



23 June 2021

Melissa Kostopoulos
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By email only: ListingsComplianceMelbourne@asx.com.au

Dear Melissa,

Patrys Limited - Response to ASX Aware Letter

We refer to your letter dated 21 June 2021 (**Letter**). In response to your questions outlined in the Letter, and using the same definitions as included in your Letter, the Company provides the following information:

Question 1: Does PAB 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?

Yes.

Question 2: If the answer to question 1 is “no”, please advise the basis for that view.

Not applicable based on the response to question 1.

Question 3: When did PAB first become aware of the Information?

Patrys first became aware of the acceptance of the manuscript for publication by the journal JCI – Insight (the **Journal**) on Friday June 11. There was no unequivocal guidance from the Journal or Yale to the Company of when the article would be published, but Yale believed that it might be published at noon US Eastern time on Tuesday 15 June (2am, Wednesday 16 June AEST). The JCI – Insight publication guidelines are strict that publication details are embargoed until the time of publication, and notes that breaking of an embargo can lead to withdrawal of publication.

Patrys and the Yale Cancer Center both worked on announcements regarding the publication, in anticipation of a possible publication at noon US Eastern time on Tuesday 15 June (2am, Wednesday 16 June AEST). Upon publication of the article by JCI – Insight the Yale Cancer Center released a news article;

<https://medicine.yale.edu/news-article/yale-cancer-center-study-reveals-new-pathway-for-brain-tumor-therapy/>

The Information did not come into existence until publication of the article in the Journal on Wednesday 16 June at approximately 2am AEST.

Patrys finalised a contingent ASX announcement titled “Paper highlights PAT-DX1 as potential brain cancer treatment” on Tuesday June 15 (AEST). This announcement was contingent on the manuscript being published, and it was understood that lodgment on the ASX platform could only occur after publication and the embargo was lifted (2am AEST Wednesday 16 June).

The Company became aware of the publication at approximately 6:30 am (AEST) on Wednesday June 16, then confirmed lodgment of the ASX announcement with the Company Secretary. The Company then released the announcement titled “Paper highlights PAT-DX1 as potential brain cancer treatment” at 9.16am (AEST) on Wednesday, 16 June 2021 (pre-market open).



The Company notes that the date reference of 15 June 2021 (being the publication date of the article released by Yale on its website) is US Eastern time (being 2.00am AEST on Wednesday 16 June 2021).

Question 4: If the answer to question 1 is “yes” and PAB first became aware of the information prior to Wednesday, 16 June 2021 (AEST), please explain why this information was not released to the market at an earlier time, commenting specifically on when you believe PAB was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps PAB took to ensure that the information was released promptly and without delay.

The Company was unable to release the announcement prior to pre-market open on Wednesday, 16 June 2021, as the article by Yale was embargoed and not publicly published until 2.00am (AEST) on Wednesday, 16 June 2021 by JCI - Insight. Until publication of the article in the Journal there was no certitude as to when or if the Information would prevail.

Prior to this time, any information regarding these matters was:

1. confidential;
2. insufficiently definite to warrant disclosure; and
3. incomplete as publication in the Journal was not certain.

The Company submits that, prior to the release of the embargo, and publication of the article by JCI - Insight, a reasonable person would not expect the Information to be disclosed.

The Company made its release promptly and without delay once the embargo was lifted, and the article was published by JCI - Insight. This occurred at 2.00am (AEST) on Wednesday 16 June 2021.

Question 5: Please confirm that PAB is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.

PAB confirms that it is in compliance with the Listing Rules and, in particular, the Company confirms that it is in compliance with Listing Rule 3.1.

The Company also acknowledges the recommendations provided by the Code of Best Practice for Reporting by Life Science Companies in respect of its continuous disclosure obligations.

Question 6: Please confirm that PAB’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 PAB with delegated authority from the board to respond to ASX on disclosure matters.

