

Federal District Court Rules in Favor of Wesley Jessen, Grants Injunction In Patent Infringement Case Filed Against Bausch & Lomb

Action Enjoins Sale of PureVision(TM) Contact Lenses

ATLANTA, June 26 /PRNewswire-FirstCall/ -- CIBA Vision Corporation, the eye care unit of Novartis AG (NYSE: [NVS](#)), announced today that the United States District Court for the District of Delaware ruled in favor of the company's wholly-owned subsidiary, Wesley Jessen Corporation, in a patent infringement lawsuit filed against Bausch & Lomb (NYSE: [BOL](#)).

The lawsuit, which was filed on May 3, 2001, claimed that Bausch & Lomb's PureVision product infringes Wesley Jessen's U.S. Patent No. 4,711,943, issued to Thomas Harvey III (the Harvey patent), which covers various silicone hydrogel materials for contact lenses.

The Court ruled in favor of Wesley Jessen and affirmed that the patent is valid, enforceable and infringed. The Court ordered Bausch & Lomb to discontinue the manufacture and sale of its PureVision contact lenses effective immediately in the United States. Bausch & Lomb cannot resume manufacture or sale of the product within the United States at least until 2005 when the Harvey patent expires.

Currently, PureVision lenses are only manufactured in the United States, which means Bausch & Lomb's ability to supply this product to its international markets may be affected.

"This is the outcome we expected," said Scott Meece, vice president and general counsel for CIBA Vision. "We were quite confident in the validity of this patent and the infringement by Bausch & Lomb and are extremely pleased with the speed with which this case was heard and resolved."

In addition to this lawsuit filed on behalf of Wesley Jessen, CIBA Vision has had litigation pending against Bausch & Lomb since 1999 for infringement of four U.S. patents that protect its breakthrough Focus(R) NIGHT & DAY(TM) technology, which allows 30 nights of continuous wear. The cases in the U.S. were initially delayed because of Bausch & Lomb's attempts to invalidate CIBA Vision's patents in four reexamination proceedings before the United States Patent & Trademark Office (USPTO). After Bausch & Lomb exhausted all options with the USPTO, all four patents were issued again in November 2000, confirming the patents' validity and illustrating the pioneering nature of CIBA Vision's inventions. CIBA Vision has also initiated litigation against Bausch & Lomb in several other countries. If CIBA Vision prevails in the U.S. case, Bausch & Lomb's PureVision lenses will remain off the market until at least 2014.

"We are just as confident that we will prevail in our remaining patent infringement cases against Bausch & Lomb," added Meece. "We are eager to go to trial with our suits in the U.S., Australia and Germany, and to continue to protect CIBA Vision's breakthrough inventions."

With worldwide headquarters in Atlanta, CIBA Vision is a global leader in research, development and manufacturing of optical and ophthalmic products and services, including contact lenses, lens care products and ophthalmic surgical products. CIBA Vision products are available in more than 70 countries. For more information, visit the CIBA Vision web site at <http://www.cibavision.com>.

CIBA Vision is the eye care unit of Novartis AG, a world leader in healthcare with core businesses in pharmaceuticals, consumer health, generics, eye care and animal health. In 2001, the Group's ongoing businesses achieved

sales of CHF 32.0 billion (USD 19.1 billion) and a net income of CHF 7.0 billion (USD 4.2 billion). The Group invested approximately CHF 4.2 billion (USD 2.5 billion) in R&D. Headquartered in Basel, Switzerland, Novartis Group companies employ about 72,600 people and operate in more than 140 countries around the world. For further information, please consult <http://www.novartis.com> .

Forward-Looking Statement

The foregoing statement contains forward-looking statements that involve known and unknown risks, uncertainties and other factors that may cause the actual results to be materially different from any future results, performance, or achievements expressed or implied by such statements. The statement references patent litigation filed by CIBA Vision and our views on the nature and likelihood of success of that litigation. The statement reflects the view of the Company as of today. It is impossible to predict with certainty the outcome of patent litigation and the risks presented thereby. Should one or more of these risks or uncertainties materialize, actual results may vary materially from those described herein as anticipated, believed or expected.

SOURCE CIBA Vision Corporation