

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

NOTICE OF CERTIFIED LITIGATION CLASS ACTION

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. A UNITED STATES FEDERAL COURT AUTHORIZED THIS NOTICE. YOUR RIGHTS MAY BE AFFECTED BY THE PROCEEDINGS IN THIS ACTION. THIS NOTICE ADVISES YOU OF YOUR RIGHTS AND OPTIONS WITH RESPECT TO THIS ACTION.

If you paid or provided reimbursement for some or all of the purchase price of Tracleer or bosentan, your legal rights might be affected.

A federal court ordered this Notice. This is not a solicitation from a lawyer. You are not being sued.

- The purpose of this Notice is to alert you that a Court has certified a litigation Class. The Plaintiff in the lawsuit claims that Defendants Actelion Pharmaceuticals Ltd., Actelion Pharmaceuticals US, Inc., and Janssen Research & Development, LLC (collectively “Defendants”) unlawfully kept generic Tracleer, known as bosentan, off the market so third-party payors paid more for brand Tracleer and bosentan than they should have. Defendants deny that they did anything wrong.
- This Notice provides Class Members with a deadline of **December 23, 2024**, to exclude themselves from the Class.

Your legal rights may be affected even if you do nothing. Please read this Notice carefully.

YOUR LEGAL RIGHTS IN THIS LAWSUIT

DO NOTHING	If you are a member of the Class, by doing nothing you will remain in the Class and may be entitled to share in any recovery that might be achieved through a trial or settlement. All of the Court’s orders will apply to you and legally bind you.
EXCLUDE YOURSELF FROM THE CLASS	You may choose to exclude yourself (<i>i.e.</i> , to opt out) from the Class. If you decide to exclude yourself, you will not be bound by any decision in this lawsuit or entitled to any benefits that might be achieved through a trial or settlement. If you choose to exclude yourself, you keep any rights to sue Defendants on your own for the same legal claims in this lawsuit. <i>See</i> Questions 8 and 9 below.
GET MORE INFORMATION	If you would like to receive more information about the case, you can (1) call or send questions to the Claims Administrator or lawyers identified in this Notice; and/or (2) visit the case website at www.TracleerLitigation.com .

QUESTIONS? CALL 1-877-354-3839 OR VISIT WWW.TRACLEERLITIGATION.COM.

**THESE RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM—
ARE EXPLAINED IN THIS NOTICE.**

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1. Why did I receive this Notice?

A federal court authorized this Notice because you have a right to know about all of your options in this case where there is a certified litigation Class. This Notice explains the lawsuit, describes the Class whose rights may be affected, and explains your legal rights and options. Note that you may have received this Notice in error; simply receiving this Notice does not mean that you definitively are a member of the Class. You may confirm that you are a member of the Class by reviewing the criteria set forth in Question 5 below. You may also contact the Claims Administrator or lawyers in this case using the telephone numbers or addresses listed in Questions 10 or 16 below.

2. What is the lawsuit about?

The Plaintiff that brought this lawsuit alleges that Defendants violated certain state antitrust and consumer protection laws by taking several actions to keep generic bosentan (*i.e.*, generic versions of Tracleer) off the market. The Plaintiff alleges this harmed competition and caused Class Members to overpay for brand Tracleer and bosentan.

The lawsuit alleges that Defendants violated federal antitrust laws by unlawfully impairing and delaying the introduction of generic versions of the prescription drug Tracleer into the United States market. The Plaintiff alleges that beginning around 2009, Defendants refused to sell samples of Tracleer to various generic manufacturers that were requesting to purchase samples in order to

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conduct bioequivalence testing, which is a prerequisite to United States Food and Drug Administration (“FDA”) approval of the generic version of a brand drug. The Plaintiff alleges that without access to samples of Tracleer, generic manufacturers were unable to conduct the testing necessary to file an application to market a generic version of Tracleer with FDA. Absent Defendants’ conduct, the Plaintiff claims, one or more generic companies would have launched generic Tracleer earlier than April 2019, which is when the first generic version of Tracleer became available. The Plaintiff alleges that the prices for Tracleer and generic Tracleer were higher than they would have been absent Defendants’ alleged unlawful conduct. Plaintiff is seeking to recover the overcharges it claims the Class paid as a result of Defendants’ alleged conduct.

Defendants deny these allegations, including that Plaintiff or Class Members are entitled to damages or other relief.

