



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

USPTO Director Issues Final Decision Denying Gevo Reexamination Petition; Second Request for Reexamination Granted In Error

WILMINGTON, Del., March 7, 2012 -- Butamax™ Advanced Biofuels, LLC, the leading biobutanol technology company, commented on two rulings issued by the U.S. Patent and Trademark Office (USPTO) in response to Gevo's repeated requests to reexamine Butamax Patent 7,851,188 ('188 patent). This patent is one of the Company's foundational patents for the production of isobutanol.

In October 2011, despite the fact that more than 90% of these requests are granted, the USPTO denied Gevo's request to reexamine the '188 patent. Following the failure of that request, Gevo submitted a petition challenging the USPTO ruling and the US PTO director denied that petition, reaffirming the Butamax patent. The USPTO stated that "the cited prior art would not be important to a reasonable [patent] examiner in deciding whether any claim of the '188 patent is patentable because there is no suggestion to engineer microorganisms to produce isobutanol." This order is final and not appealable by Gevo.

Separate from its first petition, in December 2011 Gevo submitted a new request for reexamination of some of the claims of the '188 patent. In clear conflict with the unambiguous denial of Gevo's petition by the USPTO director, the Office indicated it would grant this reexam request.

"Given the very strong and declarative order issued by a US PTO director, our foundational patent is reaffirmed. The subsequent grant of the second request for reexamination on the '188 patent is not consistent with this ruling," said Paul Beckwith, Butamax CEO. "We are seeking clarification on the basis for the re-examination, we do not believe the USPTO should have considered Gevo's second reexam request."

It is important to note that contrary to Gevo comments, both the '188 and '889 (U.S. Patent No. 7,993,889) patents remain in full force and effect during any reexam process which can take years to conclude. These patents protect Butamax biobutanol production technology and are the subject of the Company's patent infringement law suit against Gevo. Butamax is seeking to enforce its rights and has requested that Gevo be enjoined from continuing to infringe these rights. Trial in the matter is set for April, 2013.

About Butamax

Butamax™ Advanced Biofuels, LLC 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.butamax.com.

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