

Your reference: ODIN56244

9 August 2022
Alice Montefiore-King
Adviser, Listings Compliance (Sydney)
ASX Compliance Pty Ltd

By email: ListingsComplianceSydney@asx.com.au

Dear Ms Montefiore-King

RE: Chimeric Therapeutics Limited ('CHM'): Aware Query

We refer to your letter dated 5 August 2022 regarding the announcement by Chimeric Therapeutics Limited (the 'Company' or 'CHM') titled 'Patent received in Japan for CLTX CAR technology' lodged on the ASX Market Announcements Platform ('MAP') on 3 August 2022 (the 'Announcement'). The Company's responses to the numbered questions set out in the letter are as follows:

1. Does CHM consider the Information to be information that a reasonable person would expect to have a material effect on the price or value of its securities?

No, the Company does not consider the patent grant information for Japan alone to be information that a reasonable person would expect to have a material effect on the price or value of its securities. The granting of patent protection in the two major commercial markets (the United States and the European Union) would be the only geographically specific patent announcements we would deem as market sensitive and have been disclosed as so previously to the ASX.

2. If the answer to question 1 is 'no', please advise the basis for that view, commenting specifically on why CHM sought to release the Information in a standalone price-sensitive announcement on MAP.

The announcement was marked as price sensitive in error. Although the granting of patent protection in Japan for CHM 1201 is a key development milestone it is not of material value to the commercial potential of the asset and therefore investors would not attribute a significantly different value for CLTX based on additional Japanese patent rights. The granting of patents in the two major markets, the USA and EU, are considered material and were therefore communicated to the market as market sensitive (on 27 January 2022 and 23 September 2021 respectively).

3. If the answer to question 1 is 'yes':

3.1 When did CHM become aware of the Information?

Not applicable.

3.2 If CHM became aware of the Information significantly prior to 3 August 2022 when it lodged the Announcement, please explain the apparent delay in announcing the Information, and whether CHM considers such a delay in announcing material information to be compliant with Listing Rule 3.1.

Not applicable.

3.3 If CHM was not aware of the Information significantly prior to 3 August 2022, please explain whether CHM is of the view that its policies and procedures surrounding timely access to material information are adequate, and the basis for that view.

Not applicable.

4. Please confirm that CHM is complying with the Listing Rules and, in particular, Listing Rule 3.1.

Consistent with CHM's Communication and Disclosure Policy available at <https://chimerictherapeutics.com/investors/#corporate-policies>, CHM continues to be in compliance with the Listing Rules and, in particular, Listing Rule 3.1.

5. Please confirm that CHM'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 CHM with delegated authority from the board to respond to ASX on disclosure matters.

This response has been authorised and approved by the Chief Executive Officer and Managing Director in accordance with the Communication and Disclosure Policy.

Yours Sincerely

Phillip Hains
Company Secretary



5 August 2022

Reference: ODIN56244

Mr Nathan Jong
Company Secretary

By email: Nathan Jong CFO <nathan@thecfo.com.au>

Dear Mr Jong

Chimeric Therapeutics Limited ('CHM'): Aware Query

ASX refers to the following:

- A. CHM's announcement titled "Patent received in Japan for CLTX CAR technology" lodged on the ASX Market Announcements Platform ('MAP') on 3 August 2022 (the '**Announcement**'), which disclosed that the Japan Patent Office had granted a patent (JP 7,085,990) covering certain applications of CHM's technology ('**Information**'). ASX observes that the Announcement was submitted as 'price-sensitive' to MAP by CHM.
- B. The 'Japan Platform for Patent Information' website, which shows that the decision to grant the patent was made on 10 May 2022, and the 'Certificate of patent' was issued on 21 June 2022. The patent information can be accessed here¹:
<https://www.j-platpat.inpit.go.jp/c1800/PU/JP-2018-519030/AAEA160B546836348EC51B60C32DF222A4777F4EB74C4125027B53EAE00CB65/10/en>
- C. 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.
- D. 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."
- E. 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;*

¹ Information was sourced on the 'Details' page under the heading 'Registration Records'.

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- *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.”*

- F. ASX’s policy position on the concept of “confidentiality”, which is detailed in section 5.8 of Guidance Note 8 *Continuous Disclosure*: Listing Rules 3.1 – 3.1B. In particular, the Guidance Note states that:

“Whether information has the quality of being confidential is a question of fact, not one of the intention or desire of the listed entity. Accordingly, even though an entity may consider information to be confidential and its disclosure to be a breach of confidence, if it is in fact disclosed by those who know it, then it ceases to be confidential information for the purposes of this rule.”

Request for information

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

1. Does CHM consider the 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, commenting specifically on why CHM sought to release the Information in a standalone price-sensitive announcement on MAP.
3. If the answer to question 1 is “yes”:
 - 3.1 When did CHM become aware of the Information?
 - 3.2 If CHM became aware of the Information significantly prior to 3 August 2022 when it lodged the Announcement, please explain the apparent delay² in announcing the Information, and whether CHM considers such a delay in announcing material information to be compliant with Listing Rule 3.1.
 - 3.3 If CHM was not aware of the Information significantly prior to 3 August 2022, please explain whether CHM is of the view that its policies and procedures surrounding timely access to material information are adequate, and the basis for that view.
4. Please confirm that CHM is complying with the Listing Rules and, in particular, Listing Rule 3.1.
5. Please confirm that CHM’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 CHM 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 **12 PM AEST Tuesday, 9 August 2022**. 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

² ASX refers to the significant gap between the ‘Certificate of patent’ being issued on 21 June 2022 and CHM’s disclosure of the Information on 3 August 2022.

within the exceptions mentioned in Listing Rule 3.1A, CHM'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 CHM to request a trading halt immediately.

Your response should be sent to me by e-mail at ListingsComplianceSydney@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 CHM'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 CHM's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to CHM'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 CHM'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 between ASX and entity

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.

Kind regards

Alice Montefiore-King
Adviser, Listings Compliance (Sydney)