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Announcement no. 03

Settlement between BioPorto and Phadia in patent case

BioPorto and Phadia have reached a settlement in the case before the Supreme Court No. 206/2012 regarding the revocation of Phadia's patent DK/EP 0756 708, which cites the use of HNL (another designation of NGAL) as a diagnostic marker of human illness.

Along with the settlement, BioPorto receives a worldwide license to Phadia's patents in the NGAL area. With this, BioPorto achieves free market access for its portfolio of NGAL products and an improved IP position in relation to the conclusion of license agreements for its own IP rights in the NGAL area. The settlement is not expected to have a direct impact on product sales, but resolves any claims made by Phadia.

BioPorto's CEO, Peter Mørch Eriksen, comments: 'We are pleased with the settlement and see it as an important step toward collaborating with other players in the market to spread use of the NGAL test rather than prevent commercialization. With this clarification of the patent situation, we expect fewer obstacles whilst discussing licensing and OEM agreements with other parties.'

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The kidney biomarker NGAL

Every year about 13 million people are struck by acute kidney injury worldwide, of whom about 4 million die. Nevertheless, there has been no real progress in methods of diagnosing kidney injury over the last half century. Existing methods, such as serum creatinine determination, only signal kidney failure 24-72 hours after the injury has taken place. In contrast, NGAL rises to diagnostic levels within a few hours of kidney injury and thus enables the physician to make vital clinical decisions before the damage progresses to potentially fatal renal shutdown. In addition to helping the patient, cost-benefit analyses show that implementing NGAL testing will contribute to reducing hospital costs in the management of kidney injury and its consequences.

About BioPorto

BioPorto Diagnostics A/S is an in-vitro diagnostics company that provides healthcare professionals in clinical and research settings a range of diagnostic tests and antibodies. Our pioneering product portfolio includes assays for underserved disease states such as NGAL for acute kidney injury. We sell our products in more than 80 countries through diverse sales channels and partners. BioPorto has its headquarters in Copenhagen, Denmark and is listed on the NASDAQ OMX Copenhagen stock exchange.