There has been no determination by the Court or a jury that the allegations against Defendants have been proven or that, if proven, Defendants’ conduct caused harm to the Class. This Notice is not an expression of any opinion by the Court as to the claims against Defendants or their defenses. Chief Judge George L. Russell, III of the United States District Court for the District of Maryland is overseeing this class action. The lawsuit is known as *Government Employees Health Association v. Actelion Pharmaceuticals Ltd., et al.*, GLR-18-3560 (D. Md.).

This lawsuit is not about the safety or efficacy of Tracleer or bosentan, and the case does not involve any claims about the safety or efficacy of Tracleer or bosentan.

3. Why is this lawsuit a class action?

In a class action lawsuit, one or more persons or entities called “class representatives” (here, Government Employees Health Association) sue on behalf of all others who have similar claims. Together, all these persons or entities make up the “Class” and are called “Class Members.”

In a class action lawsuit, one court and one case resolve the issues for all Class Members, except for those Class Members who exclude themselves (*i.e.*, “opt out”) from the Class.

4. What is the current status of the lawsuit?

On September 6, 2024, the Court certified a litigation Class and appointed the named plaintiff Government Employees Health Association to represent the Class. The Court also denied Defendants’ motion to summarily dismiss the case.

The case against Defendants is ongoing. There has been no determination by the Court or a jury that the allegations against Defendants have been proven. There is no guarantee that money or benefits will ever be obtained from Defendants. If there are, Class Members will be notified. The Court has set trial for March 2, 2026 through April 9, 2026.

5. Am I part of the Class?

In allowing this lawsuit to proceed as a class action, the Court certified the following Class:

All entities that, for consumption by their members, employees, insureds, participants or beneficiaries, purchased, paid and/or provided reimbursement for some or all of the purchase price of

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Tracleer or bosentan, other than for resale, in Arizona, California, Florida, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Puerto Rico, at any time during the period from December 29, 2015, through and until September 6, 2024.

Certain entities are not included in the Class, as set forth below.

Excluded from Class are (1) Defendants and their subsidiaries and affiliates; and (2) federal and state governmental entities.

Entities that submit a valid exclusion request before **December 23, 2024**, as described in Question 9 below, also are excluded from the Class.

If you are not sure whether you are included in the Class or have questions about the Settlement, you may contact the Claims Administrator at the telephone number, email address, or address listed in Question 16 below.

A copy of the Court’s order certifying the Class may be found at www.TracleerLitigation.com.

6. What are my legal rights and options in this case?

If you fit within the definition of the Class, you have to decide whether to stay in the Class or ask to be excluded. **You have to decide this now.**

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS	
Remain a Class Member by Doing Nothing	You do not need to do anything at this time to remain a member of the Class. You will be bound by any decision of the Court in this case, and you will give up your rights to sue Defendants about the same set of facts and legal claims involved in this case. By remaining in the Class, you make yourself eligible to receive a share of any money that may be recovered by the Class.
Exclude Yourself	If you exclude yourself from the Class, you will <u>not</u> be bound by the decisions of the Court and will <u>not</u> be entitled to receive any money that may be recovered for the Class in the future. Any dispute over your request to be excluded will be resolved by the Court.
Get More Information	If you would like to receive more information about the case, you can (1) call or send questions to the Claims Administrator or lawyers identified in this Notice; and/or (2) visit the case website at www.TracleerLitigation.com .

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7. What happens if I do nothing at all?

If you fit within the definition of the Class and you do nothing, then you will remain in the Class. You will keep the right to a share of any recovery that may come from a trial or settlement with the Defendants in this litigation. You will not be able to start your own lawsuit against the Defendants relating to the legal issues or claims in this case. All of the Court's orders will apply to you and legally bind you. **If you wish to remain in the litigation Class, you do not need to do anything at this time.**

8. What happens if I exclude myself from the Class?

If you exclude yourself from the Class – also known as “opting out” of the class – you will not get any money or benefits from this lawsuit even if the Plaintiff obtains them as a result of trial or from any settlement with Defendants. If you exclude yourself, you will not be legally bound by any of the Court's orders as to the claims against Defendants in this class action or any judgment or release entered in this class action.

