



Media Contact:
Pam Schools 910-777-7119
pamela.schools@butamax.com

USPTO Rejects all 156 Claims of Gevo “GIFT” 8,101,808 Patent; Reexamination order validates the priority of Butamax patents over Gevo “GIFT” claims

WILMINGTON, Del., July 23, 2012 -- Butamax™ Advanced Biofuels, LLC noted today that the United States Patent and Trademark Office (USPTO) has issued an order granting Butamax’s request for reexamination of the Gevo “GIFT” Patent No. 8,101,808. The patent has 156 claims related to separation and recovery of various alcohols, including butanols. The claims also describe methods for retrofitting ethanol plants to produce higher alcohols. The USPTO issued an Office Action rejecting all 156 claims of this patent. Further, the USPTO found that a majority of the claims were not entitled to the early priority date requested by Gevo.

“Butamax is very pleased with the reexamination order. It is a resounding affirmation that this technology was first invented by Butamax and others,” said Paul Beckwith, Butamax CEO. “While our patent litigations with Gevo are complex, we believe we were first to invent the foundational isobutanol production technology and this decision further validates our first-to-invent status.”

The Butamax request for reexamination provided more than 1,000 pages of evidence and other basis for reexamination, including 110 grounds for rejection. In addition to adopting all 110 grounds of rejection, the USPTO rejected several claims of the ‘808 patent because Butamax’s ‘188 patent described those claims as part of Butamax’s foundational technology.

Based on USPTO statistics, it is likely to be some time before the reexamination proceedings are concluded. On average, reexamination takes about three years. Since patents remain in effect during the reexamination process, the infringement lawsuit between Butamax and Gevo continues in parallel.

The Butamax™ team began its research on biobutanol in 2004 resulting in key patent filings in 2005. These early priority filings continue to progress through the patent system. As part of an extensive patent portfolio, these Butamax™ patent applications encompass recombinant microorganisms that produce biobutanol, process engineering for recovering the biobutanol, and methods of making isobutanol.

About Butamax

Butamax™ Advanced Biofuels, LLC, a joint venture between BP and DuPont, was formed to develop and commercialize biobutanol as a next generation renewable biofuel for the transport market. The company benefits from the synergy of DuPont’s proven industrial biotechnology experience and BP’s global fuels market knowledge. Butamax’s proprietary technology offers a cost-advantaged manufacturing process for isobutanol with value from field to pump. For more information, visit www.butamaxpatents.com.

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