

# SECURITIES AND EXCHANGE COMMISSION

## FORM 8-K

Current report filing

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### FILER

#### **BIAGEN INC**

CIK: **714655** | IRS No.: **043002117** | State of Incorpor.: **MA** | Fiscal Year End: **1231**  
Type: **8-K** | Act: **34** | File No.: **000-12042** | Film No.: **96591645**  
SIC: **2836** Biological products, (no diagnostic substances)

Mailing Address  
00000

Business Address  
14 CAMBRIDGE CTR  
CAMBRIDGE MA 02142  
6176792000

## SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

PURSUANT TO SECTION 13 OR 15(D)  
OF THE SECURITIES EXCHANGE ACT OF 1934

Date of Report (Date of earliest event reported): JULY 3, 1996

BIOGEN, INC.

(Exact name of registrant as specified in its charter)

MASSACHUSETTS

0-12042

04-3002117

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(State or other  
jurisdiction of  
incorporation)-----  
(Commission  
File Number)-----  
(IRS Employer  
Identification No.)

14 CAMBRIDGE CENTER, CAMBRIDGE, MASSACHUSETTS

02142

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(Address of principal executive offices)-----  
(Zip Code)

Registrant's telephone number, including area code: (617) 679-2000

ITEM 5.

OTHER EVENTS.

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On July 3, 1996, the Registrant publicly disseminated a press release concerning (i) a patent suit filed by Berlex Laboratories against the Registrant, (ii) the current status of legal proceedings among the FDA, Berlex Laboratories and the Registrant regarding the FDA's approval of the Registrant's drug AVONEX[Trademark] and (iii) a filing by ASTA Medica Aktiengesellschaft of Dresden, Germany for an arbitration against the Registrant with the International Chamber of Commerce. The information contained in the press release is incorporated herein by reference and filed as Exhibit 99.1 hereto.

(c) Exhibit.

99.1 The Registrant's Press Release dated July 3, 1996.

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## SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

BIOGEN, INC.  
(Registrant)

Date: July 5, 1996

/s/ Michael J. Astrue  
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Michael J. Astrue, Esquire  
Vice President and General Counsel

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EXHIBIT INDEX  
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| Exhibit<br>Number<br>----- | Description<br>-----                                  |
|----------------------------|---|
| 99.1                       | The Registrant's Press Release<br>dated July 3, 1996. |

T3/633161.1

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## Media Contact:

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FOR IMMEDIATE RELEASE

BIOGEN SAYS BERLEX PATENT SUIT IS WITHOUT MERIT AND WILL  
NOT AFFECT MARKET LAUNCH OF AVONEX[Trademark]

Cambridge, MA (July 3, 1996) -- Biogen, Inc. (NASDAQ/BGEN) said today it considered the suit filed by Berlex Laboratories on the so-called "McCormick" patent to be completely without merit and another desperate attempt to keep AVONEX[Trademark] off the market. AVONEX[Trademark] is the only drug proven to slow the progression of disability in people with multiple sclerosis.

Seperately Biogen announced that, due to Berlex's past threats, it was not surprised by this action and sued Berlex Laboratories on May 3, 1996, in the United States District Court of Massachusetts, for a declaratory judgement that the McCormick patent is invalid and that Biogen does not infringe it in any case.

Biogen Chairman James L. Vincent said, "Berlex has known for some time the competitive challenge AVONEX[Trademark] will pose to the Berlex product. They continue to try to substitute the courtroom for the marketplace as the competitive arena. We do not expect this action will in any way impede our making AVONEX[Trademark] available to the multiple sclerosis community, and we are fully confident that we will prevail both in court and in the marketplace."

With regard to an earlier suit by Berlex against the FDA and Biogen, alleging that FDA had violated its own procedure and the Orphan Drug Law in approving

AVONEX[Trademark], the FDA today asked Judge James Robertson of the United States District Court for the District of Columbia to dismiss the case. In asking for the dismissal, the FDA stated, "Allowing this type of lawsuit to go forward does nothing but encourage companies to use the courts to stifle competition and second-guess a highly scientific regulatory decision". Biogen indicated that it will be supporting and expanding upon the FDA's motion next week, and that it expects a prompt and successful hearing on the merits.

In addition, Biogen announced that it has been notified that ASTA Medica Aktiengesellschaft of Dresden, Germany, has filed for an arbitration against Biogen with the International Chamber of Commerce (ICC) in Paris. In its complaint, ASTA alleges that Biogen's 1993 termination of a 1989 agreement licensing ASTA to market recombinant interferon beta in certain European territories was ineffective. This Agreement also included Bioferon, a Biogen joint venture that declared bankruptcy in 1993.

The ASTA complaint asks that an ICC panel declare that the 1989 license is still in force and, in the alternative, seeks approximately five million dollars in damages. The territories included in the 1989 license were Austria, Belgium, Denmark, Finland, France, Greece, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom. The arbitration will take place in Zurich under Swiss law. Biogen said it considers the ASTA claims to be without merit.

Biogen, Inc., headquartered in Cambridge, MA, is a biopharmaceutical company principally engaged in discovering and developing novel drugs for human healthcare through genetic engineering. The Company's revenues are generated from U.S. sales of AVONEX[Trademark] (Interferon beta-1a) for treatment of relapsing forms of multiple sclerosis, and from the worldwide sales by licensees of a number of products, including alpha interferon and hepatitis B vaccines and diagnostic products. Biogen is focused primarily on developing, testing and marketing products for multiple sclerosis, inflammatory and respiratory diseases, and certain viruses and cancers.

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