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December 18, 2013

Received & Inspected

DEC 30 2013

FCC Mail Room

Via Email to marlene.dortch@fcc.gov and U.S. Mail

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW - Room TW-A325
Washington, DC 20554

RE: In re Petition for Declaratory Ruling Regarding the statutory Basis for the Commission's Opt-Out Notice Rule with Respect to Solicited Faxes, and/or Regarding Substantial Compliance with Section 64.1200(a)(4)(iii) and (iv) of the Commission's Rules

CG Docket No. 02-278
CG Docket No. 05-338

Dear FCC,

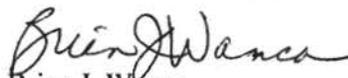
On December 17, 2013, Purdue Pharma L.P., Purdue Pharma Inc., and Purdue Products L.P. ("Purdue") filed a Petition For Declaratory Ruling And/Or Waiver ("Petition"). Purdue's Petition omits two paramount material facts.

First, Purdue continued its fax broadcasting campaign even after being sued in the District Court of Connecticut. The Connecticut class action case referred in the Petition was filed on August 15, 2012, and is attached. Attached also is a complaint filed in the Northern District of California, Case No. 3:13-cv-05490-EDL which shows Purdue continued its fax broadcasting activities as late as October 15, 2012.

Second Purdue, by asking for a waiver in its Petition, is violating the due process rights of the putative class in the Connecticut case. *Ching v. Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013)(due process is flexible and calls for procedural protections as the particular situation demands . . . administrative proceedings in particular must be carefully assessed to determine what process is due given the specific circumstances involved). Purdue's waiver request is an undisguised attempt to escape its liability in the pending Connecticut class action case through a waiver ruling of its wrongful acts from the FCC. We object to the relief sought by Purdue and request that the Commission deny the relief sought by Purdue.

Very truly yours,

ANDERSON + WANCA


Brian J. Wanca

BJW/sf

Attachments: Connecticut Case, California Case

cc: Sean Lev, General Counsel sean.lev@fcc.gov
George K. Lang

No. of Copies rec'd 0
List ABCDE

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15
16 PHYSICIANS HEALTHSOURCE, INC., an
Ohio corporation, individually and as the
17 representative of a class of similarly-situated
18 persons,

19 Plaintiff,

20 v.

21 TRANSCEPT PHARMA, INC., PURDUE
22 PHARMA L.P., PURDUE PHARMA INC.,
PURDUE PRODUCTS L.P., LOGISTIC
23 INNOVATIONS, LLC and JOHN DOES 1-10,

24 Defendants.
25
26
27
28

No.

CLASS ACTION COMPLAINT

1 Plaintiff, PHYSICIANS HEALTHSOURCE, INC. ("Plaintiff") brings this action on behalf
2 of itself and all others similarly situated, through its attorneys, and except as to those allegations
3 pertaining to Plaintiff or its attorneys, which allegations are based upon personal knowledge,
4 alleges the following upon information and belief against Defendants, TRANSCAPT PHARMA,
5 INC., PURDUE PHARMA L.P., PURDUE PHARMA INC., PURDUE PRODUCTS L.P.,
6 LOGISTICS INNOVATIONS, LLC and JOHN DOES 1-10 ("Defendants").

7 **PRELIMINARY STATEMENT**

8 1. This case challenges Defendants' practice of sending unsolicited facsimiles.

9 2. The federal Telephone Consumer Protection Act of 1991, as amended by the Junk
10 Fax Prevention Act of 2005, 47 USC § 227 ("JFPA" or the "Act"), and the regulations
11 promulgated under the Act, prohibits a person or entity from faxing or having an agent fax
12 advertisements without the recipient's prior express invitation or permission. The JFPA provides a
13 private right of action and provides statutory damages of \$500 per violation. Upon information
14 and belief, Defendants have sent facsimile transmissions of unsolicited advertisements to Plaintiff
15 and the Class in violation of the JFPA, including, but not limited to, the facsimile transmission of
16 unsolicited advertisements on or about October 15, 2012 and October 24, 2012 ("the Faxes"), true
17 and correct copies of which are attached hereto as Exhibit A and made a part hereof. The Faxes
18 promote the services and goods of Defendants. Plaintiff is informed and believes, and upon such
19 information and belief avers, that Defendants have sent, and continue to send, unsolicited
20 advertisements via facsimile transmission in violation of the JFPA.

21 3. Unsolicited faxes damage their recipients. A junk fax recipient loses the use of its
22 fax machine, paper, and ink toner. An unsolicited fax wastes the recipient's valuable time that
23 would have been spent on something else. A junk fax interrupts the recipient's privacy.
24 Unsolicited faxes prevent fax machines from receiving authorized faxes, prevent their use for
25 authorized outgoing faxes, cause undue wear and tear on the recipients' fax machines, and require
26 additional labor to attempt to discern the source and purpose of the unsolicited message.

27 4. On behalf of itself and all others similarly situated, Plaintiff brings this case as a
28 class action asserting claims against Defendants under the JFPA.

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1 5. Plaintiff is informed and believes, and upon such information and belief avers, that
2 this action is based upon a common nucleus of operative fact because the facsimile transmissions
3 at issue were and are being done in the same or similar manner. This action is based on the same
4 legal theory, namely liability under the JFPA. This action seeks relief expressly authorized by the
5 JFPA: (i) injunctive relief enjoining Defendants, their employees, agents, representatives,
6 contractors, affiliates, and all persons and entities acting in concert with them, from sending
7 unsolicited advertisements in violation of the JFPA; and (ii) an award of statutory damages in the
8 minimum amount of \$500 for each violation of the JFPA, and to have such damages trebled, as
9 provided by § 227(b)(3) of the Act.

10 **JURISDICTION AND VENUE**

11 6. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 47 U.S.C. §
12 227.

13 7. Venue is proper in this District because Defendants committed a statutory tort
14 within this district a significant portion of the events took place within this District.

15 **PARTIES**

16 8. Plaintiff, PHYSICIANS HEALTHSOURCE, INC., is an Ohio corporation with its
17 principal place of business located in Ohio.

18 9. On information and belief, Defendant, TRANSCAPT PHARMA, INC., is a
19 Delaware corporation with its principal place of business in Point Richmond, California.

20 10. On information and belief, Defendant, PURDUE PHARMA L.P., is a Delaware
21 corporation registered to do business in California.

22 11. On information and belief, Defendant, PURDUE PHARMA INC., is a New York
23 corporation with its principal place of business in Stamford, CT.

24 12. On information and belief, Defendant, PURDUE PRODUCTS L.P., is a Delaware
25 limited partnership with its principal place of business in Stamford, CT.

26 13. On August 15, 2012, Defendants, Purdue Pharma L.P., Purdue Pharma Inc., and
27 Purdue Products L.P. were sued in a putative class action for sending fax advertisements in
28 violation of the TCPA in the U.S. District Court for the District of Connecticut.

