

28 June 2021

Melissa Kostopoulos
Compliance Adviser, Listings Compliance (Melbourne)
525 Collins Street
Rialto, North Tower, Level 4
Melbourne
VIC 3000

Dear Melissa

Genetic Technologies Limited (GTG): Aware Query (Reference: 35665)

I refer to your letter dated 22 June 2021. The company's responses to your questions are as follows:

1. Yes.
2. Not applicable as the answer to question 1 is "yes".
3. As previously announced in April the launch would complete by the end of May 2021, the Company was planning a 28 May 2021 EDT completion date and completion was expected to occur on this date. GTG received confirmation of the launch via text message to the CEO on 29 May 2021 at 12:22 pm AEST. The Company notes the following:
 - 3.1. all of the relevant regulatory approvals for the COVID-19 Risk Test were received on 26 April 2021, as per GTG's announcement on that date;
 - 3.2. IBX launched the COVID-19 Risk Test in the United States on 2 June 2021, AEST;
 - 3.3. the webpage on the IBX website was live on Saturday, 29 May 2021 AEST; and
 - 3.4. the IBX website was allowing consumers in the US to place orders for the COVID-19 Risk Test from 1 June 2021 EDT.
4. Information about the launch had been released to the market on 26 April 2021 (the "Initial Announcement"). The Launch Information provided an update of the Initial Announcement, as foreshadowed in that announcement that the product launch date was expected to be no later than the end of May 2021. The initial draft of the Launch Information announcement was prepared at 4:34 pm AEST on Thursday 27 May 2021 in anticipation for expected completion on 28 May 2021 EDT. Board approval of the trading halt announcement was sought at 11:48 am and sent to ASX at 11:51 am on Friday, 28 May 2021 following a call from ASX regarding a noted increase in the Company's share price. A draft of the launch announcement was finalized by the morning of Monday 31 May 2021, approved by the Board and sent to ASX for review. GTG received clearance to release the announcement at 8:29am on Tuesday 1 June 2021

and subsequently lodged the announcement on the market announcements platform. The announcement was released by ASX at 9:15am on Tuesday, 1 June 2021.

GTG was obliged to release the Launch Information under Listing Rules 3.1 and 3.1A when the contract with IBX had been formally executed by GTG: this was announced on 3 March 2021. GTG provided updates on the Launch Information in its announcements on 9 April and 26 April 2021 as each of the milestones were met leading to commercial launch on 1 June 2021.

5. No. GTG considered the Patent Grant an important addition to its portfolio of intellectual property and therefore informed the market of the Patent Grant via an ASX announcement. It was marked market sensitive at the time of lodgement as the Patent Grant was considered strategically important to the Company's intellectual property portfolio, information the market should be informed of and information that could potentially impact the share price. While the share price did close \$0.001 up (from \$0.008 to \$0.009) on the date of the announcement this is considered within the typical share price trading parameters of the Company's shares based on trading the day prior (10 June 2021) and June trading to date. It is not considered the announcement had a material impact on the price of the Company's shares.

GTG believes that the change in the price and increase in volume of GTG's American Depository Receipts traded on the NASDAQ referred to in section I of your letter may have been the result of an announcement by IBX released via Newswire on 9 June 2021 (available at: <https://www.businesswire.com/news/home/20210609005544/en/Infinity-BiologiX-Genetic-Technologies-and-Vault-Heath-launch-new-test-to-assess-severity-of-COVID-19-in-individuals>).

6. As per above the Patent Grant announcement is not considered to have had a material impact on the Company's share price.
7. The Patent Grant Information was available via Twitter platform @patentgrants at 13:49 AET on 8 June 2021, there was no material movement in the share price at that time. GTG first became aware of the Patent Grant Information on 10 June 2021.
8. The Patent Grant information was released promptly under Listing Rules 3 and 3.1. In line with GTG's Continuous Disclosure policy, release of the Patent Grant Information was made after board approval had been received. The announcement also required review by ASX before GTG released it. GTG did not consider the Patent Grant as sufficiently material to warrant a trading halt.
9. GTG confirms the company is complying with the Listing Rules and, in particular, Listing Rule 3.1.
10. GTG confirms the above responses have been authorised and approved by its board of directors and in accordance with its published continuous disclosure policy.

If you require further information, please let me know.

Yours sincerely

Justyn Stedwell
Company Secretary
On behalf of the Board of Directors

For personal use only



22 June 2021

Reference: 35665

Mr Justyn Stedwell
Company Secretary
Genetic Technologies Limited
60-66 Hanover Street
Fitzroy Victoria 3065

By email: justyn@stedwell.com.au

Dear Mr Stedwell

Genetic Technologies Limited ('GTG'): Aware Query

ASX Limited ('ASX') refers to the following:

- A. GTG's announcement titled 'COVID-19 Risk Test Approved for Commercial Release' released on the ASX Market Announcements Platform ('MAP') on 26 April 2021, which disclosed the following (emphasis added):

'The Company confirms the submission of the COVID-19 Risk Test regulatory pack to the regulators. In conjunction with prior correspondence with the regulators this enables the commercial release within the United States Final steps in the technical interface are being built with additional capabilities for the telehealth platform to enable sales of GTG's COVID-19 Risk Test and further products within markets of the United States. The Company will provide further updates on regional release as and when they are confirmed.'

