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FEDERAL COURT OF APPEALS AFFIRMS IBA PATENT VICTORY OVER LOMA LINDA UNIVERSITY MEDICAL CENTER AND OPTIVUS, INC.

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Louvain-la-Neuve, Belgium, November 17, 2006 – IBA (Ion Beam Applications S.A.: Reuters IOBA.t.BR and Bloomberg IBAB.BB) announced today that on November 16, 2006, the United States Court of Appeals for the Federal Circuit affirmed the United States District Court for the Central District of California's granting of a summary judgment of invalidity on two asserted Loma Linda University Medical Center patents. IBA had steadfastly maintained that U.S. Patent No. 4,870,287, entitled "Multi-Station Proton Beam Therapy System" and U.S. Patent No. 5,260,581, entitled "Method of Treatment Room Selection Verification in a Radiation Beam Therapy System" were invalid. The district court agreed with IBA when it granted a summary judgment that these patents were invalid. The Federal Circuit has now agreed with IBA and the district court.

Pierre Mottet, IBA's CEO praised the decision stating: "The patent invalidity determinations will enable IBA to offer for sale proton beam therapy systems in the United States that include gantry patient treatment rooms with or without fixed beam patient treatment rooms." In addition, Mottet said that the decision will allow IBA to continue marketing "IBA's novel control system that verifies the authenticity of proton beam request signals before the beam is transported for treatment."

The invalidity affirmance by the Federal Circuit Court of Appeals of the invalidity of the '287 and '581 Patents will allow IBA to continue selling its superior designed proton beam therapy systems in the United States unimpeded by Loma Linda University Medical Center and Optivus, Inc.

The Court of Appeals also affirmed the trial court's grant of summary judgment on two tort claims asserted by Optivus in connection with the sale of a proton beam therapy system to the University of Florida. In particular, the Court of Appeals agreed with the trial court that Optivus had no cause of action to assert a claim for intentional interference with economic relations because Optivus had no business relationship with Florida at the time it claims that IBA interfered with its relationship with the University. In addition, the Court of Appeals agreed that Optivus was legally barred from asserting a claim under the Florida Deceptive and Unfair Trade Practices Act because Optivus was not a "consumer" at the time of IBA's alleged misconduct.



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The appeal also reinstated two claims for unfair competition asserted by Optivus in connection with IBA's sale of a proton beam irradiation system to the University of Florida. The Court of Appeals returned these claims to the trial court for further consideration because the earlier opinion granting summary judgment applied the law incorrectly in one instance and made improper factual assumptions in the other. In so ruling the Court of Appeals did not validate the Optivus claims but merely restored Optivus' ability to assert the claims. As stated earlier, these claims deal with statements made during the process of selling the University of Florida system. The IBA proton beam therapy system was selected by the University of Florida in 2000 following a competitive process with neutral evaluators. The proton beam center in Jacksonville, Florida is now open and treated its first patient with the IBA system in August of 2006.

IBA continues to deny having done anything improper during the University of Florida procurement process. University of Florida personnel involved in the process agree with this assessment by IBA.

Attorneys for IBA anticipate that the case will be returned to United States District Court Judge S. James Otero in Los Angeles for further proceedings consistent with the Federal Circuit ruling by early December.

ABOUT IBA

IBA delivers solutions of a unique precision in the fields of **cancer diagnosis and therapy**. The company also offers sterilization and ionization solutions to improve the hygiene and safety of everyday life. IBA is listed on the pan-European stock exchange EURONEXT, is integrated into the NextEconomy market segment and belongs to the BelMid index.

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