

# INOVIQ SETTLES LEGAL PROCEEDING RELATED TO BARD1 PERFORMANCE SHARES

- INOVIQ has settled the legal proceeding related to the BARD1 performance shares
- Plaintiffs to receive BARD1 Lung Cancer Test IP and \$1 million payment. INOVIQ retains Breast and Ovarian Cancer IP and receives 10% of future sales of BARD1 Lung Cancer Test until the expiry of relevant patents, and 5% thereafter
- Legal Proceeding by Plaintiffs will be dismissed in accordance with agreed Court orders and no costs awarded

**Melbourne, Australia, 28 November 2022:** INOVIQ Limited (ASX:IIQ) (**INOVIQ** or the **Company**) advises that a settlement has been reached between INOVIQ and the Plaintiffs (together Tony Walker and former Executive Director and Chief Scientific Officer Dr Irmgard Irminger-Finger) related to its claim against INOVIQ announced to ASX on 24 February 2021.

The Statement of Claim alleged, among other things, that the Company was subject to obligations to do all things as were reasonably necessary to seek to have the Test satisfy the milestones by the expiry date and not to deprive the plaintiffs of the opportunity to have each of their Performance Shares convert into one ordinary share in the Company. The Statement of Claim further alleges that in breach of those obligations the Plaintiffs have been deprived of that opportunity. The Plaintiffs sought damages, costs, interest and such further or other orders as the Court considers just.

To avoid the costs, inconvenience and the uncertainty of litigation, the Parties agreed to fully and finally settle the Proceeding, with no admission of liability, on the following key terms under a Deed of Settlement and Release, and associated Royalty Deed as follows:

- INOVIQ will transfer its shareholding in BARD1AG SA to the Plaintiffs. BARD1AG SA is the entity that holds rights in relation to the intellectual property (**IP**) associated with the BARD1 Lung Cancer Test (**LCT**), namely the licence in patent WO/2012/023112 entitled 'Bard1 Isoforms In Lung And Colorectal Cancer and Use Thereof' and ownership of the patent WO/2015/067666 entitled 'Lung Cancer Diagnosis' (the **LCT IP**);
- INOVIQ will retain through a separate agreement with BARD1AG an entitlement to (among other things) 10% of the net sales of any products developed using the LCT IP for the duration of the patents, and then 5% upon expiry of both patents;
- INOVIQ will pay the Plaintiffs a lump-sum payment of A\$1 million (inclusive of GST) and the Plaintiffs have an obligation to commit \$300,000 to the development of the LCT over the next 2 years; and
- The Proceeding will be dismissed and no order as to costs will be made.

The settlement does not involve INOVIQ transferring its rights in relation the BARD1 breast and ovarian cancer IP that is owned by INOVIQ.

INOVIQ Chairman Dr Geoff Cumming commented: *"We are pleased that this matter has settled out of court on what the Board believes are reasonable terms considering the significant additional costs of defending a potentially large and complex claim and the uncertainty of a court outcome."*

*Whilst INOVIQ will transfer the BARD1 Lung Cancer Test IP to the Plaintiffs, INOVIQ will retain the ovarian and breast cancer IP, and receive a royalty from future income generated by the BARD1 Lung*

*Cancer Test without the need for future direct investment. With the matter finalised, INOVIQ can now fully focus on unlocking the significant commercial potential of the EXO-NET and SubB2M platforms, as well as progress its other commercial initiatives.”*

Authorised for release by the Company Secretary, Mark Edwards.

- ENDS -

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## ABOUT INOVIQ LTD

INOVIQ Ltd (ASX:IIQ) (**INOVIQ**) is developing and commercialising next-generation exosome capture tools and precision diagnostics to improve the diagnosis and treatment of cancer and other diseases. The Company has commercialised the EXO-NET pan-exosome capture tool for research purposes and the hTERT test as an adjunct to urine cytology testing for bladder cancer. Our cancer diagnostic pipeline includes blood tests in development for earlier detection and monitoring of ovarian, breast and other cancers. For more information on INOVIQ, see [www.inoviq.com](http://www.inoviq.com).

## FORWARD-LOOKING STATEMENTS

This announcement contains certain ‘forward-looking statements’ within the meaning of the securities laws of applicable jurisdictions. Forward-looking statements can generally be identified by the use of forward-looking words such as ‘may’, ‘should’, ‘expect’, ‘anticipate’, ‘estimate’, ‘scheduled’ or ‘continue’ or the negative version of them or comparable terminology. Any forecasts or other forward-looking statements contained in this announcement are subject to known and unknown risks and uncertainties and may involve significant elements of subjective judgment and assumptions as to future events which may or may not be correct. There are usually differences between forecast and actual results because events and actual circumstances frequently do not occur as forecast and these differences may be material. The Company does not give any representation, assurance or guarantee that the occurrence of the events expressed or implied in any forward-looking statements in this announcement will actually occur and you are cautioned not to place undue reliance on forward-looking statements.