



# gevo®

## Gevo Seeks Declaratory Judgment to Prove Invalidity of Butamax Patent

August 14, 2012

ENGLEWOOD, Colo. - August 14, 2012 - [Gevo, Inc.](#) (NASDAQ: GEVO) filed a lawsuit for declaratory judgment against [Butamax™](#) Advanced Biofuels, LLC (Butamax), E.I. [DuPont](#) de Nemours and Co. (NYSE: DD), [BP](#) p.l.c. (NYSE: BP), BP Corporation North America Inc. and BP Biofuels North America LLC, seeking a judicial determination that a recently issued Butamax U.S. Patent No. 8,241,878 ('878 Patent) is invalid and that Gevo does not infringe on it.

"We believe Butamax's patent is invalid and will be filing a Request for Reexamination with the U.S. Patent and Trademark Office," said Brett Lund, Executive Vice President and General Counsel of Gevo. "We can make this claim for many reasons, including the fact that we already have an issued patent covering this technology and we invented it before Butamax filed its patent application. Butamax's '878 Patent covers only two Dihydroxy-Acid Dehydratase (DHAD) enzymes, unlike Gevo's patented technology in U.S. Patent No. 8,232,089 ('089 Patent) that covers dozens of DHADs, including the two DHADs claimed in Butamax's '878 Patent."

On July 31, Gevo filed a lawsuit in the U.S. District Court of Eastern District Texas charging infringement of Gevo's DHAD technology in its '089 Patent by DuPont, BP, and Butamax. In a lawsuit filed today, Butamax alleged that Gevo infringes its '878 Patent. In Gevo's opinion, Butamax's lawsuit appears retaliatory as Gevo has already sued Butamax and its parent companies for infringing Gevo's DHAD technology in July and today Gevo sued them again for a declaratory judgment.

"Gevo has advanced well beyond the R&D stage. We are now operating commercially," Lund said. "We believe this action is an attempt by Butamax and its corporate parents to impede our progress. They are trying to use the courts to compensate for their lack of progress."

"We're commercial and at least two years ahead of Butamax's R&D efforts," added Lund. "We are producing isobutanol at commercial scale. They are, by their own admission, years away from commercialization. We believe the only way they are going to become commercially viable is to utilize our patented technology."

### About Gevo

Gevo is converting existing ethanol plants into biorefineries to make renewable building block products for the chemical and fuel industries. The Company plans to convert renewable raw materials into isobutanol and renewable hydrocarbons that can be directly integrated on a "drop in" basis into existing chemical and fuel products to deliver environmental and economic benefits. 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 <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:

Greta Thomsen

Gevo Director of Marcom and PR

T: (303)-715-8928

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

### Investor Contact:

Sarah McCabe

Stern IR for Gevo

T: (267) 909-9237

[sarah@sternir.com](mailto:sarah@sternir.com)

HJG#1633780