



RADIOPHARM THERANOSTICS

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19 December 2024

Yulia Gurdina
Senior Adviser, Listings Compliance
ASX Compliance Pty Ltd
By email ListingsComplianceSydney@asx.com.au

Dear Yulia

Radiopharm Theranostics Limited ('RAD'): ASX Aware Letter

We refer to your letter dated 12 December 2024 titled "Radiopharm Theranostics Limited ('RAD'): ASX Aware Letter and respond as set out below.

- 1. Does RAD consider the Information, or any part thereof, to be information that a reasonable person would expect to have a material effect on the price or value of its securities?**

Yes, and the Announcement was marked as price sensitive accordingly.

If the answer to any part of question 1 is "no", please advise the basis for that view.

Not applicable.

- 2. When did RAD first become aware of the Information referred to in question 1 above?**

December 5th, 7:48am Sydney time

- 3. If RAD first became aware of the Information referred to in question 1 before the Confirmation, did RAD make any announcement prior to that date which disclosed the Information? If not, please explain why the Information was not released to the market at an earlier time, commenting specifically on:**

- 3.1 when you believe RAD was obliged to release the Information under Listing Rules 3.1 and 3.1A;**

Late on Monday 9 December, RAD considered that it had an obligation to release the Information under Listing Rules 3.1 and 3.1A prior to market open on Tuesday, 10 December 2024 (AEDT) and an email with the announcement was sent to the Company Secretary for release. Prior to that time RAD was assessing the information based on Code of Best Practice for Reporting by Life Science Companies to determine if there was adequate information to warrant disclosure as price sensitive.

- 3.2 why RAD stated in its Confirmation to ASX that it was complying with Listing Rule 3.1; and**

NASDAQ:RADX had shown a high volume of trading and it was assumed that the ASX:RAD share price and volume volatility followed on from the earlier NASDAQ trading. On reflection there should have been a further enquiry within the company, based on an ASX triggered phone call, to ensure there wasn't any other information being considered for market release.

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3.3 what steps RAD took to ensure that the Information was released promptly and without delay.

To ensure that the Information was released promptly and without delay, RAD prepared a draft announcement in anticipation, and finalised and released this Announcement promptly once the information was sufficiently definite to warrant disclosure.

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

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

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

RAD confirms that these responses have been authorised and approved in accordance with its published Continuous Disclosure Policy.

Please do not hesitate to contact me if you have any questions or would like to discuss any of the matters listed above.

Yours Sincerely

Phillip Hains

Phillip Hains
Company Secretary

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12 December 2024

Reference: 104365

Phillip Hains & Rowan Cole
Communication Person
Radiopharm Theranostics Limited
Suite 1 Level 3, 62 Lygon Street
CARLTON SOUTH VIC 3053

By email

Dear Messrs Hains and Cole

Radiopharm Theranostics Limited ('RAD'): ASX Aware Letter

ASX refers to the following:

- A. The change in the price of RAD's securities from \$0.028 at the close of trading on 5 December 2024 to a high of \$0.042 on 9 December 2024.
- B. The confirmation provided by RAD to ASX on or around 3:16 PM AEDT on 9 December 2024 that RAD was in compliance with Listing Rule 3.1 (the 'Confirmation').
- C. RAD's announcement titled "Completion of preclinical data package for RAD 402" (the 'Announcement') released on the ASX Market Announcements Platform ('MAP') at 9:59 AM AEDT on 10 December 2024 disclosing completion of preclinical proof-of-concept dataset for Kallikrein Related Peptidase 3 - targeting radiotherapeutic RAD 402 (the 'Information').
- 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."
- F. Section 4.4 in *Guidance Note 8 Continuous Disclosure: Listing Rules 3.1 – 3.1B* titled "When does an entity become aware of information?"
- G. Listing Rule 3.1A, which sets out exceptions from the requirement to make immediate disclosure as follows.

"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 5 situations 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."*

H. The concept of "confidentiality" 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 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 is no longer a secret and it ceases to be confidential information for the purposes of this rule."

Request for information

Having regard to the above, ASX asks RAD to respond separately to each of the following questions:

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

If the answer to any part of question 1 is "no", please advise the basis for that view.

2. When did RAD first become aware of the Information referred to in question 1 above?

3. If RAD first became aware of the Information referred to in question 1 before the Confirmation, did RAD make any announcement prior to that date which disclosed the Information? If not, please explain why the Information was not released to the market at an earlier time, commenting specifically on:

3.1 when you believe RAD was obliged to release the Information under Listing Rules 3.1 and 3.1A;

3.2 why RAD stated in its Confirmation to ASX that it was complying with Listing Rule 3.1; and

3.3 what steps RAD took to ensure that the Information was released promptly and without delay.

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

5. Please confirm that RAD'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 RAD 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 **9:00 AM AEDT on Thursday, 19 December 2024**.

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, RAD's obligation is to disclose the information 'immediately'. This may require the information to be disclosed before the deadline set out above and may require RAD to request a trading halt immediately if trading in RAD's securities is not already halted or suspended.

Your response should be sent by e-mail to **ListingsComplianceSydney@asx.com.au**. It should not be sent directly to the ASX Market Announcements Office. This is to allow us 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.

Suspension

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

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to RAD'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 RAD'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 all or any part of this letter, your reply and any other related correspondence between us to the market under listing rule 18.7A. The usual course is for the correspondence to be released to the market.

Regards

ASX Compliance

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