

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT NO.: 5,352,605
ISSUED: Oct. 4, 1994
TO: Fraley et al.
FOR: CHIMERIC GENES FOR TRANSFORMING PLANT
CELLS USING VIRAL PROMOTERS

ATTACHMENT TO FORM PTO-1465,
REQUEST FOR *EX PARTE* REEXAMINATION

SIR:

The Public Patent Foundation (“PUBPAT”), a not-for-profit public service organization that works to protect the public from the harms caused by undeserved patents and unsound patent policy, respectfully requests *ex parte* reexamination under 35 U.S.C. §§ 302 – 307 and 37 C.F.R. § 1.510 of every claim of United States Patent No. 5,352,605 issued October 4, 1994, to Fraley et al. and assigned to Monsanto Company (“the '605 patent”) because they are all invalid under 35 U.S.C. §§ 103 and their existence is causing significant public harm.¹

¹ A copy of the '605 patent is attached hereto as Appendix A.

THE '605 PATENT IS CAUSING SIGNIFICANT PUBLIC HARM

The '605 patent relates to genetic modification of plants. More specifically, the '605 patent claims chimeric genes expressed in plant cells and plants that contain those genes. Monsanto is using the '605 patent – and three other patents for which requests for reexamination are being filed concurrently herewith – to harass and, in many instances, literally bankrupt countless numbers of American farmers. *See, e.g., Monsanto v. U.S. Farmers, Center for Food Safety (2005)*. Monsanto's campaign of harassment has included the filing of dozens of infringement lawsuits against farmers, many of whom are financially unable to retain sufficient counsel to defend themselves in court.² Monsanto's aggressive assertion of its patents is not only obnoxious and offensive to the core fabric of American life and culture, it is also causing substantial public harm. As the Center for Food Safety found in its study of the matter:

Monsanto has used heavy-handed investigations and ruthless prosecutions that have fundamentally changed the way many American farmers farm. The result has been nothing less than an assault on the foundations of farming practices and traditions that have endured for centuries in this country and millennia around the world, including one of the oldest, the right to save and replant crop seed.

Id. Although these issues are not grounds to grant this request for reexamination, PUBPAT respectfully requests that they be considered when determining whether the validity of the '605 patent merits review by your office.

THE SUBSTANTIAL NEW QUESTION OF PATENTABILITY

The substantial new question of patentability raised by this request is whether claims 1 through 19 of the '605 patent were obvious in light of U.S. Patent No. 4,407,956 issued

² Appendix C contains a listing of litigation involving the '605 patent.

to Howell on October 4, 1983 (“Howell”), and Guilley, et al., “Transcription of Cauliflower Mosaic Virus DNA: Detection of Promoter Sequences, and Characterization of Transcripts,” *Cell*, 30(3):763-773 (1982) (“Guilley”).³ A detailed explanation of the pertinency and manner of applying Howell and Guilley to each of claims 1 through 19 of the '605 patent is set forth below.

HOWELL AND GUILLEY RENDERED THE '605 PATENT OBVIOUS

The '605 patent claims priority through a string of applications, the first of which was filed on January 17, 1983. Although PUBPAT does not concede that the '605 patent can justifiably claim priority to January 17, 1983, we do not address that issue at this time because it is not material to the arguments made in this request. Since Howell's effective application date is March 13, 1981, which is prior to January 17, 1983, Howell is prior art to the '605 patent under 35 U.S.C. § 102(e). Since Guilley was published in October 1982, which is prior to January 17, 1983, Guilley is prior art to the '605 patent under 35 U.S.C. § 102(a).

One of ordinary skill in the art would have been motivated to combine the teachings of Howell and Guilley because they were both directed to the same exact subject matter, namely the use of cauliflower mosaic virus (“CaMV”) to introduce foreign genes into plants. Further, Guilley expressly cited two articles written by the sole named inventor of Howell and Howell expressly cited the journal *Cell* in which Guilley was published. Thus, there was more than sufficient suggestion and motivation in the art to combine the teachings of Howell and Guilley.

The chart below sets forth an element-by-element comparison of all 19 claims of

³ Appendix B contains a copy of Howell and Guilley.

the '605 patent to the combined teachings of Howell and Guilley. In essence, every element of each claim of the '605 patent was obvious in light of Howell and Guilley. As such, each claim of the '605 patent is invalid and should be canceled.

