8258500

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

June 09, 2022

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF THE FILE WRAPPER AND CONTENTS OF:

APPLICATION NUMBER: *17/403,476*
FILING DATE: *August 16, 2021*
PATENT NUMBER: *11299745*
ISSUE DATE: *April 12, 2022*

Certified by

Performing the Functions and Duties of the
Under Secretary of Commerce
for Intellectual Property
and Director of the United States
Patent and Trademark Office

Inari Exhibit 1011
Inari v. Corteva

DocCode – SEQ.TXT

SCORE Placeholder Sheet for IFW Content

Application Number: 17403476 Document Date: 08/16/2021

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Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

- Sequence Listing

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Form Revision Date: March 1, 2019

CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION UNDER 37 CFR 1.102(e) (Page 1 of 1)

First Named Inventor:	Terry WRIGHT	Nonprovisional Application Number (if known):	
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i), the prioritized examination fee set forth in 37 CFR 1.17(c), and if not already paid, the publication fee set forth in 37 CFR 1.18(d) have been filed with the request. The basic filing fee, search fee, examination fee, and any required excess claims and application size fees are filed with the request or have been already been paid.

2. The application contains or is amended to contain no more than four independent claims and no more than thirty total claims, and no multiple dependent claims.

3. The applicable box is checked below:

I. ☑ **Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)**

i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.

---OR---

(b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.

ii. An executed oath or declaration under 37 CFR 1.63 is filed with the application.

II. ☐ **Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)**

i. A request for continued examination has been filed with, or prior to, this form.
ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature /John P. Breen/	Date August 16, 2021
Name (Print/Typed) John P. Breen	Practitioner Registration Number 38833

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 1 forms are submitted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Terry		WRIGHT	

Residence Information (Select One) ● US Residency Non US Residency Active US Military Service

City	Westfield	State/Province	IN	Country of Residence	US

Mailing Address of Inventor:

Address 1	14162 Charity Chase Circle
Address 2	
City	Westfield
State/Province	IN
Postal Code	46074
Country i	US

Inventor 2 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Justin		LIRA	

Residence Information (Select One) ◉ US Residency Non US Residency Active US Military Service

City	Zionsville	State/Province	IN	Country of Residence	US

Mailing Address of Inventor:

Address 1	8974 Windpointe Pass
Address 2	
City	Zionsville
State/Province	IN
Postal Code	46077
Country i	US

Inventor 3 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Donald		MERLO	

Residence Information (Select One) ◉ US Residency Non US Residency Active US Military Service

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

City	Carmel	State/Province	IN	Country of Residence i	US

Mailing Address of Inventor:

Address 1	11845 Durbin Drive		
Address 2			
City	Carmel	State/Province	IN
Postal Code	46032	Country i	US

Inventor 4 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Nicole		ARNOLD	

Residence Information (Select One) ◉ US Residency Non US Residency Active US Military Service

City	Indianapolis	State/Province	IN	Country of Residence i	US

Mailing Address of Inventor:

Address 1	2518 Chaseway Ct.		
Address 2			
City	Indianapolis	State/Province	IN
Postal Code	46268	Country i	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	107540		
Email Address	INDocket@btlaw.com	Add Email	Remove Email

Application Information:

Title of the Invention	NOVEL HERBICIDE RESISTANCE GENES		
Attorney Docket Number	76751-346146	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	24	Suggested Figure for Publication (if any)	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	● Customer Number	US Patent Practitioner	◯ Limited Recognition (37 CFR 11.9)
Customer Number	107540		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	17/175966	2021-02-15

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

Prior Application Status	Pending			Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)	
17/175966	Continuation of	17/143824	2021-01-07	
Prior Application Status	Patented			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
17/143824	Continuation of	15/288406	2016-10-07	10947555	2021-03-16
Prior Application Status	Patented			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15/288406	Continuation of	14/820893	2015-08-07	10174337	2019-01-08
Prior Application Status	Patented			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
14/820893	Continuation of	12/951813	2010-11-22	9127289	2015-09-08
Prior Application Status	Patented			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12/951813	Continuation of	11/587893	2008-05-22	7838733	2010-11-23
Prior Application Status	Expired			Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)	
11/587893	a 371 of international	PCT/US2005/014737	2005-05-02	
Prior Application Status	Expired			Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)	
PCT/US2005/014737	Claims benefit of provisional	60/567052	2004-04-30	

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button. Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Remove Access Code[j] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button. Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

● Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.	Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

Organization Name	DOW AGROSCIENCES LLC		
Mailing Address Information For Applicant:			
Address 1	9330 Zionsville Road		
Address 2			
City	Indianapolis	**State/Province**	IN
Country	US	Postal Code	46268
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

Remove

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button. Add

Signature:

Remove

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/John P. Breen/			Date (YYYY-MM-DD)	2021-08-16
First Name	John	Last Name	Breen	Registration Number	38833

Additional Signature may be generated within this form by selecting the Add button. Add

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	76751-346146
	Application Number	
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1 The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3 A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent CooperationTreaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Filer:	John P. Breen/Priscilla York
Attorney Docket Number:	76751-346146

Filed as Large Entity

Filing Fees for Track I Prioritized Examination - Nonprovisional Application under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	320	320
UTILITY SEARCH FEE	1111	1	700	700
UTILITY EXAMINATION FEE	1311	1	800	800
REQUEST FOR PRIORITIZED EXAMINATION	1817	1	4200	4200
Pages:				
UTILITY APPL SIZE FEE PER 50 SHEETS >100	1081	2	420	840
Claims:				
CLAIMS IN EXCESS OF 20	1202	9	100	900

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous-Filing:				
PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL	1504	1	0	0
PROCESSING FEE, EXCEPT PROV. APPLS.	1830	1	140	140
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**7900**

Electronic Acknowledgement Receipt

EFS ID:	43521328
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen/Priscilla York
Filer Authorized By:	John P. Breen
Attorney Docket Number:	76751-346146
Receipt Date:	16-AUG-2021
Filing Date:	
Time Stamp:	17:24:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$7900
RAM confirmation Number	E20218FH24394031
Deposit Account	100435
Authorized User	Priscilla York

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37 CFR 1.16 (National application filing, search, and examination fees)

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37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		CON_NOVEL_HERBICIDE_RESISTANCE_GENES.pdf	1126929 7e9bb0355aab4dbb97f918e7ac096706b70a03f1	yes	184
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Specification		1	178	
	Claims		179	183	
	Abstract		184	184	
Warnings:					
Information:					
2	Drawings-only black and white line drawings	Drawings.pdf	3529382 cc4cefb9bd5c5cc6890c526bf623fd860849120f	no	24
Warnings:					
Information:					
3	Oath or Declaration filed	Declaration.pdf	840012 defeea732716bb7465c71d5e75ffab8a9ccbf45c	no	4
Warnings:					
Information:					
4	TrackOne Request	Track1_Request.pdf	306187 28cb98a82e237cff45ff11850f8dba57aa7697d6	no	2
Warnings:					
Information:					
5	Sequence Listing (Text File)	346146_ST25.txt	42390	no	-

Warnings:					
Information:					
6	Application Data Sheet	346146_ADS.pdf	1256782 034fbe2da021fae40e2a6af053abf477f161d692	no	10
Warnings:					
Information:					
7	Fee Worksheet (SB06)	fee-info.pdf	55366 32f53b58cf6c813cb20110ba34bae6be049e6ab8	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	7157048		

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

NOVEL HERBICIDE RESISTANCE GENES

Cross-Reference to Related Application

[0001] This application is a continuation application of U.S. Serial No. 17/175,966, filed February 15, 2021, which is a continuation application of U.S. Serial No. 17/143,824, filed January 7, 2021, which is a continuation application of U.S. Serial No. 15/288,406, filed October 7, 2016, now patented as 10,947,555, which is a continuation application of U.S. Serial No. 14/820,893, filed August 7, 2015, now patented as US 10,174,337, which is a continuation application of U.S. Serial No. 12/951,813, filed November 22, 2010, now patented as US 9,127,289, which is a continuation application of U.S. Serial No. 11/587,893, filed May 22, 2008, now patented as US 7,838,733, which is a national stage entry of PCT/US2005/014737, filed May 2, 2005, which claims the benefit of U.S. Provisional Application Serial No. 60/567,052, filed April 30, 2004, which are hereby incorporated by reference in their entirety, including any figures, tables, nucleic acid sequences, amino acid sequences, or drawings.

Incorporation By References Of Material Submitted Electronically

[0002] Incorporated by reference in its entirety is a computer-readable nucleotide/amino acid sequence listing submitted concurrently herewith and identified as follows: 42 kilobytes ACII (Text) file named "346146_ST25.txt," created on August 16, 2021.

Background of the Invention

[0003] Weeds can quickly deplete soil of valuable nutrients needed by crops and other desirable plants. There are many different types of herbicides presently used for the control of weeds. One extremely popular herbicide is glyphosate.

[0004] Crops, such as corn, soybeans, canola, cotton, sugar beets, wheat, turf, and rice, have been developed that are resistant to glyphosate. Thus, fields with actively growing glyphosate resistant corn, for example, can be sprayed to control weeds without significantly damaging the corn plants.

