

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IMPOSSIBLE FOODS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-311 (WCB)
	)	
MOTIF FOODWORKS, INC.,	)	
	)	
and	)	
	)	
GINGKO BIOWORKS, INC.,		
Defendants.		

**SUPPLEMENTAL DECLARATION OF DR. ROBERT MCGORRIN
IN SUPPORT OF MOTIF’S SUR-REPLY CLAIM CONSTRUCTION BRIEF**

I, Robert McGorin, declare as follows:

1. I submitted a Declaration on June 28, 2023 in support of Motif's Answering Claim Construction Brief in the above-captioned matter. I incorporate that Declaration, including my opinions therein, herein by reference. My opinions and analysis in my Declaration are unchanged. I also incorporate my *curriculum vitae* (Declaration Exhibit M1) herein by reference.

I. SCOPE OF SUPPLEMENTAL ASSIGNMENT

2. I have been asked to supplement my opinions and analysis provided in my Declaration in response to positions taken by Plaintiff Impossible Foods and its experts in Reply claim construction briefing.

3. I have reviewed Impossible's Reply Claim Construction Brief regarding the Compound Terms and the Molarity Term. I disagree with Impossible's positions in this brief as I explain further below.

4. I understand that Impossible's expert, Dr. Paul Sarnoski, submitted a declaration in this Litigation on July 7, 2023, in support of Impossible's Reply Claim Construction Brief ("Sarnoski Decl."). I have reviewed the Sarnoski Declaration and the exhibits Dr. Sarnoski has cited in support. I see that Dr. Sarnoski has responded to some of my statements and opinions in my Declaration. I respond below to Dr. Sarnoski's positions regarding the Compound Terms and the Molarity Term.

5. I reserve the right to further respond to opinions or positions taken by Plaintiff Impossible, Dr. Sarnoski, or other experts of Impossible in due course as this Litigation proceeds, or to amend or further supplement my opinions herein or in my Declaration as new information comes to my attention.

II. REBUTTAL OPINIONS

A. “Compound” Terms

6. I see that Dr. Sarnoski “believe[s] that each of these terms should be interpreted similarly across the patents, and the support below should apply to each of the patents, despite the fact that there are three different ‘sets’ of patents.” Sarnoski Decl. ¶120. I agree with Dr. Sarnoski to the extent he opines that the claimed “sugar” compounds should be construed similarly to each other, and that the claimed “sulfur” compounds should be construed similarly to each other.

7. I disagree with Dr. Sarnoski’s other opinions as explained below.

(a) Plain and Ordinary Meaning of Compound Terms

8. Dr. Sarnoski opines that “[e]ach of the claim terms has a plain meaning in the patents and a food scientist would not need further interpretation.” Sarnoski Decl. ¶121. He also states that “each of these terms would be understood by a food scientist to have its ordinary meaning and terms 7-14 [the Compound Terms] do not need to be further defined.” *Id.* ¶120. Additionally, Dr. Sarnoski asserts that “none of the ‘compound terms require that the compound be separately added or that they are added for a solely specific purpose, including that of a “flavor precursor,”” and opines that “Motif and Dr. McGorin are taking the plain meaning of each of the compound terms and inserting additional requirements for each term.” *Id.* ¶122. I disagree.

9. As I opined in my Declaration, “Motif’s proposal represents the true ‘plain and ordinary’ meaning of the Compound Terms.” Decl. ¶23. That is, a POSITA would recognize that the claimed sugars and sulfur compounds were long used in combination to produce flavorings and aromas characteristic of meat via the well-known Maillard reaction. Decl. §§V.A. (“Meat Flavor Precursors and the Maillard Reaction”), V.B (“Industry Use of Flavor Precursors”). The patents teach the same use of these compounds in replica products. *Id.* §VII.B (“Specification”). These compounds are added to the replicas, and the patents call them “flavor precursors.” *Id.*

§VIII (“The Compound Terms Refer to Added Flavor Precursors”). Neither Impossible nor Dr. Sarnoski dispute my observations that the patents collectively teach the use of sugar/sulfur compounds as “flavor precursors.”

10. Because I understand Dr. Sarnoski disagrees with my opinion regarding the “plain and ordinary” meaning of these terms, however, I disagree with Dr. Sarnoski.

