

Butamax™ Responds to Gevo patent infringement lawsuit; Gevo patent dominated by Butamax patent

WILMINGTON, Del., Mar. 13, 2012 -- Butamax™ Advanced Biofuels, LLC, the biobutanol technology leader, commented on the lawsuit filed by Gevo today alleging patent infringement.

“Gevo has filed a lawsuit against Butamax in reaction to the KARI patent infringement lawsuit we filed against Gevo on March 12. This, like other Gevo counterclaims, has no legitimate basis,” said Paul Beckwith, Butamax CEO.

Butamax announced on March 12 that the Company filed a new lawsuit against Gevo for infringing Butamax patent 8,129,162 which covers commercially relevant recombinant KARI enzymes and is not limited to Pseudomonas enzymes. This important advancement offers biofuel producers a highly efficient production pathway for low cost manufacture of biobutanol.

While Gevo was granted a patent on a very specific KARI enzyme, the Butamax KARI patent is broader and the Gevo enzyme falls within its scope. The fact that the patent office issued both patents is consistent with patent practice where a patent claim known as a ‘genus’ claim (Butamax 8,129,162) is granted with significant breadth and a limited ‘species’ claim (Gevo 8,097,440) may also be granted. However the ‘species’ cannot be practiced without infringing the dominating ‘genus’ claim. It is important to note that once again, the Butamax patent was filed significantly earlier than the Gevo patent.

Beckwith continued, “As the biobutanol pioneer, Butamax has complete freedom to operate and the same cannot be said for Gevo. We will continue to vigorously defend our rights and will seek every available remedy to stop Gevo’s ongoing infringement.”

The Butamax™ intellectual property portfolio encompasses novel technology across the entire value chain. Butamax inventions include recombinant microorganisms that convert various feedstocks to biobutanol, process engineering for recovering biobutanol produced during fermentation, engineering design for optimized energy integration, and various renewable fuel and chemical compositions. The depth and breadth of the portfolio reflects the synergy between Butamax’s investors, BP and DuPont, as technical and commercial leaders in both industrial biochemicals and advanced biofuels.

In 2011, Butamax filed suit against Gevo for infringement of Butamax patents 7,851,188 and 7,993,889. Trial is set in that case for April, 2013. Gevo’s subsequent counterclaims are unfounded and Butamax has filed a motion to dismiss those claims from the case.

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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