



Media Release

Patent Update: Strengthening and Expansion of Benitec's Dominant Patent Position in RNAi

Graham '099 Patent Re-Examination Certificate Issued in the US
and another Graham Patent granted in a Further European Country

17 February 2011, Melbourne, Australia: Benitec Limited (ASX: BLT), a world leader in expressed gene silencing for human therapeutics, is pleased to announce that the United States Patent and Trademark Office (USPTO) has today indicated that it is issuing the Re-examination Certificate, the formal final step in the USPTO's confirmation of patentability of claims in the key '099 Graham Patent [US Patent No. 6,573,099] "Genetic Constructs for Delaying or Repressing the Expression of a Target Gene", the wide-ranging platform technology patent covering the use of expressed RNA Interference (RNAi) in human therapeutic applications. This follows the pivotal decision of the USPTO Board of Appeal in October last year to reverse all previous rejections resulting from the extended patent re-examination process. The issue of the Re-examination Certificate is the final step in the re-examination process and ends a protracted chapter in Benitec's history. The issue is crucial in re-establishing Benitec's primacy in this important technology which has the potential to treat and cure a wide range of human diseases.

Additionally, the Slovak Patent Office has granted Benitec and the Australian Commonwealth Scientific and Industrial Research Organization (CSIRO) the Slovakian Patent No. 287538 "Control of Gene Expression", a member of the Graham patent family covering the use of expressed RNAi for human therapeutics. Other European countries in which the patent has granted include Great Britain and Czech Republic.

The re-issue of the '099 patent in the US and the grant of the corresponding patent in the Slovak Republic further expands the countries in which Benitec's technology is recognised as a major force in RNA interference using the DNA directed approach.

Benitec now either owns or exclusively licences from CSIRO more than 40 granted or allowed patents in the field of RNA interference for human therapeutic applications. Patents have been granted in key territories such as the USA, the UK, Japan, Europe, Canada and Australia. In addition, Benitec has almost 50 patent applications pending for which they are the owner or exclusive licensee from CSIRO, and has further intellectual property under development as a result of its pipeline development program. In a January 2010 article in *Nature Biotechnology* this patent portfolio was described as "one of the most critical patent estates for deploying RNAi..."

Dr Peter French, Benitec's CEO, said: "These patent results reinforce our dominant position in expressed RNAi and further supports our strategy of building a pipeline of novel RNAi-based therapeutics whose commercial potential is protected by a robust intellectual property position."

For Further Information

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About Benitec

Benitec 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 Ltd aims to deliver a range of novel RNAi-based therapeutics to the clinic in partnership with the pharmaceutical industry.