11. More specifically, as explained below, Dr. Sarnoski incorrectly asserts that the Compound Terms are not used for the “specific purpose” I identify. Sarnoski Decl. ¶¶122-23. He wrongly interprets the Compound Terms to include trace molecules that may be present in plant materials. *Id.* ¶131. He misinterprets the Compound Terms to include molecules that are part of larger structures, such as amino acids that are covalently linked together into proteins. *Id.* ¶¶124, 127-30. He also misinterprets the patents’ Examples. *Id.* ¶¶125-26.

12. Dr. Sarnoski is incorrect. A POSITA reading the Foodstuff Patent claims would not interpret the Compound Terms as Dr. Sarnoski does. I respond to Dr. Sarnoski’s positions in turn below.

(b) Role or Purpose of Compound Terms

13. Dr. Sarnoski states that “[i]t is common for ingredients in food products to have multiple roles/functions, and I see the ingredients in this food product doing the same.” *Id.* ¶121. Further on this point, he states that “[s]ugar and amino acids can serve other purposes in a food product, including adding nutritional content and color,” and that “[t]he Maillard reaction, which is a common reaction that occurs when cooking food, gives color as well as imparting aroma and flavor, and that is why it is also known as ‘Maillard browning.’” *Id.* ¶122.

14. Although sugars and amino acids could in theory serve other purposes in a food product, the Foodstuff Patents’ specifications clearly and unambiguously teach that sugar and sulfur compounds are added to replica foodstuffs, and that the specifications call these compounds

“flavor precursors.” Decl. §VII.B (discussing “flavor precursor” terminology used in the specifications). My opinion is grounded in the extensive teachings of the patents themselves. It is fully consistent with both intrinsic and extrinsic evidence—e.g., the technical literature and principles I identified in my Declaration. My analysis therefore follows the principles that I understand to be the basis for claim construction.

15. However, Dr. Sarnoski disagrees that the sugar/sulfur compounds “be ‘added as a flavor precursor’” because “the term ‘flavor precursor’ does not appear anywhere in the ’761 patent” and that “[t]he ‘Constructing a Muscle Tissue Analog’ section describes preparation of a muscle replica composition that contains plant proteins and other ingredients but does not ‘add’ a sulfur compound to the muscle replica.” Sarnoski Decl. ¶123 (citing ’761 patent at 44:6-45:2).

16. Dr. Sarnoski’s opinion regarding the ’761 patent is directly contradicted by his belief that all Compound Terms “*should be interpreted similarly across the patents*, and the support below should apply to each of the patents, despite the fact that there are three different ‘sets’ of patents.” *Id.* ¶120 (emphasis added). I agree that the Compound Terms should be interpreted similarly across these related patents. The disclosures relating to these molecules found in one set of specifications (e.g., the ’306/’250 patents’ specification, or the ’096/’241 patents’ specification) should apply to, and inform, the meaning of the Compound Terms recited in the ’761 patent.

(c) **The Compound Terms Do Not Refer to Trace Compounds in Plant Materials**

17. Dr. Sarnoski discusses a declaration submitted by Dr. Christopher Davis during prosecution. He states that Dr. Davis’ analysis “found that the corn flour tortilla (the final product) from the Proulx reference *did not contain at least 0.15 mM of free amino acids that contain sulfur, as required by the claims*,” and that the analysis “shows that both the examiner, who issued

the rejection that the declaration was used to overcome, and the inventors contemplated that the ingredients would contribute the sugar and sulfur compounds to the final product, and that they do not need to be isolated and separately added.” Sarnoski Decl. ¶131 (emphasis added). I disagree with Dr. Sarnoski’s interpretation. I understand, however, that Impossible used the Davis declaration to obtain allowance of patent claims by distinguishing the prior art.

18. I understand that, during prosecution, Impossible concluded from Dr. Davis’ analysis that prior art corn flour contains “at best” low levels of certain sulfur compounds. Ex. M22 at 18. Indeed, Impossible’s Reply Brief states that these trace levels are an amount “*less than ... required by the claims*” of the ’241 patent. D.I. 142 at 8 (emphasis added).

19. I understand these statements to mean that, even though plant materials like corn flour may have some trace levels of sulfur compounds such as the amino acids cysteine, cystine, and methionine, Impossible believed that its claims—which recite Compound Terms—were different from, and patentable over, these prior art flours and foodstuffs containing them (the Proulx tortillas). Indeed, Impossible agrees that adding Compounds “beef[s] up” replicas that otherwise do not contain Compounds. D.I. 142 at 8.

