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March 23, 2009

By Hand and Electronic Mail
(cvasil@supremecourt.gov)

The Honorable William K. Suter
Clerk, United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Attn: Chris W. Vasil, Esq.

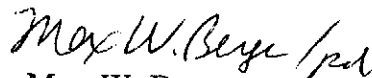
Re: *Merck & Co., Inc., et al. v. Reynolds, et al.*, No. 08-905

Dear Mr. Suter:

Please find enclosed for filing in the above-referenced matter 40 copies of the Brief for Respondents in Opposition, a certificate of service, and a certificate of word count.

If you have any questions, please call me at (212) 554-1403.

Very truly yours,



Max W. Berger

Counsel of Record for Respondents

Enc.

cc: Counsel for Petitioners



IN THE
Supreme Court of the United States

No. 08-905

MERCK & CO., INC., ET AL.,
Petitioners,

v.


RICHARD REYNOLDS, ET AL.,
Respondents.

CERTIFICATE OF WORD COUNT

Pursuant to Supreme Court Rule 33.1(h), I certify that the accompanying Brief for Respondents in Opposition, which was prepared using Century Schoolbook 12-point typeface, contains 8,603 words, excluding the parts of the document that are exempted by Rule 33.1(d). This certificate was prepared in reliance on the word-count function of the word-processing system (Microsoft Word 2003) used to prepare the document.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2009.



Max W. Berger

Counsel of Record for Respondents

IN THE
Supreme Court of the United States

No. 08-905

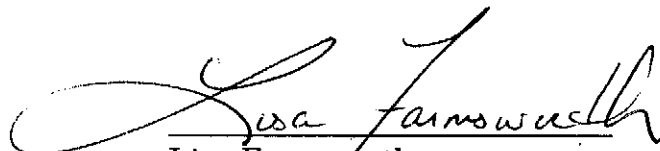
MERCK & CO., INC., ET AL.,
Petitioners,

v.

RICHARD REYNOLDS, ET AL.,
Respondents.

CERTIFICATE OF SERVICE

Pursuant to Supreme Court Rule 29.5, I certify that all parties required to be served have been served. On March 23, 2009, I caused copies of the Brief for Respondents in Opposition to be served by first-class mail, postage prepaid, on those parties on the attached service list.



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