The commercial release is expected to occur no later than the end of May once the technical interface for the United States telehealth platform is completed by IBXs [sic] telehealth partners ...

The Company will provide further details on the updated launch date for the COVID-19 Risk Test once confirmed between GTG, IBX and their telehealth partner.'

- B. The change in the price of GTG's securities from a closing price of \$0.008 on Thursday 27 May 2021 to a high of \$0.011 on the morning of Friday 28 May 2021, together with the very significant increase in the volume of GTG's securities traded on the morning of Friday 28 May 2021.
- C. GTG's request for a trading halt released on MAP together with ASX's market announcement regarding the trading halt at 12:00pm AEST on 28 May 2021. The trading halt request was stated to be 'in anticipation of an update regarding the Company's COVID-19 Serious Disease Risk Test.'
- D. A post titled 'CV-19 SDR IBX Test Approved' published on the HotCopper website on Friday 28 May 2021 at 12:12pm AEST (available at <https://hotcopper.com.au/threads/cv-19-sdr-ibx-test-approved.6083442/>), which refers to a webpage on the Infinity BiologiX LLC ('IBX') website (<https://ibx.bio/services/covid-19-severity-test/>) which is live and from which the COVID-19 Risk Test appears to be available to order.
- E. GTG's announcement titled 'GTG COVID-19 Risk Test launched in USA' released on MAP on 1 June 2021 (the 'Launch Announcement'), which disclosed the information set out below (the 'Launch Information') (emphasis added):

[GTG] 'confirms the launch of GTG's COVID-19 Serious Disease Risk Test ('COVID-19 Risk Test') by US Based Infinity BiologiX LLC ('IBX').

Genetic Technologies advises that IBX launched the COVID-19 Risk Test in the US on 28 May 2021, having received all regulatory approvals

The tests are available for sale in US via the IBX website, <https://ibx.bio/services/covid-19-severity-test/>, and their telehealth partner's website and retails at US\$175 ...'

ASX notes that the Launch Announcement was marked as 'market sensitive' when it was lodged by GTG.

- F. The webpage on the United States Patent and Trademark Office ('USPTO') website (available at: <https://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetacgi%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=11031098.PN.&OS=PN/11031098&RS=PN/11031098>), which discloses that it had granted US Patent No. 11,031,098 – 'Computer Systems and Methods for Genomic Analysis' to GTG on Tuesday 8 June 2021 (US time).
- G. The Twitter post by @PatentGrants published on Wednesday 9 June 2021 at 3:49am (AEST) which included the link to the webpage on the USPTO website detailed in paragraph F above and stated:
- '\$GENE Genetic Technologies has been granted US patent number 11,031,098 titled "Computer systems and methods for genomic analysis".'*
- H. A post published on the HotCopper website on Wednesday 9 June 2021 at 9:40am AEST (available at: https://hotcopper.com.au/threads/ann-trading-halt.6083405/page-7?post_id=53732329), which refers to the webpage on the USPTO website detailed in paragraph F above and the Twitter post detailed in paragraph G above.
- I. The change in the price of GTG's American Depositary Receipts ('ADRs') traded on the NASDAQ from a closing price of US\$3.82 on Tuesday 8 June 2021 to a high of US\$5.18 and a closing price of US\$4.41 on Wednesday 9 June 2021 (US time), together with the significant increase in the volume of GTG's ADRs traded on Wednesday 9 June 2021 (US time).
- J. GTG's announcement titled 'US Patent Office Grants Foundational Pharmacogenomic Patent' released on MAP on 11 June 2021 (the 'Patent Announcement'), which disclosed the information set out below (the 'Patent Grant Information'):

[GTG] 'advises that [it] has been granted the US Patent No. 11,031,098 – 'Computer Systems and Methods for Genomic Analysis'.

The patent application was submitted in 2016, building on a patent family dating back to 2001 and was recently granted to Genetic Technologies and demonstrates an important addition to Genetic Technologies portfolio of intellectual property.'

ASX notes that the Patent Announcement was marked as 'market sensitive' when it was lodged by GTG.

- K. Listing Rule 3.1, which requires a listed entity to immediately give ASX any information concerning it that a reasonable person would expect to have a material effect on the price or value of the entity's securities.
- L. The definition of 'aware' in Chapter 19 of the Listing Rules, which states that:
- 'an entity becomes aware of information if, and as soon as, an officer of the entity (or, in the case of a trust, an officer of the responsible entity) has, or ought reasonably to have, come into possession of the information in the course of the performance of their duties as an officer of that entity' and section 4.4 in Guidance Note 8 Continuous Disclosure: Listing Rules 3.1 – 3.1B "When does an entity become aware of information.'*
- M. Listing Rule 3.1A, which sets out exceptions from the requirement to make immediate disclosure, provided that each of the following are satisfied.

