

## ASX/Media Release

### Benitec US Re-exam Update

28 July 2009, Melbourne, Australia: The Directors of Benitec Limited (ASX:BLT) provide the following update on the US patent Ex Parte reexamination on the Graham '099 patent (90/007,247). On 22 May 2009, a Notice of Appeal was filed with the USPTO. As part of the appeal process, an Appeal Brief was filed yesterday in response to the Examiner's final rejection in the Final Office action dated 26 November 2008.

This detailed Appeals Brief focuses on the obviousness rejections put forward by the Examiner and argues that these rejections are unsupported by the evidence and the controlling law. It addresses all outstanding issues.

The USPTO will now review this brief. In the normal course of events, the Examiner has an opportunity to file an Examiner's Answer which is expected later this year. Benitec and CSIRO would then file a Reply to the Examiner's Answer and the reexamination will then proceed to an oral hearing before the Appeals Board. Due to the backlog at the USPTO, this is not expected until Q2 2010 with a decision likely in the following quarter.

"Benitec and CSIRO remain committed to the '099 Graham patent. Moreover, the '099 patent is only one member of a family of patent applications and Benitec and CSIRO are also entitled to seek additional protection of the same or related subject matter, subject to double-patenting laws, in any of a number of US continuation applications. These applications are not subject to all of the restrictions that apply to the '099 reexamination." said Benitec CEO, Sue MacLeman.

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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).