

## Benitec US Re-exam Update

5 May 2009, Melbourne, Australia: Benitec Limited (ASX: BLT) is pleased to announce that the US Patent and Trademark Office ("USPTO") has recently withdrawn its novelty objection to Benitec's seminal RNAi interference US patent 6,573,099, often referred to as the "Graham" patent. This patent has been undergoing re-examination as outlined in previous announcements.

The only remaining objections of substance are two similar obviousness rejections based on a combination of the Carnegie Institute patent 6,506,559 with other documents. One rejection is for claim 4 and related claims, the other for claim 5 and related claims.

Sue MacLeman, CEO of Benitec, commented that "We are pleased that the USPTO has finally withdrawn the novelty rejection which had been based on what was, in our view, quite a different technology. We intend to move forward with the appeal process as quickly as possible."

It is likely that the next step for Benitec and its partner, CSIRO, is to elevate the re-examination to the Board of Patent Appeals and Interferences (BPAI) to overturn the obviousness rejections. In light of all of the material currently on the Patent Office file, CSIRO and Benitec remain confident of securing this patent. This next step is likely to take around 12 months and a decision is unlikely until 2010.

CSIRO and Benitec are continuing work on the remainder of their wide-ranging RNAi patent portfolio and commercialising the technology.

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#### About Benitec

Benitec is an Australian biotechnology company focused on licensing its extensive intellectual property portfolio and developing therapeutics to treat serious diseases using its proprietary ddRNAi technology. Its current therapeutic program is focused on Human Immunodeficiency Virus (HIV). For additional information, please visit [www.benitec.com](http://www.benitec.com).