

October 24, 2016

Filing of Patent Infringement Lawsuit against MSD K.K.

ONO PHARMACEUTICAL CO., LTD. (Osaka, Japan; President, Representative Director and CEO, Gyo Sagara; “ONO”) announced today that it has filed an injunction against patent infringement, based on the patent relating to an anti-PD-1 antibody which has been jointly owned with Professor Tasuku Honjo^{*1} (patent no. 4409430; patent no. 5159730; “Patent”), to the Tokyo District Court on October 24 against MSD K.K. which obtained the manufacturing and marketing approval of Keytruda[®] (pembrolizumab; MK-3475) in Japan on September 28, 2016.

ONO is a research and development company to create and develop world-class, innovative new drugs under our corporate philosophy, “Dedicated to Man's Fight against Disease and Pain.” We recognize intellectual property as an extremely important management asset. In this viewpoint, we will take appropriate and immediate measures against any infringement or action that will be likely to infringe our intellectual property rights. Under this background, we decided to file such a lawsuit this time.

The European and US patents corresponding to the Patent are licensed to Bristol-Myers Squibb Company (US), and lawsuits based on such patents are pending in Europe as well as in the US. Furthermore, ONO and Bristol-Myers Squibb Company (US) have announced not to seek for judicial decision on sales suspension of Keytruda[®] in these lawsuits, if the litigant parties make an agreement to pay an appropriate consideration including royalties or if such order is made by the court, taking into the consideration the characteristics of this type of therapy helping patients' lives. We will take such an approach in this lawsuit as well.

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