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 OMB No. 0651-0027 (exp. 5/31/2002)

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):
STATE OF QUEENSLAND through its Department of Primary Industries

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of Conveyance:
 Assignment - 6 pgs Merger
 Security Agreement Change of Name
 Other _____

Execution Date: December 8, 2003

2. Name and address of receiving party(ies)
COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANIZATION

Street Address:
Limestone Avenue, Campbell in the Australian Capital Territory

City: _____

Country: Australia Zip: _____

Additional name(s) & address(es) attached: Yes No

4. Application number(s) or patent number(s):
If this document is being filed together with a new application, the execution date of the new application is: _____

A. Patent Application No.(s):
10/821,726 filed 4/8/04

B. Patent No.(s): _____

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Michael R. Ward MORRISON & FOERSTER LLP**
Internal Address: Atty. Dkt.: **546322000305**
Street Address:
425 Market Street

City: San Francisco State: CA Zip: 94105

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed
 Authorized to be charged to deposit account
 Authorized to be charged to credit card (Form 2038 enclosed)

8. Deposit account number:
03-1952
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9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael R. Ward - 38,651
Name of Person Signing

Michael R. Ward
Signature

August 12, 2004
Date

Total number of pages including cover sheet, attachments, and documents: 7

CH \$40.00 031952 10821726

BLAKE DAWSON WALDRON
PATENT SERVICES

Deed of Assignment

State of Queensland
through its Department of Primary Industries

Commonwealth Scientific and Industrial Research Organisation

Blake Dawson Waldron Patent Services
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Melbourne VIC 3000
Telephone: + 61 3 9679 3065
Fax: + 61 3 9679 3111

Ref: WJP IP CLN 1303 9625

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PATENT
REEL: 015042 FRAME: 0728

ASSIGNMENT OF APPLICATIONS AND PATENTS

DATE 8 December 2003

PARTIES

State of Queensland through its Department of Primary Industries, of Primary Industries Building, 80 Ann Street, Queensland (Assignor)

Commonwealth Scientific and Industrial Research Organisation a body corporate established by the Commonwealth Science and Research Act 1949 and having its principal office at Limestone Avenue, Campbell in the Australian Capital Territory (Assignee)

RECITALS

The Assignor assigns all of its rights and interests in the Applications and Patents set out in the attached Schedule to the Assignee, on the terms set out in this Deed of Assignment.

OPERATIVE PROVISIONS**1. DEFINITIONS**

The following definitions apply in this document.

Applications means the patent applications described in the Schedule and any divisional applications from any of them and any amendments, continuations or continuations-in-part of any of them.

Benitec Australia Limited, ACN 080 299 645, of Suite 4, 242 Hawken Drive, St Lucia, Queensland (Benitec Australia)

Patents means the registered patents described in the Schedule and any divisional applications from any of them and any amendments, extensions, re-issues, or re-grants of any of them.

2. ASSIGNMENT

In consideration of the sum of \$1 and other good and valuable consideration now paid by the Assignee to the Assignor, receipt of which the Assignor acknowledges, the Assignor, as beneficial owner, assigns to the Assignee all its rights and interests in:

- (a) the Applications; and
- (b) the Patents.

3. REGISTRATION

The Assignor undertakes at the expense of the Assignee to do all acts and execute all documents necessary to ensure that the Applications and the Patents will issue jointly in the names of Benitec Australia Limited and the Assignee. In the event of default by the Assignor to perform such acts or execute necessary documents, but only after the Assignor has been given a proper and reasonable opportunity to perform the acts or

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execute the documents, the Assignor appoint the nominee of the Assignee as the Assignor's attorney for that purpose.

4. GOVERNING LAW

This Deed is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of courts exercising jurisdiction there.

