

What is the status of the Amarin petition for certiorari filed on February 11, 2021 with the U.S. Supreme Court in connection with the VASCEPA® MARINE ANDA patent litigation?

On June 21, 2021, the U.S. Supreme Court published its decisions to deny Amarin's petition for certiorari in the VASCEPA® MARINE patent litigation against Hikma and Dr. Reddy's Laboratories.

The Amarin petition asked the Supreme Court to review the Federal Circuit's judgment holding that Amarin's patents pertaining to the original FDA-approved indication of its revolutionary drug, VASCEPA, are invalid as obvious. As detailed in the Amarin petition, the Federal Circuit has adopted an approach to obviousness law that gives short shrift to what can be the strongest evidence of a patent's inventiveness, namely the objective evidence that the patent solved a long-felt but unmet need, was commercially successful, and was initially met with skepticism by experts – all of which were true of VASCEPA's novel treatment for severe hypertriglyceridemia (very high (≥ 500 mg/dL) triglyceride levels). The Federal Circuit's legal error has long been recognized by dissenting justices of that court, but it has persisted uncorrected.

While it is recognized that most petitions to the Supreme Court are not accepted for review, as the Supreme Court has a busy schedule, the denial of Amarin's petition by the Supreme Court is disappointing for Amarin and for similarly situated inventors across multiple industries. The decision is likely in multiple instances to discourage research and innovation of new drugs and other inventions by limiting inventors' abilities to rely on duly issued patents. In Amarin's situation, unfortunately this decision is likely to continue for many patients to lead to poorer preventative healthcare and higher drug costs. Amarin continues to believe that the Federal Circuit erred in this matter and that after the fact hindsight should not play a role in overturning the validity of duly issued patents. We recognize that the Supreme Court's decision to not hear Amarin's petition does not necessarily mean that the Supreme Court agrees with the Federal Circuit; this decision is the final determination in this litigation. For avoidance of doubt, this litigation did not pertain to patents related to the FDA-approved cardiovascular risk reduction indication for VASCEPA.

The docket entries related to the petition are available on the Supreme Court docket, [here](#) (search for Amarin).

Amarin's petition was filed by Seth P. Waxman, Mark C. Fleming, Claire H. Chung, and Amy R. Pearlman of WilmerHale and Jonathan E. Singer of Fish & Richardson.

Separately, Amarin filed a cardiovascular risk reduction patent infringement lawsuit in the United States against Hikma and a healthcare insurance company, Health Net, LLC. For more information on that lawsuit see the January 2021 Amarin press release available [here](#).

Dated: June 21, 2021