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1 14. On information and belief, Defendant, LOGISTIC INNOVATIONS, LLC is a New
2 York limited liability company with its principal place of business in New York City, NY.

3 15. John Does 1-10 will be identified through discovery, but are not presently known.

4 FACTS

5 16. Following filing of the Connecticut suit, on or about October 15, 2012 and October
6 24, 2012, Defendants transmitted by telephone facsimile machine two unsolicited faxes to
7 Plaintiff. Copies of the facsimiles are attached hereto as Exhibit A.

8 17. Defendants created or made Exhibit A which Defendants knew or should have
9 known is a good or product which Defendants intended to and did in fact distribute to Plaintiff and
10 the other members of the class.

11 18. Exhibit A is part of Defendants' work or operations to market Defendants' goods or
12 services which were performed by Defendants and on behalf of Defendants. Therefore, Exhibit A
13 constitutes material furnished in connection with Defendants' work or operations.

14 19. Plaintiff had not invited or given permission to Defendants to send the faxes.

15 20. On information and belief, Defendants faxed the same and other unsolicited
16 facsimiles to Plaintiff without the required opt-out language and more than 40 other recipients
17 without first receiving the recipients' express permission or invitation.

18 21. There is no reasonable means for Plaintiff (or any other class member) to avoid
19 receiving unauthorized faxes. Fax machines are left on and ready to receive the urgent
20 communications their owners desire to receive.

21 22. Defendants' facsimiles did not display a proper opt-out notice as required by 47
22 C.F.R. 64.1200.

23 23. On or about August 31, 2012, approximately two months prior to Plaintiff's receipt
24 of Defendants' unsolicited facsimiles, the Purdue Defendants were served with a Class Action
25 Complaint Plaintiff filed in Connecticut regarding their violations of the TCPA. Because these
26 advertisements were sent by fax after the Connecticut suit was filed, Defendants actions should be
27 found to be willful, knowing and intentional. Under these circumstances, this court should find the
28

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1 Purdue Defendants have willfully, knowingly and intentionally violated the JFPA and treble the
2 statutory damages being sought.

3 **CLASS ACTION ALLEGATIONS**

4 24. In accordance with F. R. Civ. P. 23(b)(1), (b)(2) and (b)(3), Plaintiff brings this
5 class action pursuant to the JFPA, on behalf of the following class of persons:

6 All persons who (1) on or after four years prior to the filing of this
7 action, (2) were sent telephone facsimile messages of material
8 advertising the commercial availability of any property, goods, or
services by or on behalf of Defendants, and (3) which did not display
a proper opt-out notice.

9 Excluded from the Class are the Defendants, their employees, agents and members of the
10 Judiciary. Plaintiff reserves the right to amend the class definition upon completion of class
11 certification discovery.

12 25. Class Size (F. R. Civ. P. 23(a)(1)): Plaintiff is informed and believes, and upon
13 such information and belief avers, that the number of persons and entities of the Plaintiff Class is
14 numerous and joinder of all members is impracticable. Plaintiff is informed and believes, and
15 upon such information and belief avers, that the number of class members is at least forty.

16 26. Commonality (F. R. Civ. P. 23 (a) (2)): Common questions of law and fact apply
17 to the claims of all class members. Common material questions of fact and law include, but are not
18 limited to, the following:

- 19 a) Whether the Defendants sent unsolicited fax advertisements;
- 20 b) Whether the Defendants' faxes advertised the commercial availability of
21 property, goods, or services;
- 22 c) The manner and method the Defendants used to compile or obtain the list of
23 fax numbers to which they sent Exhibit "A" and other unsolicited faxed advertisements;
- 24 d) Whether the Defendants faxed advertisements without first obtaining the
25 recipient's prior permission or invitation;
- 26 e) Whether the Defendants sent the faxed advertisements knowingly, willfully
27 or intentionally since the Purdue Defendants were a party to another TCPA suit where their
28 fax advertising practices were at issue;

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1 f) Whether the Defendants violated the provisions of 47 U.S.C. § 227 and the
2 regulations promulgated thereunder;

3 g) Whether the faxes contain an "opt-out notice" that complies with the
4 requirements of § (b)(1)(C)(iii) of the Act, and the regulations promulgated thereunder, and
5 the effect of the failure to comply with such requirements;

6 h) Whether the Defendants should be enjoined from faxing advertisements in
7 the future;

8 i) Whether the Plaintiff and the other members of the class are entitled to
9 statutory damages; and

10 j) Whether the Court should award treble damages, especially since the Purdue
11 Defendants were on notice from a prior suit that their fax advertising activities were
12 unlawful.

13 27. Typicality (F. R. Civ. P. 23 (a) (3)): The Plaintiff's claims are typical of the claims
14 of all class members. The Plaintiff received the same fax(es) as the fax(es) sent by or on behalf of
15 the Defendants advertising goods and services of the Defendants during the Class Period. The
16 Plaintiff is making the same claims and seeking the same relief for itself and all class members
17 based upon the same federal statute. The Defendants have acted the same or in a similar manner
18 with respect to the Plaintiff and all the class members by sending Plaintiff and each member of the
19 class the same fax(es).

20 28. Fair and Adequate Representation (F. R. Civ. P. 23 (a) (4)): The Plaintiff will
21 fairly and adequately represent and protect the interests of the class. It is interested in this matter,
22 has no conflicts and has retained experienced class counsel to represent the class.

23 29. Need for Consistent Standards and Practical Effect of Adjudication (F. R. Civ. P. 23
24 (b) (1)): Class certification is appropriate because the prosecution of individual actions by class
25 members would: (a) create the risk of inconsistent adjudications that could establish incompatible
26 standards of conduct for the Defendants, and/or (b) as a practical matter, adjudication of the
27 Plaintiff's claims will be dispositive of the interests of class members who are not parties.
28

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1 30. Common Conduct (F. R. Civ. P. 23 (b) (2)): Class certification is also appropriate
2 because the Defendants have acted and refused to act in the same or similar manner with respect to
3 all class members thereby making injunctive and declaratory relief appropriate. The Plaintiff
4 demands such relief as authorized by 47 U.S.C. §227.

