

August 18, 2009  
Shionogi & Co., Ltd.

## **Shionogi Files a Patent Infringement Action against a Generic Company for Flomox<sup>®</sup> (Oral cephem antibiotic agent)**

Shionogi & Co., Ltd. (Head Office: Osaka; President: Isao Teshirogi, hereafter 'Shionogi') announces the filing of a patent infringement action and a petition for a provisional disposition order in Osaka District Court against Sawai Pharmaceutical Co., Ltd. (Head Office: Osaka) which started the sales of generic products of Flomox<sup>®</sup> based on the crystal patent of Flomox<sup>®</sup> (generic name: cefcapene pivoxil hydrochloride hydrate), an oral cephem antibiotic agent, on August 18, 2009.

Flomox<sup>®</sup> was originally created by Shionogi and launched as Flomox<sup>®</sup> 75mg Tablet, Flomox<sup>®</sup> 100mg Tablet and Flomox<sup>®</sup> Fine Granules 100mg for children in June 1997, after the marketing and manufacturing approval in April 1997. Each product has the indications in various infectious diseases including adenoiditis, laryngitis and cystitis.

The expiration date of the crystal patent of Flomox<sup>®</sup> (Patent number: 2960790) is March 25, 2011, though the substance patent expired on October 23, 2008.

As an action related to the crystal patent of the product, Shionogi has taken ITOCHU CHEMICAL FRONTIER Corporation, a bulk active ingredient import company of generic products of Flomox<sup>®</sup>, to court on February 19, 2009, and this case is the second lawsuit for the Company.

Shionogi sees intellectual property as very important management resources and intends to take legal responses against infringements or the risk of infringements of our intellectual property in the future.

### **Forward-Looking Statements**

*This announcement contains forward-looking statements. These statements are based on expectations in light of the information currently available, assumptions that are subject to risks and uncertainties which could cause actual results to differ materially from these statements. Risks and uncertainties include general domestic and international economic conditions such as general industry and market conditions, and changes of interest rate and currency exchange rate. These risks and uncertainties particularly apply with respect to product-related forward-looking statements. Product risks and uncertainties include, but are not limited to, completion and discontinuation of clinical trials; obtaining regulatory approvals; claims and concerns about product safety and efficacy; technological advances; adverse outcome of important litigation; domestic and foreign healthcare reforms and changes of laws and regulations. Also for existing products, there are manufacturing and marketing risks, which include, but are not limited to, inability to build production capacity to meet demand, unavailability of raw materials and entry of competitive products. The company disclaims any intention or obligation to update or revise any forward-looking statements whether as a result of new information, future events or otherwise.*

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