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## NEWS

### **BENITEC INITIATES PATENT INFRINGEMENT LAWSUIT TO PROTECT RNAi GENE SILENCING TECHNOLOGY**

QUEENSLAND, Australia (March 26, 2004) Benitec Ltd (ASX: BLT) announced today that it initiated patent infringement lawsuits in the United States District Court for the District of Delaware against Nucleonics, Inc., Ambion, Inc., and Genscript Corporation to protect its gene silencing technologies. The lawsuit alleges that the three companies are infringing issued US Patent No. 6,573,099, entitled “Genetic Constructs for Delaying or Repressing the Expression of a Target Gene.”

John McKinley, Chairman and Chief Executive Officer of Benitec Limited, commented, “We believe Benitec's patent estate is clear and represents an enforceable position in DNA-directed gene silencing. We are committed to vigorously defending the rights that our patent estate confers and the licensees of our technology. There should be no doubt that we are prepared to do this and we have the necessary resources, including patent insurance, to put this strategy into effect. Benitec will consider additional infringement actions as we deem appropriate in other jurisdictions.”

Benitec currently has 7 issued patents in 5 jurisdictions, including the USA, UK and Australia, and has over 60 pending RNAi based patent applications in advanced stages of prosecution in 14 other jurisdictions. Benitec was the first company to trigger RNAi in human and mammalian cells and in whole mammals and holds the only issued patents covering RNAi in mammalian cells.

Benitec's patented technology, known as DNA directed RNA interference (ddRNAi), employs DNA constructs to induce RNA interference (RNAi) in cells. RNAi is a natural cellular mechanism that selectively knocks down or silences a targeted gene by destroying messenger RNA (mRNA). It is triggered by double stranded RNA, where one strand is identical to the target mRNA. Benitec's DNA directed RNAi (ddRNAi) technology involves inserting a DNA construct into a cell to trigger production of double stranded RNA, resulting in the destruction of the target mRNA and selectively silencing or knocking down the expression of the target gene.

The ddRNAi approach has several potential advantages when compared with alternative gene silencing technologies under development, such as antisense RNA, and synthetic and chemically modified siRNA. These advantages include more versatile delivery options, simultaneous multiple gene disabling, the ability to silence genes in whole

organisms (transgenic ddRNAi), and the ability to control the expression and timing of gene silencing.

### **About Benitec Limited**

Benitec Ltd. (ASX: BLT) focuses on developing therapeutics to treat serious diseases and advancing medical research using DNA-directed RNA interference (ddRNAi). Core patents are owned in partnership with CSIRO and Benitec holds exclusive rights for their prosecution and commercialization in the human field. The Company's in-house therapeutic programs cover diseases that can potentially be treated by silencing the expression of one or more genes. These diseases include HIV, hepatitis, cancers and CNS disorders.

**In parallel, Benitec offers research licenses and product application development to its ddRNAi technology through its strategic licensee and partner, Promega (Madison, WI), revenue from which will support its therapeutic development programs.**

*This press release contains forward-looking statements which reflect the Company's current expectation regarding future events. Forward-looking statements involve risks and uncertainties. Actual events could differ materially from those projected herein and depend on a number of factors including the success of the Company's research strategy, the applicability of the discoveries made therein, the successful and timely completion of clinical studies, the uncertainties related to the regulatory process and the uncertainties related to legal disputes.*

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