5 31. Predominance and Superiority (F. R. Civ. P. 23 (b) (3)): Common questions of law
6 and fact predominate over any questions affecting only individual members, and a class action is
7 superior to other methods for the fair and efficient adjudication of the controversy because:

- 8 a) Proof of the claims of the Plaintiff will also prove the claims of the class without the
9 need for separate or individualized proceedings;
- 10 b) Evidence regarding defenses or any exceptions to liability that the Defendants may
11 assert and prove will come from the Defendants' records and will not require
12 individualized or separate inquiries or proceedings;
- 13 c) The Defendants have acted and are continuing to act pursuant to common policies
14 or practices in the same or similar manner with respect to all class members;
- 15 d) The amount likely to be recovered by individual class members does not support
16 individual litigation. A class action will permit a large number of relatively small claims
17 involving virtually identical facts and legal issues to be resolved efficiently in one (1)
18 proceeding based upon common proofs; and
- 19 e) This case is inherently manageable as a class action in that:
- 20 (i) The Defendants identified persons or entities to receive the fax
21 transmissions and it is believed that the Defendants' computer and business records will
22 enable the Plaintiff to readily identify class members and establish liability and damages;
- 23 (ii) Liability and damages can be established for the Plaintiff and the class with
24 the same common proofs;
- 25 (iii) Statutory damages are provided for in the statute and are the same for all
26 class members and can be calculated in the same or a similar manner;
- 27 (iv) A class action will result in an orderly and expeditious administration of
28 claims and it will foster economics of time, effort and expense;

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1 (v) A class action will contribute to uniformity of decisions concerning the
2 Defendants' practices; and

3 (vi) As a practical matter, the claims of the class are likely to go unaddressed
4 absent class certification.

5 **Claim for Relief for Violation of the JFPA, 47 U.S.C. § 227 et seq.**

6 32. The JFPA makes it unlawful for any person to "use any telephone facsimile
7 machine, computer or other device to send, to a telephone facsimile machine, an unsolicited
8 advertisement ..." 47 U.S.C. § 227(b)(1)(C).

9 33. The JFPA defines "unsolicited advertisement" as "any material advertising the
10 commercial availability or quality of any property, goods, or services which is transmitted to any
11 person without that person's prior express invitation or permission, in writing or otherwise." 47
12 U.S.C. § 227 (a) (5).

13 34. **Opt-Out Notice Requirements.** The JFPA strengthened the prohibitions against
14 the sending of unsolicited advertisements by requiring, in §(b)(1)(C)(iii) of the Act, that senders of
15 faxed advertisements place a clear and conspicuous notice on the first page of the transmission that
16 contains the following among other things (hereinafter collectively the "Opt-Out Notice
17 Requirements"):

18 1. a statement that the recipient is legally entitled to opt-out of receiving future
19 faxed advertisements – knowing that he or she has the legal right to request an opt-
20 out gives impetus for recipients to make such a request, if desired;

21 2. a statement that the sender must honor a recipient's opt-out request within
22 30 days and the sender's failure to do so is unlawful – thereby encouraging
23 recipients to opt-out, if they did not want future faxes, by advising them that their
24 opt-out requests will have legal "teeth";

25 3. a statement advising the recipient that he or she may opt-out with respect to
26 all of his or her facsimile telephone numbers and not just the ones that receive a
27 faxed advertisement from the sender – thereby instructing a recipient on how to
28 make a valid opt-out request for all of his or her fax machines;

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1 The requirement of (1) above is incorporated from § (b)(D)(ii) of the Act. The requirement
 2 of (2) above is incorporated from § (b)(D)(ii) of the Act and the rules and regulations of the
 3 Federal Communications Commission (the "FCC") in ¶31 of its 2006 Report and Order (*In the*
 4 *Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act, Junk*
 5 *Prevention Act of 2005*, 21 F.C.C.R. 3787, 2006 WL 901720, which rules and regulations took
 6 effect on August 1, 2006). The requirements of (3) above are contained in § (b)(2)(E) of the Act
 7 and incorporated into the Opt-Out Notice Requirements via § (b)(2)(D)(ii). Compliance with the
 8 Opt-Out Notice Requirements is neither difficult nor costly. The Opt-Out Notice Requirements are
 9 important consumer protections bestowed by Congress upon the owners of the telephone lines and
 10 fax machines giving them the right, and means, to stop unwanted faxed advertisements.

11 **35. 2006 FCC Report and Order.** The JFPA, in § (b)(2) of the Act, directed the FCC
 12 to implement regulations regarding the JFPA, including the JFPA's Opt-Out Notice Requirements
 13 and the FCC did so in its 2006 Report and Order, which in addition provides among other things:

14 A. The definition of, and the requirements for, an established business
 15 relationship for purposes of the first of the three prongs of an exemption to liability under §
 16 (b)(1)(C)(i) of the Act and provides that the lack of an "established business relationship"
 17 precludes the ability to invoke the exemption contained in § (b)(1)(C) of the Act (*See* 2006 Report
 18 and Order ¶¶8-12 and 17-20);

19 B. The required means by which a recipient's facsimile telephone number must
 20 be obtained for purposes of the second of the three prongs of the exemption under § (b)(1)(C)(ii) of
 21 the Act and provides that the failure to comply with these requirements precludes the ability to
 22 invoke the exemption contained in § (b)(1)(C) of the Act (*See* 2006 Report and Order ¶¶13-16);

23 C. The things that must be done in order to comply with the Opt-Out Notice
 24 Requirements for the purposes of the third of the three prongs of the exemption under §
 25 (b)(1)(C)(iii) of the Act and provides that the failure to comply with these requirements precludes
 26 the ability to invoke the exemption contained in § (b)(1)(C) of the Act (*See* 2006 Report and Order
 27 ¶¶24-34);

28

1 D. The failure of a sender to comply with the Opt-Out Notice Requirements
2 precludes the sender from claiming that a recipient gave "prior express permission or invitation" to
3 receive the sender's fax (*See Report and Order ¶48*);

4 As a result thereof, a sender of a faxed advertisement who fails to comply with the Opt-Out
5 Notice Requirements has, by definition, transmitted an unsolicited advertisement under the JFPA.
6 This is because such a sender can neither claim that the recipients of the faxed advertisement gave
7 "prior express permission or invitation" to receive the fax nor can the sender claim the exemption
8 from liability contained in § (b)(C)(1) of the Act.

9 36. **The Faxes.** Defendant sent on or about October 15, 2012 and October 24, 2012
10 advertisements via facsimile transmission from telephone facsimile machines, computers, or other
11 devices to the telephone lines and facsimile machines of Plaintiff and members of the Plaintiff
12 Class. The Faxes constituted advertisements under the Act. Defendants failed to comply with the
13 Opt-Out Requirements in connection with the Faxes, which contained no Opt-Out notice
14 whatsoever. The Faxes were transmitted to persons or entities without their prior express
15 permission or invitation and/or Defendants are precluded from asserting any prior express
16 permission or invitation because of the failure to comply with the Opt-Out Notice Requirements.
17 By virtue thereof, Defendants violated the JFPA and the regulations promulgated thereunder by
18 sending the Faxes via facsimile transmission to Plaintiff and members of the Class.

