



Harrow's ImprimisRx Subsidiary Receives \$34.9 Million Unanimous Jury Verdict Award in ImprimisRx, LLC v. OSRX, Inc.

November 21, 2024

Jury in Trademark Infringement Case Finds in Favor of ImprimisRx

NASHVILLE, Tenn.--(BUSINESS WIRE)--Nov. 21, 2024-- Harrow (Nasdaq: HROW), a leading North American eyecare pharmaceutical company, today announced a favorable jury verdict in the case of *ImprimisRx, LLC v. OSRX, Inc.* ImprimisRx, a wholly owned subsidiary of Harrow, brought the lawsuit to a jury trial in a San Diego, California, federal court alleging willful acts of trademark infringement against OSRX, Inc. and its related party, Ocular Science, Inc. An eight-person jury in the United States District Court for the Southern District of California unanimously validated the entirety of ImprimisRx's subject trademark estate and found OSRX, Inc. or Ocular Science, Inc. acted with malice, fraud, or oppression, willfully engaging in trademark infringement and unfair competition under California and federal law. The \$34.9 million verdict includes \$20.4 million in punitive damages and \$14.5 million in actual damages.

"While we are extremely pleased with the jury verdict, which supports ImprimisRx's position as the market-leading innovator in the U.S. ophthalmic compounding market, we would have rather had the defendant in this case, and its CEO and leadership team, respect our trademarks and not willfully engage in unfair competition," said Mark L. Baum, Chief Executive Officer of Harrow. "It goes without saying that, having now successfully defended our intellectual property, at great time and expense, we have confidence that these defendants and any others will not infringe on our creativity or attempt to take advantage of the significant investments we've made over many years building our trusted brands. In addition to our sincere appreciation to our extraordinary lawyers, we are grateful to the jury for carefully reviewing the evidence and reaching a just conclusion, allowing us to continue focusing on our work to make eyecare more accessible and affordable for patients across North America."

ImprimisRx, LLC was represented by Keith J. Wesley, Christopher W. Arledge, and George Laiolo of ELLIS GEORGE LLP, with the management of litigation strategist Nikki Wyll of Wyll Legal Consulting.

OSRX, Inc. and Ocular Science, Inc. were represented by Dylan J. Liddiard, Dale Bish, Thomas J. Martin, Charles A. Talpas, and Mikaela Burkhardt of WILSON SONSINI GOODRICH & ROSATI.

The subject case is *Case No. 3:21-cv-01305-BAS-DDL*.

About Harrow

Harrow, Inc. (Nasdaq: HROW) is a leading eyecare pharmaceutical company engaged in the discovery, development, and commercialization of innovative ophthalmic pharmaceutical products for the North American market. Harrow helps eyecare professionals preserve the gift of sight by making its portfolio of prescription and non-prescription pharmaceutical products accessible and affordable to millions of patients each year. For more information about Harrow, please visit [harrow.com](https://www.harrow.com).

Forward-Looking Statements

This press release contains "forward-looking statements" within the meaning of the U.S. Private Securities Litigation Reform Act of 1995. Any statements in this release that are not historical facts may be considered such "forward-looking statements." Forward-looking statements are based on management's current expectations and are subject to risks and uncertainties which may cause results to differ materially and adversely from the statements contained herein. Some of the potential risks and uncertainties that could cause actual results to differ from those predicted include, among others, risks related to: liquidity or results of operations; our ability to successfully implement our business plan, develop and commercialize our products, product candidates and proprietary formulations in a timely manner or at all, identify and acquire additional products, manage our pharmacy operations, service our debt, obtain financing necessary to operate our business, recruit and retain qualified personnel, manage any growth we may experience and successfully realize the benefits of our previous acquisitions and any other acquisitions and collaborative arrangements we may pursue; competition from pharmaceutical companies, outsourcing facilities and pharmacies; general economic and business conditions, including inflation and supply chain challenges; regulatory and legal risks, including litigation matters, and other uncertainties related to our pharmacy operations and the pharmacy and pharmaceutical business in general; physician interest in and market acceptance of our current and any future formulations and compounding pharmacies generally. These and additional risks and uncertainties are more fully described in Harrow's filings with the Securities and Exchange Commission (SEC), including its Annual Report on Form 10-K for the year ended December 31, 2023, subsequent Quarterly Reports on Form 10-Q, and other filings with the SEC. Such documents may be read free of charge on the SEC's web site at [sec.gov](https://www.sec.gov). Undue reliance should not be placed on forward-looking statements, which speak only as of the date they are made. Except as required by law, Harrow undertakes no obligation to update any forward-looking statements to reflect new information, events, or circumstances after the date they are made, or to reflect the occurrence of unanticipated events.

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