

For Immediate release

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UK Levofloxacin SPC and Underlying Patent Upheld by High Court Patent Court

TOKYO, October 23, 2008 - DAIICHI SANKYO COMPANY, LIMITED, one of Japan's leading pharmaceutical companies, has announced that the Patents Court of the High Court of England and Wales has upheld Daiichi Sankyo's supplementary protection certificate (SPC) No. SPC/GB97/085 for its broad spectrum antibacterial agent, levofloxacin. The challenge to validity was made by way of an application by Generics [UK] Ltd for a declaration that the SPC, and the patent on which it was based (European Patent (UK) No. 0206283), were invalid. Mr Justice Kitchin held that the attacks made against both the SPC and EP (UK) 0206283 failed.

Daiichi Sankyo has granted an exclusive license to Sanofi-aventis to make, use, and sell pharmaceutical preparations containing levofloxacin in the UK. Sanofi-aventis markets levofloxacin products in the UK under the trade name TAVANIC®.

Supplementary Protection Certificate (SPC)

A SPC is an Intellectual Property Right that extends the protection of a patented pharmaceutical product (or a plant protection product) after the expiry of the patent.