 5-HT_{1IO}, 5-HT_{1IP}, 5-HT_{1IQ}, 5-HT_{1IR}, 5-HT_{1IS}, 5-HT_{1IT}, 5-HT_{1IU}, 5-HT_{1IV}, 5-HT_{1IW}, 5-HT_{1IX}, 5-HT_{1IY}, 5-HT_{1IZ}, 5-HT_{1JA}, 5-HT_{1JB}, 5-HT_{1JC}, 5-HT_{1JD}, 5-HT_{1JE}, 5-HT_{1JF}, 5-HT_{1JG}, 5-HT_{1JH}, 5-HT_{1JI}, 5-HT_{1JJ}, 5-HT_{1JK}, 5-HT_{1JL}, 5-HT_{1JM}, 5-HT_{1JN}, 5-HT_{1JO}, 5-HT_{1JP}, 5-HT_{1JQ}, 5-HT_{1JR}, 5-HT_{1JS}, 5-HT_{1JT}, 5-HT_{1JU}, 5-HT_{1JV}, 5-HT_{1JW}, 5-HT_{1JX}, 5-HT_{1JY}, 5-HT_{1JZ}, 5-HT_{1KA}, 5-HT_{1KB}, 5-HT_{1KC}, 5-HT_{1KD}, 5-HT_{1KE}, 5-HT_{1KF}, 5-HT_{1KG}, 5-HT_{1KH}, 5-HT_{1KI}, 5-HT_{1KJ}, 5-HT_{1KK}, 5-HT_{1KL}, 5-HT_{1KM}, 5-HT_{1KN}, 5-HT_{1KO}, 5-HT_{1KP}, 5-HT_{1KQ}, 5-HT_{1KR}, 5-HT_{1KS}, 5-HT_{1KT}, 5-HT_{1KU}, 5-HT_{1KV}, 5-HT_{1KW}, 5-HT_{1KX}, 5-HT_{1KY}, 5-HT_{1KZ}, 5-HT_{1LA}, 5-HT_{1LB}, 5-HT_{1LC}, 5-HT_{1LD}, 5-HT_{1LE}, 5-HT_{1LF}, 5-HT_{1LG}, 5-HT_{1LH}, 5-HT_{1LI}, 5-HT_{1LJ}, 5-HT_{1LK}, 5-HT_{1LL}, 5-HT_{1LM}, 5-HT_{1LN}, 5-HT_{1LO}, 5-HT_{1LP}, 5-HT_{1LQ}, 5-HT_{1LR}, 5-HT_{1LS}, 5-HT_{1LT}, 5-HT_{1LU}, 5-HT_{1LV}, 5-HT_{1LW}, 5-HT_{1LX}, 5-HT_{1LY}, 5-HT_{1LZ}, 5-HT_{1MA}, 5-HT_{1MB}, 5-HT_{1MC}, 5-HT_{1MD}, 5-HT_{1ME}, 5-HT_{1MF}, 5-HT_{1MG}, 5-HT_{1MH}, 5-HT_{1MI}, 5-HT_{1MJ}, 5-HT_{1MK}, 5-HT_{1ML}, 5-HT_{1MM}, 5-HT_{1MN}, 5-HT_{1MO}, 5-HT_{1MP}, 5-HT_{1MQ}, 5-HT_{1MR}, 5-HT_{1MS}, 5-HT_{1MT}, 5-HT_{1MU}, 5-HT_{1MV}, 5-HT_{1MW}, 5-HT_{1MX}, 5-HT_{1MY}, 5-HT_{1MZ}, 5-HT_{1NA}, 5-HT_{1NB}, 5-HT_{1NC}, 5-HT_{1ND}, 5-HT_{1NE}, 5-HT_{1NF}, 5-HT_{1NG}, 5-HT_{1NH}, 5-HT_{1NI}, 5-HT_{1NJ}, 5-HT_{1NK}, 5-HT_{1NL}, 5-HT_{1NM}, 5-HT_{1NN}, 5-HT_{1NO}, 5-HT_{1NP}, 5-HT_{1NQ}, 5-HT_{1NR}, 5-HT_{1NS}, 5-HT_{1NT}, 5-HT_{1NU}, 5-HT_{1NV}, 5-HT_{1NW}, 5-HT_{1NX}, 5-HT_{1NY}, 5-HT_{1NZ}, 5-HT_{1OA}, 5-HT_{1OB}, 5-HT_{1OC}, 5-HT_{1OD}, 5-HT_{1OE}, 5-HT_{1OF}, 5-HT_{1OG}, 5-HT_{1OH}, 5-HT_{1OI}, 5-HT_{1OJ}, 5-HT_{1OK}, 5-HT_{1OL}, 5-HT_{1OM}, 5-HT_{1ON}, 5-HT_{1OO}, 5-HT_{1OP}, 5-HT_{1OQ}, 5-HT_{1OR}, 5-HT_{1OS}, 5-HT_{1OT}, 5-HT_{1OU}, 5-HT_{1OV}, 5-HT_{1OW}, 5-HT_{1OX}, 5-HT_{1OY}, 5-HT_{1OZ}, 5-HT_{1PA}, 5-HT_{1PB}, 5-HT_{1PC}, 5-HT_{1PD}, 5-HT_{1PE}, 5-HT_{1PF}, 5-HT_{1PG}, 5-HT_{1PH}, 5-HT_{1PI}, 5-HT_{1PJ}, 5-HT_{1PK}, 5-HT_{1PL}, 5-HT_{1PM}, 5-HT_{1PN}, 5-HT_{1PO}, 5-HT_{1PP}, 5-HT_{1PQ}, 5-HT_{1PR}, 5-HT_{1PS}, 5-HT_{1PT}, 5-HT_{1PU}, 5-HT_{1PV}, 5-HT_{1PW}, 5-HT_{1PX}, 5-HT_{1PY}, 5-HT_{1PZ}, 5-HT_{1QA}, 5-HT_{1QB}, 5-HT_{1QC}, 5-HT_{1QD}, 5-HT_{1QE}, 5-HT_{1QF}, 5-HT_{1QG}, 5-HT_{1QH}, 5-HT_{1QI}, 5-HT_{1QJ}, 5-HT_{1QK}, 5-HT_{1QL}, 5-HT_{1QM}, 5-HT_{1QN}, 5-HT_{1QO}, 5-HT_{1QP}, 5-HT_{1QQ}, 5-HT_{1QR}, 5-HT_{1QS}, 5-HT_{1QT}, 5-HT_{1QU}, 5-HT_{1QV}, 5-HT_{1QW}, 5-HT_{1QX}, 5-HT_{1QY}, 5-HT_{1QZ}, 5-HT_{1RA}, 5-HT_{1RB}, 5-HT_{1RC}, 5-HT_{1RD}, 5-HT_{1RE}, 5-HT_{1RF}, 5-HT_{1RG}, 5-HT_{1RH}, 5-HT_{1RI}, 5-HT_{1RJ}, 5-HT_{1RK}, 5-HT_{1RL}, 5-HT_{1RM}, 5-HT_{1RN}, 5-HT_{1RO}, 5-HT_{1RP}, 5-HT_{1RQ}, 5-HT_{1RR}, 5-HT_{1RS}, 5-HT_{1RT}, 5-HT_{1RU}, 5-HT_{1RV}, 5-HT_{1RW}, 5-HT_{1RX}, 5-HT_{1RY}, 5-HT_{1RZ}, 5-HT_{1SA}, 5-HT_{1SB}, 5-HT_{1SC}, 5-HT_{1SD}, 5-HT_{1SE}, 5-HT_{1SF}, 5-HT_{1SG}, 5-HT_{1SH}, 5-HT_{1SI}, 5-HT_{1SJ}, 5-HT_{1SK}, 5-HT_{1SL}, 5-HT_{1SM}, 5-HT_{1SN}, 5-HT_{1SO}, 5-HT_{1SP}, 5-HT_{1SQ}, 5-HT_{1SR}, 5-HT_{1SS}, 5-HT_{1ST}, 5-HT_{1SU}, 5-HT_{1SV}, 5-HT_{1SW}, 5-HT_{1SX}, 5-HT_{1SY}, 5-HT_{1SZ}, 5-HT_{1TA}, 5-HT_{1TB}, 5-HT_{1TC}, 5-HT_{1TD}, 5-HT_{1TE}, 5-HT_{1TF}, 5-HT_{1TG}, 5-HT_{1TH}, 5-HT_{1TI}, 5-HT_{1TJ}, 5-HT_{1TK}, 5-HT_{1TL}, 5-HT_{1TM}, 5-HT_{1TN}, 5-HT_{1TO}, 5-HT_{1TP}, 5-HT_{1TQ}, 5-HT_{1TR}, 5-HT_{1TS}, 5-HT_{1TT}, 5-HT_{1TU}, 5-HT_{1TV}, 5-HT_{1TW}, 5-HT_{1TX}, 5-HT_{1TY}, 5-HT_{1TZ}, 5-HT_{1UA}, 5-HT_{1UB}, 5-HT_{1UC}, 5-HT_{1UD}, 5-HT_{1UE}, 5-HT_{1UF}, 5-HT_{1UG}, 5-HT_{1UH}, 5-HT_{1UI}, 5-HT_{1UJ}, 5-HT_{1UK}, 5-HT_{1UL}, 5-HT_{1UM}, 5-HT_{1UN}, 5-HT_{1UO}, 5-HT_{1UP}, 5-HT_{1UQ}, 5-HT_{1UR}, 5-HT_{1US}, 5-HT_{1UT}, 5-HT_{1UU}, 5-HT_{1UV}, 5-HT_{1UW}, 5-HT_{1UX}, 5-HT_{1UY}, 5-HT_{1UZ}, 5-HT_{1VA}, 5-HT_{1VB}, 5-HT_{1VC}, 5-HT_{1VD}, 5-HT_{1VE}, 5-HT_{1VF}, 5-HT_{1VG}, 5-HT_{1VH}, 5-HT_{1VI}, 5-HT_{1VJ}, 5-HT_{1VK}, 5-HT_{1VL}, 5-HT_{1VM}, 5-HT_{1VN}, 5-HT_{1VO}, 5-HT_{1VP}, 5-HT_{1VQ}, 5-HT_{1VR}, 5-HT_{1VS}, 5-HT_{1VT}, 5-HT_{1VU}, 5-HT_{1VV}, 5-HT_{1VW}, 5-HT_{1VX}, 5-HT_{1VY}, 5-HT_{1VZ}, 5-HT_{1WA}, 5-HT_{1WB}, 5-HT_{1WC}, 5-HT_{1WD}, 5-HT_{1WE}, 5-HT_{1WF}, 5-HT_{1WG}, 5-HT_{1WH}, 5-HT_{1WI}, 5-HT_{1WJ}, 5-HT_{1WK}, 5-HT_{1WL}, 5-HT_{1WM}, 5-HT_{1WN}, 5-HT_{1WO}, 5-HT_{1WP}, 5-HT_{1WQ}, 5-HT_{1WR}, 5-HT_{1WS}, 5-HT_{1WT}, 5-HT_{1WU}, 5-HT_{1WV}, 5-HT_{1WW}, 5-HT_{1WX}, 5-HT_{1WY}, 5-HT_{1WZ}, 5-HT_{1XA}, 5-HT_{1XB}, 5-HT_{1XC}, 5-HT_{1XD}, 5-HT_{1XE}, 5-HT_{1XF}, 5-HT_{1XG}, 5-HT_{1XH}, 5-HT_{1XI}, 5-HT_{1XJ}, 5-HT_{1XK}, 5-HT_{1XL}, 5-HT_{1XM}, 5-HT_{1XN}, 5-HT_{1XO}, 5-HT_{1XP}, 5-HT_{1XQ}, 5-HT_{1XR}, 5-HT_{1XS}, 5-HT_{1XT}, 5-HT_{1XU}, 5-HT_{1XV}, 5-HT_{1XW}, 5-HT_{1XX}, 5-HT_{1XY}, 5-HT_{1XZ}, 5-HT_{1YA}, 5-HT_{1YB}, 5-HT_{1YC}, 5-HT_{1YD}, 5-HT_{1YE}, 5-HT_{1YF}, 5-HT_{1YG}, 5-HT_{1YH}, 5-HT_{1YI}, 5-HT_{1YJ}, 5-HT_{1YK}, 5-HT_{1YL}, 5-HT_{1YM}, 5-HT_{1YN}, 5-HT_{1YO}, 5-HT_{1YP}, 5-HT_{1YQ}, 5-HT_{1YR}, 5-HT_{1YS}, 5-HT_{1YT}, 5-HT_{1YU}, 5-HT_{1YV}, 5-HT_{1YW}, 5-HT_{1YX}, 5-HT_{1YY}, 5-HT_{1YZ}, 5-HT_{1ZA}, 5-HT_{1ZB}, 5-HT_{1ZC}, 5-HT_{1ZD}, 5-HT_{1ZE}, 5-HT_{1ZF}, 5-HT_{1ZG}, 5-HT_{1ZH}, 5-HT_{1ZI}, 5-HT_{1ZJ}, 5-HT_{1ZK}, 5-HT_{1ZL}, 5-HT_{1ZM}, 5-HT_{1ZN}, 5-HT_{1ZO}, 5-HT_{1ZP}, 5-HT_{1ZQ}, 5-HT_{1ZR}, 5-HT_{1ZS}, 5-HT_{1ZT}, 5-HT_{1ZU}, 5-HT_{1ZV}, 5-HT_{1ZW}, 5-HT_{1ZX}, 5-HT_{1ZY}, 5-HT_{1ZZ}.

PHARMACOLOGICAL ACTION: ZYPREXA (olanzapine) is a selective noncompetitive antagonist with high affinity binding to following receptors: 5-HT_{2A}, 5-HT_{2C}, 5-HT_{1A}, 5-HT_{1B}, 5-HT_{1D}, 5-HT_{1E}, 5-HT_{1F}, 5-HT_{1G}, 5-HT_{1H}, 5-HT_{1I}, 5-HT_{1J}, 5-HT_{1K}, 5-HT_{1L}, 5-HT_{1M}, 5-HT_{1N}, 5-HT_{1O}, 5-HT_{1P}, 5-HT_{1Q}, 5-HT_{1R}, 5-HT_{1S}, 5-HT_{1T}, 5-HT_{1U}, 5-HT_{1V}, 5-HT_{1W}, 5-HT_{1X}, 5-HT_{1Y}, 5-HT_{1Z}, 5-HT_{1AA}, 5-HT_{1AB}, 5-HT_{1AC}, 5-HT_{1AD}, 5-HT_{1AE}, 5-HT_{1AF}, 5-HT_{1AG}, 5-HT_{1AH}, 5-HT_{1AI}, 5-HT_{1AJ}, 5-HT_{1AK}, 5-HT_{1AL}, 5-HT_{1AM}, 5-HT_{1AN}, 5-HT_{1AO}, 5-HT_{1AP}, 5-HT_{1AQ}, 5-HT_{1AR}, 5-HT_{1AS}, 5-HT_{1AT}, 5-HT_{1AU}, 5-HT_{1AV}, 5-HT_{1AW}, 5-HT_{1AX}, 5-HT_{1AY}, 5-HT_{1AZ}, 5-HT_{1BA}, 5-HT_{1BB}, 5-HT_{1BC}, 5-HT_{1BD}, 5-HT_{1BE}, 5-HT_{1BF}, 5-HT_{1BG}, 5-HT_{1BH}, 5-HT_{1BI}, 5-HT_{1BJ}, 5-HT_{1BK}, 5-HT_{1BL}, 5-HT_{1BM}, 5-HT_{1BN}, 5-HT_{1BO}, 5-HT_{1BP}, 5-HT_{1BQ}, 5-HT_{1BR}, 5-HT_{1BS}, 5-HT_{1BT}, 5-HT_{1BU}, 5-HT_{1BV}, 5-HT_{1BW}, 5-HT_{1BX}, 5-HT_{1BY}, 5-HT_{1BZ}, 5-HT_{1CA}, 5-HT_{1CB}, 5-HT_{1CC}, 5-HT_{1CD}, 5-HT_{1CE}, 5-HT_{1CF}, 5-HT_{1CG}, 5-HT_{1CH}, 5-HT_{1CI}, 5-HT_{1CJ}, 5-HT_{1CK}, 5-HT_{1CL}, 5-HT_{1CM}, 5-HT_{1CN}, 5-HT_{1CO}, 5-HT_{1CP}, 5-HT_{1CQ}, 5-HT_{1CR}, 5-HT_{1CS}, 5-HT_{1CT}, 5-HT_{1CU}, 5-HT_{1CV}, 5-HT_{1CW}, 5-HT_{1CX}, 5-HT_{1CY}, 5-HT_{1CZ}, 5-HT_{1DA}, 5-HT_{1DB}, 5-HT_{1DC}, 5-HT_{1DD}, 5-HT_{1DE}, 5-HT_{1DF}, 5-HT_{1DG}, 5-HT_{1DH}, 5-HT_{1DI}, 5-HT_{1DJ}, 5-HT_{1DK}, 5-HT_{1DL}, 5-HT_{1DM}, 5-HT_{1DN}, 5-HT_{1DO}, 5-HT_{1DP}, 5-HT_{1DQ}, 5-HT_{1DR}, 5-HT_{1DS}, 5-HT_{1DT}, 5-HT_{1DU}, 5-HT_{1DV}, 5-HT_{1DW}, 5-HT_{1DX}, 5-HT_{1DY}, 5-HT_{1DZ}, 5-HT_{1EA}, 5-HT_{1EB}, 5-HT_{1EC}, 5-HT_{1ED}, 5-HT_{1EE}, 5-HT_{1EF}, 5-HT_{1EG}, 5-HT_{1EH}, 5-HT_{1EI}, 5-HT_{1EJ}, 5-HT_{1EK}, 5-HT_{1EL}, 5-HT_{1EM}, 5-HT_{1EN}, 5-HT_{1EO}, 5-HT_{1EP}, 5-HT_{1EQ}, 5-HT_{1ER}, 5-HT_{1ES}, 5-HT_{1ET}, 5-HT_{1EU}, 5-HT_{1EV}, 5-HT_{1EW}, 5-HT_{1EX}, 5-HT_{1EY}, 5-HT_{1EZ}, 5-HT_{1FA}, 5-HT_{1FB}, 5-HT_{1FC}, 5-HT_{1FD}, 5-HT_{1FE}, 5-HT_{1FF}, 5-HT_{1FG}, 5-HT_{1FH}, 5-HT_{1FI}, 5-HT_{1FJ}, 5-HT_{1FK}, 5-HT_{1FL}, 5-HT_{1FM}, 5-HT_{1FN}, 5-HT_{1FO}, 5-HT_{1FP}, 5-HT_{1FQ}, 5-HT_{1FR}, 5-HT_{1FS}, 5-HT_{1FT}, 5-HT_{1FU}, 5-HT_{1FV}, 5-HT_{1FW}, 5-HT_{1FX}, 5-HT_{1FY}, 5-HT_{1FZ}, 5-HT_{1GA}, 5-HT_{1GB}, 5-HT_{1GC}, 5-HT_{1GD}, 5-HT_{1GE}, 5-HT_{1GF}, 5-HT_{1GG}, 5-HT_{1GH}, 5-HT_{1GI}, 5-HT_{1GJ}, 5-HT_{1GK}, 5-HT_{1GL}, 5-HT_{1GM}, 5-HT_{1GN}, 5-HT_{1GO}, 5-HT_{1GP}, 5-HT_{1GQ}, 5-HT_{1GR}, 5-HT_{1GS}, 5-HT_{1GT}, 5-HT_{1GU}, 5-HT_{1GV}, 5-HT_{1GW}, 5-HT_{1GX}, 5-HT_{1GY}, 5-HT_{1GZ}, 5-HT_{1HA}, 5-HT_{1HB}, 5-HT_{1HC}, 5-HT_{1HD}, 5-HT_{1HE}, 5-HT_{1HF}, 5-HT_{1HG}, 5-HT_{1HH}, 5-HT_{1HI}, 5-HT_{1HJ}, 5-HT_{1HK}, 5-HT_{1HL}, 5-HT_{1HM}, 5-HT_{1HN}, 5-HT_{1HO}, 5-HT_{1HP}, 5-HT_{1HQ}, 5-HT_{1HS}, 5-HT_{1HT}, 5-HT_{1HU}, 5-HT_{1HV}, 5-HT_{1HW}, 5-HT_{1HX}, 5-HT_{1HY}, 5-HT_{1HZ}, 5-HT_{1IA}, 5-HT_{1IB}, 5-HT_{1IC}, 5-HT_{1ID}, 5-HT_{1IE}, 5-HT_{1IF}, 5-HT_{1IG}, 5-HT_{1IH}, 5-HT_{1II}, 5-HT_{1IJ}, 5-HT_{1IK}, 5-HT_{1IL}, 5-HT_{1IM}, 5-HT_{1IN}, 5-HT_{1IO}, 5-HT_{1IP}, 5-HT_{1IQ}, 5-HT_{1IR}, 5-HT_{1IS}, 5-HT_{1IT}, 5-HT_{1IU}, 5-HT_{1IV}, 5-HT_{1IW}, 5-HT_{1IX}, 5-HT_{1IY}, 5-HT_{1IZ}, 5-HT_{1JA}, 5-HT_{1JB}, 5-HT_{1JC}, 5-HT_{1JD}, 5-HT_{1JE}, 5-HT_{1JF}, 5-HT_{1JG}, 5-HT_{1JH}, 5-HT_{1JI}, 5-HT_{1JJ}, 5-HT_{1JK}, 5-HT_{1JL}, 5-HT_{1JM}, 5-HT_{1JN}, 5-HT_{1JO}, 5-HT_{1JP}, 5-HT_{1JQ}, 5-HT_{1JR}, 5-HT_{1JS}, 5-HT_{1JT}, 5-HT_{1JU}, 5-HT_{1JV}, 5-HT_{1JW}, 5-HT_{1JX}, 5-HT_{1JY}, 5-HT_{1JZ}, 5-HT_{1KA}, 5-HT_{1KB}, 5-HT_{1KC}, 5-HT_{1KD}, 5-HT_{1KE}, 5-HT_{1KF}, 5-HT_{1KG}, 5-HT_{1KH}, 5-HT_{1KI}, 5-HT_{1KJ}, 5-HT_{1KK}, 5-HT_{1KL}, 5-HT_{1KM}, 5-HT_{1KN},

