

March 17, 2009

Dear First DataBank Customer:

On March 17, 2009, Judge Patti B. Saris, of the United States District Court for the District of Massachusetts, issued a Memorandum and Order giving final approval to the amended settlement in this case, with one modification discussed further below. A copy of that Memorandum and Order is available [here](#). According to the terms of the amended settlement as approved by the court, First DataBank will be required to (1) adjust its reporting of Blue Book AWP for those prescription drugs identified in the plaintiffs' previously filed complaint (approximately 1400 NDCs in number) by reducing the mark-up factor utilized in connection with the calculation of the Blue Book AWP data field to 1.20 times the WAC or Direct Price for those NDCs that are on a mark-up basis, (2) establish a centralized data repository to facilitate reasonable access to discoverable material from First DataBank concerning its drug price reporting practices, (3) make a one million dollar contribution in a court-supervised fund for the benefit of the settlement class members, and (4) pay the agreed-upon attorneys fees and other expenses in the amount of approximately \$1.1 million to the same court supervised fund for the benefit of the settlement class members because class counsel has waived those fees and expenses for the benefit of the class members.

Pursuant to the court's order, the adjustments to Blue Book AWP will become effective in approximately 180 days from the date of the Final Judgment, which is expected to be submitted to the Court within one week. This is a change from the 90 day period in the amended settlement.

Independent of the settlement and on the same schedule as the Blue Book AWP adjustment noted above, First DataBank intends to apply the same 1.20 markup factor to all other NDCs whose Blue Book AWP is set based upon a markup to WAC or Direct Price in excess of 1.20. First DataBank will also independently discontinue publishing the Blue Book AWP data field for all drugs no later than two years following the date that the Blue Book AWP adjustments noted above are implemented.

First DataBank will continue to publish other available drug pricing information including WAC, Direct Price, Suggested Wholesale Price, Federal Financing Participation Upper Limits (FFPUL), as well as our clinical drug information.

In the recognition that these changes to the NDDF Plus database may impact many of our customers, we are implementing them on a schedule that will provide sufficient notice and an opportunity for customers to plan accordingly.

First DataBank remains committed to providing our customers with the best available drug and drug-related information, including pricing data. We will continue to work with the public and private sector to gather and publish additional drug pricing data elements, as available, and to facilitate the establishment of sustainable drug reimbursement benchmarks.

If you have any questions, please feel free to call Customer Relations at 1-800-428-4495 ext. 220.

Very truly yours,

Donald M. Nielsen, M.D.
President