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Occlutech receives positive ruling in German proceeding initiated by AGA Medical

Occlutech GmbH, the leading European developer of products for septal closure, today announced that the district court of Frankfurt, Germany reversed an earlier court injunction obtained by AGA Medical against Occlutech's sales and marketing activities relating to the newly launched Figulla Flex ranges of ASD and PFO occluders.

The district court of Frankfurt reversed its earlier decision that was based on a request by AGA Medical, relying only on information provided by AGA Medical. The injunction prohibited Occlutech from communicating the time for the launch of the new Figulla Flex ASD and PFO occluders and the fact that International markets and International distribution were not impacted by a recent German patent ruling.

The request for an injunction by AGA was based on incorrect assumptions regarding Occlutech's R&D capabilities and about the International presence of its associates and partners.

In October 2008 Occlutech won against AGA Medical in the District Court of The Hague that decided that Occlutech does not infringe EP0808138 held by AGA Medical. In December 2008, the higher regional appeal Court in Düsseldorf, that has no jurisdiction over activities by Occlutech's associates and partners outside of Germany, decided against Occlutech regarding the same patent. In July 2009, however, the Patents Court of the High Court of Justice, London declared that Occlutech's products do not infringe AGA's patent EP 0808138.

The above Court decisions are not final and subject to appeal that are/can be filed by AGA and/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.

Tor Peters
+41 79 457 52 47
Tor.peters@occlutech.com

Susanne Goransson
+46 704 33 65 21
Susanne.goransson@occlutech.net