[0005] With the introduction of genetically engineered, glyphosate tolerant crops (GTCs) in the mid-1990's, growers were enabled with a simple, convenient, flexible, and inexpensive tool for controlling a wide spectrum of broadleaf and grass weeds unparalleled in agriculture.

Consequently, producers were quick to adopt GTCs and in many instances abandon many of the accepted best agronomic practices such as crop rotation, herbicide mode of action rotation, tank mixing, incorporation of mechanical with chemical and cultural weed control. Currently glyphosate tolerant soybean, cotton, corn, and canola are commercially available in the United States and elsewhere in the Western Hemisphere. More GTCs (*e.g.,* wheat, rice, sugar beets, turf, *etc.*) are poised for introduction pending global market acceptance. Many other glyphosate resistant species are in experimental to development stages (*e.g.*, alfalfa, sugar cane, sunflower, beets, peas, carrot, cucumber, lettuce, onion, strawberry, tomato, and tobacco; forestry species like poplar and sweetgum; and horticultural species like marigold, petunia, and begonias; *see* "isb.vt.edu/cfdocs/fieldtests1.cfm , 2005" website). Additionally, the cost of glyphosate has dropped dramatically in recent years to the point that few conventional weed control programs can effectively compete on price and performance with glyphosate GTC systems.

[0006] Glyphosate has been used successfully in burndown and other non-crop areas for total vegetation control for more than 15 years. In many instances, as with GTCs, glyphosate has been used 1-3 times per year for 3, 5, 10, up to 15 years in a row. These circumstances have led to an over-reliance on glyphosate and GTC technology and have placed a heavy selection pressure on native weed species for plants that are naturally more tolerant to glyphosate or which have developed a mechanism to resist glyphosate's herbicidal activity.

[0007] Extensive use of glyphosate-only weed control programs is resulting in the selection of glyphosate-resistant weeds, and is selecting for the propagation of weed species that are inherently more tolerant to glyphosate than most target species (*i.e.*, weed shifts). (Ng *et al.*, 2003; Simarmata *et al.*, 2003; Lorraine-Colwill *et al.*, 2003; Sfiligoj, 2004; Miller *et al.*, 2003; Heap, 2005; Murphy *et al.*, 2002; Martin *et al.*, 2002.) Although glyphosate has been widely used globally for more than 15 years, only a handful of weeds have been reported to have developed resistance to glyphosate (Heap, 2005); however, most of these have been identified in the past 3-5 years. Resistant weeds include both grass and broadleaf species—*Lolium rigidum, Lolium multiflorum, Eleusine indica, Ambrosia artemisiifolia, Conyza canadensis, Conyza bonariensis,* and *Plantago lanceolata.* Additionally, weeds that had previously not been an agronomic problem prior to the wide use of GTCs are now becoming more prevalent and difficult to control in the context of GTCs, which comprise >80% of U.S. cotton and soybean acres and >20% of U.S. corn acres (Gianessi, 2005). These weed shifts

are occurring predominantly with (but not exclusively) difficult-to-control broadleaf weeds. Some examples include *Ipomoea, Amaranthus, Chenopodium, Taraxacum,* and *Commelina* species.

[0008] In areas where growers are faced with glyphosate resistant weeds or a shift to more difficult-to-control weed species, growers can compensate for glyphosate's weaknesses by tank mixing or alternating with other herbicides that will control the missed weeds. One popular and efficacious tankmix partner for controlling broadleaf escapes in many instances has been 2,4-diclorophenoxyacetic acid (2,4-D). 2,4-D has been used agronomically and in non-crop situations for broad spectrum, broadleaf weed control for more than 60 years. Individual cases of more tolerant species have been reported, but 2,4-D remains one of the most widely used herbicides globally. A limitation to further use of 2,4-D is that its selectivity in dicot crops like soybean or cotton is very poor, and hence 2,4-D is not typically used on (and generally not near) sensitive dicot crops. Additionally, 2,4-D's use in grass crops is somewhat limited by the nature of crop injury that can occur. 2,4-D in combination with glyphosate has been used to provide a more robust burndown treatment prior to planting no-till soybeans and cotton; however, due to these dicot species' sensitivity to 2,4-D, these burndown treatments must occur at least 14-30 days prior to planting (Agriliance, 2003).

[0009] 2,4-D is in the phenoxy acid class of herbicides, as are MCPA, mecoprop, and dichlorprop. 2,4-D has been used in many monocot crops (such as corn, wheat, and rice) for the selective control of broadleaf weeds without severely damaging the desired crop plants. 2,4-D is a synthetic auxin derivative that acts to deregulate normal cell-hormone homeostasis and impede balanced, controlled growth; however, the exact mode of action is still not known.

[0010] 2,4-D has different levels of selectivity on certain plants (*e.g.,* dicots are more sensitive than grasses). Differential metabolism of 2,4-D by different plants is one explanation for varying levels of selectivity. In general, plants metabolize 2,4-D slowly, so varying plant response to 2,4-D may be more likely explained by different activity at the target site(s) (WSSA, 2002). Plant metabolism of 2,4-D typically occurs via a two-phase mechanism, typically hydroxylation followed by conjugation with amino acids or glucose (WSSA, 2002).

[0011] Over time, microbial populations have developed an alternative and efficient pathway for degradation of this particular xenobiotic, which results in the complete mineralization of

2,4-D. Successive applications of the herbicide select for microbes that can utilize the herbicide as a carbon source for growth, giving them a competitive advantage in the soil. For this reason, 2,4-D is currently formulated to have a relatively short soil half-life, and no significant carryover effects to subsequent crops are encountered. This adds to the herbicidal utility of 2,4-D.

[0012] One organism that has been extensively researched for its ability to degrade 2,4-D is *Ralstonia eutropha* (Streber *et al.*, 1987). The gene that codes for the first enzymatic step in the mineralization pathway is *tfdA*. *See* U.S. Patent No. 6,153,401 and GENBANK Acc. No. M16730. *TfdA* catalyzes the conversion of 2,4-D acid to dichlorophenol (DCP) via an α-ketoglutarate-dependent dioxygenase reaction (Smejkal *et al.*, 2001). DCP has little herbicidal activity compared to 2,4-D. *TfdA* has been used in transgenic plants to impart 2,4-D resistance in dicot plants (*e.g.*, cotton and tobacco) normally sensitive to 2,4-D (Streber *et al.* (1989), Lyon *et al.* (1989), Lyon (1993), and U.S. Patent No. 5,608,147).

[0013] A large number of *tfdA*-type genes that encode proteins capable of degrading 2,4-D have been identified from the environment and deposited into the Genbank database. Many homologues are similar to *tfdA* (>85% amino acid identity) and have similar enzymatic properties to *tfdA*. However, there are a number of homologues that have a significantly lower identity to *tfdA* (25-50%), yet have the characteristic residues associated with α-ketoglutarate dioxygenase Fe^{+2} dioxygenases. It is therefore not obvious what the substrate specificities of these divergent dioxygenases are.

[0014] One unique example with low homology to *tfdA* (28% amino acid identity) is *rdpA* from *Sphingobium herbicidovorans* (Kohler *et al.*, 1999, Westendorf *et al.*, 2002). This enzyme has been shown to catalyze the first step in (R)-dichlorprop (and other (R)-phenoxypropionic acids) as well as 2,4-D (a phenoxyacetic acid) mineralization (Westendorf *et al.*, 2003). Although the organisms that degrade phenoxypropionic acid were described some time ago, little progress had been made in characterizing this pathway until recently (Horvath *et al.*, 1990). An additional complication to dichlorprop degradation is the stereospecificity (R *vs.* S) involved in both the uptake (Kohler, 1999) and initial oxidation of dichlorprop (Westendorf *et al.*, 2003). Heterologous expression of *rdpA* in other microbes, or transformation of this gene into plants, has not heretofore been reported. Literature has

focused primarily around close homologues of *tfdA* that primarily degrade achiral phenoxyacetic acids (*e.g.*, 2,4-D).

[0015] Development of new herbicide-tolerant crop (HTC) technologies has been limited in success due largely to the efficacy, low cost, and convenience of GTCs. Consequently, a very high rate of adoption for GTCs has occurred among producers. This created little incentive for developing new HTC technologies.

[0016] Aryloxyalkanoate chemical substructures are a common entity of many commercialized herbicides including the phenoxy auxins (such as 2,4-D and dichlorprop), pyridyloxy auxins (such as fluroxypyr and triclopyr), aryloxyphenoxypropionates (AOPP) acetyl-coenzyme A carboxylase (ACCase) inhibitors (such as haloxyfop, quizalofop, and diclofop), and 5-substituted phenoxyacetate protoporphyrinogen oxidase IX inhibitors (such as pyraflufen and flumiclorac). However, these classes of herbicides are all quite distinct, and no evidence exists in the current literature for common degradation pathways among these chemical classes. Discovery of a multifunctional enzyme for the degradation of herbicides covering multiple modes would be both unique and valuable as an HTC trait.

