

United States Senate

WASHINGTON, DC 20510

October 17, 2005

Dr. Franz B. Humer
Chief Executive Office
F. Hoffmann-La Roche Ltd
Group Headquarters
Grenzacherstrasse 124
CH-4070 Basel
Switzerland

Dear Dr. Humer:

I am writing today regarding the shortage of Tamiflu, the avian flu treatment that is currently under the protection of a patent held by Roche Pharmaceuticals. As you well know, countries all over the world have placed many more orders for Tamiflu than Roche can fill with its current manufacturing capacity. In the interest of the public health, I urge you to voluntarily suspend your patent so that other companies can assist you with filling these orders.

Avian flu, which began as a disease that only affected birds, has spread to more species of animal and now even humans. It has infected 120 people to date, killing approximately half. This virus has come several mutations closer to being transmissible between humans, and there has been at least one suspected case in which the virus has already jumped from human to human. Once this strain of flu reaches the stage at which it can be easily passed among people, the world will face a global threat of pandemic proportions.

The recent surge in orders for Tamiflu, the only known effective treatment for avian flu, has come on the heels of recommendations by experts that each country stockpile enough doses of Tamiflu for approximately 40% to 50% of its population. Since we do not know how long it might take the virus to mutate to the point of widespread human-to-human transmission, it is crucial for nations to have the antiviral on hand in case the avian flu were to become a pandemic as early as this flu season.

No one company can possibly be expected to produce such vast quantities of a drug in a limited period of time, yet the need for adequate stockpiles across the world is real and urgent. The United States only has enough Tamiflu right now to protect 1% of its population, which would mean devastation to the country if it were hit by a flu pandemic. I ask that you work with other pharmaceutical companies to increase the production of Tamiflu to relieve the bottleneck in supply while still assuring that you receive some form of compensation for these doses, given that their production would not be possible without the use of your technology.

PLEASE RESPOND TO THE FOLLOWING OFFICE:

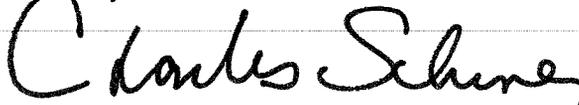
<input type="checkbox"/> ALBANY: LEO O'BRIEN BUILDING ROOM 420 ALBANY, NY 12207 (518) 431-4070	<input type="checkbox"/> BINGHAMTON: FEDERAL OFFICE BUILDING 15 HENRY STREET ROOM B6 BINGHAMTON, NY 13901 (607) 772-8109	<input type="checkbox"/> BUFFALO: 111 WEST HURON ROOM 620 BUFFALO, NY 14202 (716) 846-4111	<input type="checkbox"/> HUDSON VALLEY: P.O. Box A RED HOOK, NY 12571 (914) 285-9741 (845) 569-0923	<input type="checkbox"/> LONG ISLAND: TWO GREENWAY PLAZA 145 PINE LAWN ROAD ROOM 300N MELVILLE, NY 11747 (631) 753-0978	<input type="checkbox"/> NEW YORK CITY: 757 THIRD AVENUE SUITE 1702 NEW YORK, NY 10017 (212) 486-4430 TDD: (212) 486-7661	<input type="checkbox"/> ROCHESTER: 100 STATE STREET ROOM 3040 ROCHESTER, NY 14614 (716) 263-5866	<input type="checkbox"/> SYRACUSE: 100 SOUTH CLINTON ROOM 841 SYRACUSE, NY 13261 (315) 423-5471	<input type="checkbox"/> WASHINGTON: 313 HART SENATE OFFICE BUILDING WASHINGTON, DC 20510 (202) 224-6542 TDD: (202) 224-0420
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Despite reports from your company that other manufacturers could not possibly learn to make Tamiflu in a reasonable period of time, I have learned that companies in Taiwan and India are ready for production, and that several companies in the United States are interested and believe they could be ready for production in the relative short term. This process could be greatly aided by your assistance so that these companies do not have to reinvent the wheel but can merely use your processes and procedures until orders for government stockpiles have been filled, at which time Roche could re-assume the sole right of production.

Rather than placing blame on governments for the time at which they placed their orders, we must focus on protecting and preserving human life. What matters most is that hundreds of millions of people are in danger of losing their lives, and we have the tools to save them using your technology and existing supplemental manufacturing facilities. I deeply respect the investment Roche has made in order to bring Tamiflu to market, but am confident that there is a way to both serve the public need and ensure that your company receives compensation. I urge you to put human lives ahead of profits, and work to find a swift solution to the global need for biopreparedness.

Sincerely,

A handwritten signature in black ink that reads "Charles Schumer". The signature is written in a cursive style with a large, prominent initial "C".

Charles Schumer
U.S. Senator

cc: Mr. George Abercrombie