
PRESS RELEASE

Ypsomed files a breach of patent lawsuit against Sanofi-Aventis

Ypsomed filed a lawsuit against Sanofi-Aventis in Germany. Ypsomed believes that the SoloStar[®] injection system developed and manufactured by Sanofi-Aventis is in breach of its own patents. Sanofi-Aventis uses the SoloStar[®] pen for administration of its Lantus and Apidra insulin products. Ypsomed is seeking a ban on the manufacture and supply of the Sanofi-Aventis SoloStar[®] pen and is applying for compensation. Ypsomed invests more than CHF 25 million annually in research and development and actively protects its patented products and technology. Ypsomed currently has supply contracts with Sanofi-Aventis, which means that Sanofi-Aventis continues to be an important customer for the OptiSet[®], OptiClik[®] and OptiPen[®] Pro products.

Several expert opinions by patent attorneys are the basis for an action against the SoloStar[®] pen on grounds of breach of patent

Burgdorf, 27 August 2007, 7:00am – Via its group member company TecPharma Licensing AG, Ypsomed recently filed an action against Sanofi-Aventis in the Provincial Court of Düsseldorf (Germany). The patent action relates to the SoloStar[®] injection system developed and manufactured by Sanofi-Aventis; this system is used by Sanofi-Aventis for the administration of its Lantus and Apidra insulin products in several countries. The filed patent action is based on formal opinions from a number of specialist patent attorney offices. They reached the conclusion that the SoloStar[®] pen of Sanofi-Aventis breaches European patents EP 1414507 B1 and EP 1458440 B1 owned by TecPharma Licensing AG in several respects. In addition, Novo Nordisk took legal action in July 2007 against Sanofi-Aventis in the USA and Germany on grounds of patent breaches by the SoloStar[®] pen.

Ypsomed is seeking compensation and a halt to the distribution and production of the SoloStar[®] pen

Dr. h.c. Willy Michel comments on the decision taken by the Board of Directors to file a patent action against Sanofi-Aventis as follows: "The business policy of Ypsomed is to protect its developments and technologies by patents and to defend them actively if needed. As a partner for over 20 years, Ypsomed informed Sanofi-Aventis at an early stage of the patent breaches in connection with the SoloStar[®] pen, negotiations have not as yet led to an acceptable outcome. As a consequence Ypsomed has now decided to take legal action."

Ypsomed has long-term supply contracts with Sanofi-Aventis

Ypsomed supplies Sanofi-Aventis with the successfully launched and established pen systems: OptiSet[®], OptiClik[®] and OptiPen[®] Pro. Richard Fritschi, Ypsomed CEO, is confident: "Sanofi-Aventis remains an important customer for Ypsomed that will continue to supply insulin patients with Ypsomed's pen systems Ypsomed aims to provide Sanofi-Aventis in the future with new and innovative insulin pen systems".

The supply contracts with Sanofi-Aventis stipulate that the quantities required by Sanofi-Aventis for the calendar year 2008 will be confirmed in the next 2 months. Ypsomed will update and announce its sales and profit forecasts on that basis.

Ypsomed has over 220 patent families and actively protects its innovations

Ypsomed invests more than CHF 25 million annually in research and development of new products and technologies. Today Ypsomed possesses in the area of self-injection devices, pen systems and auto-injector technology more than 220 patent families including both granted and applied patents. On 22 May 2007, Ypsomed announced that it had granted to a major, globally acting pharmaceutical company a non exclusive licence rights in patents relating to auto-injectors and expected to receive several million Swiss Francs in licence fees over the next few years from the newly signed contract.

Further information is available from Daniel Kusio, Head of Investor & Public Relations at Ypsomed Holding AG. Tel. +41 34 424 41 43 or Tel +41 34 424 41 11. This press release and further documents are available in electronic form at www.ypsomed.com.