Brief Summary of the Invention

[0017] The subject invention provides novel plants that are not only resistant to 2,4-D, but also to AOPP herbicides. Heretofore, there was no expectation or suggestion that a plant with both of these advantageous properties could be produced by the introduction of a single gene. The subject invention also includes plants that produce one or more enzymes of the subject invention "stacked" together with one or more other herbicide resistance genes, including, but not limited to, glyphosate-, imidazolinone-, and glufosinate-resistance genes, so as to provide herbicide-tolerant plants compatible with broader and more robust weed control and herbicide resistance management options. The present invention further includes methods and compositions utilizing homologues of the genes and proteins exemplified herein.

[0018] In some embodiments, the invention provides monocot and dicot plants tolerant to 2,4-D, AOPP, and one or more commercially available herbicides (*e.g.,* glyphosate, imidazolinones, glufosinate, sulfonylureas, dicamba, bromoxynil, and others). Vectors comprising nucleic acid sequences responsible for such herbicide tolerance are also disclosed, as are methods of using such tolerant plants and combinations of herbicides for weed control

and prevention of weed population shifts. The subject invention enables novel combinations of herbicides to be used in new ways. Furthermore, the subject invention provides novel methods of preventing the development of, and controlling, strains of weeds that are resistant to one or more herbicides such as glyphosate. The subject invention enables novel uses of novel combinations of herbicides and crops, including preplant application to an area to be planted immediately prior to planting with seed for plants that would otherwise be sensitive to that herbicide (such as 2,4-D).

[0019] The subject invention relates in part to the identification of an enzyme that is not only able to degrade 2,4-D, but also surprisingly possesses novel properties, which distinguish the enzyme of the subject invention from previously known *tfdA* proteins, for example. More specifically, the subject invention relates to the use of an enzyme that is capable of degrading both 2,4-D and AOPP herbicides, in an enantiospecific manner. No α-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. The preferred enzyme and gene for use according to the subject invention are referred to herein as *AAD-1* (AryloxyAlkanoate Dioxygenase). This highly novel discovery is the basis of significant HTC trait and selectable marker opportunities.

[0020] There was no prior motivation to produce plants comprising an *AAD-1* gene (preferably an *AAD-1* polynucleotide that has a sequence optimized for expression in one or more types of plants, as exemplified herein), and there was no expectation that such plants could effectively produce an AAD-1 enzyme to render the plants resistant to not only phenoxy acid herbicides (such as 2,4-D) but also AOPP herbicides (such as quizalofop, haloxyfop, *et al.*). Thus, the subject invention provides many advantages that were not heretofore thought to be possible in the art.

[0021] This invention also relates in part to the identification and use of genes encoding aryloxyalkanoate dioxygenase enzymes that are capable of degrading phenoxy auxin and aryloxyphenoxypropionate herbicides. Methods of screening proteins for these activities are within the scope of the subject invention. Thus, the subject invention includes degradation of 2,4-dichlorophenoxyacetic acid, other phenoxyalkanoate auxin herbicides, and aryloxyphenoxypropionate herbicides by a recombinantly expressed AAD-1 enzyme. The subject invention also includes methods of controlling weeds wherein said methods comprise

applying one or more AOPP, phenoxy auxin, or other aryloxyalkanoate herbicides to plants comprising an *AAD-1* gene. The subject invention also provides methods of using an *AAD-1* gene as a selectable marker for identifying plant cells and whole plants transformed with *AAD-1*, optionally including one, two, or more exogenous genes simultaneously inserted into target plant cells. Methods of the subject invention include selecting transformed cells that are resistant to appropriate levels of an herbicide. The subject invention further includes methods of preparing a polypeptide, having the biological activity of aryloxyalkanoate dioxygenase, by culturing plants and/or cells of the subject invention.

Brief Description of the Figures

[0022] **Figure 1** shows a general scheme for dioxygenase cleavage of phenoxy auxin or AOPP herbicides.

[0023] **Figure 2** shows loss of herbicidal activity from a 2,4-D solution treated with AAD-1.

[0024] **Figure 3** shows loss of herbicidal activity from a haloxyfop solution treated with AAD-1.

[0025] **Figure 4** shows anticipated phenols produced from representative herbicides catalyzed by AAD-1.

[0026] **Figure 5** shows 2,4-dichlorophenol production by recombinant *AAD-1*.

[0027] **Figures 6A and 6B** show phenol production by recombinant *AAD-1* from various herbicide substrates.

[0028] **Figure 7** shows AAD-1 reaction rate to substrate concentration for four herbicide substrates.

[0029] **Figures 8A and 8B** show that *AAD-1 (v3)* was expressed equally in *Arabidopsis* leaves of different ages but continued to accumulate throughout the 25 days of experiment. Plants that were not sprayed with the herbicide 2,4-D (panel A) expressed a little more AAD-1 (v3) than those had been sprayed (panel B). Bars represent the mean ± SEM of 5 leaves from 5 different plants, with percent expression of AAD-1 (v3) normalized to total soluble protein. Light bars represent the third young leaves (N-3) collected from the top, dark bars represent the 5th oldest leaves from the bottom.

[0030] **Figures 9A, 9B, and 9C** show injury of *Arabidopsis* plants after 2,4-D treatment. Four different lines were each treated with four different doses of 2,4-D and their injury was

graded 4 (panel A) and 14 (panel B) days after treatment. Their expression of AAD-1 (v3) in leaves was also determined using ELISA (panel C). The results were mean ± SEM of five leaves from five different plants received the same treatment.

[0031] **Figure 10** illustrates that pDAB3230-transformed *Arabidopsis* (*AAD-1* + *EPSPS*) shows >14-fold level of glyphosate tolerance 7 DAT vs. wildtype and transformed control *Arabidopsis* lines.

[0032] **Figure 11** shows dose response of callused maize suspensions to R-haloxyfop.

[0033] **Figure 12** shows that at 1 μM cyhalofop phenol, growth is still 76% as high as the control without cyhalofop phenol.

[0034] **Figure 13** illustrates dose-response data on one transgenic event, 3404-006, to haloxyfop.

[0035] **Figure 14** shows the responses of several *AAD-1 (v3)*-transformed and non-transformed event clones to lethal doses of two AOPP herbicides (haloxyfop and quizalofop) applied as a postemergence spray 1 week prior.

[0036] **Figure 15** shows three different T2 lineages from 3404 transformations that were pre-screened with Liberty® to remove nulls, which were chosen to compare their tolerance to quizalofop with respect to their AAD-1 expression. Expression was measured at 14 DAT (data not shown) and at 30 DAT.

[0037] **Figure 16** shows *AAD-1 (v3)*-transformed corn tolerant to 8X field rates of quizalofop (Assure II) under field conditions.

[0038] **Figure 17** illustrates data from immature maize embryos grown on cyhalofop-containing media.

[0039] **Figure 18** shows Western Blotting analysis on soybean calli transformed with *AAD-1 (V3)* gene indicating that the callus cells are expressing AAD-1 (v3) protein.

[0040] **Figure 19** shows fitted curves for 2,4-D degradation rates by AAD-2 (v1) vs. AAD-1 (v1).

[0041] **Figure 20** shows the response of *AAD-1 v3* (plant optimized), or *AAD-1 (v2)* (native), *AAD-2 (v1)* (native), or *AAD-2 (v2)* (plant optimized)-transformed T_1 *Arabidopsis* to a range of 2,4-D rates applied postemergence. Each pot represents an individual transformation event within each gene T_1 family.

[0042] **Figure 21** shows western blot analysis of individual native *AAD-2 (v1)*-transformed T_1 *Arabidopsis* plants. This shows that plants expressing the AAD-2 (v1) protein are suffering severe injury from 200 g ae (acid equivalent)/ha 2,4-D treatments, which normally causes little injury to native *AAD-1 (v2)* or plant optimized *AAD-1 (v3)*-transformed *Arabidopsis*. AAD-2 protein is identified on the gel. Several background bands were detected in *AAD-2*-transformed and *Pat/Cry1F*-transformed samples.

[0043] **Figure 22** shows that the relative AAD-2 (v1) activity on the substrates was 2,4-D = dichlorprop > (R,S)-haloxyfop >> (R)-haloxyfop.

Brief Description of the Sequences

[0044] **SEQ ID NO:1** is the sequence of a forward primer used to amplify the *rdpA/AAD-1 (v1)* gene.

[0045] **SEQ ID NO:2** is the sequence of a reverse primer used to amplify the *rdpA/AAD-1 (v1)* gene.

[0046] **SEQ ID NO:3** is the nucleotide sequence of *AAD-1 (v1)* from *Sphingobium herbicidovorans*.

[0047] **SEQ ID NO:4** is the nucleic acid sequence of the native *AAD-1* gene with internal NotI restriction site removed. This gene is designated *AAD-1 (v2)*. DNA sequencing confirmed that the correct PCR product was generated, but an inadvertent change was made at amino acid #212 from arginine to cysteine.

[0048] **SEQ ID NO:5** is a "plant-optimized" DNA sequence *AAD-1 (v3)*. This "gene" encodes SEQ ID NO:11, which is the same as SEQ ID NO:9 except for the addition of an alanine residue at the second position. The additional alanine codon (GCT) was included to encode an Nco I site (CCATGG) spanning the ATG start codon, to enable subsequent cloning operations.

[0049] **SEQ ID NO:6** ("rdpA(ncoI)") and **SEQ ID NO:7** ("3'saci") were used to amplify a DNA fragment using the Fail Safe PCR System (Epicenter).

