

PATENTED MEDICINE PRICES REVIEW BOARD

**IN THE MATTER OF the *Patent Act* R.S.C. 1985, c.P-4,
as amended**

**AND IN THE MATTER OF Alexion Pharmaceuticals Inc.
(the "Respondent") and the medicine "Soliris"**

AMENDED NOTICE OF APPEARANCE

TAKE NOTICE THAT Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Health ("the Minister of Health for British Columbia") the Ministers of Health for the Provinces of British Columbia and Manitoba (collectively, "the Ministers of Health") intends to appear and make representations with respect to this matter on the following basis:

1. The Minister of Health for ~~the Province~~ of British Columbia, on its own behalf and on behalf of the Ministers of Health for the Provinces of Ontario, Manitoba and Newfoundland and Labrador (collectively, "the Ministers of Health"), intends to make representations supporting the proposed Orders of the Board on the basis set out by Board Staff in the Statement of Allegations of Board Staff ("the Statement of Allegations"), but requesting that the Board order, pursuant to section 83 of the *Patent Act*, that:
 - (a) the Respondent reduce the price of Soliris to a price that does not exceed the lowest price for Soliris among all comparator countries; and
 - (b) the Respondent offset cumulative excess revenues that it has received by paying to the federal government an amount equal to the excess revenues the Board estimates that the Respondent has generated from the sale of Soliris at an excessive price, with the Board to use the lowest price for Soliris among all comparator countries as the basis for the calculation.

2. The Ministers of Health of Ontario, Manitoba and Newfoundland and Labrador have consented to the Minister of Health for British Columbia making representations on behalf of the Ministers of Health. Attached to this Notice of Appearance as ~~Schedule A~~ is a copy are copies of the consent letters.
3. The Ministers of Health intend to rely upon the material facts set out in the Statement of Allegations, and upon the documents noted in the List of Attachments to the Statement of Allegations.
4. The Ministers of Health also intend to rely upon the Affidavit of Eric Lun, ~~which will be filed at a later date~~ sworn April 1, 2015 and filed herein, and specifically upon the following facts as stated in the Affidavit of Eric Lun:
 - (a) the process by which provincial governments review medicines such as Soliris for potential reimbursement;
 - (b) the cost of Soliris in comparison to other publicly-funded medicines;
 - (c) the importance of the public list price of a medicine in relation to negotiations between provincial governments and suppliers and in relation to other reimbursement policies;
 - (d) the recommendations made by the Common Drug Review in relation to the reimbursement of Soliris by provincial governments.
5. The Ministers of Health also intend to rely upon the following documents attached as exhibits to the Affidavit of Eric Lun:
 - (a) Canadian Expert Drug Advisory Committee Recommendation on Soliris for Indication of Paroxysmal Nocturnal Hemoglobinuria;

(b) Canadian Drug Expert Committee Recommendation on Soliris for Indication of Atypical Hemolytic Uremic Syndrome;

(c) Common Drug Review Submission Status summary.

6. The Ministers of Health may also rely upon any documents submitted by a participant to the hearing, and any affidavits filed in the proceeding.
7. Service of any documents in this proceeding may be effected upon the Ministers of Health by serving:

Ministry of Justice, Legal Services Branch
PO Box 9280 Stn Prov Govt
1001 Douglas Street
Victoria, BC V8W 9J7

Attention: Sharna Kraitberg
Phone: 250-356-8931
Fax: 250-356-8992
E-mail: sharna.kraitberg@gov.bc.ca

with the Minister of Health for of British Columbia consenting to accept service of any documents in this proceeding on behalf of the Ministers of Health, and the Minister of Health for of British Columbia agreeing to distribute any documents served upon the Minister of Health for of British Columbia to the Ministers of Health of Ontario, Manitoba and Newfoundland and Labrador, as required.

8. The Ministers of Health request that participation in the hearing (and other related meetings) be permissible by teleconference.

DATED at Victoria, British Columbia, this 2nd day of April, 2015.

Original signature redacted

Sharna Kraitberg, Counsel for the Minister of Health for British Columbia

TO: The Secretary of the Patented Medicine Prices Review Board

Standard Life Centre
333 Laurier Avenue West
Suite 1400
Ottawa, Ontario K1P 1C1

AND TO: Christopher Morris and David Migicovsky
Counsel for Board Staff

Perley-Robertson Hill & McDouglas LLP
340 Albert Street
Suite 1400
Ottawa, ON K1R 7Y6

AND TO: Parul Shah
Legal Counsel PMPRB

Patented Medicine Prices Review Board
Legal Services Branch
Standard Life Centre
333 Laurier Avenue West
Suite 1400
Ottawa, Ontario K1P 1C1

AND TO: Malcolm N. Ruby and Alan West
Counsel for the Respondent


Gowling LaFleur Henderson LLP
1 First Canadian Place
100 King Street West, Suite 1600
Toronto, ON M5X 1G5

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**AND IN THE MATTER OF Alexion Pharmaceuticals Inc.
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CONSENT FOR REPRESENTATION

I,  have reviewed the draft Notice of Appearance to be submitted by the Minister of Health of British Columbia in the Patented Medicine Prices Review Board Hearing (the "Hearing") related to the pricing of the drug product "Soliris".

I hereby consent to the Minister of Health for British Columbia making representations to the Hearing on behalf of the Minister of Health for the Province of Ontario.

DATED at Toronto, this 13th day of March, 2015.

MINISTER OF HEALTH FOR THE PROVINCE OF ONTARIO

Original signature redacted

TO: The Secretary of the Patented Medicine Prices Review Board
Standard Life Centre
333 Laurier Avenue West
Suite 1400
Ottawa, Ontario K1P 1C1

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**AND IN THE MATTER OF Alexion Pharmaceuticals Inc.
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CONSENT FOR REPRESENTATION

I, Sharon Bledy, have reviewed the draft Notice of Appearance to be submitted by the Minister of Health of British Columbia in the Patented Medicine Prices Review Board Hearing (the "Hearing") related to the pricing of the drug product "Soliris".

I hereby consent to the Minister of Health for British Columbia making representations to the Hearing on behalf of the Minister of Health for the Province of Manitoba.

DATED at 1:56 pm, this 5th day of March, 2015.

MINISTER OF HEALTH FOR THE PROVINCE OF MANITOBA

Original signature redacted

TO: The Secretary of the Patented Medicine Prices Review Board
Standard Life Centre
333 Laurier Avenue West
Suite 1400
Ottawa, Ontario K1P 1C1

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**AND IN THE MATTER OF Alexion Pharmaceuticals Inc.
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CONSENT FOR REPRESENTATION

I, Bruce Cooper, have reviewed the draft Notice of Appearance to be submitted by the Minister of Health of British Columbia in the Patented Medicine Prices Review Board Hearing (the "Hearing") related to the pricing of the drug product "Soliris".

I hereby consent to the Minister of Health for British Columbia making representations to the Hearing on behalf of the Minister of Health and Community Services for the Province of Newfoundland and Labrador.

DATED at St. John's in the province of Newfoundland and Labrador this 9th day of March, 2015.

**MINISTER OF HEALTH AND COMMUNITY SERVICES FOR THE PROVINCE OF
NEWFOUNDLAND AND LABRADOR**

Original signature redacted

Minister or authorized designate

TO: The Secretary of the Patented Medicine Prices Review Board
Standard Life Centre
333 Laurier Avenue West
Suite 1400
Ottawa, Ontario K1P 1C1