Page 21 of 27

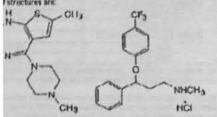
Box 2. Antidepressant Drugs—Antidepressants increased the risk of suicidal thoughts and behavior (suicidality) in children, and young adults in short-term studies of major depressive and other psychiatric disorders. Anyone considering the use of antidepressants in a child, adolescent, or young adult should be aware that there may be a risk of suicidal thoughts or behavior (suicidality) while taking an antidepressant drug and for several weeks after the last dose. The risk of suicidality with antidepressants compared to placebo in this population appears to be highest in children, adolescents, and young adults. In 1 study, 14-year-olds taking a certain antidepressant drug experienced more suicidal thoughts and behavior (suicidality) than children not taking any antidepressant drug. In adults, there was a reduction in risk with antidepressant therapy in adults aged 65 and older. Depression and anxiety disorders are themselves associated with suicidal thoughts and behavior (suicidality), and these risks may be increased in all types of ages who are taking an antidepressant drug, especially in those with a history of suicidal thoughts or behavior, suicidal ideation, or suicidal acts. Close monitoring and close supervision by family members or caregivers is advised. See **WARNINGS**, Clinical Worsening of Depression, and **PRECAUTIONS**, Information for Patients, and **PRECAUTIONS**, Suicidal Thoughts and Behavior.

Mortality in Elderly Patients with Dementia-Related Psychosis—Patients with dementia-related psychosis treated with typical drugs are at an increased risk of death compared to placebo. In seven placebo-controlled trials (most duration 6 to 10 weeks) in 2,179 elderly patients, there was a statistically significant increase in mortality in those receiving antipsychotics. A meta-analysis of these studies revealed a risk of death in the drug-treated patients of between one-third and twice that seen in placebo-treated patients. Over the course of a six-month trial, the rate of death in drug-treated patients was comparable to a rate of about 2.4% in the placebo group. Although deaths were varied, most of the deaths appeared to be either (e.g., heart failure, sudden death or infections [e.g., pneumonia]) (MINDA [haloperidol plus flunitrazepam MCI] is not approved for the elderly).

SYMBYAX® (paroxetine and fluoxetine HCl capsules) combines two antidepressant agents, paroxetine (the active ingredient in Zyprexa®), and Zyprexa's inactive ingredient, fluoxetine (the active ingredient in Prozac®). Prozac

belongs in the thienobenzodiazepine class. The chemical designation 4-methyl-1-piperazine-10H-thieno[7,3-b][1,5]benzodiazepine formula is $C_{18}H_{14}N_2S$, which corresponds to a molecular weight of 266.34.

Fluoxetine is a selective serotonin reuptake inhibitor (SSRI). The reason is (S)- N -methyl-3-phenyl-3-[α,α -trifluoro- p -isopropyl]propanamide. The molecular formula is $C_{17}H_{15}F_3NO_2$, which a molecular weight of 345.79.



Succinylate hydrochloride
A yellow crystalline solid, which is practically insoluble in water.
Succinylate hydrochloride is a white to off-white crystalline solid with a soluble water.
Succinylate hydrochloride is available for oral administration in the following

3 mg/ 25 mg	6 mg/ 25 mg	6 mg/ 50 mg	12 mg/ 25 mg	12 mg/ 50 mg
3	6	8	12	12
25	25	50	25	50

also contains pregelatinized starch, gelatin, dimethylsiloxane, titanium tetrakisulfate, edible black ink, red iron oxide, yellow iron oxide and dyes.

[illegible][illegible]

Bioavailability.—SYNTHIA.—Following a single oral 12-mg/50-mL peak plasma concentrations of nifedipine and fluvastatin occurred at 1 and 6 hours, respectively. The effect of food on the absorp-

and bioavailability of SYMBIAX has not been evaluated. The bioavailability of clazoprine given as Zyprexa, and the bioavailability of flucanazole given as Procto were not affected by food. It is unlikely that there would be a significant food effect on the bioavailability of SYMBIAX.

Fluoxetine—Following a single oral 40 mg dose, peak plasma concentrations of fluoxetine from 15 to 55 ng/mL are observed after 6 to 8 hours. Food does not appear to affect the systemic bioavailability of fluoxetine given as Prozac, although it may delay its absorption by 1 to 2 hours, which is probably not

Distribution—**SYMBYAX**—The in vitro binding to human plasma proteins of the naltrexone/bupropion combination is similar to the binding of the individual components.

Clonazepam—Clonazepam is extensively distributed throughout the body, with a volume of distribution of approximately 1000 L. It is 93% bound to plasma proteins over the concentration range of 7 to 1100 ng/mL, binding primarily to albumin and

Fluoxetine—Over the concentration range from 200 to 1000 ng/ml, approximately 94.5% of fluoxetine is bound *in vitro* to human serum proteins, including albumin and α_1 -glycoprotein. The interaction between fluoxetine and other highly protein-bound drugs has not been fully evaluated (see PRECAUTIONS, Drug Interactions, Highly Protein-Bound Drugs).

Metabolism and Elimination—SYMBYAX—SYMBYAX therapy yielded steady-state concentrations of nortriaxetine similar to those seen with fluoxetine in the therapeutic dose range.

Olanzapine—Olanzapine displays linear pharmacokinetics over the clinical dosing range. Its half-life ranges from 21 to 34 hours (5th to 95th percentile; mean of 30 hr), and apparent plasma clearance ranges from 12 to 47 L/hr (5th to 95th percentile; mean of 25 L/hr). Administration of olanzapine once daily leads to steady-state concentrations in about 1 week that are approximately twice the concentrations after single doses. Plasma concentrations, half-life, and clearance of olanzapine may vary between individuals on the basis of smoking status, gender, and age (see Special Populations).

Following a single dose of ^{14}C -labeled olanzapine, 7% of the dose excreted in urine was recovered in the urine as unchanged drug, indicating that olanzapine is highly metabolized. Approximately 57% and 30% of the dose was recovered in the urine and feces, respectively. In the plasma, olanzapine accounted for only 12% of the AUC for total radioactivity, indicating significant exposure to metabolites. After multiple dosing, the major circulating metabolites were the 10-*N*-glucuronide, present at steady state at 44% of the concentration of olanzapine, and 4-*N*-desmethyl olanzapine, present at steady state at 31% of the concentration of olanzapine. Both metabolites lack pharmacological activity.

Direct glucosylation and CYP450-mediated oxidation are the primary metabolic pathways for clanzapine. In vitro studies suggest that CYP1A2, CYP2D6, and the flavin-containing monooxygenase system are involved in clanzapine oxidation. CYP2D6-mediated oxidation appears to be a minor metabolic pathway in vivo, because the clearance of clanzapine is not reduced in subjects who are deficient in this enzyme.

Fluoxetine-Fluoxetine is a racemic mixture (50/50) of *R*-fluoxetine and *S*-fluoxetine enantiomers. In animal models, both enantiomers are specific and potent serotonin uptake inhibitors with essentially equivalent pharmacologic activity. The *S*-fluoxetine enantiomer is eliminated more slowly and is the predominant enantiomer present in plasma at steady state.

Fluoxetine is extensively metabolized in the liver to its only identified active metabolite, norfluoxetine, via the CYP2D6 pathway. A number of unidentified metabolites exist.

Clinical Issues Related to Metabolism and Elimination—The complexity of the metabolism of fluoxetine has several consequences that may potentially affect the clinical use of SYMBAX.

Variability in metabolism—A subset (about 7%) of the population has reduced activity of the drug-metabolizing enzyme CYP2D6. Such individuals are referred to as "poor metabolizers" of drugs such as debrisoquine, dextromethorphan, and the tricyclic antidepressants (TCAs). In a study involving labeled and unlabeled enantiomers administered as a racemate, these individuals metabolized *S*-fluoxetine at a slower rate and thus achieved higher concentrations of *S*-fluoxetine. *Cromosoma*, *immunologica*, *USA*.

Alternatively, nonresaturable pathways (non-CYP2D6) also contribute to the metabolism of fluoxetine. This explains how fluoxetine achieves a steady-state concentration of 400 nmol/L in these poor metabolizers. The plasma concentrations of fluoxetine in these poor metabolizers were not significantly different from those in the normal metabolizers. Thus, the net pharmacodynamic activities were essentially the same in both groups. The plasma concentrations of fluoxetine in these poor metabolizers were lower than those in the normal metabolizers, but the plasma concentrations of the 4 enantiomers were not significantly greater among poor metabolizers. Thus, the net pharmacodynamic activities were essentially the same in both groups. The plasma concentrations of fluoxetine in these poor metabolizers were lower than those in the normal metabolizers, but the plasma concentrations of the 4 enantiomers were not significantly greater among poor metabolizers. Thus, the net pharmacodynamic activities were essentially the same in both groups.

Because the metabolism of fluoxetine, like that of a number of other compounds including TCAs and other selective serotonin antidepressants, involves the CYP2D6 system, concomitant therapy with drugs also metabolized by this enzyme system (such as the TCAs) may lead to drug interactions (see PRECAUTIONS, Drug Interactions).

Flucanazole and acute administration—The relatively slow elimination of fluconazole (elimination half-life of 1 to 3 days after acute administration and 4 to 6 days after chronic administration) and its active metabolite, fluconazole glucuronide, at a half-life of 4 to 18 days after acute and chronic administration,¹ leads to significant accumulation of these active species in chronic use and delayed attainment of steady state, even when a fixed dose is used. After 30 days of dosing at 40 mg/day, the concentrations of fluconazole in the range of 971 to 3032 nmol/L and the concentrations of fluconazole glucuronide have been observed. Plasma concentrations of fluconazole were higher than those of fluconazole glucuronide. Because the metabolism of fluconazole is not proportional to dose. However, fluconazole appears to have linear pharmacokinetics. Its mean terminal half-life after a single dose was 3.6 days and after multiple dosing was 3.9 days. Steady-state levels after prolonged dosing are similar to levels seen at 3 to 5 weeks.

The long elimination half-lives of fluoxetine and norfluoxetine assure that, even when dosing is stopped, active drug substance will persist in the body for weeks (primarily depending on individual patient characteristics, previous dosing regimen, and length of previous therapy at discontinuation). This is of potential consequence when drug discontinuation is required or when drugs are prescribed that might interact with fluoxetine and norfluoxetine following the discontinuation of fluoxetine.

Special Populations—Geriatric: Based on the individual pharmacokinetic profiles of olanzapine and fluoxetine, the pharmacokinetics of SYMBYAX may be altered in geriatric patients. Caution should be used in dosing the elderly, especially if there are other factors that might additively influence drug metabolism and/or pharmacodynamic sensitivity.

In a study involving 24 healthy subjects, the mean elimination half-life of olanzapine was about 1.5 times greater in elderly subjects (≥65 years of age) than in non-elderly subjects (≤65 years of age).

The disposition of single doses of fluoxetine in healthy elderly subjects (65-85 yr of age) did not differ from that in younger adult subjects. Thus, the given the long half-life and nonlinear disposition of the drug, a single-dose trial is not adequate to rule out the possibility of altered pharmacokinetics in elderly individuals if they have systemic effects or are taking multiple drugs or concomitant diseases. The effects of age upon the metabolism of fluoxetine have been investigated in 260 elderly but otherwise healthy depressed outpatients (260 years of age) who received 20 mg fluoxetine for 6 weeks. Combined fluoxetine plus norfluoxetine plasma concentrations were 209.3 ± 85.7 ng/mL at the end of 6 weeks. No unusual age-associated pattern of adverse events was observed.

Renal impairment: The pharmacokinetics of SYMBAX have been studied in patients with renal impairment. However, data on SYMBAX in patients with renal impairment are not significantly different in patients with renal impairment. SYMBAX dosing adjustment based upon renal impairment is not routinely required.

Because citalopram is highly metabolized before excretion and only 7% of drug is excreted unchanged, renal dysfunction alone is unlikely to have a major impact on the pharmacokinetics of citalopram. The pharmacokinetic characteristics of citalopram were similar in patients with severe renal impairment and no symptoms, indicating that dosage adjustment based upon the degree of renal impairment is not required. In addition, citalopram is not removed by dialysis.

Hepatic Impairment.—Based on the individual pharmacokinetic profile of SYMBAX, the pharmacokinetics of SYMBAX in patients with hepatic impairment, the lower incidence of SYMBAX-related adverse events in patients with hepatic impairment, and the results of the clinical studies, the following PRECAUTIONS, Use in Patients with Hepatic Impairment, and CONTRAINDICATIONS should be considered:

PRECAUTIONS, Use in Patients with Hepatic Impairment.—(1) **ADMINISTRATION.** Special Precautions:

As though the presence of a foreign body in the environment may be expected to reduce clearance of floxacin, a study of the effect of impaired liver function in subjects (M-H) with clinically significant cirrhosis (Childs-Pugh Classification A and B) revealed no effect on the pharmacokinetics of ofloxacin.

As might be predicted from its primary site of metabolism, liver impairment can affect the elimination of floxacin. The elimination half-life of floxacin was prolonged in a study of cirrhotic patients, with a mean of 7.6 days compared with the range of 2 to 3 days seen in subjects without liver disease; nevertheless, elimination was also delayed, with a mean duration of 12 days for cirrhotic patients compared with the range of 7 to 9 days in normal subjects.

Gender—Clearance of olanzapine is approximately 50% lower in women than in men. There were, however, no apparent differences between men and women in effectiveness or adverse effects. Dosage modifications based on gender should not be needed.

Race—No SYMBAYX pharmacokinetic study was conducted to investigate the effects of race. In vivo studies have shown that exposures to clanzapine are similar among Japanese, Chinese and Caucasians, especially after normalization for body weight differences. Dosage modifications for race, therefore, are routinely required.

Combined Effects: The combined effects of age, smoking, and gender can lead to substantial pharmacokinetic differences in populations. The clearance of clanzapine in young smoking males, for example, may be 3 times higher than in elderly nonsmoking females. SYMBAX dosing modification may be necessary in patients who exhibit a combination of factors that may result in slower metabolism of the clanzapine component (see DOSAGE ADMINISTRATION, Special Populations).

