

## CHRONOLOGY OF FDA ACTIONS REGARDING IPLEX

1. October 2006- FDA approves \*Iplex for short growth stature condition.
2. November 2006 through February 2007 – ALS patients secure Iplex through off label prescription. Patients report immediate and notable benefits.
3. February 2007 – Patent litigation settlement between Genentech/Tercica and Insmmed requires Insmmed discontinuation of distribution (except for Italian ALS expanded access program, Muscular Dystrophy clinical test study at University of Rochester then in process and for conditions of premature retinopathy and severe diabetic adipose retention).
4. November 8, 2008 – Settlement agreement of litigation initiated by Genentech/Tercica allows Insmmed to provide Iplex to ALS patients worldwide, in perpetuity and royalty free.
5. November 13, 2008 - Insmmed verbal response to inquiries is that only an IND form will be required, simple to fill out by any physician, only a page or two. Suggestion made that Iplex will be provided for no charge for the first few months to those who want it.
6. November 15, 2008-Insmmed notifies ALS population via web site that FDA now requires Individual Patient IND/IRBs that must be filed by physicians to secure Iplex; Insmmed states that FDA will expedite INDs/IRBs. The IRB addition has added \$2000 to \$4000 cost per person for access to Iplex.
7. December 15, 2008 – First IND/IRB filed by ALS patient family followed by 19 additional IND/IRB applications over the next 5-6 weeks.
8. January 16-23, 2009 – All IND/IRBs received by that time and thereafter rejected by FDA. Justification is based upon unsubstantiated reports of safety issues with the inferior drug \*Myotrophin/\*Increlex. FDA defines ALS as a ‘serious’ rather than ‘terminal’ disease in order to negate the ‘emergency compassionate care’ designation.
9. January 30-February 10, 2009 – FDA Project Manager verbally states to inquiring physicians that all future IND/IRBs would be rejected with statement “don’t bother filing.”
10. March 4 - Private conversations between ALS WORLDWIDE and FDA reveal resolution being worked on. ALS WORLDWIDE is told to say nothing publicly or resolution will fail.
11. March 10, 2009 – FDA summarily announces that only IND/IRBs filed prior to March 6, 2009 will now be accepted. Only 20 patients will have access to Iplex. Of those, 2 have died since the settlement is November. Therefore, the number is now reduced to 18. This is an arbitrary, mean-spirited cut off to an already destitute and devastated population.
12. March 12, 2009 – FDA announces that the 20 previously filed IND/IRBs must now be re-filed with additional \*\*safety data about \*Myotrophin – an FDA-approved, previously trialed but ineffective drug for ALS and presently available through off label prescription to any ALS patients with the funds or, in rare cases, insurance coverage to purchase it. Iplex is not available to any other ALS patients until the clinical trial is completed which will take anywhere from five to ten years to complete.

\*\*The addition of this data is completely preposterous.

- First because the FDA ruled Myotrophin completely safe in 1996.
- Second because Myotrophin is a completely different drug from Iplex.
- Finally because this will take a minimum of an additional 120 days to get approved by the IRB and then the FDA.