

ASX / MEDIA RELEASE

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COCHLEAR LIMITED: JUDGMENT ENTERED IN US PATENT INFRINGEMENT CASE

Cochlear Limited, Sydney, 21st April 2015 (ASX:COH) today announced that, further to its 1 April announcement, a US District Court in California has now entered Judgment in the patent infringement lawsuit by the Alfred E. Mann Foundation for Scientific Research (“AMF”) and Advanced Bionics LLC (“AB”) against Cochlear Limited and its US subsidiary Cochlear Americas.

On 1 April 2015, the Court made rulings of invalidity on three (3) of four (4) expired United States Patent claims, overturned \$131.2 million in damages awarded by the jury and ordered a new trial on damages for infringement of the remaining patent claim. The Court also ruled that Cochlear’s infringement of this claim was not wilful.

All parties subsequently jointly requested the Court to enter Judgment without a determination on monetary damages to allow an immediate appeal to the US Court of Appeals for the Federal Circuit following these Court rulings. The Court has acted on this request and entered Judgment on terms consistent with the rulings except for the requirement for a new trial on damages.

Cochlear’s Chief Executive Officer and President Dr Chris Roberts said, “We strongly believe the facts and law do not support the Judgment on infringement entered against Cochlear and as previously stated, Cochlear will now appeal this Judgment to the US Court of Appeals.”

AMF and AB are expected to appeal the Judgment in favour of Cochlear on invalidity, rejection of the jury’s damages award and non-wilful infringement.

A provision of US\$20 million was expensed in the half year ended 31 December 2013 for this lawsuit.

Ends

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