



March 17, 2015

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

BY EMAIL AND COURIER

**Attention: Guillaume Couillard
Secretary of the Board**

Dear Sir:

**RE: 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"**

I am the solicitor for Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Health ("the Minister"). I enclose a Notice of Appearance pursuant to Rule 13 of the Rules of Practice and Procedure.

I am writing in response to your letter to Barbara Walman dated March 13, 2015.

Please accept this letter as a request by the Minister to the Panel for an order:

1. extending the time for the Minister to file an Amended Notice of Appearance, with the Amended Notice of Appearance to be filed by March 27, 2015;
2. permitting the Minister to make representations in the hearing to the Panel on behalf of the Ministers of Health of Ontario, Manitoba, and Newfoundland and Labrador.

1. Extension of time to file an Amended Notice of Appearance:

The Notice of Appearance filed by the Minister on March 9, 2015 indicated that the Minister would be relying on the Statement of Allegations of Board Staff, and on the List of Documents set out in the Statement of Allegations of Board Staff. If granted the extension of time to file an Amended Notice of Appearance, the Minister will file an Amended Notice of Appearance providing details of further material facts that the Minister intends to rely upon, primarily related to:

- (a) recommendations made by the Common Drug Review in relation to reimbursement of Soliris by public drug plans;

Ministry of
Justice

Legal Services Branch
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- (b) the process by which public drug plans review medicines such as Soliris for potential reimbursement;
- (c) the cost of Soliris in comparison to other publicly-funded medicines; and
- (d) the importance of the public list price of a medicine in relation to negotiations and other reimbursement policies.

These facts will be set out in detail in the Affidavit of Eric Lun, as referred to in the Notice of Appearance filed on March 9, 2015. The Affidavit of Eric Lun will be filed by the Minister at any time the Panel might order, whether with the Amended Notice of Appearance or at a later date in the proceedings.

The Minister respectfully submits that if the Panel grants the extension of time for the Minister to file an Amended Notice of Appearance, it will cause no prejudice to any party. The Order Regarding Scheduling dated February 13, 2015 permitted the Respondent until March 9, 2015 to file a response; that same Order permitted the Minister until March 9, 2015 to file a Notice of Appearance. Therefore, the Respondent had no opportunity to refer in its response to any statement of representations that may have been made in the Notice of Appearance filed by the Minister; any amendments to the Notice of Appearance will thus not necessitate any amendments to the response filed by the Respondent.

The Minister further respectfully submits that permitting an extension of time to file an Amended Notice of Appearance will assist the Panel and the parties in the hearing. The Minister, as a public payor for Soliris, will be able to provide information to the Panel that is not otherwise available through Board Staff and the Respondent, and the Panel will therefore be able to make its decision on the basis of a broader scope of evidence than if the Minister was not permitted an extension of time to file an Amended Notice of Appearance.

2. Permission for the Minister to make representations on behalf of the Ministers of Health of Ontario, Manitoba, and Newfoundland and Labrador:

As indicated in the Notice of Appearance filed by the Minister on March 9, 2015 and subsequent correspondence with the Board, the Ministers of Health of Ontario, Manitoba, and Newfoundland and Labrador (collectively, "the Represented Ministers of Health") have consented to the Minister making representations to the Panel in the hearing on their behalf. Consent forms signed by the Represented Ministers of Health are enclosed with this letter.

The Represented Ministers of Health share similar concerns as the Minister in relation to the pricing of Soliris, and the Represented Ministers of Health and the Minister are all of the view that it is important for the Panel to be aware that more than one jurisdiction has concerns about the price of Soliris. On the other hand, the information that could be provided to the Panel by the Represented Ministers of Health is very similar to the information that could be provided by the Minister (as noted in paragraphs (a) to (d) above); for the purposes of the hearing, it would be more efficient and practical if only one jurisdiction presented the relevant information. The Minister has agreed to present the information on behalf of British Columbia and on behalf of the Represented Ministers of Health.

All of which is respectfully submitted,

Original signature redacted

Sharna Kraitberg
Solicitor for Her Majesty the Queen in Right of the Province of British Columbia,
as represented by the Minister of Health

Encls.

cc: Barbara Walman, ADM, Medical Beneficiary and Pharmaceutical Services
Division, BC Ministry of Health

David Migicovsky, Solicitor for Board Staff

Malcolm N. Ruby and Alan West, Solicitors for Alexion Pharmaceuticals Inc.

