



## ASX/Media Release

### Nucleonics files request to US Supreme Court

4 January 2008, Melbourne, Australia: Benitec Limited (ASX:BLT) has been advised that Nucleonics has requested that the US Supreme Court hear its case *Benitec v Nucleonics*. The Supreme Court will now review whether it should hear the case.

As previously announced, the US Court of Appeals for the Federal Circuit (CAFC) denied the Petition for Rehearing and Rehearing En Banc of Benitec Australia Ltd v. Nucleonics, Inc. on 4 October 2007. As a result, the CAFC issued the judgment as a mandate affirming the decision of 20 July 2007, in Benitec v. Nucleonics. The appeal in the CAFC is now complete.

Also, as previously announced, Nucleonics had the opportunity to petition for writ of certiorari to the US Supreme Court. They filed this petition on 27 December 2007. Benitec will be reviewing the petition with their legal team and advisors and expect that the Company will need to file an opposition brief.

A further update will be provided to the market once Benitec has had an opportunity to receive and consider advice on the petition.

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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).