20. This is consistent with my experience as a flavor chemist. In my experience, Compounds need to be present in sufficient levels, and in sufficient proximity to each other (among other conditions), for the sugars and sulfurs to chemically react when heating and produce detectable aromas. The levels of sugars/sulfurs in plant materials may produce some volatiles which are characteristic of meat aroma. But, as a matter of common sense, plants do not smell like meat when they are being cooked. Chemically, they are not the same. Dr. Davis’s declaration therefore supports a conclusion that the difference in plant and meat aromas is due at least in part to much lower levels of sugars and sulfur compounds in plants.

21. Thus, the Davis declaration, and Impossible's characterization thereof, is consistent with my opinion that any trace levels of sulfur compounds in plant materials are *not* what Impossible claimed as the Compounds of its invention.

(d) **The Compound Terms Are Not Part of Larger Structures (Proteins)**

22. As I explained in my Declaration, the patents do not teach or even suggest that *plant proteins*, a separately-claimed replica ingredient, are the same as the claimed sugar/sulfur compounds. *E.g.*, Decl. ¶81. Dr. Sarnoski points to a few sentences or teachings in the patents that he believes contradict my opinion. I disagree.

23. (1) **“Organic Molecules”**: Dr. Sarnoski states that the patents teach “that suitable flavor precursors can be, among other things, ‘organic molecules,’ which would include proteins which can be hydrolyzed through processing and further catalyzed by heating.” Sarnoski Decl. ¶127. I disagree.

24. It is nonsensical to suggest that any “organic molecule” is the kind of “flavor precursor” taught in the Foodstuff Patents. For example, organic molecules include compounds in gasoline or other compounds that are not approved for use in foods.

25. Dr. Sarnoski's suggestion that proteins can be “catalyzed” through heating (cooking) to produce Compounds is inconsistent with the claims. As I read the method claims of the '306 patent, for example, it is clear that Compounds are present as standalone ingredients in the raw meat replica matrix (indicated in blue) which is cooked in a subsequent step (indicated in red). The Compounds are therefore present in the meat replica matrix prior to cooking and are not generated, for example, by heat-mediated breakdown of proteins caused by cooking.

Claim 14: A method for making a meat replica matrix having a beef-like aroma,

wherein the meat replica matrix comprises one or more *plant proteins*, a sugar selected from glucose, ribose, sucrose, fructose, xylose, maltodextrin, and

combinations thereof, and *at least one sulfur compound* selected from methionine, cysteine and thiamine,

the method comprising obtaining a *non-animal heme-containing protein*;

and incorporating 0.01%-5% (by weight of the meat replica matrix) of the non-animal heme-containing protein into the meat replica matrix,

wherein, upon cooking of the meat replica matrix, at least two volatile compounds are generated that are associated with a beef-like aroma.

26. (2) “**Derived From:**” Dr. Sarnoski asserts that my analysis “ignores the express teaching in the specification that the molecules do not need to be separately added but can be contained in the ingredients.” Sarnoski Decl. ¶128. He cites to a single sentence in the patents stating that (unspecified) flavor precursors “can be derived” from other ingredients. ’241 patent, 2:55-64 (reproduced below from the Sarnoski Declaration). I disagree for several reasons.

consumable food product. Flavor precursor molecules or compositions can be added to the uncooked food product in purified form and/or can be derived from ingredients in the uncooked consumable food product that contain and/or are enriched with one or more of the particular flavor precursors or compositions, including, for example, yeast extract, vegetable oil, corn oil, soybean oil, palm fruit oil, palm kernel oil, safflower oil, flaxseed oil, rice bran oil, cottonseed oil, olive oil, canola oil, sunflower oil, coconut oil, mango oil, or an algal oil. The resultant flavor and/or aroma profile can be

27. **First**, although Dr. Sarnoski only highlights select portions of this sentence, the full quoted sentence refers to oils and yeast extract—not to plant proteins.

28. **Second**, as noted in my Declaration, plant proteins are separately claimed from the Compound Terms. Dr. Sarnoski does not explain why both plant proteins and Compounds are separately claimed if, as he suggests, plant proteins *are* Compounds.

29. **Third**, the patents do not describe *unprocessed* plant proteins as Compounds. It is true that amino acids could be isolated from proteins for use as Compounds, *e.g.*, as protein

hydrolysates which I discussed in my Declaration (¶¶49, 68). But the patents do not teach that Compounds can be proteins before they are “processed” or before “deriv[ing]” occurs.

30. Relatedly, Dr. Sarnoski states that “the plant proteins after processing (i.e. protein concentrate) will contain certain amounts of free amino acids and sugars, as required by the claims.” ’241 patent, 8:28-34. In fact, the Davis declaration’s discussion of corn flour suggests otherwise. Impossible states that levels of amino acids in this plant flour is “less than ... required by the claims.” D.I. 142 at 8. In any event, the claims do not claim or describe *unprocessed* plant proteins as Compounds.