The Company confirms its responses to the above questions have been duly authorised in accordance with PAB’s Continuous Disclosure Policy.

We trust that our responses sufficiently address your queries, but please do not hesitate to contact me if further information is required.

Yours sincerely,
Patrys Limited

Melanie Leydin
Company Secretary



21 June 2021

Reference: 35914

Ms Melanie Leydin
Company Secretary
Patrys Limited
Level 4
100 Albert Road
South Melbourne VIC 3205

By email: mleydin@leydinfreyer.com.au

Dear Ms Leydin

Patrys Limited ('PAB'): Aware Query

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

- A. An article titled 'Yale Cancer Center Study Reveals New Pathway for Brain Tumor Therapy' published on the Yale School of Medicine website on 15 June 2021 (but not time-stamped) (available at: <https://medicine.yale.edu/news-article/yale-cancer-center-study-reveals-new-pathway-for-brain-tumor-therapy/>), which refers to a study published that day (and available online) in the *Journal of Clinical Investigation Insight* regarding the results of a new study of PAB's Deoxymab-1 (DX1) led by Yale Cancer Center.
- B. The change in the price of PAB's securities from a closing price of \$0.034 on Friday 11 June 2021 to a closing price of \$0.041 on Tuesday 15 June 2021 (noting that Monday 14 June 2021 was a non-trading day), and the movements in the price of PAB's securities on Wednesday 16 June 2021 from an opening price of \$0.048, to a high of \$0.05 and a closing price at \$0.039. The volume of PAB securities traded on both 15 June and 16 June 2021 was also substantial.¹
- C. PAB's announcement titled 'Paper highlights PAT-DX1 as potential brain cancer treatment' released on the ASX Market Announcements Platform ('MAP') at 9:16am on Wednesday, 16 June 2021 (the 'Announcement'), which disclosed the information set out below ('Information'):

[PAB] 'is pleased to announce the publication of new preclinical data for its deoxymab antibody PAT-DX1. This data, from studies conducted in three different animal models, further demonstrates the unique ability of Patrys' PAT-DX1 antibody to cross the blood-brain barrier (BBB) and significantly inhibit the growth of both primary and secondary cancers in the brain.

The publication, entitled "ENT2 facilitates brain endothelial cell penetration and blood-brain barrier transport by a tumour-targeting anti-DNA autoantibody", has been published in the leading, peer-reviewed journal The Journal of Clinical Investigation- Insight, and builds on data previously disclosed by Patrys ...

The ability of PAT-DX1 to cross the BBB, localise to both primary and secondary tumours in the brain, and then selectively kill cancer cells by blocking their DNA Damage Repair (DDR) systems highlights the potential for Patrys' deoxymabs to provide much-needed, new therapeutic options for the treatment of cancers located in the brain'.

¹ The volume and value of PAB securities traded on 15 June 2021 was 65,515,642 securities and \$2,483,049 respectively. The volume and value of PAB securities traded on 16 June 2021 was 231,008,859 securities and \$10,505,358 respectively. The trading volume and value on these two days surpassed the total volume and value of PAB securities recorded for the previous two calendar months (i.e. total for April and May 2021).

D. 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.

E. 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.'

F. 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.'

G. 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.'

Questions and Request for information

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

1. Does PAB 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.
3. When did PAB first become aware of the Information?
4. If the answer to question 1 is 'yes' and PAB first became aware of the Information prior to Wednesday, 16 June 2021 (AEST), please explain why this information was not released to the market at an earlier time, commenting specifically on when you believe PAB was obliged to release the Information under Listing Rules

3.1 and 3.1A and what steps PAB took to ensure that the Information was released promptly and without delay.

5. Please confirm that PAB is complying with the Listing Rules and, in particular, Listing Rule 3.1.
6. Please confirm that PAB'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 PAB 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 Thursday, 24 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, PAB'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 PAB 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 PAB'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 PAB's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to PAB'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 PAB'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)