<i>'605 Patent</i>	<i>Howell and Guilley</i>
1. A chimeric gene which is expressed in plant cells comprising a promoter from a cauliflower mosaic virus,	<p>Howell is directed to “cloned cauliflower mosaic virus DNA as a plant vehicle” and taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants. 6:34-68.</p> <p>Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley expressly taught CaMV promoters. 763.</p>
said promoter selected from the group consisting of a CaMV (35S) promoter isolated from CaMV protein-encoding DNA sequences and a CaMV (19S) promoter isolated from CaMV protein-encoding DNA sequences,	Guilley taught both CaMV (35S) promoter and CaMV (19S) promoter isolated from CaMV protein-encoding DNA sequences. 763-64; 770.
and a structural sequence which is heterologous with respect to the promoter.	Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37.
2. A chimeric gene of claim 1 in which the promoter is the CaMV(35S) promoter.	Guilley expressly taught the CaMV (35S) promoter. 763; 770.
3. A chimeric gene of claim 1 in which the promoter is the CaMV(19S) promoter.	Guilley expressly taught the CaMV (19S) promoter. 763; 770.

<i>'605 Patent</i>	<i>Howell and Guilley</i>
4. A plant cell which comprises a chimeric gene that contains a promoter from cauliflower mosaic virus,	Howell taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants. 6:34-68. Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and – in fact – expressly taught CaMV promoters. 763.
said promoter selected from the group consisting of a CaMV (35S) promoter and a CaMV (19S) promoter,	Guilley expressly taught both CaMV (35S) promoter and CaMV (19S) promoter. 763; 770.
wherein said promoter is isolated from CaMV protein-encoding DNA sequences,	Guilley expressly taught isolating CaMV promoters from CaMV protein-encoding DNA sequences. 764.
and a structural sequence which is heterologous with respect to the promoter.	Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37.
5. A plant cell of claim 4 in which the promoter is the CaMV(35S) promoter.	Guilley expressly taught the CaMV (35S) promoter. 763; 770.
6. A plant cell of claim 4 in which the promoter is the CaMV(19S) promoter.	Guilley expressly taught the CaMV (19S) promoter. 763; 770.
7. An intermediate plant transformation plasmid which comprises a region of homology to an Agrobacterium tumefaciens vector,	Howell taught that “in the case of the tumor inducing (Ti) plasmid in the bacterium Agrobacterium[, a] portion of the Ti plasmid is transferred from bacterium to plant when Agrobacterium infects plants.” 1:44-47. This plasmid inherently contained a region of homology to the Agrobacterium vector.

<i>'605 Patent</i>	<i>Howell and Guilley</i>
<p>a T-DNA border region from <i>Agrobacterium tumefaciens</i> and a chimeric gene, wherein the chimeric gene is located between the T-DNA border and the region of homology,</p>	<p>The “portion of the Ti plasmid [that] is transferred” taught by Howell is commonly referred to as the T-DNA. 1:44-47. Howell continued to teach that “[t]hat type of DNA transfer has been [] utilized in certain genetic modification experiments involving plants.” 1:47-50. In order to achieve this genetic modification, the T-DNA must inherently contain its T-DNA border sequence and its region of homology, as they are both essential for the genetic modification to take place. By definition, then, the transferred chimeric gene is located between the T-DNA border and the region of homology.</p>
<p>said chimeric gene comprising a promoter from cauliflower mosaic virus, said promoter selected from the group consisting of a CaMV(35S) promoter and a CaMV(19S) promoter,</p>	<p>Howell taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants. 6:34-68. Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley also expressly taught the CaMV (35S) promoter and the CaMV (19S) promoter. 763; 770.</p>
<p>and a structural sequence which is heterologous with respect to the promoter.</p>	<p>Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37.</p>
<p>8. A plant transformation vector which comprises a disarmed plant tumor inducing plasmid of <i>Agrobacterium tumefaciens</i> and a chimeric gene,</p>	<p>Howell taught that “in the case of the tumor inducing (Ti) plasmid in the bacterium <i>Agrobacterium</i>[, a] portion of the Ti plasmid is transferred from bacterium to plant when <i>Agrobacterium</i> infects plants and produces a crown gall tumor.” 1:44-47 (emphasis added). Howell continued to teach that “[t]hat type of DNA transfer has been [] utilized in certain genetic modification experiments involving plants.” 1:47-50. Inherently, the Ti plasmid and transferred chimeric gene (DNA) taught by Howell were part of a plant transformation vector.</p>

