

ASX/Media Release

Another Patent in Graham Family Allowed in US

2 September 2010, Melbourne, Australia: The Directors of Benitec Limited (ASX:BLT) are pleased to provide this update on the progress of the patent family "Control of Gene Expression". The "Control of Gene Expression" patents are part of the foundational Graham RNAi patent family.

CSIRO and Benitec have received a Notice of Allowance issued by the United States Patent and Trademark Office (USPTO) on 2 September 2010, allowing US patent application 10/759,841 "Synthetic Genes and Genetic Constructs comprising the same". This is a continuation application derived from the Graham '099 patent currently in re-examination and awaiting a decision from the USPTO following a hearing that was held on 4 August 2010. Typically, a granted patent is issued by the USPTO about 4-6 months after allowance and this can be expected for 10/759,841.

The claims of 10/759,841 are directed to DNA constructs and mammalian cells containing the constructs which are used in methods of silencing viral gene expression by RNA interference. The constructs have two sequences each consisting of 20 nucleotides arranged in inverted orientation to each other and separated by a stuffer fragment. This arrangement and specific length of sequence provide some advantages for silencing of viral gene expression by DNA-delivered RNAi. Certain dependent claims further define the nature of the virus that is targeted or the length of the stuffer fragment.

CSIRO and Benitec are pursuing further, broader claims in several pending applications under examination at the USPTO and have the possibility of filing additional applications as these examinations progress. It is expected that the Graham patent family situation will continue to be clarified at the USPTO over at least the next 6 months.

"Benitec and CSIRO are pleased that we are seeing good progress with this family of applications in the US and consider allowance of them to be a validation of their value in the field of RNAi therapeutics. We remain committed to achieving allowance of the other pending applications in this family in the US and other jurisdictions," said Dr Peter French, Chief Executive Officer, Benitec Ltd.

BENITEC LIMITED:

Dr Peter French
Chief Executive Officer
+61 (0)412 457 595
pfrench@benitec.com

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. For additional information, please visit benitec.com.