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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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January 31, 2017

Mr. Simon Wilkinson
Chief Executive Officer
Innate Immunotherapeutics Limited
35 Lime Street
Suite 401
Sydney NSW 2000
Australia

VIA ELECTRONIC MAIL

Dear Mr. Wilkinson:

As part of the U.S. Senate's constitutional duty to confirm presidential appointments, I have been reviewing the record of U.S. Representative Thomas Edmunds Price, who has been nominated to be the Secretary of the U.S. Department of Health and Human Services.

To that end, I am writing to you seeking prompt assistance in providing information and documents related to Congressman Price's investment in Innate. Please provide the requested information and documents:

1. The *New York Times* reported that "Mr. Wilkinson and Michael Quinn, Innate's chairman, said they had never heard of many of the company's more prominent investors, and said they first learned that Mr. Price had invested in the company from an article in *The Wall Street Journal* [published online December 22, 2016], which first reported his investment."¹

In written response to questions from the Committee, Congressman Price said "I communicated with Representative Collins, who is a director of Innate. As noted above, I learned about Innate through a general conversation with him in the fall of 2014. I also communicated with Simon Wilkinson of Innate regarding my interest in participating in the 2016 private placement of company stock." In addition, the *Wall Street Journal* reported that "Mr. Collins said he told Mr. Price of the additional

¹ Katie Thomas, "Australian Drug Maker Has Low Profile but Powerful Backers in Washington," *New York Times*, January 31, 2017, https://www.nytimes.com/2017/01/13/health/innate-immunotherapeutics-tom-price.html?_r=0.

private placement. He said Mr. Price asked if he could participate in it. ‘Could you have someone send me the documents?’ Mr. Collins recalled Mr. Price asking him.”²

- a. Please identify any meeting or communication between you, the company, its officers, employees, directors, consultants or other affiliated personnel, and Congressman Price. In so doing, please include the person or persons involved in such communication or meeting, the date, method, location of the communication, and the subject of the communication.
 - b. Please provide any e-mail or other written communications between you, the company, its officers, employees, directors, consultants or other affiliated personnel, and Congressman Price. In addition, please provide any documents transmitted by Innate to Congressman Price, and any document Congressman Price transmitted to the company.
2. Regarding the August 2016 private stock placements reference in the company’s Notice of Annual General Meeting and Explanatory (“Notice”) on July 25, 2016:
- a. Please describe how Innate found and solicited potential buyers for the private stock sale in August 2016. In so doing, please provide all dates that solicitations or other communications regarding the stock sale was sent to investors. Please also note any differences between how U.S. and non-U.S. investors were solicited. Please provide the number of U.S. investors at the time of the solicitation, the number of U.S. investors who were solicited, the number who agreed to participate, and the number who were considered accredited, “friends and family,” or met some other classification or category. Please provide any and all solicitation materials, offering documents, or other information related to the sale that were sent to participants in the placement.
 - b. Please describe the criteria by which the company determined who could participate in the sale both within the U.S. and outside the U.S. Please provide supporting documentation regarding the company’s criteria for participants in the sale, if the not contained in the offering documents described in Question 2(a).
 - c. It has been reported that these private offerings were made available – in the U.S. – only to shareholders who had previously participated in private stock placements. Is it correct that shareholders had to have previously participated in Innate’s private stock placements?

² James Grimaldi, “Rep. Tom Price Got Privileged, Discounted Offer on Biomedical Stock, Company Says,” Wall Street Journal, January 31, 2017, <https://www.wsj.com/articles/rep-tom-price-got-privileged-discounted-offer-on-biomedical-stock-company-says-1485800769>.

- i. Please provide any documents that describe eligibility for the August 2016 private placements, if not already provided in response to Questions 2(a) or 2(b).
 - ii. Did Congressman Price participate in any private stock placements prior to the August 2016 private placement?
- d. Based on interviews with you and Congressman Collins, the *Wall Street Journal* reported that Congressman Price qualified for the August 2016 private placements in the U.S. as one of six “friends and family” solicited for the sale.
 - i. Was Congressman Price one the “friends and family” participants described by the *Wall Street Journal*?
 - ii. What were the requirements for “friends and family” participation?
 - iii. Please provide any and all offering documents that were provided to this class of participants for the August 2016 sale. Please provide any and all documents that show the company’s eligibility criteria for determining this class of participant in the August 2016 sale. Please provide any and all documents that describe eligibility for this class of participant in the August 2016 private placements.
- e. Did the names of individual participants or criteria for participation in the August 2016 sale come before Innate’s officers or its board of directors for consideration, including Congressman Price? If so, please describe what actions or consideration officers or directors took. Please provide any supporting documentation of the selection decisions.
- f. Did the company use an investment banker or other agent for the August 2016 private placements? If so, please provide the name of the bank or agent and its employees who were involved in the sale.
- g. What role did Congressman Collins – a director and Innate’s largest stockholder – play in the U.S. 2016 private placements?

Please provide the requested information and documents via email on a rolling basis as they become available. Please contact my staff at +1 (202) 224-4515. Thank you to your prompt attention to this matter and your timely response.

Sincerely,



Ron Wyden
Ranking Member