



NEWS RELEASE SEPTEMBER 21st, 2009

Occlutech and IZASA obtains favourable ruling in proceeding initiated by AGA Medical in Spain

Occlutech AG, the leading European developer of products for septal closure, today announced that, together with its partner in Spain IZASA SA, it defeated a request for an injunction against sales and marketing activities in Spain, launched at the Commercial Court I of Barcelona, Spain by its U.S. competitor AGA Medical.

The request by AGA was based on alleged patent infringement and unfair competition claims related to wrongful assumptions and misleading statements about the outcome of a recent ruling by the patent court in Düsseldorf and about Occlutech.

The Court came to the conclusion that Occlutech's products offered for sale by IZASA do not infringe patent EP0808138 held by AGA in Spain that is Europe's fifth largest market.

Further in October 2008 Occlutech won against AGA Medical in the District Court of The Hague. In December 2008 the Higher Regional appeal Court in Düsseldorf, that has no jurisdiction over sales by Occlutech's partners outside of Germany, decided against Occlutech. In July 2009, however, the Patents Court of the High Court of Justice, London declared that Occlutech's products are not infringing AGA's patent EP 0808138.

Above Court decisions are not final and subject to appeal that are/can be filed by AGA or Occlutech.

Occlusion devices are used to treat structural heart disease, including structural heart defects and abnormalities such as Atrial Septal Defects, (ASD), and Patent Foramen Ovale (PFO, an undesired channel between the heart's two atria, present in up to 25% of the population), in minimally invasive, non-surgical procedures. The market for PFO occluders is expected to expand significantly as the link between PFO and stroke, that is the third most common cause of death, as well as severe migraine becomes increasingly well documented.

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