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1 3. The March 19, 2008 Declaration of Michael Stocker may be filed in the public
2 record along with the exhibits that are not specifically identified in this Declaration. Abbott takes no
3 position as to **Exhibit 47**, which it did not produce.

4 4. Abbott has redacted certain confidential information from the Exhibits
5 Plaintiffs filed in connection with its opposition and cross motion for summary judgment. In
6 redacting the Exhibits herein, Abbott has taken efforts to limit the scope of its redactions, keeping in
7 mind the Ninth Circuit's "compelling interest" standard and keeping the redacted information to
8 only highly confidential and/or proprietary information that are sensitive to Abbott's business and/or
9 ability to compete. Abbott notes that many of its redactions are to portions of Plaintiffs' Exhibits
10 that are not specifically relied upon by Plaintiffs but were filed as part of the overall document or
11 deposition transcript.

12 5. It is my understanding that the portions that have been redacted reflect, in
13 general, Abbott's strategic thinking and views related to pricing, public relations, marketing,
14 research and development, market positioning, promotional activities, market segmentation, strategic
15 brainstorming, long-range planning, sales, and lifecycle management of its pharmaceutical products
16 that are not shared with the public or widely disseminated even within Abbott. It is my
17 understanding that this information is kept in the highest confidence even within Abbott and is not
18 intended to be disseminated to the general public or Abbott's competitors.

19 6. In addition, it is my understanding that many of the Exhibits, from which
20 these redactions are made, contain information that could be confusing, misleading, or incomplete if
21 taken out of context or without the proper background information. Therefore, some of the
22 information redacted, in addition to being competitively sensitive, could be used to mislead the
23 public and be perceived in a way that was never intended by the author or the deponent. Public
24 dissemination of this information could substantially harm Abbott's good will, standing, and
25 relationships that it has created with the HIV/AIDS community.

26 7. Moreover, the redacted information contained in these documents could be
27 useful to Abbott's competitors who would learn Abbott's strategic thinking, decision-making
28

1 processes, and the type of information used to make its important decisions. Accordingly, any
2 disclosure of this information would be harmful to Abbott.

3 8. In addition to these general overall descriptions, in an effort to provide the
4 Court with a better and more specific description of the redacted information, the following
5 paragraphs provide a brief but summarized explanation of the redacted portions of the Exhibits,
6 which were redacted for the reasons cited above:

7 9. It is my understanding that the redacted portions of **Exhibit 2** are parts of Jeff
8 Devlin's deposition testimony that address, among other things, how Abbott views and/or perceives
9 the qualities or attributes of Abbott's current competitor products and Abbott's long-term ideas,
10 plans, or strategies for ritonavir.

11 10. It is my understanding that the redacted portions of **Exhibits 3 and 17** are
12 parts of Heather Mason's deposition testimony that discuss sensitive sales, pricing and market
13 information about Abbott products that are not part of Plaintiffs' case, are not part of the Plaintiffs'
14 markets (e.g., ex-U.S.), and form no basis for Plaintiffs' summary judgment motion (e.g., names of
15 physicians). The redacted portions that do relate to this summary judgment motion contain
16 proprietary view of market segmentation for Norvir users, Abbott's internal thought-processes
17 regarding pricing strategies, and ideas that Abbott brainstormed for its products but did not
18 implement.

19 11. It is my understanding that the redacted portions of **Exhibits 4 and 6** are parts
20 of Jesus Leal's deposition testimonies that discuss internal pricing analysis, business relationships
21 with managed Medicaid plan, views of competitor products, future strategic business expansion
22 plans, proprietary sales figures, and products in its pipeline that Abbott guards closely.

23 12. It is my understanding that the redacted portions of **Exhibit 5** are parts of John
24 Leonard's deposition testimony that discuss internal sales information, research and development
25 strategies, confidential Norvir formulation information, and various non-public communications
26 with the FDA.

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1 13. It is my understanding that the redacted portions of **Exhibit 7** are parts of
2 Joseph Fiske’s deposition testimony that discuss internal costs, which are not shared with the public
3 and confidential information even within Abbott.

4 14. It is my understanding that the redacted portions of **Exhibits 9 and 37** are
5 parts of Abbott’s Kaletra short and long term marketing plans, views, and strategies, which discuss
6 Kaletra’s perceived attributes, goals, and place in the HIV market.

7 15. It is my understanding that the redacted portions of **Exhibit 10** are parts of
8 Abbott’s HIV Monthly Report that discuss sensitive market research, market information, and
9 market analysis, including graphical charts that follow internal market metrics that Abbott uses to
10 formulate strategic responses to its market analysis.

11 16. It is my understanding that the redacted portions of **Exhibit 11** are parts of
12 Abbott’s internal HIV long range planning document that analyzes Abbott’s HIV related products
13 and measurements and data that Abbott uses to evaluate the market.

14 17. It is my understanding that the redacted portions of **Exhibit 12** are parts of an
15 e-mail chain discussing Abbott’s confidential marketing positions and strategies against competitor
16 products.

17 18. It is my understanding that the redacted portions of **Exhibit 13** are parts of a
18 confidential internal HIV market share allocation study, which recommends various marketing
19 strategies based on proprietary information that was gathered from prescribing physicians.

