



## Media Release

### Review of Pending US Divisional Patent Applications

**16 December 2010, Melbourne, Australia:** Benitec Limited (ASX:BLT) announced today that, following the clarification provided by the re-examination decision for the landmark United States Patent 6,573,099 (the '099 Graham Patent) in RNA interference ("Control of Gene Expression"), it has reviewed the claim scope of the pending US applications with its US attorney and has determined a strategy for the continued prosecution of these applications to maximise their benefits, as presaged in the announcement regarding the R&D Pipeline and Strategy on 3 September 2010.

As a first step CSIRO have temporarily withdrawn from Issue the patent application 10/759,841 "Synthetic Genes and Genetic Constructs comprising the same", in accordance with this strategy and its obligations to the United States Patent and Trademark Office ("USPTO") to file a supplementary Information Disclosure Statement. CSIRO and Benitec are taking the opportunity to amend the claims in the application. Benitec and CSIRO believe that the application can soon thereafter again proceed to allowance and grant.

While this is a minor formality which delays the formal grant of the patent, the process has no adverse impact on the Company's research and commercial objectives or on any other US patent application, and in fact is likely to be advantageous.

CSIRO and Benitec will also review claims in other pending applications currently under examination at the USPTO.

#### For Further Information

Dr Peter French  
Chief Executive Officer  
Benitec Ltd

+61 (0)412 457 595  
[benitec.com](http://benitec.com)

#### About Benitec

Benitec Limited holds a dominant position in expressed RNA interference (RNAi)-based human therapeutics, with a transformational platform technology supported by a robust and extensive intellectual property portfolio. Benitec is leveraging this platform to develop and build a pipeline of expressed RNAi therapeutics focusing on treatment and alleviation of cancer and infectious disease. With strong global partnerships and committed scientific and clinical investigators, Benitec aims to deliver a range of novel RNAi-based therapeutics to the clinic in partnership with the pharmaceutical industry. For additional information, please visit [www.benitec.com](http://www.benitec.com).