19 37. **Defendant's Other Violations.** Plaintiff is informed and believes, and upon such
20 information and belief avers, that during the period preceding four years of the filing of this
21 Complaint and repeatedly thereafter, Defendants have sent via facsimile transmission from
22 telephone facsimile machines, computers, or other devices to telephone facsimile machines of
23 members of the Plaintiff Class faxes that constitute advertisements under the JFPA that were
24 transmitted to persons or entities without their prior express permission or invitation (and/or that
25 Defendants are precluded from asserting any prior express permission or invitation because of the
26 failure to comply with the Opt-Out Notice Requirements in connection with such transmissions).
27 By virtue thereof, Defendants violated the JFPA and the regulations promulgated thereunder.
28 Plaintiff is informed and believes, and upon such information and belief avers, that Defendants are

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1 continuing to send unsolicited advertisements via facsimile transmission in violation of the JFPA
2 and the regulations promulgated thereunder, and absent intervention by this Court, will do so in the
3 future.

4 38. The TCPA/JFPA provides a private right of action to bring this action on behalf of
5 Plaintiff and the Plaintiff Class to redress Defendants' violations of the Act, and provides for
6 statutory damages. 47 U.S.C. § 227(b)(3). The Act also provides that injunctive relief is
7 appropriate. *Id.*

8 39. The JFPA is a strict liability statute, so the Defendants are liable to the Plaintiff and
9 the other class members even if their actions were only negligent.

10 40. The Defendants knew or should have known that (a) the Plaintiff and the other class
11 members had not given express invitation or permission for the Defendants or anybody else to fax
12 advertisements about the Defendants' goods or services; (b) the Plaintiff and the other class
13 members did not have an established business relationship; (c) Defendants transmitted an
14 advertisement; (d) the Fax did not contain the required Opt-Out Notice; and (e) Defendants'
15 transmission of advertisements which did not contain the required Opt-Out Notice was unlawful.

16 41. The Defendants' actions caused damages to the Plaintiff and the other class
17 members. Receiving the Defendants' junk faxes caused the recipients to lose paper and toner
18 consumed in the printing of the Defendants' faxes. Moreover, the Defendants' faxes used the
19 Plaintiff's and each class member's telephone lines and fax machine. The Defendants' faxes cost
20 the Plaintiff and each class member time, as the Plaintiff and its employees, as well as each class
21 member and their employees, wasted their time receiving, reviewing and routing the Defendants'
22 unauthorized faxes. That time otherwise would have been spent on the Plaintiff's and each of the
23 class member's business activities. The Defendants' faxes unlawfully interrupted the Plaintiff's
24 and other class members' privacy interests in being left alone. Finally, the injury and property
25 damage sustained by Plaintiff and the other class members from the sending of Defendants'
26 advertisements occurred outside of Defendants' premises.

27 WHEREFORE, Plaintiff, PHYSICIANS HEALTHSOURCE, INC., individually and on
28 behalf of all others similarly situated, demands judgment in its favor and against Defendants,

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1 TRANSCEPT PHARMA, INC., PURDUE PHARMA L.P., PURDUE PHARMA INC., PURDUE
2 PRODUCTS L.P., LOGISTICS INNOVATIONS, LLC and JOHN DOES 1-10, jointly and
3 severally, as follows:

4 A. That the Court adjudge and decree that the present case may be properly maintained
5 as a class action, appoint the Plaintiff as the representative of the class and appoint the Plaintiff's
6 counsel as counsel for the class;

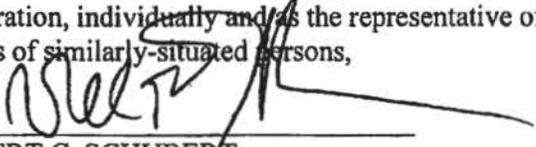
7 B. That the Court award actual monetary loss from such violations or the sum of five
8 hundred dollars (\$500.00) for each violation, trebled due to Defendants' knowing violation,
9 whichever is greater;

10 C. That Court enjoin the Defendants from additional violations; and

11 D. That the Court award pre-judgment interest, costs and such further relief as the
12 Court may deem just and proper.

13 Date: November 25, 2013

PHYSICIANS HEALTHSOURCE, INC., an Ohio
corporation, individually and as the representative of
a class of similarly-situated persons,

14 By: 
15 ROBERT C. SCHUBERT
16 WILLEM F. JONCKHEER
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Counsel for Plaintiff

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EXHIBIT A

Intermezzo
(ZOLPIDEM TARTRATE) sublingual tablet CIV
1.75 mg / 3.5 mg

Dear Muhammad Kaleem,

You're invited to attend an interactive dinner meeting that will include a presentation by an expert, followed by a discussion with your peers on Intermezzo (zolpidem tartrate) sublingual tablet CIV. Intermezzo received FDA approval on November 23, 2011.

Topic: Intermezzo (zolpidem tartrate) sublingual tablet CIV

Featuring: Steven Dyckman, MD

Meeting Date: November 01, 2012
Meeting Time: 6:00 PM
Venue: Bombay Brazier
7791 Cooper Road
Cincinnati, OH 45242

• For more information on Intermezzo, please visit IntermezzoRX.com

To register, please:

- Call 1-877-391-9727 or Fax this page or
- Visit www.meetingreply.com/purduespeakerprogram

Please use the following unique Invitation Code when registering online: 9397-459460

To register by fax:

Please fax this page to: 212-370-1172

For questions, call: 877-391-9727

Yes, I will attend.

Name: Muhammad Kaleem

Phone:

Fax: 5139222009

Email:

Please indicate your professional designation by checking the appropriate box below

MD DO PA RN NP RPh PharmD Other

This program is intended for healthcare professionals with prescribing authority only (e.g., physicians, nurse practitioners and physician assistants). In accordance with Purdue policy and PhRMA guidelines, spouses and guests are not permitted to attend.



Transcept
PHARMACEUTICALS, INC

RECEIVED OCT 13 2012

Intermezzo
(ZOLPIDEM TARTRATE) sublingual tablet ©
1.75 mg | 3.5 mg

Dear Muhammad Kaleem,

You're invited to attend an interactive dinner meeting that will include a presentation by an expert, followed by a discussion with your peers on Intermezzo (zolpidem tartrate) sublingual tablet CIV. Intermezzo received FDA approval on November 23, 2011.

Topic: Intermezzo (zolpidem tartrate) sublingual tablet CIV

Featuring: Steven Dyckman, MD

Meeting Date: November 01, 2012
Meeting Time: 6:00 PM
Venue: Bombay Brazier
7791 Cooper Road
Cincinnati, OH 45242

• For more information on Intermezzo, please visit IntermezzoRX.com

To register, please:

- Call 1 -877-391-9727 or Fax this page or
- Visit www.meetingreply.com/purduespeakerprogram

RECEIVED OCT 25 2012

Please use the following unique invitation Code when registering online: 9397-459460

To register by fax:

Please fax this page to: 212-370-1172

For questions, call: 877-391-9727

Yes, I will attend.

Name: Muhammad Kaleem

Phone:

Fax: 5139222009

Email:

Please indicate your professional designation by checking the appropriate box below

MD DO PA RN NP RPh PharmD Other

This program is intended for healthcare professionals with prescribing authority only (e.g., physicians, nurse practitioners and physician assistants). In accordance with Purdue policy and PhRMA guidelines, spouses and guests are not permitted to attend.