CLINICAL STUDIES: The efficacy of SYMBAX for the treatment of depressive episodes associated with bipolar disorder was established in 2 clinical studies. In a 28-week, randomized, double-blind, controlled studies of patients with Diagnostic and Statistical Manual 4th edition (DSM-IV) criteria for Bipolar Disorder, Depressed (depressed mood, loss of interest or pleasure, weight loss or gain, insomnia or hypersomnia, fatigue or loss of energy, feelings of worthlessness or guilt, diminished ability to think or concentrate, and recurrent thoughts of death or suicidal ideation), dosages of SYMBAX (0.25, 0.50, 1.00, 1.50, 2.00, 2.50, 3.00, 3.50, 4.00, 4.50, 5.00, 5.50, 6.00, 6.50, 7.00, 7.50, 8.00, 8.50, 9.00, 9.50, 10.00, 10.50, 11.00, 11.50, 12.00, 12.50, 13.00, 13.50, 14.00, 14.50, 15.00, 15.50, 16.00, 16.50, 17.00, 17.50, 18.00, 18.50, 19.00, 19.50, 20.00, 20.50, 21.00, 21.50, 22.00, 22.50, 23.00, 23.50, 24.00, 24.50, 25.00, 25.50, 26.00, 26.50, 27.00, 27.50, 28.00, 28.50, 29.00, 29.50, 30.00, 30.50, 31.00, 31.50, 32.00, 32.50, 33.00, 33.50, 34.00, 34.50, 35.00, 35.50, 36.00, 36.50, 37.00, 37.50, 38.00, 38.50, 39.00, 39.50, 40.00, 40.50, 41.00, 41.50, 42.00, 42.50, 43.00, 43.50, 44.00, 44.50, 45.00, 45.50, 46.00, 46.50, 47.00, 47.50, 48.00, 48.50, 49.00, 49.50, 50.00, 50.50, 51.00, 51.50, 52.00, 52.50, 53.00, 53.50, 54.00, 54.50, 55.00, 55.50, 56.00, 56.50, 57.00, 57.50, 58.00, 58.50, 59.00, 59.50, 60.00, 60.50, 61.00, 61.50, 62.00, 62.50, 63.00, 63.50, 64.00, 64.50, 65.00, 65.50, 66.00, 66.50, 67.00, 67.50, 68.00, 68.50, 69.00, 69.50, 70.00, 70.50, 71.00, 71.50, 72.00, 72.50, 73.00, 73.50, 74.00, 74.50, 75.00, 75.50, 76.00, 76.50, 77.00, 77.50, 78.00, 78.50, 79.00, 79.50, 80.00, 80.50, 81.00, 81.50, 82.00, 82.50, 83.00, 83.50, 84.00, 84.50, 85.00, 85.50, 86.00, 86.50, 87.00, 87.50, 88.00, 88.50, 89.00, 89.50, 90.00, 90.50, 91.00, 91.50, 92.00, 92.50, 93.00, 93.50, 94.00, 94.50, 95.00, 95.50, 96.00, 96.50, 97.00, 97.50, 98.00, 98.50, 99.00, 99.50, 100.00, 100.50, 101.00, 101.50, 102.00, 102.50, 103.00, 103.50, 104.00, 104.50, 105.00, 105.50, 106.00, 106.50, 107.00, 107.50, 108.00, 108.50, 109.00, 109.50, 110.00, 110.50, 111.00, 111.50, 112.00, 112.50, 113.00, 113.50, 114.00, 114.50, 115.00, 115.50, 116.00, 116.50, 117.00, 117.50, 118.00, 118.50, 119.00, 119.50, 120.00, 120.50, 121.00, 121.50, 122.00, 122.50, 123.00, 123.50, 124.00, 124.50, 125.00, 125.50, 126.00, 126.50, 127.00, 127.50, 128.00, 128.50, 129.00, 129.50, 130.00, 130.50, 131.00, 131.50, 132.00, 132.50, 133.00, 133.50, 134.00, 134.50, 135.00, 135.50, 136.00, 136.50, 137.00, 137.50, 138.00, 138.50, 139.00, 139.50, 140.00, 140.50, 141.00, 141.50, 142.00, 142.50, 143.00, 143.50, 144.00, 144.50, 145.00, 145.50, 146.00, 146.50, 147.00, 147.50, 148.00, 148.50, 149.00, 149.50, 150.00, 150.50, 151.00, 151.50, 152.00, 152.50, 153.00, 153.50, 154.00, 154.50, 155.00, 155.50, 156.00, 156.50, 157.00, 157.50, 158.00, 158.50, 159.00, 159.50, 160.00, 160.50, 161.00, 161.50, 162.00, 162.50, 163.00, 163.50, 164.00, 164.50, 165.00, 165.50, 166.00, 166.50, 167.00, 167.50, 168.00, 168.50, 169.00, 169.50, 170.00, 170.50, 171.00, 171.50, 172.00, 172.50, 173.00, 173.50, 174.00, 174.50, 175.00, 175.50, 176.00, 176.50, 177.00, 177.50, 178.00, 178.50, 179.00, 179.50, 180.00, 180.50, 181.00, 181.50, 182.00, 182.50, 183.00, 183.50, 184.00, 184.50, 185.00, 185.50, 186.00, 186.50, 187.00, 187.50, 188.00, 188.50, 189.00, 189.50, 190.00, 190.50, 191.00, 191.50, 192.00, 192.50, 193.00, 193.50, 194.00, 194.50, 195.00, 195.50, 196.00, 196.50, 197.00, 197.50, 198.00, 198.50, 199.00, 199.50, 200.00, 200.50, 201.00, 201.50, 202.00, 202.50, 203.00, 203.50, 204.00, 204.50, 205.00, 205.50, 206.00, 206.50, 207.00, 207.50, 208.00, 208.50, 209.00, 209.50, 210.00, 210.50, 211.00, 211.50, 212.00, 212.50, 213.00, 213.50, 214.00, 214.50, 215.00, 215.50, 216.00, 216.50, 217.00, 217.50, 218.00, 218.50, 219.00, 219.50, 220.00, 220.50, 221.00, 221.50, 222.00, 222.50, 223.00, 223.50, 224.00, 224.50, 225.00, 225.50, 226.00, 226.50, 227.00, 227.50, 228.00, 228.50, 229.00, 229.50, 230.00, 230.50, 231.00, 231.50, 232.00, 232.50, 233.00, 233.50, 234.00, 234.50, 235.00, 235.50, 236.00, 236.50, 237.00, 237.50, 238.00, 238.50, 239.00, 239.50, 240.00, 240.50, 241.00, 241.50, 242.00, 242.50, 243.00, 243.50, 244.00, 244.50, 245.00, 245.50, 246.00, 246.50, 247.00, 247.50, 248.00, 248.50, 249.00, 249.50, 250.00, 250.50, 251.00, 251.50, 252.00, 252.50, 253.00, 253.50, 254.00, 254.50, 255.00, 255.50, 256.00, 256.50, 257.00, 257.50, 258.00, 258.50, 259.00, 259.50, 260.00, 260.50, 261.00,

The primary rating instrument used to assess depressive symptoms in the studies was the Montgomery-Asberg Depression Rating Scale (MADRS), a 10-item clinician-rated scale with total scores ranging from 0 to 60. The primary outcome measure of these studies was the change from baseline to endpoint on the MADRS total score. In both studies, SYMPTAK was statistically significantly superior to both citalopram monotherapy and placebo in reduction of the MADRS total score. The results of the studies are summarized below (Table 1).

Table 1: MADRS Total Score
Mean Change from Baseline to Endpoint

	Treatment Group	Baseline Mean	Change in Endpoint Mean
Study 1	SYMDEVX (N=47)	30	-15*
	Olanzapine (N=182)	32	-12
	Placebo (N=181)	31	-10
Study 2	SYMDEVX (N=42)	32	-15*
	Olanzapine (N=169)	33	-14
	Placebo (N=174)	31	-9

^a Statistically significant compared to both olanzapine and placebo.

INDICATIONS AND USAGE: SYMBYAX is indicated for the treatment of depressive episodes associated with bipolar disorder. The efficacy of SYMBYAX was established in 2 identically designed, 8-week, randomized, double-blind clinical studies. Unlike with unipolar depression, there are no established guidelines for length of time patients with bipolar depression should be treated with SYMBYAX.

The effectiveness of SYMBYAX for maintaining antidepressant response in patient population beyond 8 weeks has not been established in controlled studies. Physicians who elect to use SYMBYAX for extended periods should periodically reassess the benefits and long-term risks of the drug to individual patient.

CONTRAINDICATIONS: *Hypersensitivity*—SYMBYAX is contraindicated in patients with a known hypersensitivity to the product or any component of the product. *Monoamine Oxidase Inhibitors (MAOI)*—There have been reports of serious, sometimes fatal reactions (including hyperthermia, rigidity, myoclonus, autonomic instability with possible rapid fluctuations of vital signs, and mental status changes that include extreme agitation progressing to delirium and coma) in patients receiving fluoxetine in combination with an MAOI, and in patients who recently discontinued fluoxetine and are then started on an MAOI. Some

zapara and fluoxetine HCl capsules) TV 5410 AM

SYMBIAX® (citalopram and Docusylate HCl) capsules

presented with features resembling neuroleptic malignant syndrome. There

therapy with or without SMMVX. Since fluoxetine and its major metabolite, norfluoxetine, have been shown to be effective in the treatment of major depressive disorder, it is not surprising that the use of SMMVX has been associated with a higher rate of remission in patients with major depressive disorder.

