

Bavarian Nordic's case against Oxford BioMedica

Bavarian Nordic owns several United States patents relating to an attenuated strain of the company's core technology, MVA-BN[®], which is the basis for its smallpox vaccine, IMVAMUNE[®]. MVA-BN[®] also holds promise as a vector for delivering recombinant vaccines. Bavarian Nordic has asserted three US patents as a basis for its infringement action. The claim in this case is that Oxford BioMedica has infringed Bavarian Nordic's patents by commercializing the patented technology in ways that have yielded large payments from Sanofi-Aventis under the agreement between them for the development and commercialization of TroVax[®].

Oxford BioMedica argues that the law suit is premature because TroVax[®] is still being evaluated in clinical trials.

In Bavarian Nordic's patent infringement suit against Oxford BioMedica, in the United States, the Judge has for procedural reasons dismissed the first complaint but has encouraged Bavarian Nordic to file a new complaint within 14 days, to provide the court with more information. Bavarian Nordic will file such a new complaint and thus the case is still pending at the court awaiting new information from Bavarian Nordic.

If the court eventually should decide to dismiss the suit this decision will bear no influence on the substance of the patent case. It only influences the timing of the start of the infringement case.

Anders Hedegaard President and CEO of Bavarian Nordic: *"Until now Bavarian Nordic has successfully defended its valuable intellectual property related to the MVA technology. We will continue vigorously to defend our patents against any infringement that threatens Bavarian Nordic's full commercialization of its intellectual property"*.

Kvistgård, 12 January 2009

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Forward-looking statements

This announcement includes "forward-looking statements" that involve risks, uncertainties and other factors, many of which are outside of our control that could cause actual results to differ materially from the results discussed in the forward-looking statements. Forward-looking statements include statements concerning our plans, objectives, goals, future events, performance and/or other information that is not historical information. We undertake no obligation to publicly update or revise forward-looking statements to reflect subsequent events or circumstances after the date made, except as required by law.

About Bavarian Nordic

Bavarian Nordic A/S is a leading industrial biotechnology company developing and producing novel vaccines for the treatment and prevention of life-threatening diseases with a large unmet medical need. The company's business strategy is focused in three areas: biodefence, cancer and infectious diseases. Bavarian Nordic's proprietary and patented technology MVA-BN[®] is one of the world's safest, multivalent vaccine vectors. Bavarian Nordic has ongoing contracts with the US government for the late-stage development and procurement of the company's third-generation smallpox vaccine, IMVAMUNE[®].

Bavarian Nordic is listed on NASDAQ OMX Copenhagen under the symbol BAVA.

For more information please visit www.bavarian-nordic.com