Transcept
PHARMACEUTICALS, INC

Received & Inspected

DEC 30 2013

FCC Mail Room

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

PHYSICIANS HEALTHSOURCE, INC., an
Ohio corporation, individually and as the
representative of a class of similarly-situated
persons,

Plaintiff,

vs.

PURDUE PHARMA L.P., PURDUE
PHARMA INC., PURDUE PRODUCTS L.P.,
THE PEER GROUP, INC. and JOHN DOES
1-10,

Defendants.

Civil Action No. 3:12-cv-01208-SRU

FIRST AMENDED CLASS ACTION COMPLAINT

Plaintiff, PHYSICIANS HEALTHSOURCE, INC. ("Plaintiff"), brings this action on behalf of itself and all other persons similarly situated, through its attorneys, and except as to those allegations pertaining to Plaintiff or its attorneys, which allegations are based upon personal knowledge, alleges the following upon information and belief against Defendants, PURDUE PHARMA L.P., PURDUE PHARMA INC., PURDUE PRODUCTS L.P., THE PEER GROUP, INC. and JOHN DOES 1-10 ("Defendants").

PRELIMINARY STATEMENT

1. This case challenges Defendants' practice of sending facsimiles without the proper opt-out notice.
2. The federal Telephone Consumer Protection Act, 47 USC § 227, and rules and regulations thereunder, require all faxes sent to include a proper opt-out notice whether those

faxes are sent pursuant to invitation or not. The TCPA provides a private right of action and provides statutory damages of \$500 per violation.

3. On behalf of itself and all others similarly situated, Plaintiff brings this case as a class action asserting claims against Defendants under the TCPA.

5. Plaintiff seeks an award of statutory damages for each violation of the TCPA and for injunctive relief.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. §1331 and 47 U.S.C. §227. This Court also has subject matter jurisdiction over the Commonwealth and common law claims as this action is brought as class action pursuant to 28 U.S.C. §1332 as amended by the Class Action Fairness Act of 2005.

7. Venue is proper in the District of Connecticut because Defendants committed a statutory tort within this district, a significant portion of the events took place here, and Defendants have their principal places of business here.

PARTIES

8. Plaintiff is an Ohio corporation.

9. On information and belief, Defendant, PURDUE PHARMA L.P., is a privately held pharmaceutical company with its principal place of business in Stamford, CT.

10. On information and belief, Defendant, PURDUE PHARMA INC., is a New York corporation with its principal place of business in Stamford, CT.

11. On information and belief, Defendant, PURDUE PRODUCTS L.P., is a Delaware limited partnership with its principal place of business in Stamford, CT.

12. On information and belief, Defendant, THE PEER GROUP, INC., is a New Jersey corporation with its principal place of business in Edison, NJ.

13. John Does 1-10 will be identified through discovery, but are not presently known.

FACTS

14. On or about October 28, 2010, November 11, 2010, January 7, 2011, January 11, 2011, January 18, 2011, January 25, 2011, February 1, 2011, February 2, 2011, February 7, 2011, February 9, 2011, February 10, 2011, February 16, 2011, February 22, 2011, July 5, 2011, October 11, 2011, October 18, 2011, October 25, 2011, November 1, 2011, November 8, 2011, November 15, 2011, November 30, 2011, December 1, 2011 and December 7, 2011, Defendants transmitted by telephone facsimile machine a total of 40 unsolicited faxes to Plaintiff. Copies of the facsimiles are attached hereto as Group Exhibit A. The opt-out language on all the faxes is identical.

15. Defendants created or made Group Exhibit A which Defendants knew or should have known is a good or product which Defendants intended to and did in fact distribute to Plaintiff and the other members of the class.

16. Group Exhibit A is part of Defendants' work or operations to market Defendants' goods or services which were performed by Defendants and on behalf of Defendants. Therefore, Exhibit A constitutes material furnished in connection with Defendants' work or operations.

18. On information and belief, Defendants faxed the same and similar unsolicited facsimiles, but all with the same opt-out language to Plaintiff and more than 39 other recipients.

19. There is no reasonable means for Plaintiff (or any other class member) to avoid receiving unauthorized faxes. Fax machines are left on and ready to receive the urgent communications their owners desire to receive.

20. Defendants' facsimiles did not display a proper opt-out notice as required by 64 C.F.R. § 1200. Specifically Defendants' opt-out notice failed to include language to satisfy the requirements of 47 U.S.C. §§ 227(b)(2)(D)(ii); (iii) and (vi).

TELEPHONE CONSUMER PROTECTION ACT, 47 U.S.C. §227

21. In accordance with FRCP 23, Plaintiff brings this action pursuant to the Telephone Consumer Protection Act, 47 U.S.C. §227, on behalf of the following class of persons:

All persons who on or after four years prior to the filing of this action, were sent telephone facsimile messages of material advertising the commercial availability of any property, goods, or services by or on behalf of Defendants, with the following notice "If you do not wish to be contacted with future fax offers from the Peer Group, please call 888-733-7321 or fax at 800-929-8290."

Excluded from the Class are the Defendants, their employees, agents and members of the Judiciary.

22. Commonality [Fed. R. Civ. P. 23(A)(2)]: Common questions of law and fact apply to the claims of all class members. Common material questions of fact and law include, but are not limited to, the following:

- a) Whether the Defendants sent fax advertisements;
- b) Whether the Defendants' faxes advertised the commercial availability of property, goods, or services;
- e) Whether "If you do not wish to be contacted with future fax offers from the Peer Group, please call 888-733-7321 or fax at 800-929-8290" is an improper opt-out notice;
- f) Whether the Defendants violated the provisions of 47 U.S.C. § 227;
- d) Whether the faxes contained the proper opt-out notice language;
- g) Whether the Defendants should be enjoined from faxing advertisements without a proper opt-out notice in the future;
- h) Whether the Plaintiff and the other members of the class are entitled to statutory damages; and

i) Whether the Court should award treble damages.

23. Typicality [Fed R. Civ. P. 23 (A) (3)]: The Plaintiff's claims are typical of the claims of all class members. The Plaintiff received a fax sent on behalf of the Defendants advertising goods and services of the Defendants during the Class Period. The Plaintiff is making the same claims and seeking the same relief for itself and all class members based upon the federal statute. The Defendants have acted the same or in a similar manner with respect to the Plaintiff and all the class members because all of the faxes at issue contained the very same opt-out notice.

24. Fair and Adequate Representation [Fed. R. Civ. P. 23 (A) (4)]: The Plaintiff will fairly and adequately represent and protect the interests of the class. It is interested in this matter, has no conflicts, and has retained experienced class counsel to represent the class. The faxes received by Plaintiff contained the very same opt-out notice as every other member of the Class.