31. Accordingly, as I explained in my Declaration, a POSITA would not understand these statements to mean that flavor precursors constitute the claimed Compounds when the precursors are part of a larger molecule. More specifically, a POSITA would recognize that plant proteins are not Compounds.

32. For the same reasons, I believe Dr. Sarnoski’s statement that the patents “contemplate[] using legume flour that has been fractionated as a source of the sulfur compounds” mischaracterizes whether (1) plant proteins can be Compounds, or (2) whether trace molecules in plant materials are Compounds. Sarnoski Decl. ¶130 (citing ’306 patent, 13:52-56). A POSITA would not understand the patents to teach either possibility.

33. **(3) “Found in Plants”:** Dr. Sarnoski also cites a sentence in the ’306 patent that states that “flavor and fragrance components in meat are mostly produced during the cooking process by chemical reaction molecules (precursors) including amino acids, fats and sugars that are found in plants as well as meat.” Sarnoski Decl. ¶124 (citing ’306 patent at 84:9-12); *see also id.* ¶126. Dr. Sarnoski concludes that “a POSA would understand this to mean that these molecules of amino acids, fats, and sugars—also called precursors in the patents—could be derived from

plants, or plant ingredients that have intended uses other than flavor.” Here, Dr. Sarnoski again misinterprets the patents in at least two ways.

34. **First**, as noted above, plants and meat are chemically different. Even if plant materials contain trace Compounds, the sensory experience of cooking plants is quite different from cooking meat.

35. **Second**, and relatedly, the Davis declaration confirms that plant materials contain very low levels of sulfur compounds. As stated above, a POSITA would not understand these trace levels to be Impossible’s “invention.” Indeed, I understand Impossible distinguished the prior art (*e.g.*, Proulx’s corn flour) on this basis.

36. **(4) “Planty”:** Dr. Sarnoski states that he disagrees with my “interpretation of the patent specification that plant proteins taste ‘planty’ and nothing suggests that plant proteins are used as flavor precursors.” Sarnoski Decl. ¶130. He states that “[a]lthough *plants* generally contain less saturated fat and *are more prone to oxidation, which contributes to ‘off flavors,’* such flavors can develop for many reasons.” *Id.* (emphasis added).

37. Thus, Dr. Sarnoski appears to agree with me that the patents teach an undesirable flavor relationship between plant materials and flavor, which can produce oxidative off-flavors. Regardless, as I explain in greater detail above, Dr. Sarnoski does not point to any part of the patent teaching that *plant proteins* can be used as flavor precursors.

38. **(5) “Beef Source:”** Dr. Sarnoski discusses a prosecution rejection based on “compounds” present in beef: “[B]eef is known to comprise; (1) the free amino acids, cysteine, cysteine, and methionine (p. 125/Table 1); and (b) the reducing sugars, glucose, glucose-6-phosphate, fructose and ribose (p. 126/Table 2).” Sarnoski Decl. ¶129.

39. This citation does not change my opinions. As explained above, meat and plants are chemically different and their aromas and flavors are different. Indeed, I explained in my Declaration that “the ‘flavor precursors’ of natural meat flavor are present in meat itself.” Decl. ¶48 (discussing precursors in meat). In contrast, as the Davis declaration (and Impossible) confirms, trace levels of sulfur molecules *in plant flours* are not within the scope of the claims.

40. Rather, the prosecution excerpt cited by Dr. Sarnoski supports my view that a POSITA would understand Compounds are *added* to replicas to *mimic* meat. Decl. ¶79. This is because a POSITA would understand these molecules are not necessarily present in a replica. *Id.* ¶64.

(e) **Dr. Sarnoski Misinterprets the Examples**

41. Dr. Sarnoski disagrees with my interpretation of Example 33 of the '306 patent. Sarnoski Decl. ¶125. The basis for his disagreement appears to be two-fold: (1) the replica burger without added Compounds (#804) is “within the standard deviation” for “beefy” flavor scores of a replica that contains added Compounds, and (2) that the replica without added Compounds had acceptable scores in some sensory categories, albeit not “beefy” flavor. *Id.* Neither basis changes my opinion.