<i>'605 Patent</i>	<i>Howell and Guilley</i>
wherein the chimeric gene contains a promoter from cauliflower mosaic virus,	<p>Howell is directed to “cloned cauliflower mosaic virus DNA as a plant vehicle” and taught that “The DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a chimeric gene containing CaMV, which inherently contained a CaMV promoter, into plants. 6:34-68.</p> <p>Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and – in fact – expressly taught CaMV promoters. 763.</p>
said promoter selected from the group consisting of a CaMV(35S) promoter and a CaMV(19S) promoter,	Guilley expressly taught both CaMV (35S) promoter and CaMV (19S) promoter. 763; 770.
and a structural sequence which is heterologous with respect to the promoter.	Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37.
9. A plant transformation vector of claim 8 in which the promoter is the CaMV(35S) promoter.	Guilley expressly taught the CaMV (35S) promoter. 763; 770.
10. A plant transformation vector of claim 8 in which the promoter is the CaMV(19S) promoter.	Guilley expressly taught the CaMV (19S) promoter. 763; 770.
11. The chimeric gene of claim 1 comprising in the 5' to 3' direction:	Guilley expressly analyzed and discussed the 5' to 3' extremities of transcripts of CaMV. 763.
(1) the CaMV(35S) promoter,	Guilley expressly taught that the CaMV (35S) promoter was contained in the 5' to 3' direction. 763-67; 769-71.

<i>'605 Patent</i>	<i>Howell and Guilley</i>
(2) a structural sequence encoding neomycin phosphotransferase II, and	Howell taught that “A wide variety of genes are of interest for insertion into the virus, particularly, genes which modify the existing properties of the plant or endow the plant with the ability to produce new substances. Foreign genes can provide for enhanced production of protein, greater tolerance to environmental stresses, improved qualities in fruit and vegetable products, novel ornamental plants, production of compounds of physiological and pharmaceutical interest compounds, either proteinaceous, or non-proteinaceous, resistance to pests and pesticides, nitrogen fixation, either independently or through symbiosis, or the like.” 5:37-48. It would have been obvious to one of ordinary skill in the art that a structural sequence encoding neomycin phosphotransferase II would work in Howell's CaMV chimeric gene method.
(3) a 3' non-translated polyadenylation sequence of nopaline synthase.	Guilley taught the 3' sequence coordinates of polyadenylated transcripts. 768. One of ordinary skill in the art would have expected that this sequence could be non-translated nopaline synthase.
12. The chimeric gene of claim 1 comprising in the 5' to 3' direction:	Guilley expressly analyzed and discussed the 5' to 3' extremities of transcripts of CaMV. 763.
(1) the CaMV(19S) promoter,	Guilley expressly taught that the CaMV (19S) promoter was contained in the 5' to 3' direction. 763-65; 769-71.

<i>'605 Patent</i>	<i>Howell and Guilley</i>
(2) a structural sequence encoding neomycin phosphotransferase II, and	Howell taught that “A wide variety of genes are of interest for insertion into the virus, particularly, genes which modify the existing properties of the plant or endow the plant with the ability to produce new substances. Foreign genes can provide for enhanced production of protein, greater tolerance to environmental stresses, improved qualities in fruit and vegetable products, novel ornamental plants, production of compounds of physiological and pharmaceutical interest compounds, either proteinaceous, or non-proteinaceous, resistance to pests and pesticides, nitrogen fixation, either independently or through symbiosis, or the like.” 5:37-48. It would have been obvious to one of ordinary skill in the art that a structural sequence encoding neomycin phosphotransferase II would work in Howell's CaMV chimeric gene method.
(3) a 3' non-translated polyadenylation sequence of nopaline synthase.	Guilley taught the 3' sequence coordinates of polyadenylated transcripts. 768. One of ordinary skill in the art would have expected that this sequence could be non-translated nopaline synthase.
13. A DNA construct comprising:	Howell taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” 1:54-57. The terms exogenous and foreign DNA are synonymous with DNA construct. Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants.” 763.
(A) a CaMV promoter selected from the group consisting of (1) a CaMV 35S promoter isolated from CaMV protein-encoding DNA sequences and (2) a CaMV 19S promoter isolated from CaMV protein-encoding DNA sequences, and	Howell taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants. 6:34-68. Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley expressly taught the CaMV (35S) promoter and the CaMV (19S) promoter. 763; 770. Guilley also expressly taught isolating the CaMV promoters from CaMV protein-encoding DNA sequences. 764.