25. Need for Consistent Standards and Practical Effect of Adjudication [Fed R. Civ. P. 23(B)(1)]: Class certification is appropriate because the prosecution of individual actions by class members would: a) create the risk of inconsistent adjudications that could establish incompatible standards of conduct for the Defendants, and/or b) as a practical matter, adjudication of the Plaintiff's claims will be dispositive of the interests of class members who are not parties.

26. Common Conduct [Fed. R. Civ. P. 23 (B) (2)]: Class certification is also appropriate because the Defendants have acted and refused to act in the same or similar manner with respect to all class members, by sending them all faxes which contained the very same opt-out notice, thereby making injunctive and declaratory relief appropriate. The Plaintiff demands such relief as authorized by 47 U.S.C. §227.

members from the sending of Defendants' advertisements occurred outside of Defendants' premises.

34. The Defendants violated 47 U.S.C. § 227, et seq., by transmitting advertisements to the Plaintiff and the other members of the class which did not contain the proper opt-out notice as required by federal statute, rules and regulations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PHYSICIANS HEALTHSOURCE, INC., individually and on behalf of all others similarly situated, demands judgment in its favor and against Defendants, PURDUE PHARMA L.P., PURDUE PHARMA INC., PURDUE PRODUCTS L.P., THE PEER GROUP, INC. and JOHN DOES 1-10, jointly and severally, as follows:

A. That the Court adjudge and decree that the present case may be properly maintained as a class action, appoint the Plaintiff as the representative of the class and appoint the Plaintiff's counsel as counsel for the class;

B. That the Court award actual monetary loss from such violations or the sum of five hundred dollars (\$500.00) for each violation, whichever is greater;

C. That Court enjoin the Defendants from additional violations; and

D. That the Court award costs and such further relief as the Court may deem just and proper.

Dated: February __, 2013

Respectfully submitted,

PHYSICIANS HEALTHSOURCE, INC., an Ohio corporation, individually and as the representative of a class of similarly-situated persons

By: s/ Brian J. Wanca
Brian J. Wanca (*pro hac vice*)
George Lang (*pro hac vice*)
ANDERSON + WANCA

3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008
Telephone: (847) 368-1500
Facsimile: (847) 368-1501

Maria K. Tougas (CT 05624)
Erin Green Comite (CT 24886)
SCOTT + SCOTT, ATTORNEYS AT LAW, LLP
156 South Main Street
P.O. BOX 192
Colchester, CT 06415
Telephone: (860) 537-5537
Facsimile: (860) 537-4432

Joseph Guglielmo (CT 27481)
SCOTT + SCOTT, ATTORNEYS AT LAW, LLP
The Chrysler Building
405 Lexington Avenue, 40th Floor
New York, NY 10174
Telephone: (212) 223-6444
Facsimile: (212) 223-6334

Meet with an expert on pain management

Dear Jose'o Martinez,

You're invited to attend an interactive web conference that will include a clinical presentation and discussion with your peers on considerations in the appropriate use of a long-acting opioid in the management of moderate to severe pain.

Register Now
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Call to speak with a live Peer Group representative and reserve your space.

Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

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Purdue is firmly committed to maintaining the highest standards of sales and marketing practices in the industry while continuing to advance the proper treatment of patients. If Purdue's sales and marketing practices fall to meet this standard, we urge you to contact us at 1-888-726-7535.

NOV 28 2010

Automatic Registration – Fax back to: 800-929-8290

Yes, Jose'o Martinez will be attending.

Preferred Office Phone:

Preferred Fax:

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|------------------|-------------|----------------|
| <input type="checkbox"/> Wednesday | November 3, 2010 | 09:00 PM ET | Jeffery Gudlin |
| <input type="checkbox"/> Thursday | November 4, 2010 | 10:00 PM ET | Barry Cole |

EXHIBIT
tabbier
A



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Fax: 800/929-8290



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Preferred Office Phone:

Preferred Fax:

NOV 12 2010

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|-------------------|-------------|------------------------|
| <input type="checkbox"/> Wednesday | November 17, 2010 | 09:00 PM ET | <i>Adrian Bartoli</i> |
| <input type="checkbox"/> Wednesday | November 17, 2010 | 10:30 PM ET | <i>Michael Brennen</i> |
| <input type="checkbox"/> Thursday | November 18, 2010 | 09:00 PM ET | <i>Barry Cole</i> |
| <input type="checkbox"/> Monday | November 22, 2010 | 09:30 PM ET | <i>Warren Katz</i> |
| <input type="checkbox"/> Tuesday | November 23, 2010 | 10:00 PM ET | <i>Kerry Cranmer</i> |



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Preferred Office Phone:

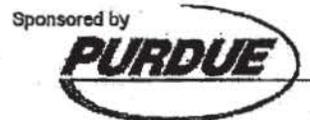
Preferred Fax:

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|------------------|-------------|-----------------------|
| <input type="checkbox"/> Tuesday | January 11, 2011 | 10:00 PM ET | Barry Elliot Cole, MD |
| <input type="checkbox"/> Thursday | January 13, 2011 | 9:00 PM ET | Jeffrey Gudin, MD |
| <input type="checkbox"/> Wednesday | January 19, 2011 | 9:30 PM ET | Jeffrey Gudin, MD |
| <input type="checkbox"/> Thursday | January 20, 2011 | 10:00 PM ET | Barry Elliot Cole, MD |
| <input type="checkbox"/> Tuesday | January 25, 2011 | 9:30 PM ET | Jeffrey Gudin, MD |



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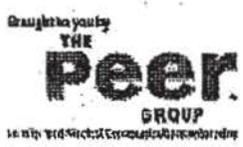
Preferred Office Phone:

Preferred Fax:

JAN 11 2011

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|------------------|-------------|-------------------|
| <input type="checkbox"/> Wednesday | January 19, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | January 20, 2011 | 10:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | January 25, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | January 27, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 1, 2011 | 10:00 PM ET | Jeff A. Gudin, MD |



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Dear Jose'o Martinez,

Join Dr. Jeff A. Gudín in an interactive dinner program that will include a clinical presentation and discussion with your peers on considerations in the appropriate use of a long-acting opioid in the management of moderate to severe pain.

Register Now
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Call to speak with a live Peer Group representative and reserve your seat today.

Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

Hosted by: Jeff A. Gudín, MD
Director, Pain Management and Palliative Care
Englewood Hospital and Medical Center Englewood, New Jersey

Event Date: Wednesday, February 9, 2011 at 6:30 PM

Location: Carlo and Johnny's
9769 Montgomery Road
Cincinnati, OH 45242

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Preferred Fax:

Email Address:

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Preferred Office Phone:

Preferred Fax:

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|------------------|-------------|-------------------|
| <input type="checkbox"/> Wednesday | January 19, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |

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ID 12153106

Meet with an expert on pain management

Dear Michael Bertram,

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Yes, Michael Bertram will be attending.

