

## **Helsinn Files Petition for Writ of Certiorari for Supreme Court Review Regarding Patent Covering Aloxi® in the US Market**

**Lugano, Switzerland, and Woodcliff Lake, N.J., February 28, 2018** – In response to the United States Court of Appeals for the Federal Circuit holding certain patents covering the antiemetic agent ALOXI® (palonosetron hydrochloride) injection to be invalid in patent infringement litigation against Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. (collectively “Teva”), Helsinn Healthcare S.A. has filed a petition for writ of certiorari with the U.S. Supreme Court. Helsinn’s petition requests that the Court review and reverse the judgment of the Court of Appeals for the Federal Circuit (“Federal Circuit”).

Helsinn specifically asks the Supreme Court to consider whether, under the Leahy-Smith America Invents Act, the definition of what qualifies to invalidate a patent has changed. More specifically, Helsinn asks the Supreme Court to consider whether, under the Leahy-Smith America Invents Act, an inventor’s sale of an invention to a third party that is obligated to keep the invention confidential is an act that can invalidate a patent, which is a question that the courts are addressing for the first time.

This filing was made based upon the belief by Helsinn and Eisai Inc., which markets Aloxi in the U.S., that the Federal Circuit decision was in error and that protecting intellectual property is critical to a company’s ability to continue developing medicines that will make a difference in the lives of patients. Helsinn and Eisai maintain their position that the patents protecting Aloxi are valid and will continue to pursue all available options to protect and enforce these patents.

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### **About the Helsinn Group**

Helsinn is a privately owned pharmaceutical group with an extensive portfolio of marketed cancer care products and a robust drug development pipeline. Since 1976, Helsinn has been improving the everyday lives of patients, guided by core family values of respect, integrity and quality. The Group works across pharmaceuticals, biotechnology, medical devices and nutritional supplements and has expertise in research, development, manufacture and the commercialization of therapeutic and supportive care products for cancer, pain and

inflammation and gastroenterology. In 2016, Helsinn created the Helsinn Investment Fund to support early-stage investment opportunities in areas of unmet patient need. The company is headquartered in Lugano, Switzerland, with operating subsidiaries in Switzerland, Ireland, the U.S., Monaco and China, as well as a product presence in approximately 190 countries globally.

To learn more about Helsinn Group please visit [www.helsinn.com](http://www.helsinn.com)

### **About Eisai Inc.**

At Eisai Inc., *human health care (hhc)* is our goal. We give our first thoughts to patients and their families, and helping to increase the benefits health care provides. As the U.S. pharmaceutical subsidiary of Tokyo-based Eisai Co., Ltd., we have a passionate commitment to patient care that is the driving force behind our efforts to discover and develop innovative therapies to help address unmet medical needs.

Eisai is a fully integrated pharmaceutical business that operates in two global business groups: oncology and neurology (dementia-related diseases and neurodegenerative diseases). Each group functions as an end-to-end global business with discovery, development, and marketing capabilities. Our U.S. headquarters, commercial and clinical development organizations are located in New Jersey; our discovery labs are in Massachusetts and Pennsylvania; and our global demand chain organization resides in Maryland and North Carolina.

To learn more about Eisai Inc., please visit us at [www.eisai.com/US](http://www.eisai.com/US)

### ***For more information:***

#### **Helsinn Group Media Contact**

Paola Bonvicini

Group Head of Communication

Lugano, Switzerland

Tel: +41 (0) 91 985 21 21

[Info-hhc@helsinn.com](mailto:Info-hhc@helsinn.com)

- Please visit [www.helsinn.com](http://www.helsinn.com)
- We are on Twitter. Follow us [@HelsinnGroup](https://twitter.com/HelsinnGroup)
- We are on LinkedIn. Follow us [@Helsinn Group](https://www.linkedin.com/company/helsinn)

**Eisai Inc. Media Contact: Patricia Council**  
**201-746-2139**  
**[Patricia\\_Council@eisai.com](mailto:Patricia_Council@eisai.com)**