42. **Regarding (1), first**, even if the “beefy” flavor score for sample #804 is “within the standard deviation” of any replica burger, that does not detract from Example 33’s teaching that adding flavor precursors (Compounds) improves beefy flavor. To the contrary: on this point, Dr. Sarnoski’s characterization of Example 33 contradicts the clear teachings of the patent. Example 33 is titled “*Generation of Beef Flavor in Replica Burgers by the Addition of ... Flavor Precursors.*” The patent teaches that the “*addition of precursors increased the beefy flavor ... in the replica.*” '306 patent, 84:5-20 (emphasis added). Dr. Sarnoski does not address the teachings that contradict his view, which I quoted in my Declaration. Decl. ¶66.

43. **Second**, I disagree that sample #804 is not a control. The purpose of the Example 33 experiment is to test the effect of different compositions of added Compounds. To this end, #804 is a negative control because it does not contain added Compounds. A POSITA would understand it is being used to show how adding different Compound mixes changes the replicas' flavor.

44. **Regarding (2)**, as noted above, the '306 patent claims relate to methods for making a meat replica matrix "having a beef-like aroma." Therefore, the teachings relating to creation of beefy flavor and aroma are highly relevant. A POSITA would understand that even if #804 had some acceptable sensory properties, its "beefy" flavor/aroma was not one of these. Dr. Sarnoski does not suggest otherwise.

45. Dr. Sarnoski also opines "that the sample without the added precursors likely contains at least two volatile compounds associated with a beef-like aroma." Sarnoski Decl. ¶125. Dr. Sarnoski does not identify what these volatiles are or whether they would be present at detectable levels. Regardless, even if trace levels of molecules that may possibly have been present in the #804 replica (no added precursors) were able to react in the replica to produce such volatiles, Dr. Sarnoski's opinion does not detract from my opinion (explained above) that the **claimed** Compounds are not trace molecules.

46. Lastly, Dr. Sarnoski discusses Examples that, according to Dr. Sarnoski, do not contain "added" sulfur and sugar compounds—specifically, the meat [*sic*]¹ tissue replica of Example 2, the fat tissue replica of Example 7, and the connective tissue replica of Example 14." Sarnoski Decl. ¶126. I disagree with Dr. Sarnoski to the extent he suggests the patents do not teach adding Compounds as flavor precursors. I note that the cited Examples refer to exemplary portions

¹ Example 2 is titled "Constructing a Muscle Tissue Analog."

or subcomponents of larger replica products. *E.g.*, '306 patent Example 30 states: “A 50 g *beef patty replica was formed by combining* the coacervate at 10% with *adipose tissue-replica* (20%), *connective tissue-replica* (20%) and *muscle tissue-replica* (50%).” (emphasis added.) It is not clear whether Dr. Sarnoski opines that Examples 2, 7, and 14 alone, without added Compounds, are within the scope of the claims. I disagree as explained above. For example, the patents do not teach that plant proteins in these replica subcomponents are Compounds.

B. Molarity Term

47. I agree with Dr. Sarnoski that a POSITA would know that it is the concentration of flavor precursors in a final composition, and not of any specific ingredient, that ultimately determines the composition's aroma and flavor profile. However, that a POSITA would know this does not mean the plain language of the Molarity Term, or the specification, teach a POSITA the concentration of sulfur compounds in the meat-like-food product produced by the claimed process.

48. Claim 1 recites a multi-step process of creating a meat-like-food product, one of which is combining other claimed components with “a compound selected from cysteine, cystine, thiamine, methionine, and mixtures of two or more thereof in a concentration of at least 1.5 mM.” Dr. Sarnoski's declaration provides no explanation as to why a molarity measurement given for sulfur compounds within a process step that teaches the combination of those compounds with other claimed components nonetheless describes the molar concentration of the compounds in the final product. As explained in my declaration, this claim's structure and language informs a POSITA that the molarity measurement refers to the molar concentration of the sulfur compound(s) being combined with other claimed components.

49. Dr. Sarnoski's citations to the specification do not teach otherwise. A POSITA would understand that Examples 8, 9, and 10, as well as others, discuss testing liquid solutions

containing isolated flavor precursors, such as the claimed sulfur compounds. *See* '241 patent, 26:26-28:47; *see also id.* 23:20-22 (describing, in Example 4, a test involving a “phosphate buffer” containing cysteine in a concentration of 10 mM). The combination of these isolated precursors in liquid solutions explains why their molar concentration was provided (and appropriate) to identify how much of each precursor was present in the tested solution. But this does not mean that the claim language teaches a concentration of sulfur compounds in the claimed meat-like-food product, or that it teaches what concentrations are required to produce beef- or meat-like aromas when the claimed product is cooked. Indeed, some examples describe tests involving concentrations of sulfur compounds that fall below the minimum molarity threshold stated in the claim. *E.g., id.* at 28:23-47 (testing solutions containing, among other precursors, thiamine in 0.1 mM concentration).

