



## NicOx acquires Nitromed's NO-donating patents

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April 23, 2009. Sophia Antipolis, France. [www.nicox.com](http://www.nicox.com)

**NicOx S.A.** (Euronext Paris: COX) today announced it has agreed to purchase Nitromed's unlicensed patent estate covering nitric oxide-donating compounds. This acquisition gives NicOx by far the strongest intellectual property position on this technology worldwide, including a large number of new patents with potential uses in NicOx' core areas of inflammatory and cardiometabolic disorders. Under the terms of the agreement, NicOx will pay Nitromed €2 million at signature and a further €4 million upon NicOx fulfilling certain future business criteria. NicOx is not acquiring any rights to BiDil (isosorbide dinitrate/hydralazine hydrochloride).

**Michele Garufi, Chairman and CEO of NicOx commented:** *"Our ambitious objective is to transform NicOx into a sustainable biopharmaceutical company with sales and marketing operations in the major markets, which would be driven by our internal research and development. We expect NicOx to change radically over the next few years, due to our anticipated participation in the future commercialization of naproxinod. Nevertheless, the research and development of new nitric oxide-donating drugs in our core therapeutic domains will remain an important part of our activities. Following this important acquisition, we hold by far the most comprehensive intellectual property portfolio in this area."*

Nitromed announced that it halted its drug discovery research programs in March 2006, due to financial considerations. This research had previously been focused on synthesizing and patenting new chemical entities (NCEs) combining an existing, marketed medicine with a nitric oxide donor. NicOx is acquiring the vast majority of the resulting patents, which represent Nitromed's unlicensed intellectual property portfolio on nitric oxide-donating compounds. This includes numerous composition of matter and treatment patents (as well as pending patent applications) in the United States and other important pharmaceutical markets, many of which have expiration dates later than 2020. These include a large number with potential uses for inflammatory and cardiometabolic disorders, which are core areas of focus for NicOx' internal research and development. NicOx is also taking royalty free licenses to additional patents under this agreement, which it considers strategically important.

**Ennio Ongini, Vice President of Research at NicOx commented:** *"Between them, NicOx and Nitromed filed the vast majority of the patent applications on nitric oxide donation and today's agreement consolidates NicOx' leading position in this area. Taking complete ownership of these patents will allow NicOx to become even more versatile in its application of this complex technology and expand the areas where we can potentially initiate new internal research programs."*

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**NicOx (Bloomberg: COX:FP, Reuters: NCOX.PA)** is a product-driven biopharmaceutical company dedicated to the development and future commercialization of investigational drugs for unmet medical needs. NicOx is applying its proprietary nitric oxide-donating technology to develop an internal portfolio of New Chemical Entities (NCEs) in the therapeutic areas of inflammatory and cardio-metabolic disease.

Resources are focused on the development and pre-commercialization activities for naproxinod, a proprietary NCE and a Cyclooxygenase-Inhibiting Nitric Oxide-Donating (CINOD) anti-inflammatory agent for the treatment of the signs and symptoms of osteoarthritis. Naproxinod has completed three pivotal phase 3 studies with positive results and the submission of a New Drug Application (NDA) to the US Food and Drug Administration (FDA) is projected for mid-2009.

Beyond naproxinod, NicOx has a pipeline containing multiple nitric oxide-donating NCEs, which are in development internally and with partners, including Pfizer Inc and Merck & Co., Inc., for the treatment of prevalent and underserved diseases, such as atherosclerosis, hypertension and widespread eye diseases and respiratory conditions.

NicOx S.A. is headquartered in France and is listed on the NYSE Euronext Paris (Compartment B: Mid Caps).



*This press release contains certain forward-looking statements. Although the Company believes its expectations are based on reasonable assumptions, these forward-looking statements are subject to numerous risks and uncertainties, which could cause actual results to differ materially from those anticipated in the forward-looking statements.*

*For a discussion of risks and uncertainties which could cause actual results, financial condition, performance or achievements of NicOx S.A. to differ from those contained in the forward-looking statements, please refer to the Risk Factors ("Facteurs de Risque") section of the Document de Reference filed with the AMF, which is available on the AMF website (<http://www.amf-france.org>) or on NicOx S.A.'s website (<http://www.nicox.com>).*

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