Pharmacokinetics. Accumulation and dose-related effects of SMMVX have been observed in patients with major depressive disorder. SMMVX was administered at a dose of 150 mg twice daily for 14 days. The plasma concentration of SMMVX was measured at baseline and at 1, 2, 4, 8, 12, 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 72, 76, 80, 84, 88, 92, 96, 100, 104, 108, 112, 116, 120, 124, 128, 132, 136, 140, 144, 148, 152, 156, 160, 164, 168, 172, 176, 180, 184, 188, 192, 196, 200, 204, 208, 212, 216, 220, 224, 228, 232, 236, 240, 244, 248, 252, 256, 260, 264, 268, 272, 276, 280, 284, 288, 292, 296, 300, 304, 308, 312, 316, 320, 324, 328, 332, 336, 340, 344, 348, 352, 356, 360, 364, 368, 372, 376, 380, 384, 388, 392, 396, 400, 404, 408, 412, 416, 420, 424, 428, 432, 436, 440, 444, 448, 452, 456, 460, 464, 468, 472, 476, 480, 484, 488, 492, 496, 500, 504, 508, 512, 516, 520, 524, 528, 532, 536, 540, 544, 548, 552, 556, 560, 564, 568, 572, 576, 580, 584, 588, 592, 596, 600, 604, 608, 612, 616, 620, 624, 628, 632, 636, 640, 644, 648, 652, 656, 660, 664, 668, 672, 676, 680, 684, 688, 692, 696, 700, 704, 708, 712, 716, 720, 724, 728, 732, 736, 740, 744, 748, 752, 756, 760, 764, 768, 772, 776, 780, 784, 788, 792, 796, 800, 804, 808, 812, 816, 820, 824, 828, 832, 836, 840, 844, 848, 852, 856, 860, 864, 868, 872, 876, 880, 884, 888, 892, 896, 900, 904, 908, 912, 916, 920, 924, 928, 932, 936, 940, 944, 948, 952, 956, 960, 964, 968, 972, 976, 980, 984, 988, 992, 996, 1000, 1004, 1008, 1012, 1016, 1020, 1024, 1028, 1032, 1036, 1040, 1044, 1048, 1052, 1056, 1060, 1064, 1068, 1072, 1076, 1080, 1084, 1088, 1092, 1096, 1100, 1104, 1108, 1112, 1116, 1120, 1124, 1128, 1132, 1136, 1140, 1144, 1148, 1152, 1156, 1160, 1164, 1168, 1172, 1176, 1180, 1184, 1188, 1192, 1196, 1200, 1204, 1208, 1212, 1216, 1220, 1224, 1228, 1232, 1236, 1240, 1244, 1248, 1252, 1256, 1260, 1264, 1268, 1272, 1276, 1280, 1284, 1288, 1292, 1296, 1300, 1304, 1308, 1312, 1316, 1320, 1324, 1328, 1332, 1336, 1340, 1344, 1348, 1352, 1356, 1360, 1364, 1368, 1372, 1376, 1380, 1384, 1388, 1392, 1396, 1400, 1404, 1408, 1412, 1416, 1420, 1424, 1428, 1432, 1436, 1440, 1444, 1448, 1452, 1456, 1460, 1464, 1468, 1472, 1476, 1480, 1484, 1488, 1492, 1496, 1500, 1504, 1508, 1512, 1516, 1520, 1524, 1528, 1532, 1536, 1540, 1544, 1548, 1552, 1556, 1560, 1564, 1568, 1572, 1576, 1580, 1584, 1588, 1592, 1596, 1600, 1604, 1608, 1612, 1616, 1620, 1624, 1628, 1632, 1636, 1640, 1644, 1648, 1652, 1656, 1660, 1664, 1668, 1672, 1676, 1680, 1684, 1688, 1692, 1696, 1700, 1704, 1708, 1712, 1716, 1720, 1724, 1728, 1732, 1736, 1740, 1744, 1748, 1752, 1756, 1760, 1764, 1768, 1772, 1776, 1780, 1784, 1788, 1792, 1796, 1800, 1804, 1808, 1812, 1816, 1820, 1824, 1828, 1832, 1836, 1840, 1844, 1848, 1852, 1856, 1860, 1864, 1868, 1872, 1876, 1880, 1884, 1888, 1892, 1896, 1900, 1904, 1908, 1912, 1916, 1920, 1924, 1928, 1932, 1936, 1940, 1944, 1948, 1952, 1956, 1960, 1964, 1968, 1972, 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, 2008, 2012, 2016, 2020, 2024, 2028, 2032, 2036, 2040, 2044, 2048, 2052, 2056, 2060, 2064, 2068, 2072, 2076, 2080, 2084, 2088, 2092, 2096, 2100, 2104, 2108, 2112, 2116, 2120, 2124, 2128, 2132, 2136, 2140, 2144, 2148, 2152, 2156, 2160, 2164, 2168, 2172, 2176, 2180, 2184, 2188, 2192, 2196, 2200, 2204, 2208, 2212, 2216, 2220, 2224, 2228, 2232, 2236, 2240, 2244, 2248, 2252, 2256, 2260, 2264, 2268, 2272, 2276, 2280, 2284, 2288, 2292, 2296, 2300, 2304, 2308, 2312, 2316, 2320, 2324, 2328, 2332, 2336, 2340, 2344, 2348, 2352, 2356, 2360, 2364, 2368, 2372, 2376, 2380, 2384, 2388, 2392, 2396, 2400, 2404, 2408, 2412, 2416, 2420, 2424, 2428, 2432, 2436, 2440, 2444, 2448, 2452, 2456, 2460, 2464, 2468, 2472, 2476, 2480, 2484, 2488, 2492, 2496, 2500, 2504, 2508, 2512, 2516, 2520, 2524, 2528, 2532, 2536, 2540, 2544, 2548, 2552, 2556, 2560, 2564, 2568, 2572, 2576, 2580, 2584, 2588, 2592, 2596, 2600, 2604, 2608, 2612, 2616, 2620, 2624, 2628, 2632, 2636, 2640, 2644, 2648, 2652, 2656, 2660, 2664, 2668, 2672, 2676, 2680, 2684, 2688, 2692, 2696, 2700, 2704, 2708, 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2744, 2748, 2752, 2756, 2760, 2764, 2768, 2772, 2776, 2780, 2784, 2788, 2792, 2796, 2800, 2804, 2808, 2812, 2816, 2820, 2824, 2828, 2832, 2836, 2840, 2844, 2848, 2852, 2856, 2860, 2864, 2868, 2872, 2876, 2880, 2884, 2888, 2892, 2896, 2900, 2904, 2908, 2912, 2916, 2920, 2924, 2928, 2932, 2936, 2940, 2944, 2948, 2952, 2956, 2960, 2964, 2968, 2972, 2976, 2980, 2984, 2988, 2992, 2996, 3000, 3004, 3008, 3012, 3016, 3020, 3024, 3028, 3032, 3036, 3040, 3044, 3048, 3052, 3056, 3060, 3064, 3068, 3072, 3076, 3080, 3084, 3088, 3092, 3096, 3100, 3104, 3108, 3112, 3116, 3120, 3124, 3128, 3132, 3136, 3140, 3144, 3148, 3152, 3156, 3160, 3164, 3168, 3172, 3176, 3180, 3184, 3188, 3192, 3196, 3200, 3204, 3208, 3212, 3216, 3220, 3224, 3228, 3232, 3236, 3240, 3244, 3248, 3252, 3256, 3260, 3264, 3268, 3272, 3276, 3280, 3284, 3288, 3292, 3296, 3300, 3304, 3308, 3312, 3316, 3320, 3324, 3328, 3332, 3336, 3340, 3344, 3348, 3352, 3356, 3360, 3364, 3368, 3372, 3376, 3380, 3384, 3388, 3392, 3396, 3400, 3404, 3408, 3412, 3416, 3420, 3424, 3428, 3432, 3436, 3440, 3444, 3448, 3452, 3456, 3460, 3464, 3468, 3472, 3476, 3480, 3484, 3488, 3492, 3496, 3500, 3504, 3508, 3512, 3516, 3520, 3524, 3528, 3532, 3536, 3540, 3544, 3548, 3552, 3556, 3560, 3564, 3568, 3572, 3576, 3580, 3584, 3588, 3592, 3596, 3600, 3604, 3608, 3612, 3616, 3620, 3624, 3628, 3632, 3636, 3640, 3644, 3648, 3652, 3656, 3660, 3664, 3668, 3672, 3676, 3680, 3684, 3688, 3692, 3696, 3700, 3704, 3708, 3712, 3716, 3720, 3724, 3728, 3732, 3736, 3740, 3744, 3748, 3752, 3756, 3760, 3764, 3768, 3772, 3776, 3780, 3784, 3788, 3792, 3796, 3800, 3804, 3808, 3812, 3816, 3820, 3824, 3828, 3832, 3836, 3840, 3844, 3848, 3852, 3856, 3860, 3864, 3868, 3872, 3876, 3880, 3884, 3888, 3892, 3896, 3900, 3904, 3908, 3912, 3916, 3920, 3924, 3928, 3932, 3936, 3940, 3944, 3948, 3952, 3956, 3960, 3964, 3968, 3972, 3976, 3980, 3984, 3988, 3992, 3996, 4000, 4004, 4008, 4012, 4016, 4020, 4024, 4028, 4032, 4036, 4040, 4044, 4048, 4052, 4056, 4060, 4064, 4068, 4072, 4076, 4080, 4084, 4088, 4092, 4096, 4100, 4104, 4108, 4112, 4116, 4120, 4124, 4128, 4132, 4136, 4140, 4144, 4148, 4152, 4156, 4160, 4164, 4168, 4172, 4176, 4180, 4184, 4188, 4192, 4196, 4200, 4204, 4208, 4212, 4216, 4220, 4224, 4228, 4232, 4236, 4240, 4244, 4248, 4252, 4256, 4260, 4264, 4268, 4272, 4276, 4280, 4284, 4288, 4292, 4296, 4300, 4304, 4308, 4312, 4316, 4320, 4324, 4328, 4332, 4336, 4340, 4344, 4348, 4352, 4356, 4360, 4364, 4368, 4372, 4376, 4380, 4384, 4388, 4392, 4396, 4400, 4404, 4408, 4412, 4416, 4420, 4424, 4428, 4432, 4436, 4440, 4444, 4448, 4452, 4456, 4460, 4464, 4468, 4472, 4476, 4480, 4484, 4488, 4492, 4496, 4500, 4504, 4508, 4512, 4516, 4520, 4524, 4528, 4532, 4536, 4540, 4544, 4548, 4552, 4556, 4560, 4564, 4568, 4572, 4576, 4580, 4584, 4588, 4592, 4596, 4600, 4604, 4608, 4612, 4616, 4620, 4624, 4628, 4632, 4636, 4640, 4644, 4648, 4652, 4656, 4660, 4664, 4668, 4672, 4676, 4680, 4684, 4688, 4692, 4696, 4700, 4704, 4708, 4712, 4716, 4720, 4724, 4728, 4732, 4736, 4740, 4744, 4748, 4752, 4756, 4760, 4764, 4768, 4772, 4776, 4780, 4784, 4788, 4792, 4796, 4800, 4804, 4808, 4812, 4816, 4820, 4824, 4828, 4832, 4836, 4840, 4844, 4848, 4852, 4856, 4860, 4864, 4868, 4872, 4876, 4880, 4884, 4888, 4892, 4896, 4900, 4904, 4908, 4912, 4916, 4920, 4924, 4928, 4932, 4936, 4940, 4944, 4948, 4952, 4956, 4960, 4964, 4968, 4972, 4976, 4980, 4984, 4988, 4992, 4996, 5000, 5004, 5008, 5012, 5016, 5020, 5024, 5028, 5032, 5036, 5040, 5044, 5048, 5052, 5056, 5060, 5064, 5068, 5072, 5076, 5080, 5084, 5088, 5092, 5096, 5100, 5104, 5108, 5112, 5116, 5120, 5124, 5128, 5132, 5136, 5140, 5144, 5148, 5152, 5156, 5160, 5164, 5168, 5172, 5176, 5180, 5184, 5188, 5192, 5196, 5200, 5204, 5208, 5212, 5216, 5220, 5224, 5228, 5232, 5236, 5240, 5244, 5248, 5252, 5256, 5260, 5264, 5268, 5272, 5276, 5280, 5284, 5288, 5292, 5296, 5300, 5304, 5308, 5312, 5316, 5320, 5324, 5328, 5332, 5336, 5340, 5344, 5348, 5352, 5356, 5360, 5364, 5368, 5372, 5376, 5380, 5384, 5388, 5392, 5396, 5400, 5404, 5408, 5412, 5416, 5420, 5424, 5428, 5432, 5436, 5440, 5444, 5448, 5452, 5456, 5460, 5464, 5468, 5472, 5476, 5480, 5484, 5488, 5492, 5496, 5500, 5504, 5508, 5512, 5516, 5520, 5524, 5528, 5532, 5536, 5540, 5544, 5548, 5552, 5556, 5560, 5564, 5568, 5572, 5576, 5580, 5584, 5588, 5592, 5596, 5600, 5604, 5608, 5612, 5616, 5620, 5624, 5628, 5632, 5636, 5640, 5644, 5648, 5652, 5656, 5660, 5664, 5668, 5672, 5676, 5680, 5684, 5688, 5692, 5696, 5700, 5704, 5708, 5712, 5716, 5720, 5724, 5728, 5732, 5736, 5740, 5744, 5748, 5752, 5756, 5760, 5764, 5768, 5772, 5776, 5780, 5784, 5788, 5792, 5796, 5800, 5804, 5808, 5812, 5816, 5820, 5824, 5828, 5832, 5836, 5840, 5844, 5848, 5852, 5856, 5860, 5864, 5868, 5872, 5876, 5880, 5884, 5888, 5892, 5896, 5900, 5904, 5908, 5912, 5916, 5920, 5924, 5928, 5932, 5936, 5940, 5944, 5948, 5952, 5956, 5960, 5964, 5968, 5972, 5976, 5980, 5984, 5988, 5992, 5996, 6000, 6004, 6008, 6012, 6016, 6020, 6024, 6028, 6032, 6036, 6040, 6044, 6048, 6052, 6056, 6060, 6064, 6068, 6072, 6076, 6080, 6084, 6088, 6092, 6096, 6100, 6104, 6108, 6112, 6116, 6120, 6124, 6128, 6132, 6136, 6140, 6144, 6148, 6152, 6156, 6160, 6164, 6168, 6172, 6176, 6180, 6184, 6188, 6192, 6196, 6200, 6204, 6208, 6212, 6216, 6220, 6224, 6228, 6232, 6236, 6240, 6244, 6248, 6252, 6256, 6260, 6264, 6268, 6272, 6276, 6280, 6284, 6288, 6292, 6296, 6300, 6304, 6308, 6312, 6316, 6320, 6324, 6328, 6332, 6336, 6340, 6344, 6348, 6352, 6356, 6360, 6364, 6368, 6372, 6376, 6380, 6384, 6388, 6392, 6396, 6400, 6404, 6408, 6412, 6416, 6420, 6424, 6428, 6432, 6436, 6440, 6444, 6448, 6452, 6456, 6460, 6464, 6468, 6472, 6476, 6480, 6484, 6488, 6492, 6496, 6500, 6504, 6508, 6512, 6516, 6520, 6524, 6528, 6532, 6536, 6540, 6544, 6548, 6552, 6556, 6560, 6564, 6568, 6572, 6576, 6580, 6584, 6588, 6592, 6596, 6600, 6604, 6608, 6612, 6616, 6620, 6624, 6628, 6632, 6636, 6640, 6644, 6648, 6652, 6656, 6660, 6664, 6668, 6672, 6676, 6680, 6684, 6688, 6692, 6696, 6700, 6704, 6708, 6712, 6716, 6720, 6724, 6728, 6732, 6736, 6740, 6744, 6748, 6752, 6756, 6760, 6764, 6768, 6772, 6776, 6780, 6784, 6788, 6792, 6796, 6800, 6804, 6808, 6812, 6816, 6820, 6824, 6828, 6832, 6836, 6840, 6844, 6848, 6852, 6856, 6860, 6864, 6868, 6872, 6876, 6880, 6884, 6888, 6892, 6896, 6900, 6904, 6908, 6912, 6916, 6920, 6924, 6928, 6932, 6936, 6940, 6944, 6948, 6952, 6956, 6960, 6964, 6968, 6972, 6976, 6980, 6984, 6988, 6992, 6996, 7000, 7004, 7008, 7012, 7016, 7020, 7024, 7028, 7032, 7036, 7040, 7044, 7048, 7052, 7056, 7060, 7064, 7068, 7072, 7076, 7080, 7084, 7088, 7092, 7096, 7100, 7104, 7108, 7112, 7116, 7120, 7124, 7128, 7132, 7136, 7140, 7144, 7148, 7152, 7156, 7160, 7164, 7168, 7172, 7176, 7180, 7184, 7188, 7192, 7196, 7200, 7204, 7208, 7212, 7216, 7220, 7224, 7228, 7232, 7236, 7240, 7244, 7248, 7252, 7256, 7260, 7264, 7268, 7272, 7276, 7280, 7284, 7288, 7292, 7296, 7300, 7304, 7308, 7312, 7316, 7320, 7324, 7328, 7332, 7336, 7340, 7344, 7348, 7352, 7356, 7360, 7364, 7368, 7372, 7376, 7380, 7384, 7388, 7392, 7396, 7400, 7404, 7408, 7412, 7416, 7420, 7424, 7428, 7432, 7436, 7440, 7444, 7448, 7452, 7456, 7460, 7464, 7468, 7472, 7476, 7480, 7484, 7488, 7492, 7496, 7500, 7504, 7508, 7512, 7516, 7520, 7524, 7528, 7532, 7536, 7540, 7544, 7548, 7552, 7556, 7560, 7564, 7568, 7572, 7576, 7580, 7584, 7588, 7592, 7596, 7600, 7604, 7608, 7612, 7616, 7620, 7624, 7628, 7632, 7636, 7640, 7644, 7648, 7652, 7656, 7660, 7664, 7668, 7672, 7676, 7680, 7684, 7688, 7692, 7696, 7700, 7704, 7708, 7712, 7716, 7720, 7724, 7728, 7732, 7736, 7740, 7744, 7748, 7752, 7756, 7760, 7764, 7768, 7772, 7776, 7780, 7784, 7788, 7792, 7796, 7800, 7804, 7808, 7812, 7816, 7820, 7824, 7828, 7832, 7836, 7840, 7844, 7848, 7852, 7856, 7860, 7864, 7868, 7872, 7876, 7880, 7884, 7888, 7892, 7896, 7900, 7904, 7908, 7912, 7916, 7920, 7924, 7928, 7932, 7936, 7940, 7944, 7948, 7952, 7956, 7960, 7964, 7968, 7972, 7976, 7980, 7984, 7988, 7992, 7996, 8000, 8004, 8008, 8012, 8016, 8020, 8024, 8028, 8032, 8036, 8040, 8044, 8048, 8052, 8056, 8060, 8064, 8068, 8072, 8076, 8080, 8084, 8088, 8092, 8096, 8100, 8104, 8108, 8112, 8116, 8120, 8124, 8128, 8132, 8136, 8140, 8144, 8148, 8152, 8156, 8160, 8164, 8168, 8172, 8176, 8180, 8184, 8188, 8192, 8196, 8200, 8204, 8208, 8212, 8216, 8220, 8224, 8228, 8232, 8236, 8240, 8244, 8248, 8252, 8256, 8260, 8264, 8268, 8272, 8276, 8280, 8284, 8288, 8292, 8296, 8300, 8304, 8308

Acetaminophen-Associated Syndrome (AAS)—A potentially fatal syndrome recently referred to in *JGIM* has been reported in associations with administration of acetaminophen. Clinical features include hypotension, tachycardia, or antipyretic drugs, including acetaminophen, have been associated with hypotension, muscle rigidity, altered mental status, and evidence of acid instability (irregular pulse or blood pressure, diaphoresis, dysrhythmias). Additional signs may include elevated creatinine phosphokinase (CK) levels (rhabdomyolysis), elevated serum lactate, and coagulopathy.

The diagnostic evaluation of patients with this syndrome is complicated, arriving at a diagnosis. It is important to exclude cases where the presentation includes both serious medical illness (e.g., pneumonia, sepsis, infection, etc.) and untreated or inadequately treated extrapyramidal signs.

The management of NMS should include: 1) immediate discontinuation

antipsychotic drugs and other drugs not essential to concerned patients. The authors should be encouraged to consider the use of any concomitant serious medical procedure for which specific pharmacologic treatment is available. There is no pharmacologic agreement about specific pharmacologic treatment for tardive dyskinesia.

If after receiving from NIAK, a patient requires treatment with a drug that should be considered contraindicated, the physician should be alerted to the risk of a possible exacerbation of the tardive dyskinesia.

Tardive Dyskinesia—A syndrome of pathologically abnormal involuntary movements of the body that is attributed to recurrent or continuous use of antipsychotic drugs. Although the presence of the syndrome appears to be highest among elderly patients, it may occur in patients of any age. The syndrome is difficult to predict, as the exception of antipsychotic treatment, which patients are taking to develop the syndrome. Whether antipsychotic drug products are the cause of the syndrome is likely to be a matter of controversy.

The risk of developing tardive dyskinesia and the likelihood that it will be irreversible are increased in patients with a history of prolonged use of antipsychotic drugs administered to the patient. The extent of the syndrome is also increased in patients with a history of tardive dyskinesia. However, the syndrome can develop, although much less commonly, after patients have been treated with antipsychotic drugs for a short period of time.

It is not known whether treatment of tardive dyskinesia, as well as the syndrome, may result, partially or completely, if antipsychotic treatment is withdrawn. Antipsychotic treatment itself, however, may support or prolong the syndrome. The use of antipsychotic drugs should be discontinued if the syndrome is found to be present. The effect of symptomatic suppression has not been studied. The long-term course of the syndrome is uncertain.

References: 1. *Journal of Clinical Psychopharmacology* 1984;4:1-10. SYMABAY-treated patients. Inquiries. The main focus on the Abnormal Involuntary Movement Scale (AIMS) is on the use of antipsychotic drugs.

[illegible]

PRECAUTIONS: General—Concomitant use of Olazepam and Fluoxetine may increase the risk of bleeding. SYMBAX contains the same active ingredients that are found in Xanax (alprazolam) and in Prozac (fluoxetine). Olazepam (Xanax) and Tylenol (acetaminophen) are also found in Tylenol with Xanax (acetaminophen and alprazolam) and in Prozac, Prozac Weekly, and Xanax (fluoxetine HCl). Caution should be exercised when prescribing these medications concomitantly with SYMBAX.

Warnings: Concomitant use of SYMBAX and alcohol has caused reports of bleeding episodes in patients treated with psychotropic drugs that interact with serotonin reuptake. Subsequent epidemiological studies, both case-control and cohort design, have demonstrated an association between the use of psychotropic drugs that interfere with serotonin reuptake and the occurrence of gastrointestinal bleeding. However, the association between the use of SYMBAX and gastrointestinal bleeding has not been established. Concomitant use of SYMBAX with aspirin, nonsteroidal anti-inflammatory drugs (NSAIDs), or anticoagulants may increase the risk of bleeding. **DRUG INTERACTIONS:** Although these studies focused on upper gastrointestinal bleeding, there is reason to believe that bleeding at other sites may be seen. Patients should be cautioned regarding the risk of bleeding associated with the concomitant use of SYMBAX with NSAIDs, aspirin, or other drugs that affect coagulation.

Mania/Hypomania—In the two controlled bipolar depression studies there was no statistically significant difference in the incidence of manic events (i.e., reaction or manic depressive reaction) between SYMBAX and placebo-treated patients. In one of the studies, the incidence of manic events was 7% (34/518) in SYMBAX-treated patients compared to 3% (5/184) in placebo-treated patients. In the SYMBAX study, the incidence of manic events was 2% (24/1143) in SYMBAX-treated patients compared to 1% (15/1503) in placebo-treated patients. In the controlled trial of SYMBAX in the treatment of bipolar depression, manic events were not observed. The incidence of SYMBAX in the treatment of bipolar depression makes it difficult to interpret these findings until additional data are obtained. Because of this and the cyclical nature of bipolar disorder, patients should be monitored closely for the development of symptoms of mania/hypomania during treatment with SYMBAX.

Body Temperature Regulation—Disruption of the body's ability to regulate

body temperature has been attributed to antipyretic drugs. Approximately 10% of patients may contribute to an elevation in core body temperature by exerting strenuous activity, exposure to heat, wearing coverings, or medication with anticholinergic activity, or being subject to heat stroke.

Cognitive and Motor Impairment—Cerebrotoxicity was a commonly reported event associated with SYMBAYX treatment, occurring at an incidence of 28% in patients receiving SYMBAYX with 11% in placebo patients. Some were tested to discontinue in 2 days (16/27) of patients in the premarketing clinical studies.

As with any CNS-acting drug, SYMBAYX has the potential to impair judgment, reflexes, or motor skills. Patients should be cautioned about operating hazardous machinery or driving a motor vehicle, until they are reasonably certain that SYMBAYX therapy does not affect their performance.

Discontinuation of Treatment with SYMBAYX—During marketing surveillance, a component of SYMBAYX, and other SSRI's and SNRI's (serotonin and norepinephrine reuptake inhibitors), there have been spontaneous reports of adverse events associated with discontinuation of treatment.

absorb, including the following: dysphoric mood, irritability, agitation, dizziness, sensory disturbances (e.g., paresthesias such as electric shock sensations), anxiety, confusion, headache, lethargy, emotional lability, insomnia, and hypomania. While these events are generally self-limiting, there have been reports of a discontinuation syndrome. Patients should be monitored for these symptoms when discontinuing treatment with fluoxetine. A gradual reduction in the

rather than allow symptoms to be undercontrolled whenever possible. Treatment, then, has among the previously prescribed drugs may be used. However, the use of these drugs should be carefully monitored. Patients should be advised to avoid alcohol and other drugs that may increase the risk of bleeding. Patients should be advised to avoid alcohol and other drugs that may increase the risk of bleeding. Patients should be advised to avoid alcohol and other drugs that may increase the risk of bleeding.

[illegible]

Hypogonadism—hypogonadism has been observed in SVMXV rats, and the incidence of hypogonadism was significantly higher in the brominated styrene sodium sulfonate (BSS) group than in the control group (Table 1). The incidence of hypogonadism was significantly higher in the BSS group than in the control group (Table 1). The incidence of hypogonadism was significantly higher in the BSS group than in the control group (Table 1).

