

BENITEC APPEALS GRAHAM PATENT REVOCATION IN EUROPE

- **Notice of appeal to Graham EP1555317 patent**
- **EPO opposition hearing for Waterhouse EP1068311 patent**

Sydney, Australia, 22 September 2014: Benitec Biopharma Limited (ASX: BLT, OTC: BTEBY) advise that a Notice of Appeal was filed to the decision by the European Patent Office (EPO) to revoke the Graham EP patent 1555317. Benitec is supporting CSIRO, the owner of the patent, in preparing and filing the appeal to the EPO's decision. The Notice of Appeal initiates the appeal process with the EPO, and will be followed by the Statement of Appeal to be filed by 11 November 2014.

The Statement of Appeal will provide the arguments that form the basis for appealing the revocation. In particular, the statement will address the features of the main claims that were found unpatentable by the EPO at the opposition hearing on 22 May 2014. The particular feature of length limitation to the RNA constructs generated by the unique ddRNAi delivery model was contested at the time of prosecuting the patent to grant in 2011. Appeal enables CSIRO and Benitec to provide similar arguments aimed at a favourable outcome for this Graham patent in Europe.

In addition to the Graham appeal, Benitec advise that the EPO has issued a Summons for Oral Proceedings to the 'Waterhouse' EP patent 1068311 (entitled '*Methods and means for obtaining modified phenotypes*'). The hearing with the opposition division is scheduled at The Hague on 7, 8 January 2015. The Waterhouse patent was granted on 27 April 2011 and opposed by BASF SE (Germany), Strawman Ltd (UK), joint opponents of Carnegie Institution of Washington & University of Massachusetts (USA) and Syngenta Participations AG (Switzerland). The Graham and Waterhouse patents cover distinct inventions in the ddRNAi field.

Ms Sakura Holloway, recently appointed in-house IP Counsel at Benitec, commented, "The Waterhouse patent provides a broad patent position for ddRNAi. CSIRO and Benitec have a high degree of confidence that the outcome of the Waterhouse hearing will be favourable. There are a number of features that differ between the Waterhouse patent and the Graham patent, in particular the length restriction that was the reason for the EP decision to revoke the patent does not exist in the Waterhouse patent. Most of the objections raised to Waterhouse have been successfully overcome in other jurisdictions, in particular the US. We'll work with CSIRO to develop strong arguments based on this experience to present at the hearing in January."

The patents exclusively licensed from CSIRO for human therapeutics form a part of the overall Benitec patent portfolio. The remainder of the portfolio that is being successfully prosecuted in a number of the key jurisdictions is aimed at the specific programs under development in the company.

For more information, please contact the persons below or visit the Company's website at www.benitec.com.



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About Benitec Biopharma Limited:

Benitec Biopharma Limited is an ASX-listed biotechnology company (ASX: BLT, OTC: BTEBY) based in Sydney, Australia. The company has a pipeline of in-house and partnered therapeutic programs based on its patented gene-silencing technology, ddRNAi. Benitec is developing treatments for chronic and life-threatening human conditions such as Hepatitis C, Hepatitis B, wet age-related macular degeneration, cancer-associated pain, drug resistant lung cancer and oculopharyngeal muscular dystrophy based on this technology. In addition, Benitec has licensed ddRNAi technology to other biopharmaceutical companies who are progressing their programs towards the clinic for applications including HIV/AIDS, retinitis pigmentosa and Huntington's disease. For more information on Benitec refer to the Company's website at www.benitec.com.