<i>'605 Patent</i>	<i>Howell and Guilley</i>
<p>(B) a DNA sequence of interest heterologous to (A), wherein (B) is under the regulatory control of (A) when said construct is transcribed in a plant cell.</p>	<p>Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37. It is inherent that a heterologous DNA sequence of interest contained in a DNA construct would be under the regulatory control of the DNA construct's promoter when transcribed in a plant cell.</p>
<p>14. A chimeric gene which is transcribed and translated in plant cells, said chimeric gene comprising a promoter from cauliflower mosaic virus, said promoter selected from the group consisting of:</p>	<p>Howell is directed to “cloned cauliflower mosaic virus DNA as a plant vehicle” and taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants and that such a chimeric gene would be expressed, which would require the gene to be transcribed and translated in the plant cell. 6:34-68.</p> <p>Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley expressly taught CaMV promoters. 763.</p>
<p>a) a CaMV 35S promoter region free of CaMV protein-encoding DNA sequences and b) a CaMV 19S promoter region free of CaMV protein-encoding DNA sequences,</p>	<p>Guilley taught both CaMV (35S) promoter and CaMV (19S) promoter isolated from CaMV protein-encoding DNA sequences. 763-64; 770.</p>
<p>and a DNA sequence which is heterologous with respect to the promoter.</p>	<p>Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37.</p>

<i>'605 Patent</i>	<i>Howell and Guilley</i>
<p>15. A chimeric gene which is expressed in plants cells comprising a promoter from a cauliflower mosaic virus,</p>	<p>Howell is directed to “cloned cauliflower mosaic virus DNA as a plant vehicle” and taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants and that such a chimeric gene would be expressed. 6:34-68.</p> <p>Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley expressly taught CaMV promoters. 763.</p>
<p>said promoter selected from the group consisting of a CaMV(35S) promoter region free of CaMV protein-encoding DNA sequences and a CaMV(19S) promoter region free of CaMV protein-encoding DNA sequences,</p>	<p>Guilley taught both CaMV (35S) promoter and CaMV (19S) promoter isolated from CaMV protein-encoding DNA sequences. 763-64; 770.</p>
<p>and a DNA sequence which is heterologous with respect to the promoter.</p>	<p>Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37.</p>

<i>'605 Patent</i>	<i>Howell and Guilley</i>
<p>16. A chimeric gene which is transcribed in plants cells comprising a promoter from a cauliflower mosaic virus,</p>	<p>Howell is directed to “cloned cauliflower mosaic virus DNA as a plant vehicle” and taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants and that such a chimeric gene would be expressed, which would require the gene to be transcribed in the plant cell. 6:34-68.</p> <p>Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley expressly taught CaMV promoters. 763.</p>
<p>said promoter selected from the group consisting of a CaMV(35S) promoter free of CaMV protein-encoding DNA sequences and a CaMV(19S) promoter free of CaMV protein-encoding DNA sequences,</p>	<p>Guilley taught both CaMV (35S) promoter and CaMV (19S) promoter isolated from CaMV protein-encoding DNA sequences. 763-64; 770.</p>
<p>a DNA sequence which is heterologous with respect to the promoter and a 3' non-translated polyadenylation signal sequence.</p>	<p>Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37. Guilley taught the 3' sequence coordinates of polyadenylated transcripts. 768. One of ordinary skill in the art would have expected that this sequence could be non-translated.</p>