Transamuse Elevations—As with clazapine, asymptomatic or mild hepatic transaminases [ALT (SGPT), AST (SGOT), and GGT (SGPT)] have been observed with SYMBAX in the SYMBAX phase I study. ALT (SGPT) elevations (23 times the upper limit of the normal range) were seen in 6.3% (7/109) of patients exposed to SYMBAX compared with 0.5% (2/384) of the placebo patients and 4.5% (25/560) of clazapine patients. The difference between SYMBAX and placebo was statistically significant. None of these 31 SYMBAX-treated patients experienced jaundice or transient elevations >200 IU/L.

elevations (33 times the upper limit of the normal range) significant elevations (24/43) of patients exposed to olanzapine compared with 0% (0 placebo patients). None of these patients experienced jaundice; patients, liver enzymes decreased toward normal despite continued use of olanzapine, and 2 others, enzymes decreased upon discontinuation of olanzapine. The patient with the highest elevation of ALT, who had previously been treated for hepatitis C, had persistent elevations for 4 months after discontinuation, and the other had follow-up to determine if enzymes normalized.

Within the larger olanzapine premarketing database of about 2400 patients, SGPT ≥ 60 IU/L, the incidence of SGPT elevation ≥ 20 IU/L (SGPT31). Again, none of these patients experienced jaundice, and all but 1 patient had follow-up to determine if enzymes that tended to normalize while olanzapine treatment was discontinued. In the 2500 patients in olanzapine clinical studies, approximately 13%

Caution should be exercised in patients with signs and symptoms of hepatic functional reserve, and in patients who are being treated with hepatotoxic drugs. Periodic assessment of transaminases is recommended.

Use in Patients with Concomitant Illnesses—Clinical experience with SYMBYAX in patients with concomitant systemic illnesses is limited (See PHARMACOLOGY, Renal Impairment and Hepatic Impairment). The precautions for the individual components may be applicable to SYMBYAX.

Orlistat exhibits *in vitro* muscarinic receptor affinity. In preliminary studies, SYMBYAX was associated with constipation, dry mouth, and all adverse events possibly related to cholinergic antagonism. Such adverse events not often the basis for study discontinuations; SYMBYAX should be used with caution in patients with clinically significant prostatic hyperplasia.

in the placebo group. In patients with a DSM-IV related psychosis (N=1184), the following treatment-related adverse events were reported: weight gain, significantly greater in the olanzapine-treated patients than in the placebo-treated patients (10% vs. 5%, respectively); abnormal gait, urinary incontinence, urinary retention, constipation, dry mouth and vision halos. The rate of side effects was similar in both groups. In patients with a DSM-IV related psychosis (N=1184), the following treatment-related adverse events were reported: weight gain, significantly greater in the olanzapine-treated patients than in the placebo-treated patients (10% vs. 5%, respectively); abnormal gait, urinary incontinence, urinary retention, constipation, dry mouth and vision halos. The rate of side effects was similar in both groups. In patients with a DSM-IV related psychosis (N=1184), the following treatment-related adverse events were reported: weight gain, significantly greater in the olanzapine-treated patients than in the placebo-treated patients (10% vs. 5%, respectively); abnormal gait, urinary incontinence, urinary retention, constipation, dry mouth and vision halos. The rate of side effects was similar in both groups.

with increasing treatment with nicotine. A gradual reduction in the

these diagnoses were excluded from clinical studies.

SYMBIAX® (citalopram and fluoxetine HCl capsules) PV 5418

Symptoms: Infants born to mothers with gestational diabetes mellitus (GDM) are at risk for hypoglycemia during the perinatal period.



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

FILED IN OPEN COURT

STATE OF ALASKA

Plaintiff,

v.

ELI LILLY AND COMPANY

Defendant

Date: 3-11-08

Clerk: MJD

Case no. 3AN-06-5630CIV

DEFENDANT ELI LILLY AND COMPANY'S
DEPOSITION COUNTER-DESIGNATIONS FOR TRIAL AND
OBJECTIONS TO PLAINTIFF STATE OF ALASKA'S
TRIAL DEPOSITION AND EXHIBIT DESIGNATIONS

Judge's Rulings

3/12/08

Mark Rind

Defendant Eli Lilly and Company ("Lilly") counter-designates for trial the following deposition transcript excerpts in response to Plaintiff State of Alaska's Trial Deposition Designations for Alan Breier, M.D. The highlighted excerpts are those that must be presented together with the State's affirmative designations to ensure proper context.

Start (Page:Line)	End (Page:Line)
26:21	28:12
95:6	95:23
96:5	96:8
96:11	97:11
97:14	98:12
98:15	98:16
98:19	100:20
112:3	112:10
122:1	122:17
137:18	139:5

✓

✓ include

✓

✓

✓

✓

✓

✓

✓

✓

✓

need not include
Lilly may include
as cross

include

Start (Page:Line)	End (Page:Line)
140:12	140:14
140:17	140:24
141:3	141:18
160:6	160:15
163:22	164:3
164:6	164:10
164:16	165:13
185:24	186:19
189:23	190:8
201:10	202:2
303:24	303:24
304:1	304:7
357:10	357:11
357:14	357:24
358:1	358:2
358:5	358:10
358:13	358:24
433:2	433:21
451:3	451:12
451:15	451:16
451:19	452:17
457:8	457:9
457:12	458:10

✓ } Cross - need
 ✓ } not include on chnl
 ✓ }

CROSS

✓ CROSS

✓ CROSS

✓ } CROSS
 ✓ }
 ✓ }
 ✓ }

✓ } CROSS
 ✓ }

Start (Page:Line)	End (Page:Line)
512:10	512:13
512:16	512:23
526:6	526:9
526:12	526:22

Lilly objects to the following pages and lines of Plaintiff State of Alaska's Trial

Deposition Designations for Alan Breier:

O = Overrule

S = Sustain

Start (Page:Line)	End (Page:Line)	Objection
54:9	64:18	Vague; ambiguous; foundation; prejudicial (Alaska R. Evid. 401, 402, 403, 611)
25:23	126:4	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
26:13	126:15	
67:15	168:2	Foundation; vague; misstates evidence (Alaska R. Evid. 401, 402, 403, 611)
92:10	192:19	Foundation; vague; personal knowledge (Alaska R. Evid. 401, 402, 403, 602, 611)
99:18	200:1	Compound question; hearsay (admit for notice) (Alaska R. Evid. 401, 402, 611, 802)
0:4	200:11	
1:3	201:10	Foundation; vague; personal knowledge (Alaska R. Evid. 401, 402, 403, 602, 611)
9:20	221:24	Exhibit itself hearsay; misstates evidence (Alaska R. Evid. 802, 611)
:24	282:23	Hearsay (Alaska R. Evid. 802)
:12	287:23	Hearsay; compound question (Alaska R. Evid. 401,

Start (Page:Line)	End (Page:Line)	Objection
		402, 611, 802)
290:13	291:4	Hearsay (Alaska R. Evid. 802)
294:1	294:7	Hearsay (Alaska R. Evid. 802)
295:13	296:8	Hearsay (Alaska R. Evid. 802)
312:8	312:20	Hearsay (Alaska R. Evid. 802)
338:17	339:8	Vague; foundation; compound question; argumentative (Alaska R. Evid. 401, 402, 403, 611)
343:20	344:6	Foundation; personal knowledge (Alaska R. Evid. 401, 402, 602)
347:9	347:15	Vague; foundation; personal knowledge (Alaska R. Evid. 401, 402, 403, 602, 611)
348:18	349:7	Misstates evidence (Alaska R. Evid. 611)
401:16	404:15	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
403:15	403:21	Personal knowledge; foundation (Alaska R. Evid. 401, 402, 602)
405:19	406:13	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
406:24	413:15	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
440:15	442:11	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action

Start (Page:Line)	End (Page:Line)	Objection
442:19	442:22	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
443:2	444:24	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
445:17	449:13	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
455:3	455:12	Vague; foundation (Alaska R. Evid. 401, 402, 403, 611)
511:8	512:2	Foundation; misstates evidence (Alaska R. Evid. 401, 402, 611); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude Evidence Relating to Defendant's Profits, Net Worth, and the Price of Zyprexa
515:24	516:6	Foundation; misstates evidence (Alaska R. Evid. 401, 402, 611); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude Evidence Relating to Defendant's Profits, Net Worth, and the Price of Zyprexa
518:16	519: 7	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
524:3	524:11	Asked and Answered (Alaska R. Evid. 611); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action
525:6	525: 13	Relevance (Alaska R. Evid. 401, 402, 403); Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign

Start (Page:Line)	End (Page:Line)	Objection
		Regulatory Action
525:14	526:5	Subject to Defendant Eli Lilly and Company's Motion in Limine to Exclude References to Foreign Regulatory Action

Lilly also objects to Plaintiff's exhibits for use during the testimony of Alan

Breier:

Plaintiff's Exhibit	Objection(s)
Zyprexa Plaintiff's Exhibit No 320	M.I.L. regarding Foreign Regulatory Actions M.I.L. regarding adverse events Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Hearsay (Alaska R. Evid. 801, 802)
Zyprexa Plaintiff's Exhibit No 1110	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal planning document regarding internal market research, marketplace perceptions, and planning for proposed sales representative communications Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No 1111	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: internal planning document regarding internal market research, marketplace perceptions, and planning for proposed sales representative communications Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No 1440	Hearsay; Agree to admit for notice
Zyprexa Plaintiff's Exhibit No 1453	Hearsay; Agree to Admit for Notice

OK for
notice
OK for
notice

Plaintiff's Exhibit	Objection(s)
Zyprexa Plaintiff's Exhibit No 1605	Not Relevant (Alaska R. Evid. 401, 402) Hearsay (Alaska R. Evid. 801, 802) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Not a Complete Document Foundation (Alaska R. Evid. 901)
Zyprexa Plaintiff's Exhibit No 4051	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: Internal briefing, labeling not discussed Foundation (Alaska R. Evid. 901)
Zyprexa Plaintiff's Exhibit No 4858	Agree to admit subject to M.I.L. regarding adverse events (hearsay - notice)
Zyprexa Plaintiff's Exhibit No 5565	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: Internal communication regarding proposed responses to anticipated questions in Germany. MIL re: Foreign Regulatory Actions Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No 7802	Not Relevant (Alaska R. Evid. 401, 402) Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Not a Complete Document Foundation (Alaska R. Evid. 901) Not Authenticated (Alaska R. Evid. 901, 902)
Zyprexa Plaintiff's Exhibit No 9281	Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403)
Zyprexa Plaintiff's Exhibit No 10017	Not Relevant (Alaska R. Evid. 401, 402) to Labeling Claims: Internal document discussing Lilly's foreign sales force M.I.L. regarding Foreign Regulatory Actions Prejudicial, Confusing, Waste of Time (Alaska R. Evid. 403) Foundation (Alaska R. Evid. 901)

Lilly reserves the right to object to these exhibits, and any others that may be introduced by Plaintiff, under the Alaska Rules of Evidence or any other applicable rule of law,

based on this Court's rulings or the purposes for which Plaintiff seeks to use the exhibits at trial.

Respectfully submitted,

LANE POWELL, PC

By: 

Brewster H. Jamieson
Lane Powell, PC
301 W. Northern Lights Boulevard
Suite 301
Anchorage, AK 99503-2648

Nina M. Gussack
Andrew Rogoff
Eric Rothschild
Pepper Hamilton LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000

Attorneys for Defendant
Eli Lilly and Company

Dated: March 11, 2008

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

FILED IN OPEN COURT

Date: 3-11-03

Clerk: MJD

STATE OF ALASKA,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

Case No. 3AN-06-5630 CIV

**DEFENDANT ELI LILLY AND COMPANY'S
MOTION FOR RECONSIDERATION OF RULINGS ON OBJECTIONS TO
AFFIRMATIVE DEPOSITION DESIGNATIONS OF
GARY TOLLEFSON, M.D.**

Defendant Eli Lilly and Company ("Lilly") respectfully requests that the Court reconsider its rulings regarding the admissibility of the following excerpt from the deposition of Gary Tollefson, M.D. This designation by the State reflect its allegations that Lilly engaged in off-label promotion—allegations which the Court has deemed irrelevant to, and beyond the scope of, any claim that State asserts. Consistent with the Court's rulings regarding other similar designated testimony in other depositions, Lilly's objections set forth below should be sustained. Relevant pages of the transcripts are attached.

Start (Page:Line)	End (Page:Line)	Objection
124:5	124:9	Relevance, vague; foundation; personal knowledge; (Alaska R. Evid. 401, 402, 403, 602, 611). Subject to ruling on
124:21	125:21	Motion for Summary Judgment: off label.

PEPPER HAMILTON LLP

Nina M. Gussack, admitted *pro hac vice*
George A. Lehner, admitted *pro hac vice*
John F. Brenner, admitted *pro hac vice*
3000 Two Logan Square
Philadelphia, PA 19103-2799
(215) 981-4618

LANE POWELL LLC

By: 

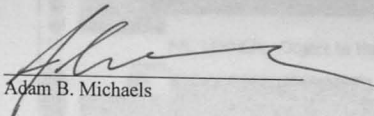
Brewster H. Jamieson,
ASBA No. 8411122
Andrea E. Girolamo-Welp,
ASBA No. 0211044

Attorneys for defendant Eli Lilly and
Company

Dated: March 10, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served via email upon counsel listed below, and by hand delivery and email upon Mary Beth Rivers, Room 532, Tower Two, Captain Cook Hotel.


Adam B. Michaels

Counsel List

Eric T. Sanders, Esquire
Feldman, Orlansky & Sanders
500 L. Street, Suite 400
Anchorage, AK 99501-5911

H. Blair Hahn, Esquire
Richardson, Patrick, Westbrook & Brickman, LLC
1037 Chuck Dawley Boulevard, Building A
Mount Pleasant, SC 29464-4190

Date: March 10, 2008

1 was spent on the drug; is this
2 MR. LEHNER: Object to
3 form.
4 A. Probably reflecting both.
5 But, specifically, the economics.

6 Q. Okay. And if I could direct
7 your attention to Page 16, there's a chart
8 on that page entitled, "Disease State
9 Prioritization." Is that correct?

10 A. Correct.
11 Q. And at this point in time in
12 1997, Zyprexa was only indicated for the
13 treatment of schizophrenia, correct?

14 MR. LEHNER: Object to the
15 form.

16 Q. That was the only currently
17 approved indication. We were
18 exploring additional ones at that time.

19 Q. The ones you were exploring
20 were those the ones listed in the box A on the
21 left-hand side?

22 A. I would indicate ones that
23 were candidates to be explored for a
24 higher priority to be explored for a new

1 Q. No, I'm not.
2 A. -- these are clinical
3 candidates.

4 Q. No, I'm not referring to that
5 at all. Did you become aware of efforts by
6 the sales force to promote Zyprexa for
7 treatment of depression and dementia
8 associated with -- pardon me -- dementia with
9 psychosis?

10 MR. LEHNER: Object to the
11 form.

12 A. No, I wasn't aware of that
13 because those were not approved indications.
14 There would be no reason to do that.

15 Q. If, in fact, Zyprexa was
16 promoted for depression and dementia, or any
17 other diseases that were not approved
18 indications, that would be wrong, correct?

19 MR. LEHNER: Object to the
20 form.

21 I think within the confines
22 of the Washington Legal Foundation action
23 that said if a company was pursuing an
24 indication and a physician were to prescribe it

1 Q. And those are listed
2 as depression, schizophrenia, depression with
3 psychosis, depression with psychotic
4 features, depression with psychotic
5 features, depression with psychotic
6 features, depression with psychotic
7 features, depression with psychotic
8 features, depression with psychotic
9 features, depression with psychotic
10 features, depression with psychotic
11 features, depression with psychotic
12 features, depression with psychotic
13 features, depression with psychotic
14 features, depression with psychotic
15 features, depression with psychotic
16 features, depression with psychotic
17 features, depression with psychotic
18 features, depression with psychotic
19 features, depression with psychotic
20 features, depression with psychotic
21 features, depression with psychotic
22 features, depression with psychotic
23 features, depression with psychotic
24 features, depression with psychotic

18 Q. Okay. Did you become aware
19 of efforts to promote Zyprexa to physicians
20 for dementia and depression?

21 MR. LEHNER: Object to the
22 form.

23 A. If you're referring to the
24 disease state prioritization table here --

1 have interest that there could
2 have been reviewed materials could be there, in
3 that context I believe it was reasonable
4 outside of the Washington Legal Foundation action
5 that said if a company was pursuing an
6 indication and a physician were to prescribe it

7 Q. If a physician were to prescribe
8 Zyprexa without a valid indication, that
9 would be wrong, correct?

10 A. I would indicate ones that
11 were candidates to be explored for a
12 higher priority to be explored for a new

13 Q. And those are listed
14 as depression, schizophrenia, depression with
15 psychosis, depression with psychotic
16 features, depression with psychotic
17 features, depression with psychotic
18 features, depression with psychotic
19 features, depression with psychotic
20 features, depression with psychotic
21 features, depression with psychotic
22 features, depression with psychotic
23 features, depression with psychotic
24 features, depression with psychotic

1 was spent on the other.
2 MR. LEHNER: [REDACTED]
3 form.
4 A. Probably reflecting both.
5 But, specifically, the economics.

6 Q. Okay. And if I could direct
7 your attention to Page 18, there's a chart
8 on that page entitled, "Disease State
9 Prioritization." Is that correct?
10 A. Correct.
11 Q. And at this point in time in
12 2007, Zyprexa was only indicated for the
13 treatment of schizophrenia, correct?

14 MR. LEHNER: Object to the
15 form.

16 Q. That was the only currently
17 then approved indication. We were
18 exploring additional ones at that time.
19 The ones you were exploring
20 were the ones listed in the box A on the
21 attached slide.
22 Q. That would indicate ones that
23 were candidates to be explored for a
24 higher priority to be explored for a new

1 Q. No, I'm not.
2 A. -- these are clinical
3 candidates.

4 Q. No, I'm not referring to that
5 at all. Did you become aware of efforts by
6 the sales force to promote Zyprexa for
7 treatment of depression and dementia
8 associated with -- pardon me -- dementia with
9 psychosis?

10 MR. LEHNER: Object to the
11 form.

12 A. No, I wasn't aware of that
13 because those were not approved indications.
14 There would be no reason to do that.
15 Q. If, in fact, Zyprexa was
16 promoted for depression and dementia, or any
17 other diseases that were not approved
18 indications, that would be wrong, correct?