Preferred Office Phone:

Preferred Fax:

Please select the meeting you'd like to attend:

1/25 2011

| Day of Week | Date | Time | Speaker |
|------------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 1, 2011 | 10:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | February 3, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 8, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Wednesday | February 9, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 15, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |



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Fax: 800/929-8290



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Location: Carlo and Johnny's
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JAN 25 2011

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Preferred Fax:

Email Address:

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| <input type="checkbox"/> Wednesday | February 9, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 15, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |



customer.service@peergroupinc.com
Phone: 888/733-7321
Fax: 800/929-8290



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ID

JAN 25 2011

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Meet with an expert on pain management

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Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

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Automatic Registration – Fax back to: 800-929-8290

Yes, Jose'o Martinez will be attending.

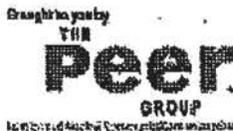
Preferred Office Phone:

Preferred Fax:

Please select the meeting you'd like to attend:

FEB 08 2011

| Day of Week | Date | Time | Speaker |
|------------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Thursday | February 3, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 8, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Wednesday | February 9, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | February 10, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 15, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |



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Dear Jose'o Martinez,

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representative and
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Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

Hosted by: Jeff A. Gudln, MD
Director, Pain Management and Palliative Care
Englewood Hospital and Medical Center Englewood, New Jersey

Event Date: Wednesday, February 9, 2011 at 6:30 PM

Location: Carlo and Johnny's
9769 Montgomery Road
Cincinnati, OH 45242

FEB 07 2011

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Yes, Jose'o Martinez will be attending.

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Meet with an expert on pain management

Dear Michael Bertram,

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Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

Hosted by: Jeff A. Gudín, MD
Director, Pain Management and Palliative Care
Englewood Hospital and Medical Center Englewood, New Jersey

Event Date: Wednesday, February 9, 2011 at 6:30 PM

Location: Carlo and Johnny's
9769 Montgomery Road
Cincinnati, OH 45242

FEB 07 2011

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Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

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Yes, Michael Bertram will be attending.

Preferred Office Phone:

Preferred Fax:

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 15, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Wednesday | February 16, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Thursday | February 17, 2011 | 10:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 08:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |



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ID
FEB 09 2011

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Topic: Practical Applications to Support Appropriate Treatment of Chronic Pain With a Long-Acting Opioid

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Yes, Jose'o Martinez will be attending.

Preferred Office Phone:

Preferred Fax:

FEB 10 2011

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Speaker |
|------------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 15, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Wednesday | February 16, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | February 17, 2011 | 10:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 08:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |



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DISCUSS PAIN MANAGEMENT WITH YOUR PEERS

Dear Michael Bertram,

You're invited to attend an interactive web conference that will include a video presentation by an expert, followed by a discussion with your peers on considerations in the appropriate use of a long-acting opioid in the management of chronic, moderate to severe pain.

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ID 12558159

Topic: Practical Applications to Support Appropriate Treatment of Chronic, Moderate to Severe Pain With a Long-Acting Opioid

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Yes, Michael Bertram will be attending.

FEB 16 2011

Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|------------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 22, 2011 | 08:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Wednesday | February 23, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | February 24, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | March 1, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |



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ID 12153106

**Topic: Practical Applications to Support
Appropriate Treatment of Chronic, Moderate
to Severe Pain With a Long-Acting Opioid**

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Yes, Jose'o Martinez will be attending.

FEB 16 2011

Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|------------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 22, 2011 | 08:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 09:30 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Wednesday | February 23, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Thursday | February 24, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |
| <input type="checkbox"/> Tuesday | March 1, 2011 | 09:00 PM ET | Jeff A. Gudin, MD |



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ID 12558159

**Topic: Practical Applications to Support
Appropriate Treatment of Chronic, Moderate
to Severe Pain With a Long-Acting Opioid**

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Yes, Michael Bertram will be attending.

Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|-----------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 22, 2011 | 08:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Thursday | February 24, 2011 | 09:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Tuesday | March 1, 2011 | 09:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Thursday | March 3, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |

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ID 12153106

Topic: Practical Applications to Support Appropriate Treatment of Chronic, Moderate to Severe Pain With a Long-Acting Opioid

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Automatic Registration – Fax back to: 800-929-8290

Yes, Jose'o Martinez will be attending.

Day of Program Phone Number

(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|-----------------------------------|-------------------|-------------|-------------------|
| <input type="checkbox"/> Tuesday | February 22, 2011 | 08:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Tuesday | February 22, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Thursday | February 24, 2011 | 09:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Tuesday | March 1, 2011 | 09:00 PM ET | Jeff A. Gudín, MD |
| <input type="checkbox"/> Thursday | March 3, 2011 | 09:30 PM ET | Jeff A. Gudín, MD |



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DISCUSS PAIN MANAGEMENT WITH AN EXPERT

Dear Michael Bertram,

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ID 12558159

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain Management

Featuring: Dr. Eric Cheylen MD, FABPM
Assistant Professor of Internal Medicine, Northeastern Ohio Universities College of Medicine

Event Date: Wednesday, July 27, 2011 at 6:30 PM

Location: Carlo and Johnny's
9769 Montgomery Road
Cincinnati, OH 45242

JUL 05 2011

This is a promotional event. CME credit will NOT be available for this session.

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This peer-to-peer dinner program series is for healthcare professionals with prescribing authority only (e.g. physicians, nurse practitioners and physician assistants). In accordance with Purdue policy and PhRMA guidelines, spouses and guests are not permitted to attend.

Yes, Michael Bertram will be attending.

Day of Program Phone Number:
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DISCUSS PAIN MANAGEMENT WITH AN EXPERT

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ID 12153106

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain

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JUL 05 2011

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Yes, Jose'o Martinez will be attending.

Day of Program Phone Number

(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|-----------------------------------|----------------|-------------|---------------|
| <input type="checkbox"/> Tuesday | July 19, 2011 | 09:00 PM ET | Walter Jacobs |
| <input type="checkbox"/> Thursday | August 4, 2011 | 09:30 PM ET | Martin Hale |



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ID 12558159

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Yes, Michael Bertram will be attending.

Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

OCT 11 2011

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|------------------------------------|-------------------|-------------|--------------|
| <input type="checkbox"/> Wednesday | November 9, 2011 | 08:30 PM ET | Eric Chevlen |
| <input type="checkbox"/> Tuesday | November 22, 2011 | 09:00 PM ET | Eric Chevlen |



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ID 12153106

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Yes, Jose'o Martinez will be attending.

