

## **Occlutech wins Dutch appeal court ruling against AGA Medical**

Jena, October 22, 2010

Occlutech GmbH, the leading European developer of minimally invasive implants for the treatment of structural heart disease, today announced receiving a favourable appeal court ruling from The Hague, The Netherlands in the on-going patent litigation with AGA Medical. A favourable first instance court ruling obtained by Occlutech had been appealed by AGA in 2008.

In the new ruling the appeal court of The Hague saw no reason to change the favourable first instance ruling. The Dutch appeal court decision is similar to the first instance as well as the appeal court rulings in the UK, the last one received in mid 2010. The rulings are subject to further appeal by AGA.

In Germany where Occlutech lost in the district and appeal courts of Dusseldorf in 2007 and 2008, causing a halt of sales and manufacturing activities in Germany, the German Supreme Court, (BGH), recently announced that it has allowed Occlutech's appeal. Occlutech expects a final decision in the first half of 2011 that, if in Occlutech's favour, will trigger substantial claims for re-payments and damages. Due to the litigation activity by AGA from 2006 and onwards, Occlutech has lost revenue, had products being destroyed and suffered the cost of litigation leading to potential damage claims in excess EUR 50 million.

In spite of the significant cost caused by the litigation and the related lack of sales in several markets, Occlutech's owners have funded work in maintaining and substantially strengthening Occlutech's own patent position and on a full pipe line of new technologies and products. In 2011 and 2012 Occlutech expects to launch additional occluders for indications such as PDA and VSD in addition to second generation ASD and PFO occluders. In addition, an innovative LAA occluder, a new generation of stent grafts and cardiac valve intervention technology are being developed.

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