<i>'605 Patent</i>	<i>Howell and Guilley</i>
17. A plant cell which comprises a chimeric gene where said chimeric gene comprises a promoter from cauliflower mosaic virus,	<p>Howell is directed to “cloned cauliflower mosaic virus DNA as a plant vehicle” and taught that “[t]he DNA of certain viruses such as cauliflower mosaic virus which infect plants may serve as 'vehicles' for the introduction of 'exogenous' or 'foreign' DNA into plant cells.” Title; 1:54-57. The terms exogenous and foreign DNA are synonymous with chimeric gene. Howell further taught the insertion of a foreign gene containing CaMV, which inherently contained a CaMV promoter, into plants. 6:34-68.</p> <p>Similarly, Guilley taught that “cauliflower mosaic virus [] is a potential vector for the introduction of foreign DNA into plants,” and Guilley expressly taught CaMV promoters. 763.</p>
said promoter selected from the group consisting of a CaMV(35S) promoter and a CaMV(19S) promoter, wherein said promoter is free of CaMV protein-encoding DNA sequences,	Guilley taught both CaMV (35S) promoter and CaMV (19S) promoter isolated from CaMV protein-encoding DNA sequences. 763-64; 770.
and a DNA sequence which is heterologous with respect to the promoter and a 3' non-translated polyadenylation signal sequence.	Howell expressly taught the use of CaMV to “introduce” and “insert” heterologous DNA into plant cells and that “the DNA be foreign to the CaMV.” Abstract; 3:36-37. Guilley taught the 3' sequence coordinates of polyadenylated transcripts. 768. One of ordinary skill in the art would have expected that this sequence could be non-translated.
18. An intermediate plasmid of claim 7 in which the promoter is the CaMV(19S) promoter.	Guilley expressly taught the CaMV (19S) promoter. 763; 770.
19. An intermediate plasmid of claim 7 in which the promoter is the CaMV(35S) promoter.	Guilley expressly taught the CaMV (35S) promoter. 763; 770.

[continued on next page]

CONCLUSION

For the reasons set forth above, each of the claims of the '605 patent are invalid for being obvious in light of Howell and Guilley. As such, PUBPAT respectfully requests that they be reexamined *ex parte* and ultimately canceled.

September 29, 2006

Date

/s/

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Request for *Ex Parte* Reexamination in its entirety, including all accompanying documents, is being deposited with the U.S. Postal Service as Priority Mail with Delivery Confirmation on the date of the signature below in an envelope addressed to the attorney of record for the assignee of U.S. Patent No. 5,352,605 as provided for in 37 C.F.R. § 1.33(c):

LAWRENCE M. LAVIN, JR.
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_____ *September 29, 2006*

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APPENDIX A

U.S. PATENT NO. 5,352,605

APPENDIX B

HOWELL AND GUILLEY

APPENDIX C

COPENDING LITIGATION

U.S. Patent No. 5,352,605 is or has been the subject of the following litigation:

1. DNA Plant Technology Corp. v. Monsanto Company, Filed May 9, 1995, D.C. N.D. California, Doc. No. 95-20308 SW
2. Monsanto Co v. Aungst, et al, Filed August 20, 2001, D.C. E.D. Michigan, Doc. No. 2:01cv73172
3. Monsanto Company v. Steve Adams, Filed Oct. 10, 2000, D.C. N.D. Mississippi, Doc. No. 3:00CV185-D-A
4. Monsanto Company v. Agmax, LLC, Filed December 23, 2005, D.C. S.D. Illinois, Doc. No. 4:05cv4223
5. Monsanto Company et al v. American Seed Company, Filed April 7, 2005, D.C. E.D. Missouri, Doc. No. 4:05cv554
6. Monsanto Company v. Anderson & Jones Inc, et al, Filed November 19, 1999, D.C. E.D. Missouri, Doc. No. 4:99cv1805
7. Monsanto Company et al v. Bandy et al, Filed June 8, 2004, D.C. E.D. Missouri, Doc. No. 4:04cv708
8. Monsanto Company v. Jon Scott Bryant, Filed Dec. 19, 2001, D.C. E.D. Missouri, Doc. No. 1:01CV00187CDP
9. Monsanto Company et al v. Clark et al, Filed March 29, 2004, D.C. E.D. Missouri, Doc. No. 1:04cv39
10. Monsanto Company v. Franklin Collier, Filed Jun. 22, 1999, D.C. E.D. Missouri (St. Louis), Doc. No. 4:99CV995LOD
11. Monsanto Company v. Corbett, et al, Filed February 19, 2003, D.C. E.D. Missouri, Doc. No. 4:03cv207
12. Monsanto Company et al v. David, Filed April 12, 2004, D.C. E.D. Missouri, Doc. No. 4:04cv425
13. Monsanto Company v. Linn DeBuhr, Filed Nov. 21, 2001, D.C. Nebraska, Doc. No. 4:01cv3293
14. Monsanto Company v. Mark Debuhr, Filed Nov. 21, 2001, D.C. Nebraska, Doc. No. 4:01CV3294
15. Monsanto Company v. DNA Plant Technology Corp., Filed May 4, 1995, D.C. Delaware, Doc. No. CA 95-278

