



## Ad-hoc-Report according to § 15 WpHG

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### **Bayer AG: Court Decides against the Company's Yasmin® Patent**

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**Leverkusen, Germany, March 3, 2008**

On March 3, 2008, the US District Court for the District of New Jersey ruled against the validity of Bayer Schering Pharma's 531 patent for the company's oral contraceptive Yasmin, the result of a patent challenge by generic manufacturer Barr Laboratories.

Bayer disagrees with the court's decision and will consider its legal options in this regard. The company will continue to vigorously defend its intellectual property.

Bayer is currently evaluating the impact of the court's decision on another product of the company's line of oral contraceptives, the oral contraceptive YAZ which was approved for marketing by the US FDA and launched in 2006. However, regardless of the outcome of today's court decision Bayer retains marketing exclusivity for YAZ as an oral contraceptive in the US until March 16, 2009. No generic manufacturer can lawfully market a generic version of YAZ for an oral contraceptive indication until after March 16, 2009.

The company has now slightly adjusted the subgroup's margin target and plans to improve the EBITDA margin before special items of Bayer HealthCare toward 27 percent in 2008, from 25.6 percent in 2007. However, the margin target of around 28 percent for 2009 remains unchanged. Sales of Yasmin in the US amounted to EUR 321 million in 2007.

#### **Forward-Looking Statements**

This news release contains forward-looking statements based on current assumptions and forecasts made by Bayer Group or subgroup management. Various known and unknown risks, uncertainties and other factors could lead to material differences between the actual future results, financial situation, development or performance of the company and the estimates given here. These factors include those discussed in Bayer's public reports, which are available on the Bayer website at [www.bayer.com](http://www.bayer.com). The company assumes no liability whatsoever to update these forward-looking statements or to conform them to future events or developments.

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