



Decision in the litigation against Eurofins and ABL companies

- ***Recognition of an Eurofins debt to Onxeo as the price of the Option under the contract***
- ***Set-off of this debt against damages in the same amount awarded to Eurofins***
 - ***In fine, no payment is due by either party to the other***

Paris (France), Copenhagen (Denmark), September 22, 2015 – Onxeo S.A. (Euronext Paris, NASDAQ Copenhagen: ONXEO), an innovative company specializing in the development of orphan oncology drugs, today announced a decision in the litigation opposing the company to the Eurofins group of companies (Eurofins Pharma US Holding Inc., Viralliance Inc. and Eurofins Scientific Inc.) and ABL before the Paris Commercial Court. The dispute was related to the transfer by Onxeo (ex BioAlliance Pharma) to Eurofins of a phenotyping technology to diagnose resistance to antiviral drugs.

In its decision, the Paris Commercial Court considered that Onxeo did not fulfil its contractual disclosure obligation towards Eurofins but at the same time has held that Eurofins owed the same amount to Onxeo under the contract as the price of the Option.

Therefore, the Paris Commercial court set-off the amounts owed by the companies to each other so that neither of them has to make a payment to the other.

ABL was not held liable but Onxeo's demands against ABL have been rejected.

Appeal of this decision can be filed within one month of service of the decision.

About the litigation

In October 2008, Onxeo was notified of a law suit filed before the District Court of the State of Delaware (USA) by companies of the Eurofins Group against Onxeo and one of its senior managers. This procedure involved the transfer of intellectual property related to phenotyping technology called Phenoscript® - an HIV resistance test that Onxeo developed before 2005 in collaboration with INSERM and the Institut Pasteur. At the end of 2005, Onxeo transferred its intellectual property and licensing rights to Eurofins to optimise its business development in the United States. In this agreement, a put Option for Eurofins Viralliance shares was provided for the benefit of Onxeo.

Eurofins claimed that the value of the assets sold was compromised by the rights of a third party, which rights had been hidden at the time of the sale. Eurofins demanded termination of the contract of sale and was seeking damages. Onxeo contested the merit of these allegations, the court's jurisdiction and immediately submitted an application for withdrawal of the case from the US courts. On September 18, 2009, the District Court of the State of Delaware accepted Onxeo's request for deferral. Eurofins lodged an appeal against this decision. On October 12, 2010, the Federal Third Circuit Court of Appeals affirmed this decision without examining the merits of the case.

Onxeo subsequently sued Eurofins Group in 2009 for breach of contract and ABL (Advanced Biological Laboratories) for interfering in its contractual relations with Eurofins Group. The lawsuit was filed in the Tribunal de Commerce of Paris which issued its judgment today.

About Onxeo

Onxeo has the vision to become a global leader and pioneer in oncology, with a focus on orphan or rare cancers, through developing innovative therapeutic alternatives designed to “make the difference”. The Onxeo team is determined to develop innovative medicines that provide patients with hope and significantly improve their lives.

Key orphan oncology products at the advanced development stage are:

Livatag® (Doxorubicin Transdrug™): Phase III in hepatocellular carcinoma

Validive® (Clonidine Lauriad®): Phase II in severe oral mucositis: Positive final results

Beleodaq® (belinostat): registered in the US in 2nd line treatment of peripheral T-cell lymphoma

For more information, visit the website www.onxeo.com

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