



May 5, 2009

Announcement no. 12

Resumption of proceedings for BioPorto's patent EP 1 832 699

With reference to BioPorto's earlier announcement no.1 of March 12, 2009, it is hereby notified that the European Patent Office (EPO) has announced that grant proceedings regarding BioPorto's NGAL patent in Europe, application EP 1 831 699 will be resumed on June 3, 2009. EPO suspended the issuance on March 5, 2009 because Cincinnati Children's Hospital (CCH) had issued a writ of summons before the Maritime and Commercial Court claiming that the right to the grant of patent belongs to CCH. Thus, EPO's decision supports BioPorto's position on the case, as the company naturally takes full responsibility and credit for its invention and is its sole proprietor.

The resumption of proceedings will usually lead to a patent issue within 3 months. The resumption can be appealed.

BioPorto's NGAL cutoff patent concerns the measurement of NGAL as a diagnostic marker of renal disorders. The patent differs from other NGAL patent applications by determining the cutoff levels for NGAL that are necessary to distinguish the higher levels of NGAL that are indicative of renal disorders from the lower levels that can be due to other diseases.

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