[0050] **SEQ ID NO:8** is another PCR primer ("BstEII/Del NotI") that was used with the "3' SacI" primer.

[0051] **SEQ ID NO:9** is the native amino acid sequence encoded by the *AAD-1 (v1)* gene from *Sphingobium herbicidovorans*.

[0052] **SEQ ID NO:10** is the amino acid sequence encoded by the *AAD-1 (v2)* DNA sequence of SEQ ID NO:4.

[0053] **SEQ ID NO:11** is the amino acid sequence encoded by the *AAD-1 (v3)* plant-optimized DNA sequence of SEQ ID NO:5.

[0054] **SEQ ID NO:12** is the DNA sequence of the native *AAD-2 (v1)* gene.

[0055] **SEQ ID NO:13** is the amino acid sequence of the AAD-2 (v1) protein.

[0056] **SEQ ID NO:14** is a forward primer used to amplify *AAD-2 (v1)* DNA for cloning.

[0057] **SEQ ID NO:15** is a reverse primer used to amplify *AAD-2 (v1)* DNA for cloning.

[0058] **SEQ ID NO:16** is the M13 forward primer.

[0059] **SEQ ID NO:17** is the M13 reverse primer.

[0060] **SEQ ID NO:18** is a forward primer used to amplify *AAD-2 (v1)* DNA for cloning.

[0061] **SEQ ID NO:19** is a reverse primer used to amplify *AAD-2 (v1)* DNA for cloning.

[0062] **SEQ ID NO:20** is the native soybean EPSPS protein.

[0063] **SEQ ID NO:21** is a doubly mutated soybean EPSPS protein sequence, containing a mutation at residue 183 (threonine of native protein replaced with isoleucine), and at residue 187 (proline in native protein replaced with serine).

[0064] **SEQ ID NO:22** is the soybean-biased DNA sequence that encodes the EPSPS protein of SEQ ID NO:21.

[0065] **SEQ ID NO:23** is primer Pat 5-3.

[0066] **SEQ ID NO:24** is primer Pat 3-3.

[0067] **SEQ ID NO:25** is forward primer AAD-1 PTU.

[0068] **SEQ ID NO:26** is reverse primer AAD-1 PTU.

[0069] **SEQ ID NO:27** is the forward primer for the Coding Region PCR AAD-1.

[0070] **SEQ ID NO:28** is the reverse primer for the Coding Region PCR AAD-1.

[0071] **SEQ ID NO:29** is the *AAD-2 (v2)* nucleotide (plant optimized).

[0072] **SEQ ID NO:30** is the translated AAD-2 (v2) protein sequence.

[0073] **SEQ ID NO:31** is the Southern fragment PCR AAD-1 forward primer.

[0074] **SEQ ID NO:32** is the Southern fragment PCR AAD-1 reverse primer.

Detailed Description of the Invention

[0075] The subject development of a 2,4-D resistance gene and subsequent resistant crops provides excellent options for controlling broadleaf, glyphosate-resistant (or highly tolerant

and shifted) weed species for in-crop applications. 2,4-D is a broad-spectrum, relatively inexpensive, and robust broadleaf herbicide that would provide excellent utility for growers if greater crop tolerance could be provided in dicot and monocot crops alike. 2,4-D-tolerant transgenic dicot crops would also have greater flexibility in the timing and rate of application. An additional utility of an herbicide tolerance trait for 2,4-D would be its utility to prevent damage to normally sensitive crops from 2,4-D drift, volatilization, inversion (or other off-site movement phenomenon), misapplication, vandalism and the like. An additional benefit of the *AAD-1* gene is that unlike all *tfdA* homologues characterized to date, AAD-1 is able to degrade the R-enantiomers (herbicidally active isomers) of the chiral phenoxy auxins (*e.g.*, dichlorprop and mecoprop) in addition to achiral phenoxy auxins (*e.g.*, 2,4-D, MCPA, 4-chlorophenoxyacetic acid). *See* **Table 1**. Multiple mixes of different phenoxy auxin combinations have been used globally to address specific weed spectra and environmental conditions in various regions. Use of the *AAD-1* gene in plants would afford protection to a much wider spectrum of phenoxy auxin herbicides, thereby increasing the flexibility and spectra of weeds that can be controlled, protecting from drift or other off-site phenoxy herbicide injury for the full breadth of commercially available phenoxy auxins.

[0076] **Table 1.** Commercially available phenoxy auxins. Reference to phenoxy auxin herbicides is generally made to the active acid but some are commercially formulated as any of a variety of corresponding ester formulations and these are likewise considered as substrates for AAD-1 enzyme *in planta* as general plant esterases convert these esters to the active acids *in planta*. Likewise reference can also be for the corresponding organic or inorganic salt of the corresponding acid. When chiral propionic acid, salt, or ester herbicides are indicated, racemic (R,S) or optically purified (R or S) enantiomers are considered the same herbicides for the purpose of naming these herbicides, even though different CAS numbers may correspond to optically pure compounds. Possible use rate ranges can be as stand-alone treatments or in combination with other herbicides in both crop and non-crop uses.

Table 1. Commercially available phenoxy auxins.

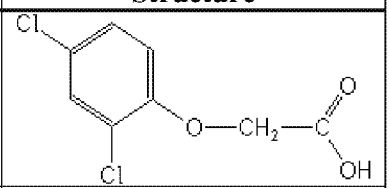
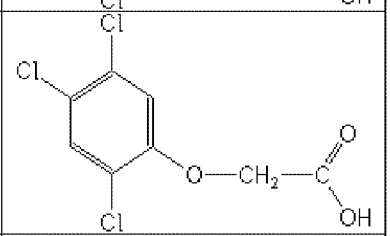
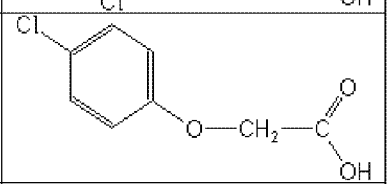
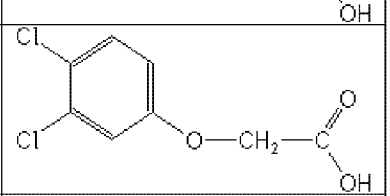
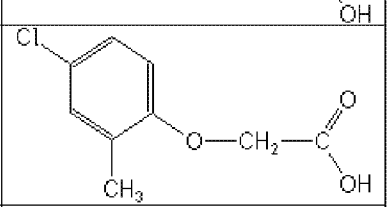
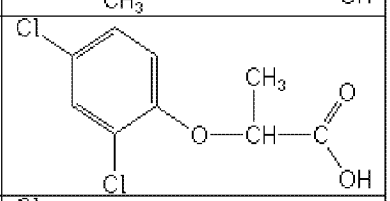
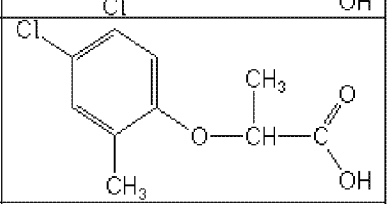
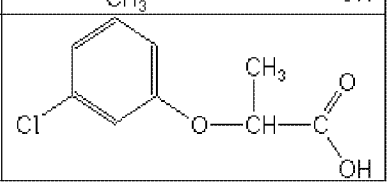
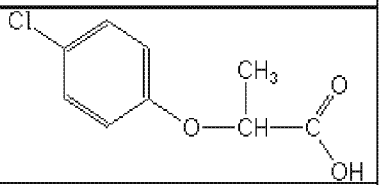
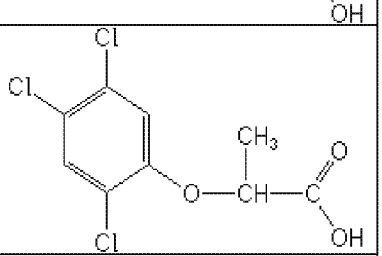
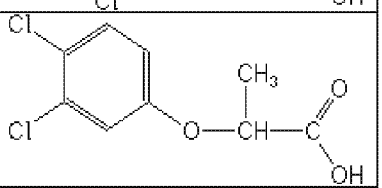
Chemical name	CAS no	Possible use rate ranges (g ae/ha)	Preferred use rate ranges (g ae/ha)	Structure
2,4-D	94-75-7	25 – 4000	280 - 1120	
2,4,5-T	93-76-5	25 – 4000	25 – 4000	
4-CPA	122-88-3	25 – 4000	25 – 4000	
3,4-DA	588-22-7	25 – 4000	25 – 4000	
MCPA	94-74-6	25 – 4000	125 - 1550	
Dichlorprop	120-36-5	25 – 12000	100 - 2240	
Mecoprop	7085-19-0	25 – 4000	250 - 3360	
Cloprop	101-10-0	25 – 4000	25 – 4000	

Table 1. Commercially available phenoxy auxins.

