

**19 August 2021**

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

By email: [melissa.kostopoulos@asx.com.au](mailto:melissa.kostopoulos@asx.com.au)

Dear Ms Kostopoulos,

**Dimerix Limited - Response to ASX early release of information query**

Dimerix Limited (ASX: DXB) (**Company**) refers to the letter dated 17 August 2021 from ASX (**ASX Letter**) in relation to:

1. the Company's announcement titled 'Successful A\$20M Placement to Fund Dimerix Phase 3 Trials' released on ASX's Market Announcements Platform on 16 August 2021 in which the Company disclosed a two-tranche placement to institutional and sophisticated investors and a share purchase plan (the **Announcement**); and
2. the article titled 'Merchant, Peter Meurs cornerstone \$20m Dimerix Raising' published by the Australian Financial Review at 9:31pm AEST on 12 August 2021 (the **Article**).

Following the same numbering as the ASX Letter, the Company responds as follows:

**1. Please explain how the information in the Announcement appeared in the Article.**

The Company, or any of its officers, did not contact or have contact with the Australian Financial Review and are not aware of how the information in the Announcement was sourced and appeared in the Article. The Company was not involved in the preparation of the Article, the Article was published without the knowledge of the Company.

The Company notes that, Canaccord Genuity (Australia) Limited, the lead manager to the equity capital raising being the subject of the Article and Announcement, commenced a process of wall-crossing certain institutional and sophisticated investors after the commencement of the trading halt on the Company's securities on Thursday, 12 August 2021, in line with industry standards. It may be that the information which appeared in the Article, was initially disclosed by such person with whom the deal term sheet was shared in the wall crossing process.

The Company had taken reasonable precautions to prevent the premature dissemination of sensitive information, including ensuring that investors who were wall crossed were bound by restrictions on disclosure of confidential information, and placing the Company in a trading halt while negotiating and finalising the equity capital raising.

## **2. What arrangements does DXB have in place to ensure compliance with Listing Rule 15.7?**

The Company understands that Listing Rule 15.7 requires that the Company must not release information that is required to be given to ASX under Listing Rule 3.1 to anyone else, unless and until it has been given to ASX, and the Company has received an acknowledgement that the information has been released to the market.

The Company has in place a continuous disclosure policy (**Continuous Disclosure Policy**) which sets out the procedures the Company has in place to ensure that it complies with its continuous disclosure obligations. In accordance with the Continuous Disclosure Policy, any market sensitive information concerning the Company must not be released to the general public until the Company has received formal confirmation or lodgement by the ASX. Further, as set out in the Continuous Disclosure Policy, the Company's authorised spokespersons are the Chairman, Managing Director and Company Secretary. Employees and consultants are not permitted to comment publicly on matters which are confidential to the Company, and any information which is not public is required to be treated as confidential by employees and consultants until such information is publicly released. In cases where external parties, including the Company's advisors are made aware of market sensitive information prior to it being released to the market, the Company uses its best commercial efforts to ensure that those parties are bound by and subject to confidentiality agreements.

As stated in item 1 above, the Company was not involved in the preparation of the Article and is not aware of how the information in the Announcement appeared in the Article. The Company takes its continuous disclosure obligations seriously and is committed to ensuring that the market is immediately informed of any market sensitive information concerning the Company.

## **3. If the current arrangements are inadequate or not being enforced, what additional steps does DXB intend to take to ensure compliance with Listing Rule 15.7?**

The Company considers that its current arrangements are adequate and are being enforced appropriately.

## **4. Please confirm that DXB's responses to the above have been authorised and approved under its published continuous disclosure policy or otherwise by its board or an officer of DXB with delegated authority from the board to respond to ASX on disclosure matters.**

The Company confirms that its responses to the questions above have been authorised and approved by the Board of Directors.

Yours faithfully



**Hamish George**

Company Secretary and CFO



17 August 2021

Reference: 38139

Mr Hamish George  
Company Secretary  
Dimerix Limited  
425 Smith Street  
Fitzroy VIC 3065

By email: hamish.george@bio101.com

Dear Mr George

**Dimerix Limited ('DXB'): Early release of information query**

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

- A. DXB's request for a trading halt released on the ASX market announcements platform ('MAP') together with ASX's market announcement regarding the trading halt at 8:45am AEST on 12 August 2021. The trading halt request included the following information: *'The trading halt is requested for the purposes of considering, planning and executing a capital raising.'*
- B. The article titled 'Merchant, Peter Meurs cornerstone \$20m Dimerix Raising' published by the *Australian Financial Review* at 9:31pm AEST on 12 August 2021 (the 'Article') which contained details of the capital raising.
- C. DXB's announcement titled 'Successful A\$20M Placement to Fund Dimerix Phase 3 Trials' released on MAP on 16 August 2021 in which DXB disclosed a two-tranche placement to institutional and sophisticated investors and a share purchase plan (the 'Announcement').
- D. Listing Rule 3.1 which states:  
*'Once an entity is or becomes aware of 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, the entity must immediately tell ASX that information.'*
- E. Listing Rule 15.7 which states:  
*'An entity must not release information that is for release to the market to any person until it has given the information to ASX and has received an acknowledgment that ASX has released information to the market.'*
- F. DXB's Continuous Disclosure Policy, available on its website<sup>1</sup>, which includes the following statement:  
*'Information to be disclosed must be lodged immediately with the ASX. Any such information must not be released to the general public until the Company has received formal confirmation of lodgement by the ASX.'*

Listing Rule 15.7 requires that a listed entity not release information which is for release to the market to any person (including the media, even on an embargoed basis) until it has given the information to ASX and received an acknowledgement that ASX has released it to the market.

<sup>1</sup> See section 5 of DXB's Corporate Governance Policies and Committee Charters available at:  
<https://investors.dimerix.com/FormBuilder/Resource/module/WRxy8W0jV0SarmkfnUde8g/docs/Dimerix-Limited-Corporate-Governance-Policies-and-Committee-Charters.pdf>

As the Article has appeared in *Australian Financial Review* prior to the Announcement being lodged and released to the market, it appears that DXB may have breached Listing Rules 3.1 and/or 15.7.

### Questions and Request for Information

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

1. Please explain how the information in the Announcement appeared in the Article.
2. What arrangements does DXB have in place to ensure compliance with Listing Rule 15.7?
3. If the current arrangements are inadequate or not being enforced, what additional steps does DXB intend to take to ensure compliance with Listing Rule 15.7?
4. Please confirm that DXB's responses to the above have been authorised and approved under its published continuous disclosure policy or otherwise by its board or an officer of DXB 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, 20 August 2021**.

ASX reserves the right to release a copy of this letter and your response on the ASX Market Announcements Platform under Listing Rule 18.7A. Accordingly, your response should be in a form suitable for release to the market.

Your response should be sent to me by e-mail. 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.

### Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to DXB'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 DXB'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.

### Questions

If you have any questions in relation to the above, please contact me.

Yours sincerely

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**Melissa Kostopoulos**  
Compliance Adviser, Listings Compliance (Melbourne)