

August 10, 2012  
Seikagaku Corporation  
(Securities Code: 4548)

## **The U.S. Court Ruled on Gel-One® Patent Infringement Case**

Seikagaku Corporation (Head Office: Tokyo, Japan) (hereinafter “Seikagaku”) hereby announces that the jury sitting in the United States District Court for the District of Massachusetts (hereinafter the “Court”) returned a verdict on August 3, 2012, finding no patent infringement by Seikagaku and Zimmer, Inc. (Head Office: Indiana, U.S.) and its affiliates (hereinafter collectively “Zimmer”) through their sale, etc. of Gel-One®, a single injection product for the treatment of knee osteoarthritis pain, in the patent infringement lawsuit filed by Genzyme Corporation (hereinafter “Genzyme”). The jury also found the asserted patent claims invalid. Zimmer, Inc. is the exclusive distributor of Gel-One® in the United States.

### **1. Background of the Ruling**

In April 2011, Genzyme filed a lawsuit against Seikagaku and Zimmer, claiming that sales, etc. of Gel-One®, for which Seikagaku received approval from the U.S. Food and Drug Administration (FDA) in March 2011, infringe two patents owned by Genzyme (US Patent 5,399,351 (claims dismissed in February 2012) and US Patent 7,931,030 (hereinafter the “’030 Patent”)).

Thereafter, on August 3, 2012, the jury reached a verdict that (1) the use, sales etc. of Gel-One do not infringe the asserted Genzyme patent claims; and (2) the asserted Genzyme patent claims are invalid. Based on such jury verdict, the Court entered a ruling on August 7, 2012 as provided below.

### **2. The Contents of the Ruling**

- (1) The defendants (Seikagaku and Zimmer) do not infringe the asserted claims of the ’030 Patent by using, selling, importing and /or offering to sell FDA-approved Gel-One® in the United States, and
- (2) Claims 5, 7, 8 and 32 of the ’030 Patent (as asserted by Genzyme) are invalid by reason of obviousness under 35 U.S.C. Section 103.

### **3. Future Outlook**

Based upon this ruling, Seikagaku and Zimmer will be working for the full-scale release of Gel-One®.

If any event occurs in the future which causes any significant impact to Seikagaku’s business, we will promptly disclose such fact to the public.

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