

Edgar Filing: AVIRON - Form 425

AVIRON
Form 425
December 21, 2001

Pursuant to Rule 4

MEDIMMUNE HAS HELD LICENSE TO GENENTECH ANTIBODY PATENT SINCE 1

Gaithersburg, MD, December 21, 2001 -- On December 18, 2001, Genentech, Inc. (NYSE: DNA) announced relating to certain methods and compositions used to produce antibodies by recombinant DNA technology. Genentech with a priority date of 1983. Today, a number of biotechnology companies, including MedImmune, use these methods of recombinant DNA technology in the production of their antibody-based products. In anticipation of the issuance of this patent could have, four years ago, MedImmune obtained a license to Genentech to use MedImmune's antibody-based product Synagis(R) (palivizumab).

MedImmune is in the process of evaluating whether any valid claim of Genentech's patent, as recently issued for Synagis. If so, MedImmune would pay royalties to Genentech on U.S. net sales of Synagis commencing in 2002. MedImmune anticipates that incremental Synagis royalties to Genentech, if any, would not change its prior financial position as of December 3, 2001. MedImmune is also evaluating whether any of its other antibody-based product candidates currently in marketing by the U.S. Food and Drug Administration, could require a license under the Genentech patent. That if such a license were required and available, it would be available on terms acceptable to MedImmune.

Synagis(R) (palivizumab) is marketed for the prevention of serious lower respiratory tract disease caused by respiratory syncytial virus in pediatric patients at high risk of RSV disease, which is prominent in the Northern Hemisphere. For full prescribing information at www.medimmune.com.

MedImmune, Inc. is a biotechnology company focused on developing and marketing products that address viral and bacterial infectious disease, immune regulation and cancer. Headquartered in Gaithersburg, Maryland, MedImmune also has offices in Frederick, Maryland and Nijmegen, the Netherlands.

This announcement may contain, in addition to historical information, certain forward-looking statements that are subject to uncertainties. Such statements reflect management's current views and are based on certain assumptions that may differ materially from those currently anticipated as a result of a number of factors, including risks associated with the completion of MedImmune's and Aviron's filings with the SEC. MedImmune and Aviron have confirmed that the grant of the patent will not affect the merger agreement that they entered into on December 2, 2001. MedImmune and Aviron are currently evaluating potential future marketing. There can be no assurance that such development efforts will succeed, that regulatory clearance will be required or that, even if such regulatory clearance were received, such product will achieve commercial success. There can be no assurance that MedImmune's exchange offer for Aviron shares will be integrated successfully or without unanticipated costs.

We urge Aviron stockholders and other investors to read the registration statement on Form S-4, including the prospectus supplements, final prospectus and other exchange offer documents which have been filed or will be filed with the Securities and Exchange Commission and the related solicitation/recommendation statement filed by Aviron. These documents contain important information which should be read carefully before any decision is made to purchase Aviron. Documents filed with the SEC are available for free at the SEC's website at www.sec.gov. Document filed with the SEC on December 21, 2001. Contact MacKenzie Partners, Inc., 800-322-2885.