



## Media Release

### Benitec UK Patent Update

5 November 2010, Melbourne, Australia: Benitec Ltd, the leading company in expressed gene silencing for human therapeutics, announced today that it has been notified overnight by UK patent attorneys that the United Kingdom Intellectual Property Office (UKIPO) has received an application to revoke Benitec's exclusively licensed patent UK Patent no. 2,353,282. The application to revoke was filed by a UK-based patent attorney firm, which may be acting on behalf of a third party who are not disclosed in the application.

After an initial review, Benitec believes that the application to revoke merely reiterates old arguments based on the antisense literature. These arguments have been successfully overcome in other jurisdictions, including the US, the EU and Australia. The revocation application also alleges obviousness of the invention over various references, and again similar representations have been dealt with elsewhere. Consequently, Benitec believes that the revocation application is without merit and, if anything, the action will serve to strengthen the patent. The application to revoke may also be taken as an indication of the increasing realisation of the commercial value of the patent family.

The UK patent is a long-standing patent (it was granted in 2003), and Benitec and CSIRO will use the opportunity that defending this application presents to review the patent where appropriate. Should the full review by the patent attorneys reveal further significant information, Benitec will provide a further update to the market. A counter-statement to the UKIPO is due to be filed by 14 December 2010.

Dr Peter French, CEO of Benitec said, "CSIRO and Benitec are very confident about our ability to successfully defend this latest action particularly in light of the recent decision by United States Patent and Trademark Office (USPTO) Board of Patent Appeals and Interferences to reverse every rejection of the US examiner in the related US 6,573,099 (the '099 Graham) Patent re-examination."

Benitec expects that the USPTO will very soon issue their Notice of Intent to Issue an Ex Parte Re-examination Certificate for the '099 Graham Patent.

#### For Further Information

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#### 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).