

December 13, 2022

Name of listed company: Chugai Pharmaceutical Co., Ltd.
Code number: 4519 (Prime Market of Tokyo Stock Exchange)
Head office: 1-1, Nihonbashi-Muromachi 2-Chome, Chuo-ku, Tokyo
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Notice on Judgment of the Second Instance on the Patent Infringement Lawsuit concerning Ediol Capsules

[Chugai Pharmaceutical Co., Ltd.](#) announced that the Intellectual Property High Court has today rendered judgment to dismiss the plaintiff's appeal filed on June 9, 2022, regarding the generic drugs to an osteoporosis agent, active vitamin D₃ derivative Ediol® Capsule 0.5µg / 0.75µg (generic name: eldecalsitol, hereafter, Ediol Capsule).

1. Date of Complaint and Judgment

May 29, 2020	Filed complaint to the Tokyo District Court
May 27, 2022	Rendered judgment by the Tokyo District Court
June 9, 2022	Filed appeal to the Intellectual Property High Court
December 13, 2022	Rendered judgment by the Intellectual Property High Court

2. Reasons for the Action and Circumstances of the Judgment

On February 17, 2020, Sawai and Nichi-Iko respectively obtained approval from the Ministry of Health, Labour and Welfare for their generic drugs to Ediol Capsule distributed by Chugai. Chugai alleged that the generic drugs to Ediol Capsule infringe its use patent right (patent number 5969161) which is for pharmaceutical composition for suppressing forearm fractures, and filed patent infringement lawsuit with the Tokyo District Court based on its right seeking injunction of manufacturing, importing, transferring, and offering of any transfer regarding the generic drugs, and disposal of stock. The Tokyo District Court rendered judgment to dismiss the plaintiff's claim. Against this decision, Chugai appealed to the Intellectual Property High Court on June 9, 2022. Today, the Intellectual Property High Court rendered judgment to dismiss the plaintiff's appeal.

3. Defendants

(1) Name:	Sawai Pharmaceutical Co., Ltd.
Address:	5-2-30, Miyahara, Yodogawa-ku, Osaka, Japan
(2) Name:	Nichi-Iko Pharmaceutical Co., Ltd.
Address:	1-6-21 Sogawa, Toyama City, Toyama Prefecture, Japan

4. Prospects

No changes are expected to Chugai's financial prospects at this point. We will consider future measures based on the contents of the judgment.

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