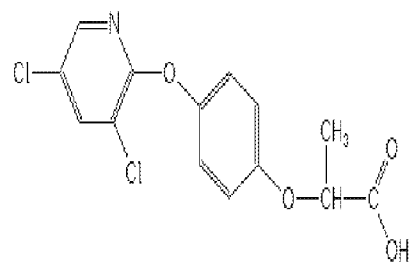
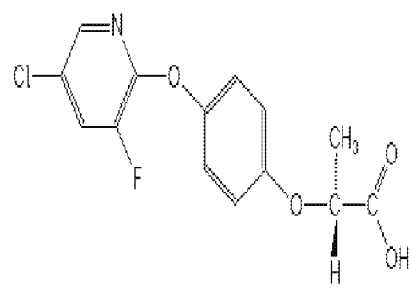
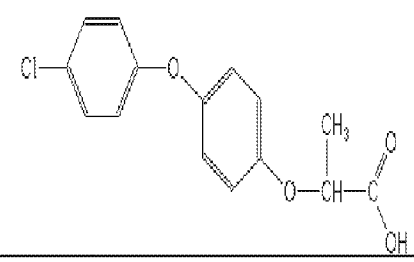
Chemical name	CAS no	Possible use rate ranges (g ae/ha)	Preferred use rate ranges (g ae/ha)	Structure
4-CPP	3307-39-9	25 – 4000	25 – 4000	
Fenoprop	93-72-1	25 – 4000	25 – 4000	
3,4-DP	3307-41-3	25 – 4000	25 – 4000	

[0077] An additional benefit of the *AAD-1* gene is its unprecedented ability to concomitantly degrade a host of commercial and non-commercial graminicidal compounds of the general class aryloxyphenoxypropionates (AOPPs). *See* **Table 2**. This attribute may allow the use of any of a number of AOPP compounds in transgenic crops containing *AAD-1*, where tolerance in those crops had not previously warranted use in those crops. These will most commonly include grass crops such as corn, rice, wheat, barley, rye, oats, sorghum, warm and cool-season turf species, grass pasture species, and many others, but could also include dicot crops where AOPP tolerance (naturally present in most dicots) is not at commercially acceptable levels to allow AOPP use in said dicot crop.

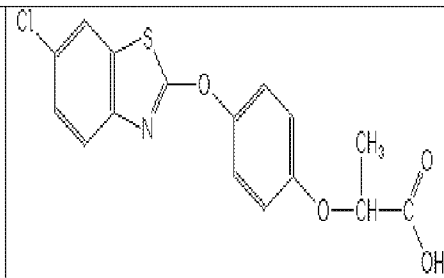
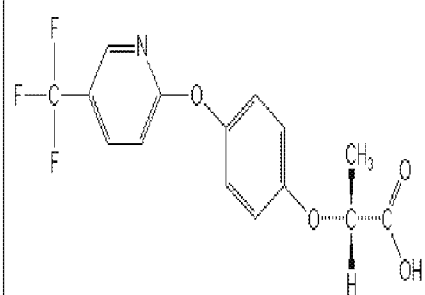
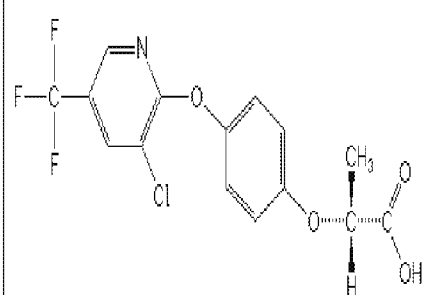
[0078] **Table 2.** AOPP graminicidal compounds listed by accepted common names. Reference to AOPP herbicides is generally made to the active acid but most are commercially formulated as any of a variety of corresponding ester formulations and these are likewise considered as substrates for AAD-1 enzyme *in planta* as general plant esterases convert these esters to the active acids *in planta*. Likewise reference can also be for the corresponding organic or inorganic salt of the corresponding acid. When chiral propionic acid, salt, or ester

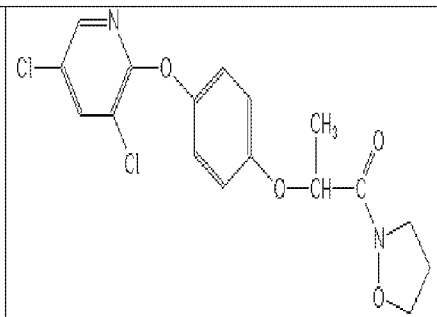
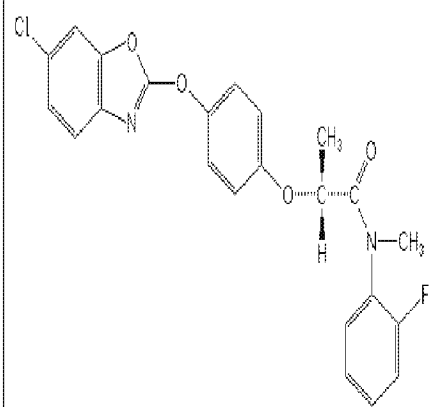
herbicides are indicated, racemic (R,S) or optically purified (R or S) enantiomers are considered the same herbicides for the purpose of naming these herbicides, even though different CAS numbers may correspond to optically pure compounds. Possible use rate ranges can be as stand-alone treatments or in combination with other herbicides in both crop and non-crop uses.

Table 2. AOPP graminicidal compounds listed by accepted common names.

Chemical name	CAS no	Possible use rate ranges (g ae/ha)	Preferred use rate ranges (g ae/ha)	Structure
Chlorazifop	72492-94-7	10-2000	10-2000	
Clodinafop	105512-06-9	10-2000	20-200	
Clofop	59621-49-7	10-2000	10-2000	

Cyhalofop	122008-85-9	10-2000	105-560	
Diclofop	71283-65-3	10-2000	280-2000	
Fenoxaprop	66441-23-4	10-2000	20-200	
Fenthiaprop	95721-12-3	10-2000	10-2000	

				
Fluazifop	69335-91-7	10-2000	25-420	
Haloxyfop	69806-40-2	10-2000	20-600	
Isoxapyrifop	87757-18-4	10-2000	30-240	

				
Metamifop	256412-89-2	10-2000	35-280	

Propaquizafop	111479-05-1	10-2000	30-240	
Quizalofop	76578-14-8	10-2000	20-240	
Trifop	58597-74-4	10-2000	10-2000	

[0079] A single gene (*AAD-1*) has now been identified which, when genetically engineered for expression in plants, has the properties to allow the use of phenoxy auxin herbicides in plants where inherent tolerance never existed or was not sufficiently high to allow use of these herbicides. Additionally, *AAD-1* can provide protection *in planta* to AOPP herbicides where natural tolerance also was not sufficient to allow selectivity. Plants containing *AAD-1* alone now may be treated sequentially or tank mixed with one, two, or a combination of several phenoxy auxin herbicides. The rate for each phenoxy auxin herbicide may range from 25 to 4000 g ae/ha, and more typically from 100 to 2000 g ae/ha for the control of a broad spectrum of dicot weeds. Likewise, one, two, or a mixture of several AOPP graminicidal compounds may be applied to plants expressing AAD-1 with reduced risk of injury from said herbicides. The rate for each AOPP may range from 10 to 2000 g ae/ha, and more typically from 20-500 g ae/ha for the control of a broad spectrum of monocot weeds. Combinations of these different chemistry classes and herbicides with different modes of action and spectra in the same field (either sequentially or in tank mix combination) shall provide control of most potential weeds for which herbicidal control is desired.

[0080] Glyphosate is used extensively because it controls a very wide spectrum of broadleaf and grass weed species. However, repeated use of glyphosate in GTCs and in non-crop applications has, and will continue to, select for weed shifts to naturally more tolerant species or glyphosate-resistant biotypes. Tankmix herbicide partners used at efficacious rates that offer control of the same species but having different modes of action is prescribed by most herbicide resistance management strategies as a method to delay the appearance of resistant weeds. Stacking *AAD-1* with a glyphosate tolerance trait (and/or with other herbicide-tolerance traits) could provide a mechanism to allow for the control of glyphosate resistant weed species (either grass weed species with one or more AOPP herbicides, or broadleaf weed species with one or more phenoxy auxins) in GTCs by enabling the use of glyphosate, phenoxy auxin(s) (*e.g.*, 2,4-D) and AOPP herbicide(s) (*e.g.*, quizalofop) selectively in the same crop. Applications of these herbicides could be simultaneously in a tank mixture comprising two or more herbicides of different modes of action; individual applications of single herbicide composition in sequential applications as pre-plant, preemergence, or postemergence and split timing of applications ranging from 2 hours to 3 months; or, alternatively, any combination of any number of herbicides representing each chemical class

can be applied at any timing within 7 months of planting the crop up to harvest of the crop (or the preharvest interval for the individual herbicide, whichever is shortest).

[0081] It is important to have flexibility in controlling a broad spectrum of grass and broadleaf weeds in terms of timing of application, rate of individual herbicides, and the ability to control difficult or resistant weeds. Glyphosate applications in a crop with a glyphosate resistance gene/*AAD-1* stack could range from 250-2500 g ae/ha; phenoxy auxin herbicide(s) (one or more) could be applied from 25-4000 g ae/ha; and AOPP herbicide(s) (one or more) could be applied from 10-2000 g ae/ha. The optimal combination(s) and timing of these application(s) will depend on the particular situation, species, and environment, and will be best determined by a person skilled in the art of weed control and having the benefit of the subject disclosure.