50. The specification's use of percentage weight-by-weight of pre-cooked product (w/w) in describing non-flavor precursor ingredients, such as in Example 1, also does not prove that the Molarity Term identifies the molar concentration of sulfur compounds in the final product. Indeed, the inventor's deliberate decision to describe precursors, such as sulfur compounds, in units of molarity instead of percentage w/w reveals a distinction between those compounds and other ingredients. If the inventors had desired to identify the concentration of sulfur compounds in the final product, they easily could have done so by providing a percentage w/w measurement for them, like they did for other components of the example products. Indeed, that is the standard approach in the industry.

51. Although I agree with Dr. Sarnoski that molarity can be converted into a percentage w/w measurement, and vice versa, this can be done only if the density of the final product is known. Neither the specification nor prosecution history discusses the claimed product, or any products in

the examples, in terms of their volume or density. And, in fact, the density of one liter of the claimed meat-like-food product could vary significantly depending on its ingredients, which can also vary significantly because this is a “comprising” process claim.

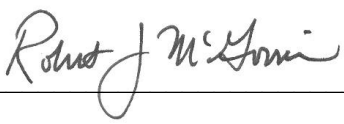
52. Impossible’s construction would mean that a POSITA would have to work backward from a final product to understand how much of the selected compound(s) should be added to make it. But this is inconsistent with the claim language, which claims to teach a process of making a meat-like-food product. Accordingly, in light of the claim language, and the inventor’s use of molarity throughout the specification, Motif’s construction that the Molarity Term refers to the molar concentration of the sulfur compounds being added as part of the claimed process best aligns with the understanding of a POSITA.

53. The declaration submitted by Dr. Christopher Davis during the prosecution of the ’241 patent also fails to support Impossible’s construction. I have seen no evidence that the patent examiner relied on the Davis Declaration in determining the patentability of claim 1 of the ’241 patent. And the fact that Dr. Davis apparently believed the Molarity Term reflected a required concentration of sulfur compounds in the final product does not change the fact that the patent examiner did not. Indeed, the patent examiner considered only whether claimed sulfur compounds were present, not their concentration, in the prior art products. Decl. ¶91.

III. CONCLUSION

54. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 14, 2023



Dr. Robert McGorin

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on July 14, 2023, upon the following in the manner indicated:

Ian R. Liston, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
222 Delaware Avenue, Suite 800
Wilmington, DE 19801
Attorneys for Plaintiff Impossible Foods Inc.

VIA ELECTRONIC MAIL

Matthew R. Reed, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
650 Page Mill Road
Palo Alto, CA 94304
Attorneys for Plaintiff Impossible Foods Inc.

VIA ELECTRONIC MAIL

Wendy L. Devine, Esquire
Susannah M. L. Gagnon, Esquire
Kristina Hanson, Esquire
Jessica Ramsey, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
One Market Plaza
Spear Tower, Suite 3300
San Francisco, CA 94105
Attorneys for Plaintiff Impossible Foods Inc.

VIA ELECTRONIC MAIL

Lorelei P. Westin, Esquire
WILSON SONSINI GOODRICH & ROSATI, P.C.
12235 El Camino Real
San Diego, CA 92130
Attorneys for Plaintiff Impossible Foods Inc.

VIA ELECTRONIC MAIL

Daniel M. Silver, Esquire
Alexandra M. Joyce, Esquire
MCCARTER & ENGLISH, LLP
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, DE 19801
Attorneys for Defendant Ginkgo Bioworks, Inc.

VIA ELECTRONIC MAIL

Daralyn J. Durie, Esquire
Adam R. Brausa, Esquire
Vera Ranieri, Esquire
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Attorneys for Defendant Ginkgo Bioworks, Inc.

VIA ELECTRONIC MAIL

Aaron D. Bray, Esquire
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
Attorneys for Defendant Ginkgo Bioworks, Inc.

VIA ELECTRONIC MAIL

Caleb D. Woods, Esquire
MORRISON & FOERSTER LLP
2100 L Street, NW
Suite 900 Washington, D.C. 20037
Attorneys for Defendant Ginkgo Bioworks, Inc.

VIA ELECTRONIC MAIL

/s/ Jeremy A. Tigan

Jeremy A. Tigan (#5239)