16. Monsanto Company v. James E. Douglas, Jr., d/b/a Douglas Farms, Filed Mar. 30, 1998, Doc. No. 4:98cv542ERW.
17. Monsanto Company v. Dragan, Filed November 2, 2005, D.C. W.D. New York, Doc. No. 1:05cv786
18. Monsanto Company v. Dukes, Filed April 1, 2003, D.C. S.D. Iowa, Doc. No. 4:03cv90182
19. Monsanto Company v. Glen F. Eaton d/b/a Eaton Farms, Filed Mar. 13, 2000, D.C. E.D. Missouri, Doc. No. 4:00CV 435
20. Monsanto Company v. Larry Edwards, Filed Nov. 24, 1999, D.C. S.D. Iowa, Doc. No. 3-99-cv-90197
21. Monsanto Company v. W.A. Ethridge, et al, Filed Oct. 4, 2000, D.C. E.D. Missouri, Doc. No. 4:00CV1592TCM
22. Monsanto Company v. Fitts, Filed December 6, 2002, D.C. E.D. Arkansas, Doc. No. 2:02cv178
23. Monsanto Company v. Ford et al, Filed March 5, 2004, D.C. S.D. Indiana, Doc. No. 4:04cv64
24. Monsanto Company v. Gainey, et al, Filed January 29, 2003, D.C. M.D. North Carolina, Doc. No. 1:03cv99
25. Monsanto Company v. Jack Garbers, Filed Apr. 21, 1999, D.C. E.D. Missouri (St. Louis), Doc. No. 4:99cv632 DJS
26. Monsanto Company v. Richard S. Good, et al, Filed Dec. 6, 2001, D.C. New Jersey, Doc. No. 01CV5678(SMO)
27. Monsanto Company v. Garland Ray Harris Jr., Filed Feb. 15, 2001, D.C. E.D. Missouri, Doc. No. 4:01CV253
28. Monsanto Company et al v. Henderson, Filed February 2, 2006, D.C. E.D. Missouri, Doc. No. 4:06cv155
29. Monsanto Company v. Dewayne Hendrix, et al, Filed Apr. 6, 2001, D.C. E.D. Missouri, Doc. No. 4:01cv523ERW
30. Monsanto Company v. Hereford, et al, Filed March 10, 2004, D.C. N.D. Alabama, Doc. No. 5:04cv487
31. Monsanto Company v. Hicks, Filed December 8, 2003, D.C. N.D. Alabama, Doc. No. 5:03cv3249

32. Monsanto Company v. Marvin H. Jones, Filed Oct. 11, 2000, D.C. N.D. Mississippi, Doc. No. 3:00CV188-D-A
33. Monsanto Company v. Keefe, Filed September 30, 2005, D.C. South Carolina, Doc. No. 4:05cv2828
34. Monsanto Company et al v. Kelley, Filed October 15, 2004, D.C. E.D. Missouri, Doc. No. 4:04cv1428
35. Monsanto Company v. Norman Kelly, et al, Filed Sep. 14, 2001, D.C. E.D. Missouri, Doc. No. 4:01cv1484CEJ
36. Monsanto Company v. Dale Knackmus, Filed Feb. 11, 1998, Doc. No. 4:98cv261RWS
37. Monsanto Company et al v. Kueckelhan, Filed January 20, 2006, D.C. E.D. Missouri, Doc. No. 4:06cv99
38. Monsanto Company v. Kyle, et al, Filed November 29, 2004, D.C. E.D. Arkansas, Doc. No. 2:04cv208
39. Monsanto Company v. Lapointe et al, Filed December 30, 2004, D.C. E.D. Michigan, Doc. No. 2:04cv75086
40. Monsanto Company v. Lea, Filed December 17, 1999, D.C. E.D. Missouri, Doc. No. 4:99cv1994
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