[0082] Herbicide formulations (*e.g.*, ester, acid, or salt formulation; or soluble concentrate, emulsifiable concentrate, or soluble liquid) and tankmix additives (*e.g.*, adjuvants or compatibility agents) can significantly affect weed control from a given herbicide or combination of one or more herbicides. Any combination of these with any of the aforementioned herbicide chemistries is within the scope of this invention.

[0083] One skilled in the art would also see the benefit of combining two or more modes of action for increasing the spectrum of weeds controlled and/or for the control of naturally more tolerant species or resistant weed species could also extend to chemistries for which herbicide tolerance was enabled in crops through human involvement (either transgenically or non-transgenically) beyond GTCs. Indeed, traits encoding glyphosate resistance (*e.g.*, resistant plant or bacterial *EPSPS, GOX, GAT*), glufosinate resistance (*e.g.*, *Pat, bar*), acetolactate synthase (ALS)-inhibiting herbicide resistance (*e.g.*, imidazolinone, sulfonylurea, triazolopyrimidine sulfonanilide, pyrmidinylthiobenzoates, and other chemistries = *AHAS, Csr1, SurA, et al.*), bromoxynil resistance (*e.g.*, *Bxn*), resistance to inhibitors of HPPD (4-hydroxlphenyl-pyruvate-dioxygenase) enzyme, resistance to inhibitors of phytoene desaturase (PDS), resistance to photosystem II inhibiting herbicides (*e.g.*, *psbA*), resistance to photosystem I inhibiting herbicides, resistance to protoporphyrinogen oxidase IX (PPO)-inhibiting herbicides (*e.g.*, *PPO-1*), resistance to phenylurea herbicides (*e.g.*, *CYP76B1*), dicamba-degrading enzymes (*see, e.g.*, US 20030135879), and others could be stacked alone or in multiple combinations to provide the ability to effectively control or prevent weed shifts and/or resistance to any herbicide of the aforementioned classes.

[0084] Regarding additional herbicides, some additional preferred ALS inhibitors include the triazolopyrimidine sulfonanilides (such as cloransulam-methyl, diclosulam, florasulam, flumetsulam, metosulam, and penoxsulam), pyrimidinylthiobenzoates (such as bispyribac and pyrithiobac), and flucarbazone. Some preferred HPPD inhibitors include mesotrione, isoxaflutole, and sulcotrione. Some preferred PPO inhibitors include flumiclorac, flumioxazin, flufenpyr, pyraflufen, fluthiacet, butafenacil, carfentrazone, sulfentrazone, and the diphenylethers (such as acifluorfen, fomesafen, lactofen, and oxyfluorfen).

[0085] Additionally, *AAD-1* alone or stacked with one or more additional HTC traits can be stacked with one or more additional input (*e.g.*, insect resistance, fungal resistance, or stress tolerance, *et al.*) or output (*e.g.*, increased yield, improved oil profile, improved fiber quality, *et al.*) traits. Thus, the subject invention can be used to provide a complete agronomic package of improved crop quality with the ability to flexibly and cost effectively control any number of agronomic pests.

[0086] The subject invention relates in part to the identification of an enzyme that is not only able to degrade 2,4-D, but also surprisingly possesses novel properties, which distinguish the enzyme of the subject invention from previously known *tfdA* proteins, for example. Even though this enzyme has very low homology to *tfdA*, the genes of the subject invention can still be generally classified in the same overall family of α-ketoglutarate-dependent dioxygenases. This family of proteins is characterized by three conserved histidine residues in a "$HX(D/E)X_{23\text{-}26}(T/S)X_{114\text{-}183}HX_{10\text{-}13}R$" motif which comprises the active site. The histidines coordinate Fe^{+2} ion in the active site that is essential for catalytic activity (Hogan *et al.*, 2000). The preliminary *in vitro* expression experiments discussed herein were tailored to help select for novel attributes.

[0087] More specifically, the subject invention relates in part to the use of an enzyme that is not only capable of degrading 2,4-D, but also AOPP herbicides. No α-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. Preferred enzymes and genes for use according to the subject invention are referred to herein as *AAD-1* (AryloxyAlkanoate Dioxygenase) genes and proteins.

[0088] This invention also relates in part to the identification and use of genes encoding aryloxyalkanoate dioxygenase enzymes that are capable of degrading phenoxy auxin and

aryloxyphenoxypropionate herbicides. Thus, the subject invention relates in part to the degradation of 2,4-dichlorophenoxyacetic acid, other phenoxyalkanoic auxin herbicides, and aryloxyphenoxyalkanoate herbicides by a recombinantly expressed AAD-1 enzyme.

[0089] The subject proteins tested positive for 2,4-D conversion to 2,4-dichlorophenol ("DCP"; herbicidally inactive) in analytical and biological assays. Partially purified proteins of the subject invention can rapidly convert 2,4-D to DCP (ranging from 50-100% conversion) *in vitro*. An additional advantage that *AAD-1*–transformed plants provide is that parent herbicide(s) are metabolized to inactive forms, thereby reducing the potential for harvesting herbicidal residues in grain or stover.

[0090] The subject invention also includes methods of controlling weeds wherein said methods comprise applying an AOPP herbicide and/or a phenoxy auxin herbicide to plants comprising an *AAD-1* gene.

[0091] In light of these discoveries, novel plants that comprise a polynucleotide encoding this type of enzyme are now provided. Heretofore, there was no motivation to produce such plants, and there was no expectation that such plants could effectively produce this enzyme to render the plants resistant to not only phenoxy acid herbicides (such as 2,4-D) but also AOPP herbicides. Thus, the subject invention provides many advantages that were not heretofore thought to be possible in the art.

[0092] Publicly available strains (deposited in culture collections like ATCC or DSMZ) can be acquired and screened, using techniques disclosed herein, for novel genes. Sequences disclosed herein can be used to amplify and clone the homologous genes into a recombinant expression system for further screening and testing according to the subject invention.

[0093] As discussed above in the Background section, one organism that has been extensively researched for its ability to degrade 2,4-D is *Ralstonia eutropha* (Streber *et al.*, 1987). The gene that codes for the first enzyme in the degradation pathway is *tfdA*. *See* U.S. Patent No. 6,153,401 and GENBANK Acc. No. M16730. *TfdA* catalyzes the conversion of 2,4-D acid to herbicidally inactive DCP via an α-ketoglutarate-dependent dioxygenase reaction (Smejkal *et al.*, 2001). *TfdA* has been used in transgenic plants to impart 2,4-D resistance in dicot plants (*e.g.*, cotton and tobacco) normally sensitive to 2,4-D (Streber *et al.*, 1989; Lyon *et al.*, 1989; Lyon *et al.*, 1993). A large number of *tfdA*-type genes that encode proteins capable of degrading 2,4-D have been identified from the environment and deposited

into the Genbank database. Many homologues are quite similar to *tfdA* (>85% amino acid identity) and have similar enzymatic properties to *tfdA*. However, a small collection of α-ketoglutarate-dependent dioxygenase homologues are presently identified that have a low level of homology to *tfdA*.

[0094] *RdpA*, from *Sphingobium herbicidovorans* (Westendorf *et al.*, 2002), is one unique example with low homology (28% amino acid identity). This enzyme has been shown to catalyze the first step in (R)-dichlorprop (and other (R)-phenoxypropionic acids) as well as 2,4-D (a phenoxyacetic acid) mineralization (Westendorf *et al.*, 2003). Although the organism responsible for phenoxypropionic acid degradation has been known for some time, little progress has been made in characterizing this pathway until recently (Horvath *et al.*, 1990). An additional complication to dichlorprop degradation is the stereospecificity (R *vs.* S) involved in both the uptake (Kohler, 1999) and initial oxidation of dichlorprop (Westendorf *et al.*, 2003). Heterologous expression of *rdpA* in other microbes or transformation of this gene into plants, heretofore, was not reported. Literature has focused primarily around close homologues of *tfdA* that primarily degrade achiral phenoxyacetic acids. There was no prior expectation that *rdpA* or *AAD-1* genes could be successfully expressed in plants to render the plants resistant to 2,4-D (not to mention the completely surprising AOPP resistance).

[0095] As described in more detail in the Examples below, *rdpA* was cloned from *Sphingobium herbicidovorans* and tested for substrate promiscuity among various herbicide chemical classes. This α-ketoglutarate-dependent dioxygenase enzyme purified in its native form had previously been shown to degrade 2,4-D and dichlorprop (Westendorf *et al.*, 2002 and 2003). However, no α-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. *RdpA* has never been expressed in plants, nor was there any motivation to do so because development of new HTC technologies has been limited due largely to the efficacy, low cost, and convenience of GTCs (Devine, 2005).

[0096] In light of the novel activity, proteins and genes of the subject invention are referred to herein as AAD-1 proteins and genes. AAD-1 was presently confirmed to degrade a variety of phenoxyacetic and phenoxypropionic auxin herbicides *in vitro*. However, this enzyme, as reported for the first time herein, was surprisingly found to also be capable of degrading

additional substrates of the class of aryloxyalkanoate molecules. Substrates of significant agronomic importance are the aryloxyphenoxypropionate (AOPP) grass herbicides. This highly novel discovery is the basis of significant Herbicide Tolerant Crop (HTC) and selectable marker trait opportunities.

