

**ASX/Media Release**

**Update on Nucleonics' request to US Supreme Court**

10 January 2008, Melbourne, Australia: The Directors of Benitec Limited (ASX:BLT) provide the following update on its release last week regarding Nucleonics' request that the US Supreme Court hear the *Benitec v Nucleonics* case.

Benitec has now had the chance to consider and receive advice on the Nucleonics petition. The Nucleonics petition has not raised any legal issues not considered by the US Federal Circuit, which decided *Benitec v Nucleonics* in Benitec's favour. Benitec intends to file an opposition brief to the Supreme Court by 1 February 2008.

Benitec believes that the Federal Circuit decision correctly followed recent Supreme Court decisions clarifying jurisdiction for declaratory judgment under Article III, and denial of the petition is appropriate. Benitec believes it is unlikely that the Supreme Court will hear this case given its recent *Merck vs. Integra* and *MedImmune vs. Genentech* rulings. Moreover, the Supreme Court rarely grants petitions for certiorari. In recent terms of the Supreme Court, petitioners have submitted more than 7,000 petitions for certiorari per term. Of these, approximately 100, or roughly 1.4%, are granted per term. When the Supreme Court grants a petition for certiorari, it will normally decide the case during the same term, but cases can be carried over to the next term.

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**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. Its current therapeutic program is focused on Human Immunodeficiency Virus (HIV). For additional information, please visit [www.benitec.com](http://www.benitec.com).