19 MR. LEHNER: Object to the
20 form.

21 Q. I think within the confines
22 of the Washington Legal Foundation opinion
23 that said if a company was pursuing an
24 indication and a physician were to inquire of

1 indication.
2 Q. Okay. And these as listed
3 were bipolar disorder, dementia with
4 psychosis, depression with psychotic
5 features, dysthymia, PD with
6 treatment-associated psychosis,
7 schizoaffective schizophrenia, and unipolar
8 depression, correct?
9 A. Correct.
10 Q. What's dysthymia?
11 A. It's a chronic low-grade
12 depression that's not of sufficient severity
13 to be called a major depression. So it's
14 low-grade depression that tends to be
15 chronic.

16 Q. And what's PD?
17 A. That's Parkinson's disease.
18 Q. Okay. Did you become aware
19 of efforts to promote Zyprexa to physicians
20 for dementia and depression?

21 MR. LEHNER: Object to the
22 form.

23 A. If you're referring to the
24 disease state prioritization table here --

1 have indicated that there could
2 have been reviewed materials that were
3 in that context. I have not seen them.
4 Outside of the information that was
5 provided to me, I am not aware of any
6 physician and that is why I am not
7 aware of any efforts to promote Zyprexa
8 for dementia and depression.
9 Q. Did you become aware of any
10 efforts to promote Zyprexa to physicians
11 for dementia and depression?
12 A. No, I did not.
13 Q. Did you become aware of any
14 efforts to promote Zyprexa to physicians
15 for dementia and depression?
16 A. No, I did not.
17 Q. Did you become aware of any
18 efforts to promote Zyprexa to physicians
19 for dementia and depression?
20 A. No, I did not.
21 Q. Did you become aware of any
22 efforts to promote Zyprexa to physicians
23 for dementia and depression?
24 A. No, I did not.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

FILED IN OPEN COURT

STATE OF ALASKA,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

Date: 3-11-08

Clerk: MFL

Case No. 3AN-06-5630 CIV

**DEFENDANT ELI LILLY AND COMPANY'S
MOTION FOR RECONSIDERATION OF RULINGS ON OBJECTIONS TO
AFFIRMATIVE DEPOSITION DESIGNATIONS OF
JACK JORDAN**

Defendant Eli Lilly and Company ("Lilly") respectfully requests that the Court reconsider its rulings regarding the admissibility of the following excerpts from the depositions of Jack Jordan. Each of these designations by the State embodies its allegations that Lilly engaged in off-label promotion – allegations which the Court has deemed irrelevant to, and beyond the scope of, any claim that State asserts.

Throughout the Zyprexa litigation, plaintiffs in proceedings in state and federal court, including the State and its counsel, have broadly characterized several different elements of Lilly's marketing strategy and tools as being off-label. The most pervasive allegations, and the ones infusing the testimony below, concern Lilly's marketing Zyprexa to primary care physicians. These allegations encompass topics including, but not limited to, Lilly's use of symptom-based promotion, its use of patient profiles (such as "Donna" and "Martha"), and its description of Zyprexa as a mood stabilizer.

Recognizing that testimony of this sort is inadmissible, the Court has sustained Lilly's objections to testimony on these topics in this and other deposition transcripts. *See e.g.*, Jordan Tr. at pp. 243:24 – 244:8 (examining Mr. Jordan on symptom-based promotion); Jordan Tr. at p. 339:6 – 339:11 (examining Mr. Jordan on whether Zyprexa was ever indicated for thought, mood, or behavioral disorders); Jordan Tr. at p. 343:2 – 343:8 (same); Bandick Tr. at p. 496:09 – 497:03 (examining Mr. Bandick on "Donna" patient profile"). Consistent with these rulings, the Court should sustain Lilly's objections to the excerpts below, each of which concerns these very same topics, characterized by the State as off-label.

Start (Page:Line)	End (Page:Line)	Objection
223:13	223:17	Relevance (testimony is, or is nothing more than a prelude to, off-label testimony).
223:22	223:24	Relevance (testimony is, or is nothing more than a prelude to, off-label testimony).
236:4	236:7	Relevance (testimony is, or is nothing more than a prelude to, off-label testimony).
301:20	302:2	Relevance (testimony is, or is nothing more than the introduction of a document concerning, off-label testimony).
306:1	306:7	Relevance (testimony is, or is nothing more than a prelude to, off-label testimony).
308:18	309:4	Relevance (testimony is off-label testimony).
309:5	309:10	Relevance (testimony is off-label testimony).
309:11	309:21	Relevance (testimony is off-label testimony).
374:24	375:7	Relevance (testimony is off-label testimony).
396:7	397:8	Relevance (testimony is off-label testimony).

Start (Page:Line)	End (Page:Line)	Objection
413:6	413:8	Relevance (testimony is off-label testimony).
421:05	421:13	Relevance (testimony is off-label testimony).
422:16	423:6	Relevance (testimony is off-label testimony).
436:14	436:22	Relevance (testimony is off-label testimony).
437:20	438:7	Relevance (testimony is off-label testimony).

Additionally, consistent with the Court's ruling sustaining Lilly's objection to Zyprexa MDL Plaintiffs' Exhibit No. 3872, the Court should sustain Lily's objections to the following excerpts, the sum and substance of which concern only this excluded document.

342:8	342:9	Relevance; Probative value outweighed by danger of unfair prejudice; Motion for Summary Judgment – Off-label marketing (Alaska R. Evid. 401, 402, 403)
342:11	342:15	Relevance; Probative value outweighed by danger of unfair prejudice; Argumentative; Motion for Summary Judgment – Off-label marketing (Alaska R. Evid. 401, 402, 403, 611)

PEPPER HAMILTON LLP

Nina M. Gussack, admitted *pro hac vice*
George A. Lehner, admitted *pro hac vice*
John F. Brenner, admitted *pro hac vice*
3000 Two Logan Square
Philadelphia, PA 19103-2799
(215) 981-4618

LANE POWELL LLC

By: 

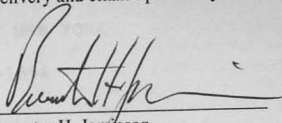
Brewster H. Jamieson,
ASBA No. 841122
Andrea E. Girolamo-Welp,
ASBA No. 0211044

Attorneys for defendant Eli Lilly and
Company

Dated: March 10, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served via email upon counsel listed below, and by hand delivery and email upon Mary Beth Rivers, Room 532, Tower Two, Captain Cook Hotel.


Brewster H. Jamieson

Counsel List

Eric T. Sanders, Esquire
Feldman, Orlansky & Sanders
500 L. Street, Suite 400
Anchorage, AK 99501-5911

H. Blair Hahn, Esquire
Richardson, Patrick, Westbrook & Brickman, LLC
1037 Chuck Dawley Boulevard, Building A
Mount Pleasant, SC 29464-4190

Date: March 8, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

IN RE: MDL-1596

ZYPREXA PRODUCTS

LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

C O N F I D E N T I A L

October 26, 2006

Videotape deposition of

JACK E. JORDAN

GOLKOW LITIGATION TECHNOLOGIES
1600 John F. Kennedy Boulevard
Suite 1210
Philadelphia, Pennsylvania 19103
(877) DEPS-USA

1 Lilly, the cover sheet, and then the article
2 would come from a journal.
3 Q. Anything else? Any other
4 written materials Eli Lilly could prepare for
5 its customers discussing off-label uses of
6 Zyprexa?
7 A. The medical letters were
8 written materials that, obviously, went out.
9 Q. Now those medical letters
10 could only be sent out in response to a
11 doctor's query, correct?
12 A. Yes. That is correct.
13 Q. Eli Lilly could not prepare
14 medical letters to send out affirmatively to
15 an audience or a group of doctors unless
16 those medical letters were on-label, correct?
17 MR. GOLD: Objection as to
18 form.
19 A. Yeah. Yeah. Correct.
20 Q. Okay. Besides the cover
21 sheet to a medical article, is there
22 anything, any other -- and the medical
23 letters in response to doctors' inquiries,
24 are there any other written documents that

1 Q. And those two diagnoses,
2 schizophrenia and bipolar mania, were the two
3 labeled indication diagnoses for Zyprexa that
4 were indicated in the label; is that correct?
5 MR. GOLD: Objection as to
6 form.
7 A. During the time frame after
8 the -- yeah, from March of 2000 on, yes.
9 Q. Okay. From March of 2000 on,
10 the diagnoses, and the only indications in
11 the label for Zyprexa, were the diagnosis of
12 schizophrenia and the diagnosis of bipolar
13 mania, correct?
14 A. There was the combination
15 indication as part of bipolar mania. So that
16 was, I mean, if you look in the label, it's
17 the third indication.
18 Q. Bipolar mania.
19 A. Yes. Combination use, yes.
20 Q. My question to you here, sir,
21 is Eli Lilly during the time -- all these
22 questions until I tell you otherwise are
23 during the time you were either Marketing
24 Director or Brand Leader. Okay? Do you

1 Eli Lilly can prepare and disseminate to its
2 customers concerning off-label uses?
3 MR. GOLD: Objection as to
4 form.
5 A. Right off the top of my head
6 I can't think of any others.
7 Q. Thank you, sir.
8 I've lost it. I apologize.
9 Here it is.
10 I'm going to ask you a series
11 of questions, sir, it's going to be the same
12 question about various --
13 Let me, before I do that, let
14 me ask this: The on-label indication of
15 schizophrenia is a diagnosis, is it not?
16 Schizophrenia is a diagnosis?
17 A. It is, yes.
18 Q. It is a defined disease; is
19 it not?
20 A. I'm not a medical doctor but
21 I've always interpreted it that way, yes.
22 Okay. Bipolar mania is a
23 diagnosis, is it not?
24 A. Yes, it is, yes.

1 follow me?
2 A. Yes.
3 Q. During that time period, did
4 Eli Lilly ever promote Zyprexa for anxiety?
5 A. That would have been a
6 symptom of bipolar mania and schizophrenia
7 so, but for an indication of anxiety, no.
8 Q. During the time you were a
9 Brand Leader, did Eli Lilly promote Zyprexa
10 for irritability?
11 A. That would be a symptom of
12 its approved indications but for an
13 indication variability no.
14 Q. Are you a doctor?
15 A. I am not, no.
16 Q. Do you know the symptoms of
17 schizophrenia?
18 A. Not all of them but some of
19 them.
20 Q. Okay. Mr. Fahey's a little
21 irritable today, does he have schizophrenia?
22 MR. GOLD: Objection. Direct
23 the witness not to answer the
24 question.

Page 234

1 not?

2 A. I have, yes.

3 Q. And I bet you've hit your
4 head before and also had a headache, correct?

5 A. I have, yes.

6 Q. So you could have a symptom
7 of a headache but the cause could be
8 different, correct?

9 A. Yes.

10 Q. Okay. So my question is:
11 Did Eli Lilly ever promote Zyprexa for
12 symptoms not caused by schizophrenia or
13 bipolar mania?14 MR. GOLD: Objection as to
15 form.16 A. No. How you communicate
17 diagnoses in mental health is a cluster of
18 symptoms that you get the diagnosis from, so,
19 no.20 Q. So no. Is your testimony --
21 is your testimony that Eli Lilly did not
22 promote Zyprexa for symptoms that were not
23 caused by the patient's schizophrenia or
24 bipolar mania?

Page 235

1 MR. FAHEY: Objection. Asked
2 and answered.

3 A. The answer's yes.

4 Q. What's a mood stabilizing
5 drug, sir?6 A. There are different classes
7 of drugs in the treatment of severe mental
8 health and antipsychotics are for
9 psychotic-related disorders, which,
10 ultimately, the FDA reclassified for
11 schizophrenia specifically.12 Mood stabilizers are a
13 general term used for mood disorders, of
14 which there are several classes, some are for
15 depression, some are for bipolar disorder, et
16 cetera. So it's just a general term.17 Q. Eli Lilly's Zyprexa was never
18 indicated for bipolar disorder, was it, sir?

19 A. No. No. Over time --

20 Q. Just so the record --

21 MR. FAHEY: Let him finish
22 his answer.

23 Q. Go ahead, finish your answer.

24 A. Over time it was for

Page 236

1 different phases of bipolar disorder. But
2 mood stabilizer, again, is just a general
3 term that can cover a number of classes.4 Q. Yes, sir. Just so the record
5 is clear, Zyprexa was never indicated for
6 bipolar disorder, was it, sir?

7 A. No, it wasn't. No.

8 Q. It was only indicated for
9 bipolar mania only, correct, sir?10 MR. FAHEY: Objection.
11 Foundation.12 A. During the time I was there,
13 yes.14 Q. Okay. Now, back to my
15 question. Let me see if we can approach it a
16 different way if I need to. Was Zyprexa
17 approved by the FDA for anything other than
18 bipolar mania and schizophrenia?

19 THE WITNESS: During my time?

20 MR. ALLEN: Yes, sir.

21 A. Okay. So we're still on my
22 time.23 Besides the combination
24 therapy, no, it wasn't.

Page 237

1 Q. Okay. So the only two
2 FDA-approved indications during your entire
3 time were bipolar mania and schizophrenia,
4 right?5 MR. GOLD: Asked and answered
6 three times now.7 A. Well, there was maintenance
8 of schizophrenia, too, yes. So --9 Q. Either maintenance or acute
10 bipolar mania or schizophrenia are the only
11 two FDA-approved indications during your
12 time?13 MR. GOLD: Four times now,
14 asked and answered.15 MR. ALLEN: No, he keeps on
16 changing it.

17 A. Yes.

18 MR. FAHEY: No. You just
19 changed it. So objection to form.

20 QUESTIONS BY MR. ALLEN:

21 Q. Sir, your answer's yes?

22 A. It is yes.

23 Q. Thank you very much, sir.

24 Now, did the FDA ever approve

Zyprexa as a mood stabilizer?

A. Did they ever approve it as a mood stabilizer? No.

Q. Did Lilly ever promote Zyprexa as a mood stabilizer?

A. Yes.

Q. So Eli Lilly promoted Zyprexa as a mood stabilizer even though the FDA did not approve Zyprexa as a mood stabilizer, correct?

A. No. I mean, mood stabilizer is just a general term, a class of products of which bipolar mania drugs are a part of the class of mood stabilizers. So it's a class thing, it's not an indication thing, using your language from earlier.

Q. So it is your testimony that Zyprexa was in the class approved by the FDA of mood stabilizing drugs?

MR. GOLD: Misstates his testimony. Objection as to form.

Q. Is it your testimony that the FDA classified Zyprexa as a mood stabilizer?

A. They don't name classes of

drugs. They're involved in the indication business.

Q. Okay. So the FDA never approved Zyprexa as a mood stabilizer, did it?

A. The question doesn't make any sense because the FDA doesn't name classes of drugs. I mean, that's -- the field of psychiatry does.

Q. Okay. So let me ask this: Did you ever, you at Eli Lilly ever -- what's Depakote?

A. It's a mood stabilizer approved for bipolar mania.

Q. Is it approved for anything else?

A. I don't know what other indications it's got, I mean -- I think, epilepsy.

Q. What about lithium, what kind of drug is that?

A. It's a mood stabilizer used in bipolar disorder and I don't know what all the indications are.

Q. Okay. Did Eli Lilly ever promote -- Did Eli Lilly ever promote Zyprexa for thought disorders?

MR. ALLEN: I think I asked that -- let me strike that question.

QUESTIONS BY MR. ALLEN:

Q. Did Eli Lilly ever promote Zyprexa for the treatment of symptoms unrelated to schizophrenia or bipolar mania?

A. No. It was in the context of those disease states.

Q. Did Eli Lilly ever instruct its sales force when they went to doctor's offices to focus on symptoms and not diagnoses?

MR. GOLD: Objection as to form.

A. We focused on symptoms to discuss the diagnoses.

MR. ALLEN: Objection.

Nonresponsive.

MR. FAHEY: No, it's not.

Q. My only question --

MR. ALLEN: See, what we do

later is we fight before a judge.

MR. FAHEY: You don't have to put your statement it's not responsive on the record.

MR. ALLEN: It's required by the rule.

MR. FAHEY: No, it's not.

They're all reserved other than form.

MR. ALLEN: That's a form objection where I come from, nonresponsive. And your talking is not an objection. So you don't -- so when I object, if I object --

MR. FAHEY: You say it's not responsive. I say it is responsive.

MR. ALLEN: That's an argument that could be made before the court at a later date.

MR. FAHEY: And we will.

MR. ALLEN: Well, then you don't know need to --

MR. FAHEY: You're putting your position on the record, I'll

put mine.

MR. ALLEN: I have to.

MR. FAHEY: No, you don't. I'm saying you don't.

MR. ALLEN: So I don't -- okay.

MR. FAHEY: I'll give you a standing objection that every answer to every witness in the entire MDL, if you think it's nonresponsive later you can make that argument. You don't have to say it every time that somebody says something.

MR. ALLEN: You stipulate to that?

MR. FAHEY: Yes.

MR. ALLEN: And agree on behalf of Eli Lilly?

MR. FAHEY: Yes.

MR. ALLEN: All right.

Q. Now, sir --

MR. FAHEY: Which means you're never going to stay say it again. If you say it again then the

1 sales representatives to go to the doctors
2 and discuss symptoms and not diagnoses first,
3 is that correct?

4 A. Within the context of the
5 sales process, describing the patient up
6 front, we would talk about symptoms and then
7 get into indications when we shared the data
8 of the studies, yes.

9 Q. In fact, you told your sales
10 representatives to focus on symptoms and not
11 diagnoses, did you not?

12 MR. FAHEY: Objection to
13 form.

14 A. As part of the sales process,
15 what we learned from market research is that
16 primary care physicians thought symptoms
17 first, and so we would talk to them about
18 symptoms first but always move on to the
19 indications as you'll see in the studies.
20 I'm sure you have those documents.

21 MR. ALLEN: Objection.

22 Nonresponsive.

23 MR. FAHEY: Well, there goes
24 the deal. That's a shame. That

deal's off.

MR. ALLEN: He succeeded there. See, he distracted me. He's not going to do it the rest of the day. He's a talker.

Where was I?

QUESTIONS BY MR. ALLEN:

Q. Oh, symptoms. Did Eli Lilly ever instruct its sales representatives, either in writing or orally, to go to the doctor's office and discuss symptoms and not the diagnosis of schizophrenia or bipolar mania?

MR. GOLD: Objection as to form.

A. The -- I know when we did our primary care research the primary care docs, we learned that you talk about symptoms first and then get into indications when you share the studies. And so as part of the sales process, we would instruct them to talk about symptoms to engage the physician in the indication of bipolar mania.