[0097] The broad spectrum grass AOPP herbicides are reported herein to be excellent substrates for AAD-1 as well as 2,4-D, dichlorprop, and other phenoxy auxins. This enzyme is unique in its ability to deliver herbicide degradative activity to a range of broad spectrum broadleaf herbicides (phenoxy auxins) and a range of broad spectrum, highly active grass herbicides (AOPPs).

[0098] Thus, the subject invention relates in part to the degradation of 2,4-dichlorophenoxyacetic acid, other phenoxyalkanoic auxin herbicides, and aryloxyphenoxy-alkanoate herbicides by a recombinantly expressed aryloxyalkanoate dioxygenase enzyme (AAD-1). This invention also relates in part to identification and uses of genes encoding an aryloxyalkanoate dioxygenase degrading enzyme (AAD-1) capable of degrading phenoxy auxin and aryloxyphenoxypropionate herbicides.

[0099] The subject enzyme enables transgenic expression resulting in tolerance to combinations of herbicides that would control nearly all broadleaf and grass weeds. *AAD-1* can serve as an excellent herbicide tolerant crop (HTC) trait to stack with other HTC traits (*e.g.*, glyphosate resistance, glufosinate resistance, imidazolinone resistance, bromoxynil resistance, *et al.*), and insect resistance traits (*Cry1F, Cry1Ab, Cry 34/45*, *et al.*) for example. Additionally, *AAD-1* can serve as a selectable marker to aid in selection of primary transformants of plants genetically engineered with a second gene or group of genes.

[00100] In addition, the subject microbial gene has been redesigned such that the protein is encoded by codons having a bias toward both monocot and dicot plant usage (hemicot). *Arabidopsis*, corn, tobacco, cotton, soybean, canola, and rice have been transformed with *AAD-1*-containing constructs and have demonstrated high levels of resistance to both the phenoxy auxin and AOPP herbicides. Thus, the subject invention also relates to "plant optimized" genes that encode proteins of the subject invention. As shown below in Example 6, the exemplified rebuilt gene was more efficacious in conveying herbicide resistance to the plant, as compared to the bacterial gene.

[00101] Oxyalkanoate groups are useful for introducing a stable acid functionality into herbicides. The acidic group can impart phloem mobility by "acid trapping," a desirable

attribute for herbicide action and therefore could be incorporated into new herbicides for mobility purposes. Aspects of the subject invention also provide a mechanism of creating HTCs. There exist many potential commercial and experimental herbicides that can serve as substrates for AAD-1. Thus, the use of the subject genes can also result in herbicide tolerance to those other herbicides as well.

[00102] HTC traits of the subject invention can be used in novel combinations with other HTC traits (including but not limited to glyphosate tolerance). These combinations of traits give rise to novel methods of controlling weed (and like) species, due to the newly acquired resistance or inherent tolerance to herbicides (*e.g.*, glyphosate). Thus, in addition to the HTC traits, novel methods for controlling weeds using herbicides, for which herbicide tolerance was created by said enzyme in transgenic crops, are within the scope of the invention.

[00103] Additionally, glyphosate tolerant crops grown worldwide are prevalent. Many times in rotation with other glyphosate tolerant crops, control of glyphosate-resistant volunteers may be difficult in rotational crops. Thus, the use of the subject transgenic traits, stacked or transformed individually into crops, provides a tool for controlling other HTC volunteer crops.

[00104] This invention can be applied in the context of commercializing a 2,4-D resistance trait stacked with current glyphosate resistance traits in soybeans, for example. Thus, this invention provides a tool to combat broadleaf weed species shifts and/or selection of herbicide resistant broadleaf weeds, which culminates from extremely high reliance by growers on glyphosate for weed control with various crops.

[00105] The transgenic expression of the subject *AAD-1* genes is exemplified in, for example, *Arabidopsis*, corn (maize), tobacco, cotton, rice, soybean, and canola. However, the subject invention can be applied to any other desired types of plants. Soybeans are a preferred crop for transformation according to the subject invention. However, this invention can be applied to multiple other grass and other broadleaf crops. Likewise, 2,4-D can be more positively utilized in grass crops where tolerance to 2,4-D is moderate, and increased tolerance via this trait would provide growers the opportunity to use 2,4-D at more efficacious rates and over a wider application timing without the risk of crop injury.

[00106] Still further, the subject invention provides a single gene that can provide resistance to herbicides that control broadleaf weed (auxins) and grass weeds (AOPPs). This gene may be utilized in multiple crops to enable the use of a broad spectrum herbicide combination. The

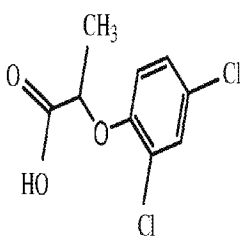
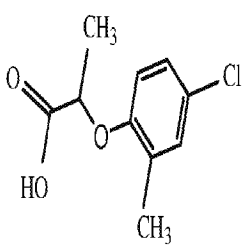
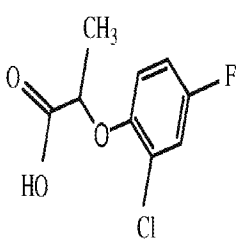
subject invention can also control weeds resistant to current chemicals, and aids in the control of shifting weed spectra resulting from current agronomic practices. The subject AAD-1 can also be used in efforts to effectively detoxify additional herbicide substrates to non-herbicidal forms. Thus, the subject invention provides for the development of additional HTC traits and/or selectable marker technology.

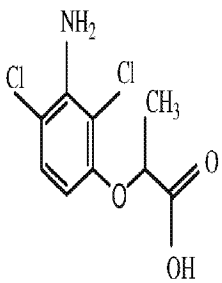
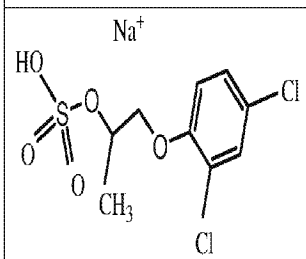
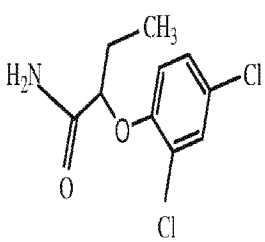
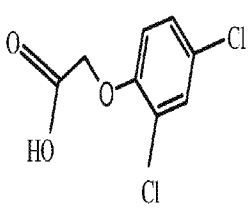
[00107] Separate from, or in addition to, using the subject genes to produce HTCs, the subject genes can also be used as selectable markers for successfully selecting transformants in cell cultures, greenhouses, and in the field. There is high inherent value for the subject genes simply as a selectable marker for biotechnology projects. The promiscuity of AAD-1 for other phenoxyalkanoic auxinic herbicides provides many opportunities to utilize this gene for HTC and/or selectable marker purposes.

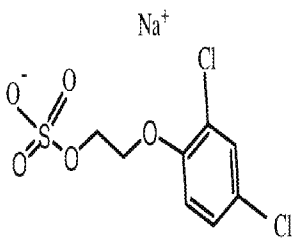
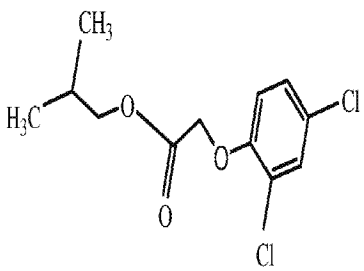
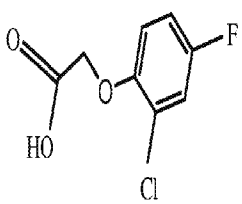
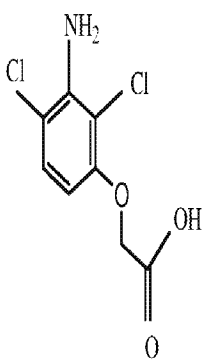
[00108] One gene of the subject invention, referred to herein as *AAD-1* (aryloxyalkanoate dioxygenase), was cloned from *Sphingobium herbicidovorans* (ATCC 700291) by PCR into pET 280-S/S (designated pDAB 3203) and expressed in BL-21 Star *E. coli.* When this gene is overexpressed (by induction of 1mM IPTG and culture lysate combined with the following reaction mix: 112.5 μg/ml 2,4-D, 1 mM Ascorbic acid, 1 mM α-ketoglutarate, 50 μM $Fe(NH_4)_2(SO_4)_2$, the recombinantly produced enzyme degrades 2,4-D into herbicidally inactive DCP (as determined by HPLC, mass spectrometry, colorimetric assay, and *Arabidopsis* plate assay). Additionally, AAD-1 has been demonstrated to convert the following herbicides into their corresponding inactive phenol: dichlorprop, mecoprop, haloxyfop, dichlofop, and others (See **Tables 3 and 4**).

