

News Release

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Press Release Supplementing Ad-hoc Announcement of September 29, 2020

Darmstadt, Germany, September 29, 2020– Merck KGaA, Darmstadt, Germany, has just published the following ad-hoc announcement in accordance with Art. 17 of the German Market Abuse Regulation:

In the United States Merck KGaA, Darmstadt, Germany's subsidiary EMD Serono, Inc. (Merck KGaA, Darmstadt, Germany) is involved in a US patent dispute with Biogen Inc., United States (Biogen). Biogen sued Merck KGaA, Darmstadt, Germany, for damages in connection with a patent infringement caused by Merck KGaA, Darmstadt, Germany's product Rebif before the U.S. District Court New Jersey, Newark. Merck KGaA, Darmstadt, Germany, defended itself against the allegations and brought a countersuit claiming that Biogen's patent is invalid. In February 2018 a jury declared Biogen's patent invalid vis-à-vis Merck KGaA, Darmstadt, Germany. The jury verdict was overturned by the District Court Judge, who upheld the validity of Biogen's patent. Merck KGaA, Darmstadt, Germany, filed a complaint with the U.S. Court of Appeals for the Federal Circuit against this ruling.

On 28 September 2020 the U.S. Court of Appeals for the Federal Circuit set aside the decision of the District Court Judge, invalidated Biogen's patent and instructed the District Court to reinstate the jury verdict.

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Therefore, Merck KGaA, Darmstadt, Germany, has decided today to reverse the provisions for the patent dispute proceedings in the amount of EUR 365 million. Thereof, up to a mid to high double-digit million amount might be booked into the financial result.

Merck KGaA, Darmstadt, Germany, will adjust its forecasts accordingly as part of its regular financial reporting.

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About Merck KGaA, Darmstadt, Germany

Merck KGaA, Darmstadt, Germany, a leading science and technology company, operates across healthcare, life science and performance materials. Around 57,000 employees work to make a positive difference to millions of people's lives every day by creating more joyful and sustainable ways to live. From advancing gene editing technologies and discovering unique ways to treat the most challenging diseases to enabling the intelligence of devices – the company is everywhere. In 2019, Merck KGaA, Darmstadt, Germany, generated sales of € 16.2 billion in 66 countries.

The company holds the global rights to the name and trademark "Merck" internationally. The only exceptions are the United States and Canada, where the business sectors of Merck KGaA, Darmstadt, Germany operate as EMD Serono in healthcare, MilliporeSigma in life science, and EMD Performance Materials. Since its founding 1668, scientific exploration and responsible entrepreneurship have been key to the company's technological and scientific advances. To this day, the founding family remains the majority owner of the publicly listed company.