Bayer



Investor News

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Court decides against Bayer's Yasmin® patent

- Bayer HealthCare margin target (EBITDA before special items) for 2008 slightly adjusted – margin target for 2009 remains unchanged
- Company will consider its legal options

Leverkusen, March 3, 2008 – Today, 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 decision invalidating the company's 531 patent with regard to Yasmin, 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.

About Bayer HealthCare
The Bayer Group is a global enterprise with core competencies in the fields of health care, nutrition and high-tech materials. Bayer HealthCare, a subsidiary of Bayer AG, is

one of the world's leading, innovative companies in the healthcare and medical products industry and is based in Leverkusen, Germany. The company combines the global activities of the Animal Health, Consumer Care, Diabetes Care and Pharmaceuticals divisions. The pharmaceuticals business operates under the name Bayer Schering Pharma AG. Bayer HealthCare's aim is to discover and manufacture products that will improve human and animal health worldwide. For more information go to www.bayerhealthcare.com.

About Bayer Schering Pharma

Bayer Schering Pharma is a worldwide leading specialty pharmaceutical company. Its research and business activities are focused on the following areas: Diagnostic Imaging, Hematology/Cardiology, Oncology, Primary Care, Specialized Therapeutics and Women's Healthcare. With innovative products, Bayer Schering Pharma aims for leading positions in specialized markets worldwide. Using new ideas, Bayer Schering Pharma aims to make a contribution to medical progress and strives to improve the quality of life. For more information go to www.bayerscheringpharma.de.

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