

MASTER FILE NO. 2005-59499

IN RE:	§	IN THE DISTRICT COURT OF
	§	
TEXAS STATE VIOXX LITIGATION	§	HARRIS COUNTY, TEXAS
	§	
<i>This Document Relates to All Cases</i>	§	157 TH JUDICIAL DISTRICT

**NOTICE OF NAME CHANGE
AND MOTION TO ENTER PRE-TRIAL ORDER NO. 9**

Defendant Merck & Co., Inc. (“Former Merck”), through undersigned counsel, hereby notifies the court and all parties to 2005-59499 that, effective as of November 4, 2009, it is now named Merck Sharp & Dohme Corp. This name change results from Former Merck’s merger with a Schering Plough Corporation subsidiary. In connection with this merger, Former Merck has changed its name to Merck Sharp & Dohme Corp. and has become a wholly-owned subsidiary of the entity formerly known as Schering Plough Corporation, which has been renamed Merck & Co., Inc.

Further, to avoid any confusion as to the effectiveness or applicability of stipulations of dismissal, orders, and any and all other pleadings or documents that may arise as a result of this name change, Merck respectfully requests that this Court sign and enter the attached Pre-Trial Order No. 9, ordering that any and all stipulations of dismissal, orders, other pleadings or documents filed in or related to this proceeding or to the Vioxx Resolution Program, and that refer to the entity previously known as Merck & Co., Inc. *i.e.*, FORMER Merck, and that were executed or prepared prior to the date of this order, or that are executed and prepared subsequent to the date of this order, are hereby reformed to correctly reflect the new name of defendant, Merck Sharp & Dohme Corp. and are valid and enforceable as if the new name of defendant were set forth therein.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By /s/ Jessica Farley

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served upon the following attorneys of record on November 23, 2009, as indicated:

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/s/ Jessica Farley

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