

Aerocrine

Press release
7 July, 2011

Aerocrine provides update on its patent infringement suit against Medisoft

SOLNA, Sweden – 7 July 2011 – Aerocrine AB today announced a negative decision by the Munich Court regarding the validity of one German Aerocrine patent. This decision does not influence Medisoft’s obligation to respect the existing three courts decisions in Germany.

In September of 2009, the District Court of Düsseldorf announced its decisions that the Medisoft device Hyp’Air FeNO infringes the German counterparts of Aerocrine’s patents EP 0 606 351 B1, EP 1 439 781 B1 and EP 0 724 723 B1. These European patents also cover Belgium, Switzerland, Spain, France, United Kingdom, Ireland, Italy, Netherlands and Sweden. The judgments were subsequently appealed by Medisoft and Medisoft also filed invalidity proceedings against the three Aerocrine patents in Germany.

In January 2011, the Court of Appeal in Dusseldorf confirmed the decisions by the District Court in 2009 that the Medisoft device infringes Aerocrine’s patents EP 0 606 351 B1 and EP 1 439 781 B1. The Court of Appeal will also revisit Medisoft’s appeal of the infringement of Aerocrine’s EP 0 724 723 B1 patent following the positive decision described below by the Federal Patent Court, as well as decide on Medisoft’s infringement of the amended claim in the same patent.

In February 2011, the validity of the German part of Aerocrine’s EP 0 724 723 B1 patent was examined at a hearing at the Federal Patent Court in Munich. The patent was upheld following a change of the infringed patent claim. An additional patent claim in the EP 0 724 723 B1 patent, that was removed from the original District Court procedure in 2009 pending a decision regarding the patentability of this claim, was upheld by the Federal Patent Court with a similar change of this claim.

Yesterday, the Munich Court provided its decision that the German counterpart of Aerocrine patent EP 0 606 351 B1 is not patentable in Germany. This decision was not based on any new information, but represents an opposing view by the Court regarding the patent claims compared to the European Patent Office that granted the patent in 1999 and also upheld the patent following opposition in 2002. The EP 0 606 351 B1 patent is Aerocrine’s earliest patent and expires in 2012. Aerocrine has the right to appeal the decision.

For more information, contact:

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About Aerocrine

Aerocrine AB is a medical technology company focused on the improved management and care of patients with inflammatory airway diseases. The pioneer and leader in the technology to monitor and manage airway inflammation, Aerocrine markets NIOX MINO® and NIOX® Flex. Both products enable the fast and reliable measurement of airway inflammation and may thus play a critical role in more effective diagnosis, treatment and follow-up of patients with inflammatory airway diseases such as asthma. Aerocrine is based in Sweden with subsidiaries in the US, Germany and the UK. Aerocrine shares were listed on the Stockholm Stock Exchange on 15 June 2007.

Aerocrine may be required to disclose the information provided herein pursuant to the Securities Markets Act.

The information was submitted for publication at 1:00 pm on July the 7th 2011. 