

REGENERON

June 24, 2020

Statement Regarding U.K. Supreme Court Decision on Two *VelocImmune*[®] European Patents

The Supreme Court of the United Kingdom announced today that it declined to uphold the validity in the UK of two of Regeneron's European patents covering its *VelocImmune*[®] platform (EP 1,360,287 and EP 2,264,163). The case stems from an infringement suit Regeneron filed against UK biotech company Kymab Limited in 2013, alleging that Kymab's Kymouse[®] infringes these two European patents. Following a decision of the English Court of Appeal which found the two patents to be valid and infringed by Kymab's Kymouse[®], Kymab did not appeal the core finding of infringement to the UK Supreme Court. Instead, Kymab asked the Supreme Court only to consider whether the English Court of Appeal had wrongly interpreted and applied the law of insufficiency in reaching its decision that the patents were valid. The UK Supreme Court has today overturned the decision of the English Court of Appeal on validity and held the two patents to be invalid due to insufficiency.

The decision renders the two patents invalid and revoked in the UK only. Regeneron's rights concerning these patents in other European jurisdictions remain in full force and effect. The 287 patent validity was upheld at the Europe-wide level by the Technical Board of Appeal of the European Patent Office ("EPO") in 2015, and the 163 patent validity was upheld by EPO Opposition Division in 2018. Proceedings before the EPO's Technical Board of Appeal on the 163 patent are ongoing.

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