

USA

Bayer's Cipro Patent Affirmed by U.S. Courts

Patent protection in the USA assured until the end of 2003

Leverkusen - Bayer is to enjoy patent protection until the end of 2003 for its highly successful antibiotic Ciprofloxacin (Cipro®). The validity of the patent has now also been confirmed by the U.S. Federal Appellate Court in Washington D.C. dealing with patent issues.

A number of generic drug manufacturers had attempted through various court actions to challenge the patent's validity with the goal of marketing generic equivalents of Cipro® before the expiration of Bayer's patent. Bayer had already successfully defended the patent before two US federal courts upon first review. Based on a Bayer initiated re-examination, the United States Patent Office had previously reached the same conclusion in 1999.

"I am pleased that these proceedings are finally resolved" said Dr. Frank Morich, Chairman of the future Bayer HealthCare AG. "It is of great importance that valid patents are recognised to reward scientific innovation in the pharmaceutical industry. Only in this circumstance can we, and other research based pharmaceutical companies, undertake the intensive research and development that will significantly contribute to the fight against disease." Ciprobay® (in the USA: Cipro®) with the active ingredient Ciprofloxacin, is a broad-spectrum antibiotic that is approved for 14 indications. World-wide, it is the most prescribed drug in its class.

Leverkusen, October 28, 2002

Forward-Looking Statements

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