

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

CORTEVA AGRISCIENCE LLC,

Plaintiff,

v.

MONSANTO COMPANY and
BAYER CROPSCIENCE LP,

Defendants.

Civil Action No. 22-1046-GBW

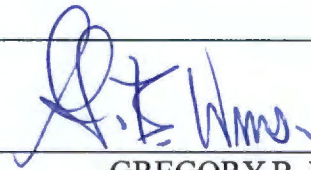
ORDER

At Wilmington this 18th day of September, 2023:

For the reasons set forth in the Memorandum Opinion issued this day, IT IS HEREBY ORDERED that the Court construes the following claim terms of U.S. Patent Nos. 10,947,555 (“the ’555 patent”), 11,149,283 (“the ’283 patent”); and 11,299,745 (“the ’745 patent”), as follows:

Claim Term	Court’s Construction
“X₁₁₂ represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9” (’555 patent claims 1 and 34; ’283 patent, claims 1 and 29; ’745 patent, claims 1 and 29)	X₁₁₂ represents a single amino acid that aligns with the amino acid at position 112 of SEQ ID NO: 9 when the amino acid sequence of the AAD-1 protein is aligned with SEQ ID NO:9
“(X)₁₁₄₋₁₃₇ represents a sequence of 24 amino acids” (’555 patent claims 1 and 34; ’283 patent claims 1 and 29; ’745 patent claims 1 and 29)	(X)₁₁₄₋₁₃₇ represents a sequence of 24 amino acids that aligns with the sequence of positions 114-137 of SEQ ID NO: 9 when the amino acid sequence of the AAD-1 protein is aligned with SEQ ID NO:9

Claim Term	Court's Construction
“(X)₁₃₉₋₂₆₉ represents a sequence of 131 amino acids” (’555 patent claims 1 and 34; ’283 patent claims 1, 29; ’745 patent claims 1 and 29)	(X)₁₃₉₋₂₆₉ represents a sequence of 131 amino acids that aligns with the sequence of positions 139-269 of SEQ ID NO: 9 when the amino acid sequence of the AAD-1 protein is aligned with SEQ ID NO:9
“(X)₂₇₁₋₂₈₀ represents a sequence of 10 amino acids” (’555 patent claims 1 and 34; ’283 patent claims 1, 29; ’745 patent claims 1 and 29)	(X)₂₇₁₋₂₈₀ represents a sequence of 10 amino acids that aligns with the sequence of positions 271-280 of SEQ ID NO: 9 when the amino acid sequence of the AAD-1 protein is aligned with SEQ ID NO:9
“(X)₂₈₂₋₂₈₄ represents a sequence of 3 amino acids” (’555 patent claim 2; ’283 patent claim 2; ’745 patent claim 2)	(X)₂₈₂₋₂₈₄ represents a sequence of 3 amino acids that aligns with the sequence of positions 282-284 of SEQ ID NO: 9 when the amino acid sequence of the AAD-1 protein is aligned with SEQ ID NO:9



 GREGORY B. WILLIAMS
 UNITED STATES DISTRICT JUDGE