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UK Supreme Court Rules In Lilly's Favor On Alimta Vitamin Regimen Patents

INDIANAPOLIS, July 7, 2017 /PRNewswire/ -- Eli Lilly and Company (NYSE: LLY) today announced that the UK Supreme Court has decided in the litigation relating to alternative salt forms of Alimta[®] (pemetrexed disodium) that Actavis's products directly infringe Lilly's vitamin regimen patents in the UK, France, Italy and Spain. The UK Supreme Court also affirmed the indirect infringement finding by the UK Court of Appeal. The full judgment is scheduled to be handed down on Wednesday, July 12, 2017. The ruling came in the case of *Actavis v. Eli Lilly and Company*.

In June of 2015, the UK Court of Appeal ruled the Alimta vitamin regimen patent would be indirectly infringed when the generic product is reconstituted or diluted in saline, but not directly infringed under the doctrine of equivalents. Following this decision, Actavis launched pemetrexed Armisarte, previously Pemetrexed Actavis, at risk. Today's announcement by the UK Supreme Court finds the Actavis product infringing, regardless of the diluent used in reconstitution or dilution.

"While we do not yet know the court's reasoning, we are pleased with the UK Supreme Court's key conclusions that confirm the Alimta vitamin regimen patent would be infringed by these generic pemetrexed products in the UK, France, Italy and Spain prior to June 2021," said Michael J. Harrington, senior vice president and general counsel for Lilly.

Harrington continued, "We continue to emphasize that protection of intellectual property rights is extremely important to the biopharmaceutical industry and the patients we serve. Intellectual property rights provide assurances of market exclusivity that help support the development of the next generation of innovative medicines to treat unmet medical needs."

About Eli Lilly and Company

Lilly is a global healthcare leader that unites caring with discovery to make life better for people around the world. We were founded more than a century ago by a man committed to creating high-quality medicines that meet real needs, and today we remain true to that mission in all our work. Across the globe, Lilly employees work to discover and bring life-changing medicines to those who need them, improve the understanding and management of disease, and give back to communities through philanthropy and volunteerism. To learn more about Lilly, please visit us at www.lilly.com and <http://newsroom.lilly.com/social-channels>. C-LLY

This release contains forward-looking statements regarding European Alimta patent litigation. These statements are based on management's current expectations but actual results may differ materially. There can be no assurance that the company will prevail in future litigation. Also, the company cannot predict whether generic pemetrexed will be marketed prior to the resolution of this litigation. Other risk factors that may affect the company's results can be found in the company's latest Forms 10-K and 10-Q filed with the U.S. Securities and Exchange Commission.

Alimta[®] (pemetrexed, Lilly)

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