

## ASX/Media Release

### Benitec US Re-exam Update

21 November 2008, Melbourne, Australia: The Directors of Benitec Limited (ASX: BLT) provide the following update on the US patent re-examination of the '099 Graham patent.

The company was notified on 21 November 2008 that a Final Office Action had been issued by the USPTO. The Company is still reviewing this action in detail. Progress towards allowance has been made with the successful withdrawal of three of the novelty rejections. However two others have been maintained (over the Szyf and Fire et al references) as well as an obviousness rejection. At this time the full details of this office action are still being reviewed and legal advice is being sought from our advisors.

The Company will make a full disclosure to the market once this document has been reviewed and next steps determined. Benitec and CSIRO have the right to appeal this decision to the Board of Appeals of the USPTO. Also, Benitec's patents and patent applications in other countries are not directly affected by this action which is based on US patent rules.

"Benitec is confident that its gene silencing intellectual property claims will be secured through the reexamination of the '099 patent and these related patents or patent applications. This "backward and forwarding" between the patent office and the patent owner is usual in high profile IP cases" said Benitec CEO, Sue MacLeman.

"While this Graham patent is important, it should be remembered that Benitec has 98 patent applications and granted patents in the RNAi space and additional IP that it has licensed. While this patent is under review in the US, we have six other related applications to pursue these claims in the US. These include patent application nos. 10/346,853, 10/759,841, 10/821,726, 09/646,807, 10/646,070, and 11,218,999," she added.

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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. For additional information, please visit [www.benitec.com](http://www.benitec.com).