

ELI LILLY AND ACRUX FILE LAWSUIT AGAINST PERRIGO FOR INFRINGEMENT OF PATENTS

Acrux (ASX: ACR) today announced that Eli Lilly Export S.A. ("Lilly") and Acrux DDS Pty Ltd ("Acrux") have filed a lawsuit against Perrigo Israel Pharmaceuticals Limited ("Perrigo") for infringement of three of the seven issued US patents that cover Axiron[®]. The patents are owned by Acrux DDS Pty Ltd, a wholly owned subsidiary of Acrux Limited and are exclusively licensed to Lilly.

The lawsuit was filed in the United States District Court for the Southern District of Indiana in response to notice letters sent by Perrigo regarding its filing with the FDA of an Abbreviated New Drug Application ("ANDA") for a Testosterone Metered Dose Transdermal Solution. The letters stated that the ANDA contains Paragraph IV certifications with respect to US Patent Numbers 8177449, 8419307 and 8435944, which are expected to expire in 2030, 2026 and 2027 respectively. These patents include claims relating to the application of testosterone formulations to the underarm and to the applicator used to apply Axiron[®].

A Paragraph IV certification alleges invalidity, unenforceability and/or non-infringement of a patent. This ANDA does not contain Paragraph IV certifications with respect to the four other issued patents that cover Axiron[®], which expire in 2017.

Lilly and Acrux are committed to asserting their intellectual property rights for Axiron[®]. Acrux expects that the conduct of the lawsuit will not have a material impact on its operating expenditure.

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About Acrux

Acrux is an Australian drug delivery company, developing and commercialising a range of patient-preferred, patented pharmaceutical products for global markets, using its innovative liquid technology to administer drugs through the skin. Acrux has products marketed by licensees in the United States, Europe and Australia, approved in Canada, and in registration or development.