20 19. It is my understanding that the redacted portions of **Exhibits 15 and 16** are
21 parts of an e-mail chain from various Abbott employees that show internal brainstorming and
22 decision-making processes regarding Abbott’s HIV products.

23 20. It is my understanding that the redacted portions of **Exhibit 18** are parts of an
24 e-mail from Jesus Leal to Laureen Cassidy that set forth several brainstorming scenarios and ideas
25 for ritonavir, none of which were seriously considered or implemented.

26 21. It is my understanding that **Exhibit 19** in its entirety contains confidential
27 strategic marketing analysis and study that was conducted for recommending strategies in competing
28 in the HIV anchor market. Exhibit 19 contains confidential proprietary information that was

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1 obtained specifically for Abbott, and it is my understanding that the fact that this study was
2 conducted, what measures were used, how its data were interpreted, and its recommendations are all
3 proprietary and competitive information.

4 22. It is my understanding that the redacted portions of **Exhibits 21, 22, 30, 36,**
5 **39, 41, 42, 43 and 44** are parts of internal Abbott draft presentations (or e-mails) related to Abbott's
6 virology products pricing, which include various Abbott internal and proprietary sales figures,
7 internal market analysis, forecasting models, strategic brainstorming scenarios, business strategies,
8 Abbott's views on the competitive landscape and competing products, and marketing strategies that
9 Abbott guards closely.

10 23. It is my understanding that the redacted portions of **Exhibit 23** relate to
11 Abbott's intellectual property and licenses, similar to the type of information that this Court already
12 has ruled can be protected from public disclosure.

13 24. It is my understanding that the redacted portions of **Exhibit 24** are parts of
14 Bill Dempsey's deposition testimony that discuss Abbott's brainstorming, views, and responses to
15 competitive forces in the market in which Abbott competes.

16 25. It is my understanding that the redacted portions of **Exhibits 25 and 26** are
17 parts of a memo and e-mail chain that discuss various pricing ideas and brainstorming plans that
18 were not implemented.

19 26. It is my understanding that the redacted portions of **Exhibits 31, 32 and 33**
20 are parts of forecasting analyses conducted for the various scenarios Abbott brainstormed, and they
21 discuss and/or model the assumptions, expectations, possibilities, and potential outcomes under these
22 scenarios.

23 27. It is my understanding that the redacted portions of **Exhibit 34** are parts of a
24 preliminary public affairs document that was not drafted by or subsequently approved by any of the
25 members of Abbott's commercial group who made the pricing decision. I understand that the
26 purpose of this document was to outline the various perspectives on a possible price increase, which,
27 in turn, would help to formulate the communications approach. The document reflects a
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1 misunderstanding of the HIV market and could be misinterpreted by competitors and the public
2 about Abbott's intentions as it relates to its subsequent pricing actions.

3 28. It is my understanding that the redacted portions of **Exhibit 35** are parts of a
4 memo and e-mail that analyze internal pricing or withdrawal ideas for ritonavir.

5 29. It is my understanding that the redacted portions of **Exhibit 40** are parts of a
6 strategic summary of Virology Franchise and analyze the long term lifecycle management of
7 Abbott's HIV products.

8 30. It is my understanding that the redacted portions of **Exhibits 46 and 48** are
9 parts of the expert report and declarations of Douglas Greer, who is Plaintiffs' antitrust expert. The
10 redacted portions of this exhibit contains highly confidential information related to Abbott's ongoing
11 business strategies, proprietary market analysis, sensitive competitive analyses, and how Abbott
12 analyzes, views and makes strategic business decisions in the HIV pharmaceutical market. The
13 redacted portions of these Exhibits also contain proprietary market analysis, marketing philosophies,
14 and strategy information that would be valuable to Abbott's competitors. For example, the redacted
15 portions of pages 5-6 and 49 of Exhibit 46 contain sensitive information that contain Abbott's
16 confidential information that shows (albeit out of context and without necessary background) the
17 ways that Abbott analyzed, viewed, and/or contemplated existing and emerging competitive threats,
18 which may provide valuable insights to Abbott's competitors. Therefore, its public disclosure would
19 be detrimental and harmful to Abbott.

20 31. It is my understanding that the redacted portions of **Exhibit 52** are parts of
21 two letters between Abbott and one of Abbott's competitors related to certain business relationships
22 and licensing arrangements regarding ritonavir. This is very sensitive information related to the
23 terms under which a competitor can enter into such relationships with Abbott. It is similar to the
24 type of licensing information that this Court previously has ruled can be protected.

25 32. It is my understanding that the redacted portions of **Exhibit 53** are parts of the
26 deposition testimony of Courtney Fletcher about internal Abbott discussions that were never made
27 public related to withdrawing Norvir from the market. As a part of this testimony, Dr. Fletcher was
28 asked to comment on potential business choices related to Norvir that Abbott neither pursued nor

1 seriously considered. Abbott's considerations and thought processes in this regard are highly
2 confidential. There also is a very real risk that the documents would be misconstrued by the public,
3 and that Abbott's competitors could use them to unfairly and improperly disparage Abbott.

4 I declare under penalty of perjury under the laws of the United States of America that
5 the foregoing is true and correct.

6 Executed in Chicago, Illinois, this 26th day of March, 2008.

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8 /s/ Samuel S. Park

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Samuel S. Park

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