

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAYER CROPSCIENCE LP and MONSANTO COMPANY,
Petitioners,

v.

CORTEVA AGRISCIENCE LLC,
Patent Owner.

U.S. Patent No. 10,947,555
“Herbicide Resistance Genes”

U.S. Patent No. 11,149,283
“Herbicide Resistance Genes”

U.S. Patent No. 11,299,745
“Herbicide Resistance Genes”

DECLARATION OF ALICIA JULIAN

I, Alicia Julian, hereby declare as follows:

1. I am Head of Research at the Williams & Connolly LLP Library. I hold a bachelor's degree in English & American Literature from the University of California, San Diego, which I earned in 1993; and a master's degree in Library Science from the University of North Carolina at Chapel Hill, which I earned in 1996. I have worked as a librarian since 1997. I am familiar with standard library practices, including the OCLC's (formerly, Online Computer Library Center) WorldCat catalog and FirstSearch search tool. I am over the age of 18 and otherwise competent to make this declaration.

2. WorldCat is OCLC's public, online catalog of books and other materials held by libraries worldwide. FirstSearch is an online search tool provided by OCLC, which permits researchers to search various online databases, including OCLC's public WorldCat database. FirstSearch permits researchers to obtain additional information about WorldCat entries, including their dates of entry. FirstSearch and WorldCat have operated since at least 1999, and I have experience using FirstSearch and WorldCat.

3. On June 14, 2023, I searched WorldCat, available at <https://www.worldcat.org/>, for "stereospecificity alpha-ketoglutarate dioxygenase". The search returned three hits, including the WorldCat page for Ruth Elizabeth Saari, Substrate Specificity and Spectroscopic Properties of 2,4-Dichlorophenoxyacetic

Acid/ α -Ketoglutarate Dioxygenase, Doctoral Thesis, Mich. State Univ. (July 6, 1998), which I refer to as “Saari 1998.” EX1057-1058 are true and correct copies of that WorldCat search and the WorldCat entry for Saari 1998.

4. Also on June 14, 2023, I used FirstSearch to retrieve the FirstSearch page for the Saari 1998 WorldCat entry. EX1059 is a true and correct copy of FirstSearch page for the Saari 1998 WorldCat entry. EX1060 is a true and correct copy of Saari 1998, which I downloaded using a link provided by that webpage.

5. The FirstSearch webpage for Saari 1998 lists a “Date of Entry” of “19990421,” which indicates that the WebCat database indexed Saari 1998 no later than April 21, 1999.

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6. In signing this Declaration, I understand that the Declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I acknowledge that I may be subject to cross-examination in this case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

7. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: June 14 2023

A handwritten signature in black ink, appearing to read 'Alicia Julian', written over a horizontal line.

Alicia Julian