



NEWS RELEASE OCTOBER 30th, 2008

Occlutech obtains favourable court ruling in Patent Litigation in The Hague against AGA Medical

Occlutech GmbH, the leading European manufacturer of cardiac occlusion devices, today announced that it has won its litigation case in The Hague, Holland, against AGA Medical Inc. regarding non-infringement of the Dutch version of the European patent; EP 0808138.

The patent court in The Hague stated that the disputed Occlutech products do not infringe the Dutch part of; EP 0808138 (equivalent of German patent DE 695 34 505.2) held by AGA Medical. In reaching its decision, the Dutch court had full access to the now appealed 2007 German District Court's ruling resulting from litigation initiated by AGA Medical in 2006.

Patent infringement litigation against a previous version of the occluder was originally filed in Germany by AGA Medical Inc. In Occlutech's view, AGA Medical argued for an extraordinarily broad interpretation of its granted patent claims, contributing to Occlutech's defeat in the first instance district court's ruling. The broad scope of the claim, interpreted before the German court in 2007, was however not accepted by the European Patent Office's examiners during the original patent granting procedure. This and several other factors created significant and in Occlutech's view justified reasons for appealing the district court ruling in Germany and for Occlutech to initiate non-infringement proceedings internationally and, in particular, before the patent court in The Hague, Holland. The Dutch patent court's ruling will become final if no appeal is filed.

In a statement, Tor Peters, Chairman of Occlutech AB, says: "We are very pleased with the decision of the patent court in The Hague, which had access to all relevant information available, including information submitted at the appeal proceedings in Germany. This shows that Occlutech's patented technology is substantially different from AGA's and we look forward to continue our surge, establishing a global presence."

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.

Contacts:

Tor Peters

tor.peters@occlutech.se

+46 42 33 65 20

Susanne Goransson

susanne.goransson@occlutech.net

+46 42 33 65 21