Q. So you did instruct you

1 lasted about three minutes.

2 MR. ALLEN: I don't need the
3 deal.

4 QUESTIONS BY MR. ALLEN:

5 Q. Hey, Mr. Jordan, you, in
6 fact, at Eli Lilly, prior to the time you
7 launched the primary care physician market
8 knew there was not a specific indication for
9 Lilly representatives to promote in the
10 primary care market, didn't you, sir?

11 A. As I recall, the early
12 research was they weren't recognizing the
13 disease of bipolar mania in their offices.
14 It was there, but it was unrecognized.

15 MR. ALLEN: Objection, sir.

16 Q. My question to you is, you at
17 Eli Lilly knew prior to the primary care
18 physician launch that there was not a
19 specific indication for Lilly representatives
20 to promote in the primary care physician
21 market?

22 MR. GOLD: Objection as to
23 form.

24 MR. FAHEY: And asked and

MR. ALLEN: One for your lawyer.

MR. GOLD: Thank you.

QUESTIONS BY MR. ALLEN:

Q. Tell the jury how Jill Lake is.

MR. GOLD: Mr. Allen, give Mr. Jordan an opportunity to read the document.

QUESTIONS BY MR. ALLEN:

Q. Mr. Jordan, I'm not going to ask you about this entire document. I want to ask you about question seven and eight on Page 2.

MR. GOLD: I would like the witness to have an opportunity to read the entire document, otherwise the question you are asking might be out of context.

You presented him with the document. The question appears to be derived from the document. The witness is going to read the entire document before he answers any

Jordan an opportunity to read the document."

MR. ALLEN: How long was that?

THE REPORTER: That was at 1433, so 2:33 and now it is 1436.

MR. ALLEN: Okay. Four minutes.

QUESTIONS BY MR. ALLEN:

Q. Mr. Jordan, at Eli Lilly did you all have product knowledge conference calls?

A. Yeah. There were calls about various issues. That would be one of them, yes.

Q. Yes, sir. And one of the conference calls you all would have, you all called it the product knowledge conference call, did you not?

A. I'm not that familiar with that term. I guess we did have it, yes.

Q. Who's Jill Lake?

A. I do not know.

Q. Michael Bandick, at this time

questions.

MR. ALLEN: And I object to this proceeding.

MR. FAHEY: Just to remind Mr. Allen that Mr. Woodin, once again, confirmed the best approach would be to give the witness the documents before the deposition as recently as two days ago, but you chose not to do that, sir.

MR. ALLEN: Actually, that's not quite accurate but --

MR. FAHEY: You weren't on the call.

MR. ALLEN: I still say it's not quite accurate for reasons that you could not possibly know.

MR. FAHEY: Okay. Secret, secret issues.

THE WITNESS: Okay.

MR. ALLEN: How long was that?

THE REPORTER: Well, when Mr. Gold said, "Mr. Allen give Mr.

in December of 2000 worked for you in issues management, did he not, or Marketplace Management?

A. No. At that point he was, I believe he was the primary care manager.

Q. Okay, sir.

A. Working for me.

Q. Sir?

A. Working for me.

Q. Yes, Mr. Bandick was working for you.

MR. GOLD: Can you keep your voice up, Mr. Jordan.

THE WITNESS: I'm sorry.

QUESTIONS BY MR. ALLEN:

Q. Mr. Bandick and others on this e-mail were in the marketing department that worked for you; is that correct?

A. Yes.

Thank you, sir. This e-mail concerned a conference call of December the 9th, 2000, did it not? Hi Crew, wanted to give you a summary of the Zyprexa conference call that

going to tell
master there's no
an accurate
A man can't get
for a deposition, read 10,000
documents, and call you to consult
on it. And so we'll take that up
later.

MR. FAHEY: The redaction
issue in the documents have been
around --

QUESTIONS BY MR. ALLEN:

Q. Question and answer No. 5 are
not present, are they, sir?

MR. FAHEY: -- over two
and-a-half years, Mr. Allen.

QUESTIONS BY MR. ALLEN:

Q. Question and answer No. 5 are
not present, are they, sir.

MR. GOLD: Asked and
answered.

A. It is not, no.

Q. Question No. 7 is. What is
question seven?

Q. Is question and answer No. 5
redacted?

MR. GOLD: The document
speaks for itself. No. 5 is
redacted.

MR. ALLEN: Well, I'm
entitled also to cross-examine the
witness depending on the ruling on
it.

Q. Is question and answer No. 5
redacted, sir.

MR. FAHEY: Let me just
remind you that I made the offer
before this deposition if you had
questions about redactions you could
bring them up to me before the
deposition. The issue came up in
Ms. Mehlman's deposition. I said it
again there, which was less than a
week ago --

MR. ALLEN: No.

MR. FAHEY: -- and you chose
not to raise the issue until the
middle of the deposition so --

A. "Is Zyprexa indicated for
depression?"

Q. And the answer is what, sir?

A. It says, "Zyprexa is not
indicated for depression. We know Zyprexa
improves depressive symptoms in schizophrenic
patients" but need to think of it, "but need
to think of as a mood stabilizer."

Q. We need to think of it as a
mood stabilizer, is that correct? "It" is
not there but we need to think of it as a
mood stabilizer; is that correct?

A. Yes.

Q. It says, "Zyprexa is not
indicated for depression;" is that correct?

A. That's correct. It's not
indicated for depression.

Q. And that's accurate, is it
not?

A. That is accurate.

Q. Now schizophrenia is a
diagnosis. You've already told us that
earlier today, right?

A. It is, yes.

Page 306

1 [REDACTED] Now in this question and
2 answer document it says "What if the doctor
3 says," this is question No. 8 following
4 question seven, "what if the doctor says I
5 don't see those types of patients?" Do you
6 see that question?

7 A. I do.

8 Q. What is Eli Lilly's response
9 to question No. 8 where it says "what if the
10 doctor says I don't see those types of
11 patients?" Can you read out loud?

12 MR. GOLD: Mr. Allen, I'm
13 going to object to this line of
14 questioning. I don't think this
15 witness can tell you what Lilly
16 meant by answering this question.
17 Perhaps you should
18 interrogate the author of this
19 document who is indicated on the
20 first page of this exhibit.

21 I don't see how Mr. Jordan
22 can speak for what Eli Lilly meant
23 in answer to that question that
24 appears on this document. He'd be

Page 307

speculating and engaging in total
hypothetical conversation with you.

QUESTIONS BY MR. ALLEN:

Q. Sir, can you read out loud
the answer to the question reflected in
Exhibit No. 5, "what if the doctor says I
don't see those types of patients?" What is
the answer written on the piece of paper,
Exhibit No. 5?

MR. GOLD: I have no
objection to that. Go ahead.

THE WITNESS: In question
eight?

MR. ALLEN: Yes, sir.

A. Okay. "The doctor's thinking
that he does not see a schizophrenic or
bipolar patient."

Q. Let's stop there. The
doctor is thinking that he does not see
schizophrenic or bipolar patients; is that
right?

MR. GOLD: That's what it
says, Mr. Allen.

MR. ALLEN: Well, he read it

Page 308

1 so fast I want the record to be
2 clear.

3 QUESTIONS BY MR. ALLEN:

4 Q. Is that correct?

5 A. That is.

6 Q. Okay. Continue reading
7 slowly and distinctly so the jury can hear,
8 please.

9 MR. GOLD: Mr. Allen, when
10 you say "is that correct" do you
11 mean is that what the document says
12 or are you trying to get Mr. Jordan
13 to vouch for what Eli Lilly has
14 presented as the answer to that
15 question? He'll ratify the document
16 says what it says.

17 QUESTIONS BY MR. ALLEN:

18 Q. Okay, go ahead. The document
19 says: "The doctor's thinking that he does
20 not see schizophrenic or bipolar patients."

21 Continue with reading the
22 document, please, sir.

23 A. "But he probably does see
24 patients with symptoms of behavior, mood, and

Page 309

1 thought disturbances."

2 Q. Or thought disorders --
3 disturbances, right?

4 A. Yes.

5 Q. Is there a difference between
6 schizophrenic and bipolar patients and
7 patients with behavior, mood, or thought
8 disturbances?

9 A. There might or there might
10 not be.

11 Q. Okay. Continue reading the
12 answer to the question "what if the doctor
13 says I don't see those types of patients?"

14 A. "Need to focus on symptoms
15 and patient types of Martha, David, and
16 Christine. Even if the doctor does not have
17 diagnosis, he should treat anyway. He needs
18 to treat the symptoms until a patient can see
19 a psychiatrist. Ask him if he uses drugs
20 like Haldol or risperidol, and Zyprexa has
21 less side effects than either of them."

22 Q. Question 7 was: "Is Zyprexa
23 indicated for depression?" And the answer to
24 that question indicated in part that "Zyprexa

1 A. Not that I know of, no.
2 Q. Would it have been wrong for
3 them to do so?

4 A. No, it would not have been.

5 Q. Did Eli Lilly position
6 Zyprexa for behavioral disturbances?

7 A. Again, I don't know who "Eli
8 Lilly" is but not that I know.

9 Q. Did Eli Lilly position, to
10 your knowledge, Zyprexa for anxiety
11 disorders?

12 A. The reason why I'm struggling
13 is we had a lot of planning documents that
14 talked about positioning for a product that
15 doesn't go off until 2011. So it's really
16 hard to say what all plans went into which
17 indications.

18 Q. Was Zyprexa indicated for
19 thought, mood, and behavioral disorders ever?

20 A. No. Those are, actually,
21 general terms to talk about the various
22 indications we planned on having.

23 Q. Okay. So the term thought,
24 mood, and behavioral disorders were various

1 terms for indications you had planned on
2 having; is that correct?

3 A. It was an umbrella for
4 current indications as well as future
5 indications, yes.

6 Q. Wasn't thought, mood -- and
7 my question, back to my original question,
8 was Zyprexa ever indicated for thought, mood,
9 or behavioral disorders?

10 A. Those aren't indications, so,
11 obviously, not.

12 Q. And, therefore, it would be
13 wrong for Eli Lilly to promote Zyprexa for
14 thought, mood, or behavioral disorders, since
15 they are not indications?

16 A. Well, that's a different
17 question. It's not -- those are just general
18 terms that you can talk about with customers.
19 And then when you talk about the indication,
20 schizophrenia is a subset of thought
21 disorder. It's just a categorization. It's
22 not promoting for an indication.

23 Q. Wasn't -- why did you all
24 choose that term "thought, mood, and

1 behavioral disorders," was there a particular
2 reason you chose that term?

3 A. I don't recall any particular
4 reason, no.

5 Q. Wasn't the reason you chose
6 that term because you knew it was broad and
7 vague and it provided latitude for your sales
8 representatives to frame the discussion
9 around symptoms and behavior rather than
10 specific indications in the label?

11 MR. GOLD: Objection as to
12 form.

13 A. I don't recall that being the
14 case.

15 (Whereupon, Deposition
16 Exhibit(s) 8 duly received,
17 marked and made a part of the
18 record.)

19 MR. ALLEN: Okay, sir. I'm
20 going to hand you what's been marked
21 as Jordan Exhibit No. 8, a document
22 I'll provide to counsel. I'll hold
23 it up --

24 Are you refusing to hold this

1 up for the jury?

2 MR. GOLD: He's being
3 directed not to hold it up.

4 MR. ALLEN: Okay.
5 (Document displayed to
6 the jury)

7 MR. ALLEN: We were told --

8 MR. GOLD: Is this No. 7?

9 That would be eight. I'm sorry,
10 eight.

11 QUESTIONS BY MR. ALLEN:

12 Q. We asked for production in
13 this case, Mr. Jordan, and we were told by
14 your counsel in the production that this
15 document, Exhibit No. 8, came from your
16 files.

17 MR. FAHEY: His counsel
18 didn't tell him anything. We were
19 involved in the production.

20 QUESTIONS BY MR. ALLEN:

21 Q. It was represented by the
22 defense in this case that Exhibit No. 8 came
23 from your files. Do you recognize Exhibit
24 No. 8?

MR. GOLD: Well, it's two questions, sir. Did it come from his files is one question and, No. 2 is does he recognize the exhibit?

MR. ALLEN: No, sir, there's only one question.

QUESTIONS BY MR. ALLEN:

Q. Sir, do you recognize Exhibit No. 8 as coming from your files?

MR. GOLD: No objection.

A. I don't know if it did or didn't. My handwriting's there, so

Q. Yes, sir. That is your handwriting at the bottom, correct?

A. It is.

Q. Okay. You said in this -- is this a positioning document or a marketing document?

A. I'm not sure exactly what it is. I don't remember it.

Q. Well, if it's in your files it has to be marketing material, is it not?

A. It could be from the product team, long-term planning document. I'm just

question to you was, sir -- listen to my question.

QUESTIONS BY MR. ALLEN:

Q. Was Zyprexa, when you were Brand Leader and Marketing Director, ever approved for the indication for the treatment of the elderly, either in the long-term for dementia or Alzheimer's unrelated to schizophrenia or bipolar mania?

MR. GOLD: Objection as to form.

A. It was not. But we had extensive studies for longer term indications.

Q. Sir, do you remember the primary care physician launch in October of 2000?

A. I do.

Q. Were you intimately involved in that launch?

A. The person that reported to me, Mike Bendick, was responsible for the launch, yes.

Page 343

not sure.

Q. Okay, it says: "Zyprexa is an agent of choice to help patients with debilitating thought, mood, and behavioral disorders achieve the highest level of long-term functioning." Did I read that correctly?

A. You did.

Q. Under "Behaviors," do you see "elderly"?

A. I see it.

Q. Was Zyprexa ever indicated for the treatment of Alzheimer's, dementia, or long-term care in the elderly unrelated to schizophrenia or bipolar mania?

A. As I communicated with you earlier, a positioning is a long-term objective over the life of the molecule. And I don't see what the time frame is on this, but we had an extensive research program for indications for the elderly: Agitation, we had a cognition studies underway. So in the long-term, yes, we did have research going on for the elderly.

Page 345

Q. And so he had to report to you, so you had to approve his work, right?

A. Yeah. I had a good feel on what was going on, yes.

Q. You did not only have a good feel, you appeared at the launch, itself, and spoke to the audience in Orlando, Florida, correct?

A. I did.

Q. You were -- to suggest to this jury that you were anything but right on top of the launch and actively involved -- it was the biggest thing you did in your role as of that time, August of 2000, was the primary care physician launch, wasn't it?

MR. GOLD: Objection as to the form.

Q. Wasn't it the biggest thing you did with Zyprexa as of that time, as of October of 2000, was the primary care physician launch?

MR. GOLD: Objection as to form.

A. No, actually it was not.

87 (Pages 342 to 345)

position is with regard to a medical product such as Zyprexa? What a position is?

A. A position is, ultimately, how you want your customers to think about your product.

Q. Right. And the position listed in this document is "the safe, proven solution for mood, thought, and behavioral disorders;" is that correct?

A. That's how Mike wrote it in this document, yes.

Q. The very next sentence says, begins, "We will emphasize safety to address the barriers to adoption." Did I read that correctly?

A. You did.

Q. And when you say "will emphasize safety," that means we, in positioning the product for our customers, including the doctors, will emphasize to them that this product is safe, right?

A. As written in this document.

yes.

Q. Then going down under

position it says, "quote, mental disorders, dose quotes, is intentionally broad and vague providing latitude to frame the discussion around symptoms and behaviors rather than specific indications."

Did I read that correctly?

A. You did.

Q. And Mr. Bandick, the brand manager who was responsible for the primary are launch, stated that the position of mood, thought, and behavioral disorders was intentionally broad and vague, right?

A. In August of 2000, a few weeks on the job, he wrote this; however, in October of 2000, I was at the launch meeting, saw the message, it was on-label, made it through our medical group, regulatory group.

Again, I want to make sure we position this as a brainstorming document early in his, early in his tenure in this position.

MR. FAHEY: Sir --

I object to that as nonresponsive.

QUESTIONS BY MR. ALLEN:

Q. My point here is, sir, you said "I want to make sure I position this document as a brainstorm." Is there anywhere in this document that says it's a brainstorm or does it, specifically, say it's a Strategy and Implementation Overview?

A. It, actually does. If you read the first sentence of the implementation it says "market research, message development, medical support, and the creation of a training calendar is in progress."

So you're talking about a document where market research, message development, medical support, and the calendar hadn't even been put in place. So it's clearly a brainstorming document.

Q. And aren't mental disorders, excuse me, weren't mood, thought, and behavioral disorders the specific launch statement that was given for Viva Zyprexa -- mood, thought, and behavioral disorders?

A. Again, I don't recall the

specifics.

Q. Okay. We'll look at that in a minute. But in this document Mr. Bandick specifically says, though, "mental disorders is intentionally broad and vague to frame the latitude around symptoms and behavior rather than the specific indications." Is that correct?

A. But this is a point where market research, message development, medical support, and the creation of training isn't even done yet so I don't know what to do with that phrase. I don't know what he meant by it. We still have a lot of work to do before the launch meeting.

Q. Well, at the launch meeting by the time that was ready --

MR. ALLEN: Exhibit No. 12. (Whereupon, Deposition Exhibit(s) 12 duly received, marked and made a part of the record.)

THE WITNESS: Are we done with this?

have with it is that Bullet Point No. 3, this could be an executive summary of the first page of the detail piece. The first page of the detail piece connects with doctors on symptoms and then goes into bipolar disorder. So I don't know what this is an executive summary of.

Q. Yes, sir. The record will reflect at the time of trial what this is an executive summary of.

My question to you was only: Does the Executive Summary, Exhibit 13, third bullet point state: "Sales representatives having most success when their message centers on identifying patient types and treating symptoms instead of focusing on patient diagnosis?"

A. And our strategy on the message was up front to identify patient symptoms, ask the doctors if they had that cluster of symptoms at the patient level, and then share the data around the diagnosis.

So this could be, as much as I know, a summary of that first page of the

13-page document. Go ahead.

QUESTIONS BY MR. ALLEN:

Q. Okay, sir, are you on the last page of Exhibit 13 which is also Page 13?

A. I am.

Q. Of the Sales Rep and District Manager Topline Reaction to the Primary Care Physician Launch. Can you read for the jury out loud the first bullet point under Recommendations?

