

Accepted by the Vice-Chairperson, July 28, 2010

**AMENDMENT TO THE SEPTEMBER 30, 2009
VOLUNTARY COMPLIANCE UNDERTAKING
OF
SCHERING-PLOUGH CANADA INC.
TO THE
PATENTED MEDICINE PRICES REVIEW BOARD**

1 Background

- 1.1 A Voluntary Compliance Undertaking (VCU) signed on September 30, 2009 was approved by the Patented Medicines Prices Review Board (PMPRB) Chairperson.
- 1.1 The two ongoing terms of the VCU were:
 - 1.1.1 A 21.25% discount from the 2009 MNE price was to be provided to all customers, and this discount was to be maintained until December 31, 2010.
 - 1.1.2 In the event that the full amount was not offset by December 31, 2010, a further payment would be made in the amount of any remaining excess revenue as calculated by Board Staff.
- 1.2 On April 1, 2010, Schering-Plough discontinued the discounts against the 2009 MNE price. Cumulative excess revenues outstanding are \$2,286,632.55.

2 Purpose

- 2.1 The purpose of this amending agreement to the September 30, 2009 VCU is to revise Section 4 entitled "Terms of the Voluntary Compliance Undertaking". An amendment is necessary because Schering-Plough has discontinued the discounted price described in section 1.1.1 and a lump sum payment to offset remaining excess revenues is required.

3 Terms of the Amending Agreement

- 3.1 Section 4 entitled "Terms of the Voluntary Compliance Undertaking" of the September 30, 2009 VCU is amended by the addition of the following terms:
 - 3.1.1 To offset all remaining excess revenues by making a second payment to Her Majesty in right of Canada in the amount of \$2,286,632.55, within 30 days of the acceptance of this amendment to the VCU.

3.1.2 Effective April 1, 2010, the 2010 non-excessive average price is \$0.9313.

3.2 All other terms of the VCU signed on September 30, 2009 that are not herewith amended in substance or by necessary implication remain in force and effect.

Signature: Original signed by

Name: Carlos Dourado

Position: President

Company: Schering-Plough Canada Inc.

Date: July 6, 2010