EXECUTED as a deed this 8th day of December 2003

EXECUTED for and on behalf of the DEPARTMENT OF PRIMARY INDUSTRIES on behalf of the State of Queensland by:

[Signature]
Signature

PETER L. JONES
Name and position Director Biodiversity
BDIC

[Signature]
Signature of witness

Debra Dawis
Name of witness

EXECUTED for and on behalf of the COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION by:

[Signature]
Signature

M. BAGHAI, Exec Director
Name and position
BDIC

[Signature]
Signature of witness

J. STEENE
Name of witness

4.

AGREEMENT TO ASSIGNMENT

Benitec Australia Limited, ACN 080 299 645, of Suite 4, 242 Hawkan Drive, St Lucia, Queensland hereby acknowledges its agreement to the assignment set out above.

SIGNED, SEALED AND DELIVERED for and on behalf of *Ken C. Reed*
~~THE COMMON SEAL~~ of BENITEC
AUSTRALIA LIMITED, the fixing of
which was witnessed by: *Ken C. Reed*

James A. McKinlay

Signature of director

James A. McKinlay

Name

Ken C. Reed

Signature of director / secretary

KEN C. REED

Name

5.

**SCHEDULE
APPLICATIONS AND PATENTS**

Granted Patents

Graham, M.W. and Rice, R.N. (2001) Control of gene expression. ZA 2000/4507.

Graham, M.W. and Rice, R.N. (2002) Control of gene expression. AU 2001100608.

Graham, M.W. and Rice, R.N. (2002) Control of gene expression. SC 75542.

Graham, M.W. and Rice, R.N. (2003) Genetic constructs for delaying or repressing the expression of a target gene. US 6,573,099.

Graham, M.W. and Rice, R.N. (2003) Control of gene expression. GB 2353282.

Accepted Patents

Graham, M.W. and Rice, R.N. (2001) Control of gene expression. AU 743316.

Graham, M.W. and Rice, R.N. (2003) Control of gene expression. NZ 506648.

Patent Applications

Graham, M. W. and Rice, R.N. (US 09/997/905) Synthetic Genes and genetic constructs comprising same I.

Graham, M.W. and Rice, R.N. (US 10/346,853) Synthetic genes and genetic constructs comprising same I.

Graham, M.W. and Rice, R.N. (WO 99/49029 (PCT/AU/99/00195)) Control of gene expression.

Graham, M.W. and Rice, R.N. (BR PI9908967-0) Control of gene expression.

Graham, M.W. and Rice, R.N. (CA 2,323,726) Control of gene expression.

Graham, M.W. and Rice, R.N. (CN 99804255-2) Control of gene expression.

Graham, M.W. and Rice, R.N. (CZ PV2000-3346) Control of gene expression.

Graham, M.W. and Rice, R.N. (EP 99910039.9) Control of gene expression.

Graham, M.W. and Rice, R.N. (HK 01105904.3) Control of gene expression.

Graham, M.W. and Rice, R.N. (HU PO101225) Control of gene expression.

Graham, M.W. and Rice, R.N. (IN 2000/00169/DEL) Control of gene expression.

Graham, M.W. and Rice, R.N. (JP P2000-537990) Control of gene expression.

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Graham, M.W. and Rice, R.N. (KR 7010419/2000) Control of gene expression.

Graham, M.W. and Rice, R.N. (MX 008631) Control of gene expression.

Graham, M.W. and Rice, R.N. (PL P.343064) Control of gene expression.

Graham, M.W. and Rice, R.N. (SK PV1372-2000) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 95225/01) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 35647/02) Control of gene expression.

Graham, M.W. and Rice, R.N. (NZ 525941) Control of gene expression.

Graham, M.W. and Rice, R.N. (SG 200205122-5) Control of gene expression.

Graham, M.W. and Rice, R.N. (US 09/646,807) Control of gene expression.

Priority Documents

Graham, M.W. (1998) Synthetic genes and genetic constructs comprising same I. AU PP2492/98.

Graham, M.W. and Rice, R.N. (1998) Gene expression I. AU PP2499/98.

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