A. Now, I'm going to assume this is a summary, given, you haven't given it to me, of the first part of the detail piece where they talk about symptoms and then go on to diagnosis as part of the message which is what I saw trained. So in that context, "Continue focusing on patient symptomatology and having PCPs identify specific patients rather than on patient diagnosis."

Q. Let's see if I can read this a little slower for the jury. The first bullet point under Recommendations on the last page of Exhibit 13 reads as follows:

detail piece.

Q. Did I read the third bullet point correctly or not?

A. You did.

Q. Thank you, sir. Now I'm going to the last page of this document under Recommendations. You see the first bullet point under Recommendations on the last page of this document.

A. Page 13, I only have three pages so.

Q. It's the last page of this exhibit, sir.

A. I know.

Q. Sir, it's not your job to be a lawyer, it's just your job to answer the questions I present to you. Do you understand that?

MR. GOLD: Mr. Jordan is not attempting to be the lawyer. He's just trying to clarify the record that he has Page 13. And even though it is the last page of the exhibit it is not, certainly, not a

"Continue focusing on patient symptomatology and having primary care physicians identify specific patients rather than on patient diagnoses." Did I read that correctly?

A. You're reading's correct but I don't know, I don't know that it's represented correctly without seeing everything.

Q. Now remember you talked earlier about this altruistic motivation that you claim Lilly had when it introduced Zyprexa to the primary care physician market?

MR. GOLD: Objection as to form. And it doesn't totally characterize his testimony.

MR. ALLEN: Sir, is it -- let me rephrase the question. I don't think your lawyer had an objection he just had a speech.

MR. GOLD: It is an objection. Go ahead.

QUESTIONS BY MR. ALLEN:

Q. Okay. Sir, do you recall after the launch and periodically over the

1 A. We never marketed to Martha.
 2 We marketed to physicians.
 3 Q. For Martha.
 4 A. With a patient profile of
 5 Martha.
 6 MR. GOLD: Objection as to
 7 form.
 8 Q. Did Dr. John Buse, by the
 9 way --
 10 Well, I'll talk about
 11 Dr. Buse in a minute.
 12 What's the next exhibit, sir?
 13 (Whereupon, Deposition
 14 Exhibit(s) 16 duly received,
 15 marked and made a part of the
 16 record.)
 17 MR. ALLEN: I'll hand you
 18 Exhibit No. 16. This is an
 19 advertisement that has been produced
 20 to us.
 21 Exhibit 16, sir. We're
 22 moving off of 15. Let me have 15,
 23 please.
 24 That was 14. We skipped one

1 right now we'll come back to.
 2 Exhibit 16, this is an
 3 advertisement. I'll hold it up.
 4 (Document displayed to
 5 the jury)
 6 Do you recall this
 7 advertisement, Antipsychotic Power for
 8 Routine Use?
 9 A. I do not, no.
 10 Q. Was Zyprexa an everyday
 11 routine drug?
 12 MR. FAHEY: Objection to
 13 form.
 14 A. Yeah. It was used in over
 15 4 million patients at that point, yes.
 16 Q. Was Zyprexa intended as a
 17 routine drug? It says Antipsychotic Power
 18 For Routine Use. Was antipsychotic power in
 19 Zyprexa intended for routine use?
 20 A. In schizophrenia, later in
 21 bipolar mania, it was used routinely, yes.
 22 Q. Sir, in the inside cover of
 23 this advertisement it has a picture of an
 24 older woman having a cup of coffee. She

1 looks nice. She's in a suit, it looks like
 2 to me, or maybe a robe. Nice looking lady,
 3 isn't it?
 4 MR. GOLD: Do you have a
 5 question? Good observation, though.
 6 Go ahead.
 7 MR. ALLEN: No, it's a
 8 question. Doesn't the second
 9 page --
 10 MR. GOLD: Is the woman
 11 wearing a robe or -- is that the
 12 question?
 13 MR. ALLEN: If you don't
 14 interrupt I'll ask the question.
 15 MR. GOLD: Go ahead.
 16 QUESTIONS BY MR. ALLEN:
 17 Q. Doesn't the second page of
 18 this exhibit, the advertisement Antipsychotic
 19 Power For Routine Use, have a nice picture of
 20 an elderly woman?
 21 A. Yes, it does.
 22 Q. Is that Martha?
 23 A. I don't know who she is.
 24 Q. Isn't this attempt to market

1 to Martha an Antipsychotic Power For Routine
 2 Use promotion of Zyprexa off-label?
 3 MR. GOLD: Objection as to
 4 form.
 5 A. No.
 6 Q. Donna. You remember Donna
 7 as you not, sir?
 8 A. I do, yes.
 9 Q. And Donna was another attempt
 10 by Eli Lilly to market off-label, wasn't it,
 11 sir?
 12 A. Well, now you're saying
 13 "another attempt." This says for positive
 14 and negative symptoms, which is
 15 schizophrenia.
 16 MR. ALLEN: Objection,
 17 nonresponsive, sir.
 18 THE WITNESS: No, you brought
 19 it back to this document by saying
 20 "another." So you insinuated this
 21 one was off-label.
 22 MR. ALLEN: Sir, I'm not --
 23 let me tell you just so you and I
 24 are clear. I'm not insinuating this

A. No. I think it's a --

Q. Excuse me, go ahead. You're correcting me properly. There's a primary care resource guide that trains the sales force how to utilize Exhibit No. 15, isn't there?

A. Yeah. I think -- it looks like a detail piece, yes.

Q. Yes, sir. It's a detail piece that is taken by the sales representatives to the doctors in their offices?

A. I believe this is, yes.

Q. Yes. It's also taken, this detail piece can be taken to the other customers of Eli Lilly; isn't that right?

A. Well, the only --

Q. Sir, my question is pending.

A. I'm struggling with it because there's always a number at the bottom of these for final approval and I don't see the LY number.

Q. Sir, this was just produced to us by the defense.

All right, sir. Does this detail piece identify Donna?

A. Yes, it does, on the fourth page.

Q. Yes, sir. The fourth page of this document, and in fact, though, in the detail piece it is going to be on the left-hand side of the detail piece.

MR. GOLD: What are you referring to now, Mr. Allen?

MR. FAHEY: You're pointing to the resource guide not the detail piece.

MR. GOLD: You want to give him that document as well?

MR. ALLEN: No. I really don't right now. I think I can ask him questions that are consistent with the resource guide.

MR. GOLD: You're concealing --

MR. ALLEN: It's called impeachment. Yes, it's called impeachment. If he testifies

A. Okay.

Q. And my question was not anything dealing with an LY number. But let's go on with Exhibit 15.

By the way, these detail pieces that are given to doctors are not, the sales reps are trained how to talk to the doctors about the detail piece, are they not?

A. They are, yes.

Q. Yes. And, in fact, the sales representatives are given things like the primary care resource guide training to tell them how to present detail pieces such as Exhibit 15 to the doctors, right?

A. There are resource guides and additional training that goes on, yes.

Q. Yes. And, sir, that wasn't my question. That was part of my question. The resource guides that you're talking about that is part of the sales rep's training teaches the sales reps how to present things like Exhibit 15 to the doctors.

A. They do, yes.

Q. Yes, sir, that's my point.

truthfully we don't even need to go to the resource guide. If he doesn't, we do.

QUESTIONS BY MR. ALLEN:

Q. Now, sir, let's go to Exhibit 15. Are you there with Donna?

A. On Page 4, yes.

Q. Yes, sir. We have a circle next to Donna that says "anxiety, irritability, mood swings, and disrupted sleep," right?

A. Yes. Those are what's identified.

Q. Okay. I don't see schizophrenia and bipolar mania anywhere in the description of Donna, do you?

A. Well, this is Page 4. Page 2 says Zyprexa is approved for short-term treatment of bipolar mania and short-term treatment and maintenance of schizophrenia.

Q. Yes.

A. So Page 2 has the

indications. Page 4 has Donna, yes.

Q. There was no doubt that

before the sales rep, or before this whole sales piece was prepared, that Zyprexa was approved for schizophrenia and bipolar mania, right?

A. Yeah. It was on Page 2, which I'm assuming is Page 1 of the piece.

Q. My question to you was, there was no doubt that the only approved indications for which Zyprexa could be promoted was schizophrenia and bipolar mania, right?

MR. GOLD: Asked and answered.

A. Yeah. And it's right here in the first page, yes.

Q. And now we go to the page on Donna. It says, "Donna. Single mom in her mid-30s, presents in drab clothing and seems ill at ease. Quote, I feel so anxious and irritable lately, close quotes. Her history is: Reports she has been sleeping more than usual, has trouble concentrating at work and at home. Several appointments earlier she was talkative, elated, and reported little

1 cluster or symptoms, actually, might be. 2 mean, that's part of the reason to have that 3 discussion and have the MDQ so they can 4 screen for bipolar mania.

5 Q. You said MDQ?

6 A. MDQ, yes.

7 Q. Yeah. The MDQ is the mood 8 disorder questionnaire that was only 9 released, I believe, in 2003, and the sales 10 representatives were instructed to only use 11 it with their high prescribers; isn't that 12 right?

13 A. I don't know if that's the 14 case or not.

15 Q. And you're not suggesting 16 that in order to prescribe Zyprexa that the 17 physicians needed to get an MDQ filed out, 18 are you?

19 A. No. But we provided various 20 tools to help them diagnose bipolar mania.

21 Q. Yes, sir. What do you do 22 when you cash your chips?

23 A. That's a term that the sales 24 organization used at one point. And it's,

Page 423

1 need for sleep.

2 Next bullet point: "You have 3 treated her with various medications 4 including antidepressants."

5 Did I read that correctly?

6 A. You did.

7 Q. Is there a diagnosis of 8 schizophrenia or bipolar mania on Donna?

9 A. The Donna profile was 10 approved by our medical folks to represent 11 bipolar mania.

12 And I think the other 13 important thing to note is along with these 14 we handed out, to our physicians, MDQ, which 15 was a valid screening tool for bipolar 16 disorder.

17 MR. ALLEN: Objection.

18 Nonresponsive.

19 QUESTIONS BY MR. ALLEN:

20 Q. My only question to you is, 21 sir, do you see a diagnosis of schizophrenia 22 or bipolar mania in the Donna profile?

23 A. Now you're asking a question 24 that -- the words, no, but the symptoms, the

Page 425

1 actually, not a term I'm that familiar with.

2 Q. What do you do when -- 3 Didn't you instruct all your 4 sales representatives, weren't they 5 instructed that during the sales call they 6 were to collect chips, collect agreements, 7 and at the close of the call to cash the 8 chips and to create action?

9 A. I heard verbiage like you 10 just used. Again, that was more of a sales 11 organization, sales process, than kind of a 12 marketing language, so.

13 Q. Sir, as I told you previously 14 I always admit when I make mistakes. I 15 forgot to ask you a question about the Viva 16 Zyprexa document, and I'd like to you to 17 return to the Viva Zyprexa document, if you 18 don't mind?

19 MR. GOLD: What exhibit is 20 that, Mr. Allen?

21 MR. ALLEN: I do not know. I 22 will try to make that determination. 23 I'll find it right here.

24 MR. GOLD: Oh, good. Thank

107 (Pages 422 to 425)

and look at "Zyprexa utilization by disease state of primary care physicians as of the time of the PCP launch." Are you with me?

A. I am, yes.

Q. And we have a box there. It says, pointing to the graph, it says "schizophrenia, 30 percent," right?

A. Yes.

Q. And "bipolar 7 percent," correct?

A. Yes.

Q. And again, you'd have to agree with me that part of that bipolar prescription would be not bipolar mania, right?

A. Yes.

Q. Okay. But even taking the 30 and the seven, you add it together it's 37 percent, correct? Thirty and seven added together is 37?

A. Yes.

Q. Therefore, Eli Lilly knew, and this document demonstrates, that at the time of the primary care launch 63 percent of

1 strategy for primary care at the time of the
2 launch.

3 MR. GOLD: Do you have a
4 question?

5 MR. ALLEN: Yes, sir. I've
6 asked him to turn to the page.

7 MR. GOLD: He did. He's
8 there.

9 MR. ALLEN: Then as a
10 courtesy. How do you get a person
11 to turn to the page without saying
12 so?

13 QUESTIONS BY MR. ALLEN:

14 Q. Are you at the page Zyprexa

15 Primary Care Vision and Strategy?

16 A. I am, 71.

17 Q. Yes. And the vision for the

18 PCP launch was "expand Zyprexa's market by
19 redefining how primary care physicians treat
20 mood, thought, and behavioral disturbances."

21 Did I read that correctly?

22 A. You did.

23 Q. Does it say expand Zyprexa's
24 market by having primary care physicians

primary care physician's prescriptions of
Zyprexa were prescriptions off-label; is that
correct?

A. Which I think proves my
point. Before we were even there these
doctors were using it across the board, and
we wanted to grow the bipolar market.

So I think you've just proved
my point, that they use products off-label
without promotion.

MR. ALLEN: And I object to
that as nonresponsive.

QUESTIONS BY MR. ALLEN:

Q. My only question to you was,
sir, didn't Eli Lilly know, even prior to the
time of the launch of the Viva Zyprexa
campaign, that 63 percent of the primary care
physician's prescriptions were off-label?

A. Yes. Without promotion they
were prescribing off-label and we were
ocusing on the bipolar mania market.

Q. Sir, I know you're not going
to give me any different answer. Can you
turn to Page 71 of this about your vision and

1 treat schizophrenia and bipolar mania?

2 A. Again, a vision is what you
3 want in the long-term. And mood is a part of
4 bipolar mania. Thought is what schizophrenia
5 and behavior disturbances are.

6 We had an active program in
7 the psychosis associated with Alzheimer's.

8 Q. Wasn't it your strategic
9 intent at the time of the primary care launch
10 to make Zyprexa an everyday agent in primary
11 care?

12 MR. GOLD: Objection as to
13 form.

14 A. Given that our data showed
15 that up to 30 percent of patients who were
16 treated with antidepressants were potentially
17 bipolar patients, that would make it an
18 everyday agent in the bipolar -- I mean in
19 the primary care physician's office.

20 Q. And, in fact, Zyprexa

21 Page 72, Strategic Intent says: "Zyprexa can
22 and will become an everyday agent in primary
23 care," correct?

24 A. Given that antidepressants

1 my primary care physician, and if you think
2 about potentially up to a third actually have
3 bipolar disorder, there was the opportunity
4 that doctors would write it every day.
5 Primary care physicians would write it every
6 day, yes.

7 Q. Sir, at the time of the
8 primary care physician launch you were
9 informed that your colleagues, Chris Bomba,
10 Suni Keeling, Robert Baker, Patrizia
11 Cavazzoni, and Charles Beasley had gone to an
12 endocrinology advisory board meeting for
13 independent endocrinologists that advised
14 Lilly in the diabetes section. Did you know
15 about that?

16 MR. GOLD: Objection as to
17 form.

18 Q. That meeting that Ms. Bomba
19 and Mr. Keeling went to?

20 A. I don't remember that
21 specific meeting but if you have something to
22 refresh my memory.

23 Q. Were you informed that when

Page 439

1 Dr. Baker, Dr. Beasley, Chris Bomba, Suni
2 Keeling, and Pat Cavazzoni went to this
3 meeting of the endocrinology advisory board,
4 the advisory board informed them that they
5 were very concerned about diabetes and that
6 it was time for Eli Lilly to come clean on
7 the diabetes issue?

8 A. I don't remember that
9 specific interchange, no.

10 Q. Do you recall that at the
11 time Dr. Baker, Dr. Beasley, Chris Bomba, and
12 Suni Keeling, and Pat Cavazzoni went to the
13 endocrinology board meeting in October of
14 2000, the endocrinologists told Eli Lilly
15 that they were skeptical that weight gain
16 seen in the spontaneous event reports was not
17 associated with higher hyperglycemia rates?

18 MR. GOLD: Objection as the
19 form.

20 Q. Do you recall that?

21 A. Given I don't remember the
22 meeting, I don't recall that, no.

23 Q. Did you recall that the
24 endocrinology board, you were advised in

2 PCP launch, waited on the hyperglycemia data
3 turned over to them?

4 MR. GOLD: Objection as to
5 form.

6 A. Again, given I don't remember
7 the meeting, I don't recall that being a
8 desire.

9 Q. And were you advised when
10 Dr. Baker, and Dr. Beasley, and Chris Bomba,
11 and Suni Keeling, and Pat Cavazzoni returned
12 from the endocrine advisory board meeting,
13 they advised Eli Lilly don't get too
14 aggressive and blame the diabetes you are
15 seeing on the schizophrenia. Do you recall
16 that?

17 MR. GOLD: Objection as to
18 form.

19 A. I just don't remember that
20 specific meeting.

21 Q. Do you recall being informed
22 in May of 2002 about Dr. Newcomer's clamp
23 study?

24 MR. GOLD: Objection as to

Page 441

1 form.

2 A. I, vaguely -- I recall that
3 Dr. Newcomer had done a clamp study.

4 Q. Do you recall as the brand
5 manager, excuse me, the Brand Leader and the
6 Marketing Director for Zyprexa, being
7 informed in May of 2002, that Dr. Newcomer's
8 clamp study demonstrated increased adiposity.
9 You know what adiposity is, don't you?

10 A. It's weight gain.

11 Q. Yes.

12 A. In fact, I'm sorry, it's fat,
13 basically.

14 Q. You recall knowing in May of
15 2002, that Dr. Newcomer's clamp study
16 demonstrated that increased adiposity is
17 strongly associated with decreased insulin
18 action in treated patients with
19 schizophrenia. Treatment-induced increases
20 in adiposity, along with additional disease
21 or treatment effects, may contribute to
22 elevated rates of diabetes mellitus in this
23 population."

24 MR. GOLD: Objection as to

111 (Pages 438 to 441)

STOP!

CASE NO. 06-05630 CI

Volume No. 14



This is not the last volume of this file, and no documents are to be added. Add new papers to the last volume only.



This case has been consolidated. Add new papers to File No. _____ only.



Venue has been changed to _____.
All new filings should be forwarded to the Clerk of Court at that location.



This case has been removed to U.S. District Court, File No. _____. All new filings should be forwarded to U.S. District Court.



Other: _____