9. How do I ask the Court to exclude me from the Class?

If you decide that you do not want to be part of the Class, you may exclude yourself (*i.e.*, “opt out”) from the Class. To exclude yourself, you must send a letter or email to the Claims Administrator stating that you want to exclude yourself from the Class at:

Tracleer Litigation
EXCLUSIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217
info@TracleerLitigation.com

Your email or letter must include (1) the full name of the entity, current mailing address, and telephone number; (2) a statement that you want to be excluded from this class action lawsuit (*e.g.*, “I hereby request that I be excluded from the Class in *Government Employees Health Association v. Actelion Pharmaceuticals Ltd.*”); and (3) your signature. NOTE: you must personally sign the letter.

Your letter requesting exclusion must be postmarked (if mailed to the address above) or submitted (if sent by email) no later than **December 23, 2024**. This will be the only opportunity you will have to exclude yourself from the Class of which you otherwise would be a member.

To exclude yourself, you also must submit data (1) sufficient to establish Class membership, and (2) reflecting your purchases, payments, and/or reimbursements for Tracleer and bosentan between December 29, 2015, and September 6, 2024. Class Members shall not be permitted to exclude other Class Members. Moreover, group or class-wide exclusions shall not be permitted. A request for exclusion must be submitted by each Class Member on an individual basis, and any request for exclusion by a purported authorized agent or representative of a Class Member must include proof of the representative's legal authority and authorization to act and request exclusion on behalf of each Class Member they seek to opt out.

If you exclude yourself from the Class, you will not receive any benefits from any trial or settlement, you will not be legally bound by anything that happens in the lawsuit between the Plaintiff and

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Defendants, and you may be able to sue (or continue to sue) the Defendants in the future about the legal issues in this case. If you exclude yourself from the Class so that you can start, or continue, your own lawsuit against Defendants, you should talk to your own lawyer as soon as possible because, among other things, your claims will be subject to a statute of limitations, meaning your claims may expire if you do not take timely action.

10. Do I have a lawyer in this case?

Yes. The Court has appointed the law firms listed below to represent you and the other Class Members. These lawyers are called “Class Counsel.” Class Counsel are experienced in handling similar cases against other companies. Class Counsel include:

Sharon K. Robertson Cohen Milstein Sellers & Toll PLLC 88 Pine Street, 14 th Floor New York, NY 10005 Telephone: (212) 838-7797	Thomas M. Sobol Hagens Berman Sobol Shapiro LLP One Faneuil Hall Square, 5 th Floor Boston, MA 02109 Telephone: (617) 482-3700
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You will not be personally charged for the services of these lawyers in litigating this case. If you want to be represented by another lawyer, you can hire one at your own expense.

11. Should I hire my own lawyer?

You do not need to hire your own lawyer because the lawyers appointed by the Court are working on your behalf. If you so desire, you may hire a lawyer and enter an appearance through your lawyer at your own expense.

12. How will the lawyers be paid?

If Class Counsel achieves a recovery for the Class, the Court will be asked to approve reasonable fees for the lawyers who worked on the case and reimbursement for the litigation expenses they have advanced on behalf of the Class. If the Court grants Class Counsel’s requests, fees and expenses would either be deducted from any money obtained for the Class or paid separately by Defendants. Members of the Class will not have to pay any attorneys’ fees or expenses.

13. How and when will the Court decide who is right?

Class Counsel will have to prove the Plaintiff’s claims at a trial by jury. The date for a jury trial has been set for March 2, 2026 through April 9, 2026. During the trial, the jury will hear evidence about whether the Plaintiff is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win, or that the Plaintiff will get any money for the Class. Any judgment will be binding on all Class Members who have not opted out, regardless of who wins.

14. Do I have to come to trial?

No, you do not need to attend the trial. Class Counsel will present the case for the Plaintiff and the Class, and counsel for Defendants will present the defenses. You and/or your own lawyer are welcome to attend the trial at your own expense.

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15. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know if or when this will occur or how long this will take.

16. Are more details available?

This Notice is only a summary. More details are available at www.TracleerLitigation.com. You also may contact the Claims Administrator, by mail at Tracleer Litigation, c/o A.B. Data, Ltd., P.O. Box 173072, Milwaukee, Wisconsin 53217, by email at info@TracleerLitigation.com or by phone at 1-877-354-3839.

Complete copies of all public pleadings, Court rulings, and other filings are available for review by accessing the Court docket for this case, for a fee, through the Court's Case Management/Electronic Case Files (CM/ECF) system.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.

DATED: NOVEMBER 22, 2024

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND, George L. Russell, III