OCT 11 2011

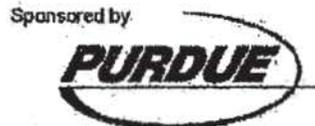
Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|------------------------------------|-------------------|-------------|--------------|
| <input type="checkbox"/> Wednesday | November 9, 2011 | 08:30 PM ET | Eric Chevien |
| <input type="checkbox"/> Tuesday | November 22, 2011 | 09:00 PM ET | Eric Chevien |



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DISCUSS PAIN MANAGEMENT WITH AN EXPERT

Dear Joan Steiner,

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ID 12647394

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain

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Automatic Registration – Fax back to: 800-929-8290

Yes, Joan Steiner will be attending.

Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

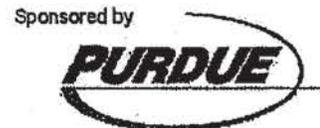
Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|------------------------------------|-------------------|-------------|--------------|
| <input type="checkbox"/> Wednesday | November 9, 2011 | 08:30 PM ET | Eric Chevlen |
| <input type="checkbox"/> Tuesday | November 22, 2011 | 09:00 PM ET | Eric Chevlen |

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Register Now
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ID 12647394

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Day of Program Phone Number
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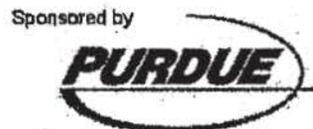
Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|-----------------------------------|------------------|-------------|----------------|
| <input type="checkbox"/> Thursday | October 20, 2011 | 09:00 PM ET | Adrian Bartoli |
| <input type="checkbox"/> Thursday | October 27, 2011 | 08:30 PM ET | Eric Cheylen |
| <input type="checkbox"/> Thursday | November 3, 2011 | 09:00 PM ET | Barry Cole |
| <input type="checkbox"/> Tuesday | November 8, 2011 | 09:30 PM ET | Adrian Bartoli |

OCT 11 2011 1:00



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DISCUSS PAIN MANAGEMENT WITH AN EXPERT

Dear Joan Steiner,

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ID 12647394

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain

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Yes, Joan Steiner will be attending.

Day of Program Phone Number

(this is the number you'd like us to call you at on the date and time of the selected program)

OCT 19 2011

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|------------------------------------|-------------------|-------------|---------------------|
| <input type="checkbox"/> Wednesday | November 9, 2011 | 08:30 PM ET | <i>Eric Chevien</i> |
| <input type="checkbox"/> Tuesday | November 22, 2011 | 09:00 PM ET | <i>Eric Chevien</i> |

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ID 12558159

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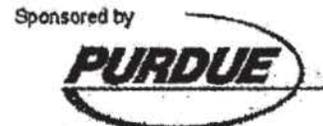
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| <input type="checkbox"/> Tuesday | November 8, 2011 | 09:30 PM ET | <i>Adrian Bartoli</i> |
| <input type="checkbox"/> Tuesday | November 15, 2011 | 08:30 PM ET | <i>Barry Cole</i> |



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| <input type="checkbox"/> Wednesday | December 7, 2011 | 09:00 PM ET | Barry Cole |

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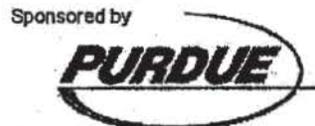
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| <input type="checkbox"/> Wednesday | December 7, 2011 | 09:00 PM ET | Barry Cole |

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Yes, Michael Bertram will be attending.

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Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|-----------------------------------|-------------------|-------------|----------------|
| <input type="checkbox"/> Thursday | November 3, 2011 | 09:00 PM ET | Barry Cole |
| <input type="checkbox"/> Tuesday | November 8, 2011 | 09:30 PM ET | Adrian Bartoli |
| <input type="checkbox"/> Tuesday | November 15, 2011 | 08:30 PM ET | Barry Cole |

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ID 12153106

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain

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| <input type="checkbox"/> Wednesday | December 7, 2011 | 09:00 PM ET | <i>Barry Cole</i> |



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| <input type="checkbox"/> Wednesday | December 7, 2011 | 09:00 PM ET | Barry Cole |
| <input type="checkbox"/> Tuesday | December 13, 2011 | 09:00 PM ET | Eric Chevlen |

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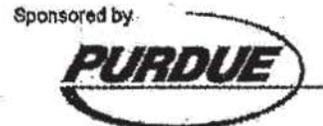
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|----------------------------------|-------------------|-------------|----------------|
| <input type="checkbox"/> Tuesday | November 8, 2011 | 09:30 PM ET | Adrian Bartoli |
| <input type="checkbox"/> Tuesday | November 15, 2011 | 08:30 PM ET | Barry Cole |



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ID 12647394

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain

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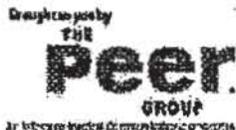
Yes, Joan Steiner will be attending.

Day of Program Phone Number

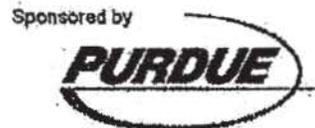
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|------------------------------------|-------------------|-------------|---------------------|
| <input type="checkbox"/> Tuesday | November 22, 2011 | 09:00 PM ET | <i>Eric Chevlen</i> |
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| <input type="checkbox"/> Tuesday | December 13, 2011 | 09:00 PM ET | <i>Eric Chevlen</i> |



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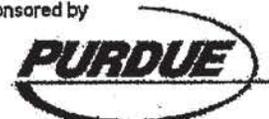
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| <input type="checkbox"/> Tuesday | December 13, 2011 | 09:00 PM ET | <i>Eric Chevlen</i> |

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Dear Michael Bertram,
You're invited to attend an interactive web conference that will include a case-based presentation with a pain management expert as well as a discussion with your peers on the management of moderate to severe chronic pain.

Register Now
888-733-7321

Call to speak with a live Peer Group representative and reserve your space.
ID 12558159

Topic: Announcing a Transdermal System for Moderate to Severe Chronic Pain

DEC 07 2011

This is a promotional event. CME credit will NOT be available for this session.

Purdue is committed to compliance with all state and federal laws and regulations.

Purdue is firmly committed to maintaining the highest standards of sales and marketing practices in the industry while continuing to advance the proper treatment of patients. If Purdue's sales and marketing practices fall to meet this standard, we urge you to contact us at 1-888-726-7535.

Automatic Registration – Fax back to: 800-929-8290

Yes, Michael Bertram will be attending.

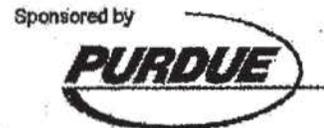
Day of Program Phone Number
(this is the number you'd like us to call you at on the date and time of the selected program)

Please select the meeting you'd like to attend:

| Day of Week | Date | Time | Featuring |
|----------------------------------|-------------------|-------------|--------------|
| <input type="checkbox"/> Tuesday | December 13, 2011 | 09:00 PM ET | Eric Chevlen |



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Phone: 888/733-7321
Fax: 800/929-8290



If you do not wish to be contacted with future fax offers from The Peer Group, please call 888-733-7321 or fax at 800-929-8290.

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