



News Release

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New Jersey Supreme Court Dismisses Medical Monitoring Suit Filed by VIOXX® Plaintiffs

WHITEHOUSE STATION, N.J., June 4, 2008 – The N.J. Supreme Court ruled today that VIOXX users who suffered no known personal injury could not sue the Company to pay for electrocardiograms and follow-up consultations with cardiologists.

In May 2005, a trial court dismissed the suit, but an appellate court ruled that the dismissal was premature.

“We believe this is the right decision,” said Ted Mayer, Hughes, Hubbard & Reed, outside counsel for Merck. “The N.J. Supreme Court has made it clear that you cannot bring a medical monitoring claim unless you allege you were injured by a product. The plaintiffs in this suit sought to recover from Merck even though VIOXX has been off the market for almost four years and they do not claim that it ever injured them.”

Today’s ruling states that individuals cannot pursue claims for medical monitoring under N.J. law unless they can show that they first suffered an injury. Specifically, the Court said, “Here, it is not disputed that plaintiffs do not allege a personal physical injury. Thus, we conclude that because plaintiffs cannot satisfy the definition of harm to state a product liability claim under the Product Liability Act, plaintiffs’ claim for medical monitoring damages must fail.”

Merck also asserted that there is no medical science supporting the plaintiffs’ position that they need to be monitored for cardiovascular conditions almost four years after VIOXX was voluntarily taken off the market.

John Beisner of O’Melveny & Myers argued the case on behalf of Merck. The case is *Sinclair v. Merck*.

Status of Litigation

Merck has won the large majority of cases that have gone to trial and thousands of lawsuits have been dismissed. Of the 18 plaintiffs whose cases went to trial, only three have outstanding product liability judgments against Merck.

Merck has entered into an agreement to resolve state and federal myocardial infarction and ischemic stroke claims filed or tolled by Nov. 9, 2007. The settlement program is progressing in a satisfactory manner. Because of the large number of enrollments received so far, Merck is confident that the number of verified enrollments will exceed the thresholds that will obligate the Company to pay \$4.85 billion into a resolution fund.

About Merck

Merck & Co., Inc. is a global research-driven pharmaceutical company dedicated to putting patients first. Established in 1891, Merck currently discovers, develops, manufactures and markets vaccines and medicines to address unmet medical needs. The Company devotes extensive efforts to increase access to medicines through far-reaching programs that not only donate Merck medicines but help deliver them to the people who need them. Merck also publishes unbiased health information as a not-for-profit service. For more information, visit <http://www.merck.com>.

Forward-Looking Statement

This press release contains "forward-looking statements" as that term is defined in the Private Securities Litigation Reform Act of 1995. These statements are based on management's current expectations and involve risks and uncertainties, which may cause results to differ materially from those set forth in the statements. The forward-looking statements may include statements regarding product development, product potential or financial performance. No forward-looking statement can be guaranteed and actual results may differ materially from those projected. Merck undertakes no obligation to publicly update any forward-looking statement, whether as a result of new information, future events, or otherwise. Forward-looking statements in this press release should be evaluated together with the many uncertainties that affect Merck's business, particularly those mentioned in the risk factors and cautionary statements in Item 1A of Merck's Form 10-K for the year ended Dec. 31, 2007, and in any risk factors or cautionary statements contained in the Company's periodic reports on Form 10-Q or current reports on Form 8-K, which the Company incorporates by reference.

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