



bioMérieux and NuGEN Technologies Announce Cross-License and Supply Agreement

bioMérieux Chooses NuGEN WT-Ovation™ RNA Amplification System For Microarray-based Cancer Assay Development

Marcy l'Etoile, France and San Carlos, California – May 9, 2007 - bioMérieux (Euronext: BIM), a world leader in the field of *in vitro* diagnostics, and NuGEN Technologies, Inc., a privately held company that develops and commercializes nucleic acid amplification and labeling systems, announced today an agreement to cross-license intellectual property, as well as a supply agreement for NuGEN's exclusive WT-Ovation RNA Amplification System.

The agreement gives bioMérieux non-exclusive rights to specific NuGEN amplification technologies that will enable bioMérieux to create and market *in vitro* diagnostic (IVD) tests requiring amplification for expression analysis.

In return, NuGEN will gain access to patented bioMérieux linear amplification technologies using chimeric primers, including extensive OEM rights for the research market. As a result, NuGEN will be able to broaden its substantial intellectual property portfolio in this area.

The dual accord will enable bioMérieux to integrate NuGEN technologies for the development of a highly sensitive and automatable microarray-based assay for cancer with the objective to increase test ease-of-use and to reduce the time from sample acquisition to diagnosis.

"NuGEN's whole transcriptome approach, in combination with our linear amplification technologies, further enhances our amplification capabilities," explained Peter Kaspar, bioMérieux Corporate Vice President of research and development. *"WT-Ovation technology will enable us to develop and commercialize standardized IVD solutions for oncology that can be used nimbly in a clinical setting. Ultimately, this new system will reduce the time between sample acquisition and critical diagnosis, allowing physicians to make important and personalized decisions about a patient's therapy."*

"bioMérieux's selection is an important validation that WT-Ovation technology will enable a broad range of diagnostic tests for clinical use," noted Elizabeth A. Hutt, chief executive officer, NuGEN Technologies, Inc. *"In this case, it demonstrates that our whole transcriptome strategy can be employed to create IVD assays that will help physicians tailor highly effective therapies for the millions of people stricken each year with cancer."*

Financial terms of the agreement were not disclosed.

About NuGEN

NuGEN Technologies, Inc. (<http://www.nugeninc.com>), based in San Carlos, CA, is focused on the development and commercialization of sensitive, rapid and high-throughput amplification and detection systems to enable the comprehensive analysis and discovery of biological mechanisms, cellular responses, and disease pathologies. The WT-Ovation™ RNA Amplification System is the first in a family of NuGEN products that enable whole transcriptome gene expression analysis. This system provides a rapid, sensitive and highly automatable method for preparing microgram quantities of amplified cDNA from 5 to 50 ng of total RNA with no 3-prime bias, in less than four hours. Amplification is initiated at the 3-prime end and randomly throughout the whole transcriptome. The resulting amplified cDNA is optimized for detection of low-, medium-, and high-abundance gene transcripts, and may be labelled and hybridized to bioMérieux's breast cancer array within the same day.

About bioMérieux

Advancing Diagnostics to Improve Public Health

A world leader in the field of *in vitro* diagnostics for over 40 years, bioMérieux is present in more than 150 countries through 35 subsidiaries and a large network of distributors. In 2006, revenues reached €1.037 billion with 83% of sales outside of France.

bioMérieux provides diagnostic solutions (reagents, instruments, software) which determine the source of disease and contamination to improve patient health and ensure consumer safety. Our products are used for diagnosing infectious diseases and providing high medical value results for cardiovascular emergencies and cancer screening and monitoring. They are also used for detecting microorganisms in agri-food, pharmaceutical and cosmetic products. bioMérieux is listed on Eurolist by Euronext. Other information can be found at www.biomerieux.com.

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