'3.1A Listing rule 3.1 does not apply to particular information while each of the following is satisfied in relation to the information:

3.1A.1 One or more of the following applies:

- It would be a breach of a law to disclose the information;
- The information concerns an incomplete proposal or negotiation;
- The information comprises matters of supposition or is insufficiently definite to warrant disclosure;
- The information is generated for the internal management purposes of the entity; or
- The information is a trade secret; and

3.1A.2 The information is confidential and ASX has not formed the view that the information has ceased to be confidential; and

3.1A.3 A reasonable person would not expect the information to be disclosed.'

Questions and Request for information

Having regard to the above, ASX asks GTG to respond separately to each of the following questions and requests for information:

1. Does GTG consider the Launch Information to be information that a reasonable person would expect to have a material effect on the price or value of its securities?
2. If the answer to question 1 is 'no', please advise the basis for that view.
3. When did GTG first become aware of the Launch Information?

More specifically, please also advise when GTG first become aware that:

- 3.1 all of the relevant regulatory approvals for the COVID-19 Risk Test had been received;
 - 3.2 IBX had launched the COVID-19 Risk Test in the United States;
 - 3.3 the webpage on the IBX website (<https://ibx.bio/services/covid-19-severity-test/>) was live; and
 - 3.4 the abovementioned webpage was allowing consumers in the US to place orders for the COVID-19 Risk Test.
4. If the answer to question 1 is 'yes' and GTG first became aware of the Launch Information and/or any of the matters in question 3 above prior to or during the morning (AEST) of 28 May 2021, please explain why the Launch Information was not released to the market at an earlier time, commenting specifically on when you believe GTG was obliged to release the Launch Information under Listing Rules 3.1 and 3.1A and what steps GTG took to ensure that the Launch Information was released promptly and without delay.
 5. Does GTG consider the Patent Grant Information to be information that a reasonable person would expect to have a material effect on the price or value of its securities?
 6. If the answer to question 5 is 'no', please advise the basis for that view.
 7. When did GTG first become aware of the Patent Grant Information?
 8. If the answer to question 5 is 'yes' and GTG first became aware of the Patent Grant Information prior to 11 June 2021 (AEST), please explain why the Patent Grant Information was not released to the market at an earlier time, commenting specifically on when you believe GTG was obliged to release the Patent Grant Information under Listing Rules 3.1 and 3.1A and what steps GTG took to ensure that the Patent Grant Information was released promptly and without delay.

9. Please confirm that GTG is complying with the Listing Rules and, in particular, Listing Rule 3.1.
10. Please confirm that GTG's responses to the questions above have been authorised and approved in accordance with its published continuous disclosure policy or otherwise by its board or an officer of GTG with delegated authority from the board to respond to ASX on disclosure matters.

When and where to send your response

This request is made under Listing Rule 18.7. Your response is required as soon as reasonably possible and, in any event, by no later than **9:30am AEST on Friday, 25 June 2021**. You should note that if the information requested by this letter is information required to be given to ASX under Listing Rule 3.1 and it does not fall within the exceptions mentioned in Listing Rule 3.1A, GTG's obligation is to disclose the information 'immediately'. This may require the information to be disclosed before the deadline set out in the previous paragraph and may require GTG to request a trading halt immediately.

Your response should be sent to me by e-mail at **ListingsComplianceMelbourne@asx.com.au**. It should not be sent directly to the ASX Market Announcements Office. This is to allow me to review your response to confirm that it is in a form appropriate for release to the market, before it is published on the ASX Market Announcements Platform.

Trading halt

If you are unable to respond to this letter by the time specified above, you should discuss with us whether it is appropriate to request a trading halt in GTG's securities under Listing Rule 17.1. If you wish a trading halt, you must tell us:

- the reasons for the trading halt;
- how long you want the trading halt to last;
- the event you expect to happen that will end the trading halt;
- that you are not aware of any reason why the trading halt should not be granted; and
- any other information necessary to inform the market about the trading halt, or that we ask for.

We require the request for a trading halt to be in writing. The trading halt cannot extend past the commencement of normal trading on the second day after the day on which it is granted. You can find further information about trading halts in Guidance Note 16 *Trading Halts & Voluntary Suspensions*.

Suspension

If you are unable to respond to this letter by the time specified above, ASX will likely suspend trading in GTG's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to GTG's obligations under Listing Rules 3.1 and 3.1A and also to Guidance Note 8 *Continuous Disclosure*: Listing Rules 3.1 – 3.1B. It should be noted that GTG's obligation to disclose information under Listing Rule 3.1 is not confined to, nor is it necessarily satisfied by, answering the questions set out in this letter.

Release of correspondence with ASX

We reserve the right to release a copy of this letter, your reply and any other related correspondence between us to the market under Listing Rule 18.7A.

Questions

If you have any questions in relation to the above, please do not hesitate to contact me.

Yours sincerely,

Melissa Kostopoulos

Compliance Adviser, Listings Compliance (Melbourne)