

## **Gevo Wins in Federal Appeals Court; Ruling Further Strengthens Gevo's Position Versus Butamax in Patent Dispute**

The Associated Press

ENGLEWOOD, Colo. - November 19, 2012 - Gevo, Inc. (NASDAQ: GEVO), said today that a decision issued Friday, Nov. 16, by the U.S. Court of Appeals for the Federal Circuit (Appeals Court), supports Gevo's position in the patent infringement litigation with Butamax Advanced Biofuels LLC (Butamax) involving yeast engineered to produce isobutanol.

The Appeals Court upheld a decision by Judge Sue L. Robinson of the United States District Court for the District of Delaware in which she denied a motion for a preliminary injunction sought by Butamax. In her decision issued June 20, Judge Robinson stated that the "plaintiff (Butamax) does not hold a valid patent, nor would the defendant (Gevo) infringe if it did." The Appeals Court affirmed Judge Robinson's ruling and stated, "Gevo, Inc. raised a substantial question of validity concerning the asserted patent (the '889 Patent), a question which Butamax has failed to show lacks substantial merit."

"In addition to the USPTO rejecting Butamax's patents and declaring them unpatentable, we now have two judicial decisions supporting our position that Butamax's '889 patent is invalid and that we don't infringe upon it," said Brett Lund, Executive Vice President and General Counsel of Gevo. "If Butamax persists in moving this case to trial, we are even more confident that Gevo will prevail, given the decisions in our favor by the trial court, the Appeals Court, and the USPTO."

The Appeals Court issued its ruling only five working days after the Court heard oral arguments on the matter. "The timely decision was important since it thwarts efforts by Butamax to offset our leadership position in bio-isobutanol and in establishing a very strong intellectual property portfolio surrounding our process technologies," added Lund.

### About Gevo

Gevo is a leading renewable chemicals and next-generation biofuels company. Gevo's patent-protected, capital-light business model converts existing ethanol plants into biorefineries to make isobutanol. This versatile chemical can be directly integrated into existing chemical and fuel products to deliver environmental and economic benefits. Gevo started up its first commercial isobutanol facility in Luverne, Minn., and has a marquee list of partners including Coca-Cola, Sasol, and LANXESS, among others. Gevo is committed to a sustainable biobased economy that meets society's needs for plentiful food and clean air and water. For more information, visit [www.gevo.com](http://www.gevo.com).

## Forward-Looking Statements

Certain statements in this press release may constitute "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995. These forward-looking statements include statements that are not purely statements of historical fact, and can sometimes be identified by our use of terms such as "intend," "expect," "plan," "estimate," "future," "strive" and similar words. These forward-looking statements are made on the basis of the current beliefs, expectations and assumptions of the management of Gevo and are subject to significant risks and uncertainty. Investors are cautioned not to place undue reliance on any such forward-looking statements. All such forward-looking statements speak only as of the date they are made, and the company undertakes no obligation to update or revise these statements, whether as a result of new information, future events or otherwise. Although the company believes that the expectations reflected in these forward-looking statements are reasonable, these statements involve many risks and uncertainties that may cause actual results to differ materially from what may be expressed or implied in these forward-looking statements. For a further discussion of risks and uncertainties that could cause actual results to differ from those expressed in these forward-looking statements, as well as risks relating to the business of Gevo in general, see the risk disclosures in the Annual Report on Form 10-K of Gevo for the year ended December 31, 2011, as amended, and in subsequent reports on Forms 10-Q and 8-K and other filings made with the SEC by Gevo.

###

## Media Contact:

Lew Phelps

Sitrick And Company for Gevo

T: (310) 788-2850

[lew\\_phelps@sitrick.com](mailto:lew_phelps@sitrick.com)

## Investor Contact:

Chelsea DeLong

PR & Marketing Coordinator

T: (303) 588-6306

[cdelong@gevo.com](mailto:cdelong@gevo.com)

## **Gevo Wins in Federal Appeals Court; Ruling Further Strengthens Gevo's Po**

Published on Chem.Info (<http://www.chem.info>)

---

This announcement is distributed by Thomson Reuters on behalf of Thomson Reuters clients. The owner of this announcement warrants that: (i) the releases contained herein are protected by copyright and other applicable laws; and (ii) they are solely responsible for the content, accuracy and originality of the information contained therein. Source: Gevo, Inc. via Thomson Reuters ONE

HUG#1659097

**Source URL (retrieved on 12/29/2014 - 6:08am):**

<http://www.chem.info/news/2012/11/gevo-wins-federal-appeals-court-ruling-further-strengthens-gevos-position-versus-butamax-patent-dispute>