

ASX/Media Release

Benitec Fully Owned Patent Granted in US

31 August 2009, Melbourne, Australia: The Directors of Benitec Limited (ASX:BLT) provided an update today on progress with the substantial Benitec intellectual property (IP) portfolio. This update is in addition to the recent update on the continuing separate Patent Reexamination of the '099 (Graham) patent in the USA.

On 27 August 2009, the US Patent office provided a Notice of Allowance on Benitec fully owned patent U.S. Patent Application No. 11/072,592. This patent is entitled Multiple Promoter Expression Cassettes for Simultaneous Delivery of RNAi Agents. This invention provides multiple-promoter expression cassettes for simultaneous delivery of RNAi, preferably to mammalian cells *in vivo*.

Benitec is also pleased to announce that one of the key patents they have an option to license from City of Hope was issued in Japan. The patent is entitled Ribozymes Capable of Inhibiting the Expression of the CCR5 Receptor (SN: 2000-535739). This patent was granted on 26 June 2009, under patent No. 4330797. The term of this patent is 20 years and this patent will expire on 5 March 2019.

Benitec has rights to more than 100 patents and patent applications. These patents are either fully owned by Benitec or exclusively licensed. In the case of the City of Hope collaboration, Benitec has an option to obtain exclusive license rights in certain fields to a number of key patents that support the current Phase I clinical trial product.

Over the last 12 months, the Benitec fully owned IP portfolio has grown from 51 pending applications and granted patents to 53. Allowance or grant of applications has been achieved for 5 applications in Australia (AU2004243347), New Zealand (NZ550284 and NZ543815), South Africa (2005/09813) and Singapore (200507474-5). Allowance of NZ543815 was achieved in July 2008. Of these, 4 of the patents are for the important "Double-stranded nucleic acid" patent family directed to constructs for therapeutic and related applications of RNA interference.

Six new applications have been filed during the last 12 months. Three of these have been divisional applications in Australia and New Zealand in light of the allowance of the corresponding parent applications. Two new applications have been filed in Hong Kong, and a continuation has been filed in the US. In addition, Benitec has been recorded as a co-owner of a pending US patent application with Stanford University.

Over the last 12 months, the CSIRO licensed IP portfolio (Graham and Waterhouse patents) has seen allowance or grant of 6 applications including 3 applications in Australia, 2 in Japan and one application in Singapore. The Singaporean patent, and one of the Australian patents, is directed to RNA interference constructs for therapeutic and related applications of RNA interference in animals and cells. New applications have been filed in Australia and Japan.

"There has been substantial progress with the IP prosecution and maintenance in the last 12 months. This is an extremely valuable IP portfolio in RNAi and we look forward to additional licensing and collaborations to further develop and commercialise this technology" said Sue MacLeman, CEO, Benitec Ltd.

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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.