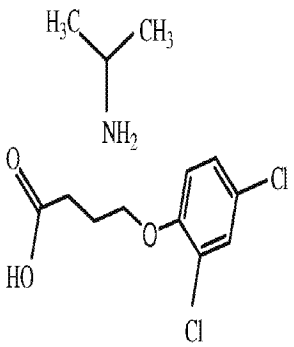
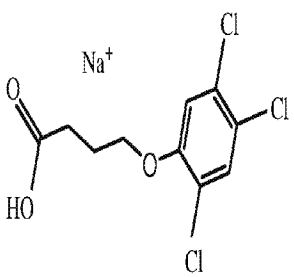
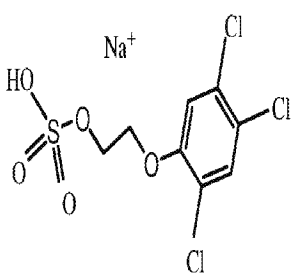
[00109] **Table 3:** Effect of purified AAD-1 (v1) on various herbicidal auxins and auxin analogs. Substrates were assayed at 1 mM in 25 mM MOPS pH 6.8, 200 µM Fe^{2+}, 200 µM Na ascorbate, 1 mM α-ketoglutarate using either 1 µg or 10 µg (10X) purified AAD-1 (v1) per 0.16 ml assay.

Table 3: Effect of purified AAD-1 (vl) on various herbicidal auxins and auxin analogs

STRUCTURE	Registry ID	Compound	AAD1	AAD1 (10X)
	117613	(R,S)-dichlorprop	0.566	2.594
	188874	(R,S)-mecoprop	0.341	2.085
	83293	(R,S)-2-chloro, 4-fluorophenoxy-proprionate	0.304	2.358

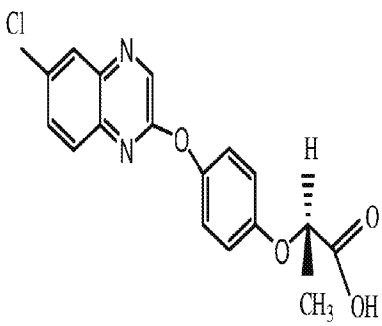
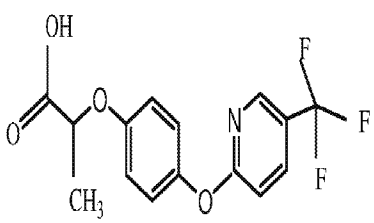
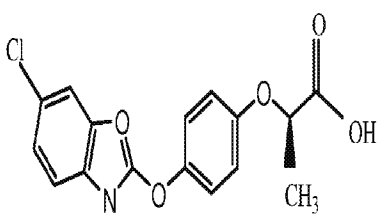
	11113675	(R,S)-3-aminodichlorpop	0.228	2.676
	188476		0.077	0.687
	192132		0.064	0.204
	195517	2,4-D	0.034	0.383

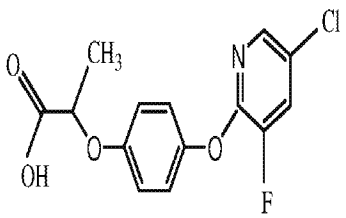
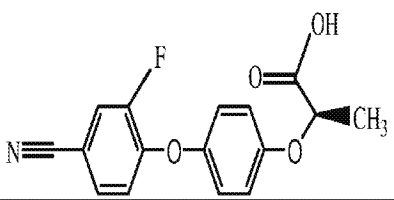
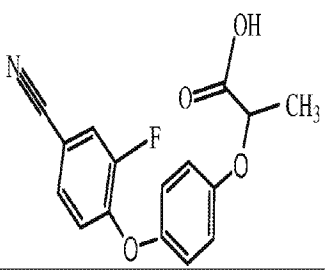
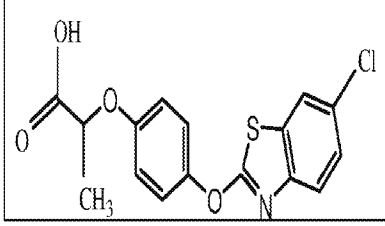
	398166	sesone	0.02	0.177
	190252		0.008	0.211
	124988		0.007	0.058
	11263526		0.004	0.069

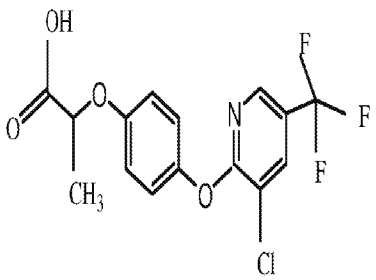
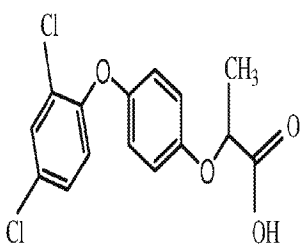
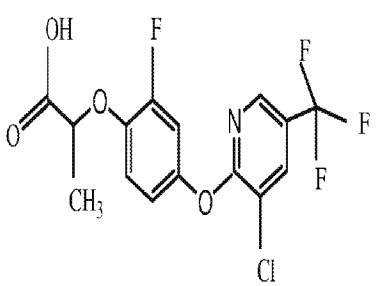
	178577		0.003	0.021
	178587		0.003	0.02
	188527		0.003	0.036

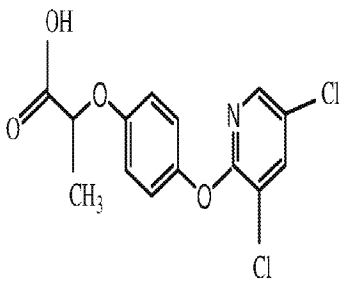
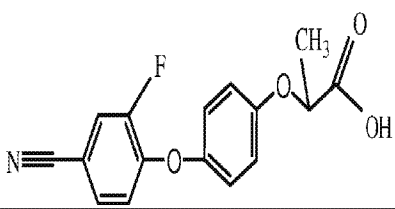
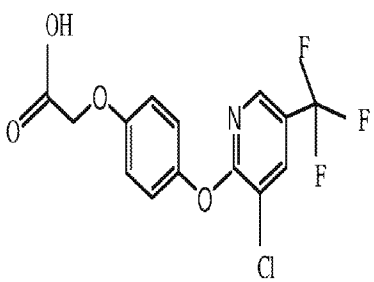
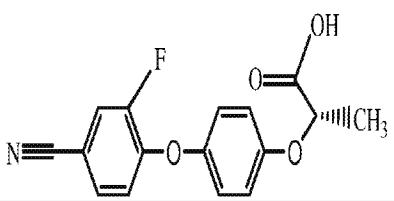
[00110] **Table 4:** Effect of purified AAD-1 (v1) on various AOPP graminicides and analogs, and on cloquintocet. Substrates were assayed at 1 mM in 25 mM MOPS pH 6.8, 200 µM Fe^{2+}, 200 µM Na ascorbate, 1 mM α-ketoglutarate using either 1 µg or 10 µg (10X) purified AAD-1 (v1) per 0.16 ml assay.

Table 4: Effect of purified AAD-1 (vl) on various AOPP graminicides and analogs, and on cloquintocet.

STRUCTURE	Registry ID	Compound	AAD1	AAD1 (10X)
	18706	(R)-quizalofop	0.43	2.1
	67131	(R,S)-fluazifop	0.427	2.17
 Chiral	11044492	(R)-fenoxaprop	0.408	0.597

	34697	(R,S)-clodinofop	0.295	1.98
	14603	(R)-cyhalofop	0.222	1.989
	14623	(R,S)-cyhalofop	0.215	1.815
	62942	(R,S)-fenthiaprop	0.199	1.055

	66905	haloxyfop	0.172	1.63
	460511	(R,S)-diclofop	0.155	1.663
	25646		0.144	1.69

	70222	(R,S)-chlorazifop	0.128	1.584
	199608	Cyhalofop	0.114	1.26
	43865	haloxyfop-oxyacetate	0.004	0.053
	7466	(S)-cyhalofop	0.003	0.017

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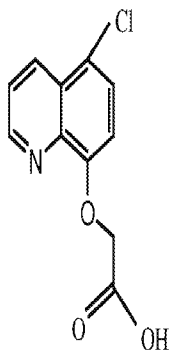
	204558	Cloquinotocet	0	0.001

[00111] Proteins (and source isolates) of the subject invention. The present invention provides functional proteins. By "functional activity" (or "active") it is meant herein that the proteins/enzymes for use according to the subject invention have the ability to degrade or diminish the activity of a herbicide (alone or in combination with other proteins). Plants producing proteins of the subject invention will preferably produce "an effective amount" of the protein so that when the plant is treated with a herbicide, the level of protein expression is sufficient to render the plant completely or partially resistant or tolerant to the herbicide (at a typical rate, unless otherwise specified; typical application rates can be found in the well-known *Herbicide Handbook* (Weed Science Society of America, Eighth Edition, 2002), for example). The herbicide can be applied at rates that would normally kill the target plant, at normal field use rates and concentrations. (Because of the subject invention, the level and/or concentration can optionally be higher than those that were previously used.) Preferably, plant cells and plants of the subject invention are protected against growth inhibition or injury caused by herbicide treatment. Transformed plants and plant cells of the subject invention are preferably rendered resistant or tolerant to an herbicide, as discussed herein, meaning that the transformed plant and plant cells can grow in the presence of effective amounts of one or more herbicides as discussed herein. Preferred proteins of the subject invention have catalytic activity to metabolize one or more aryloxyalkanoate compounds.

[00112] Transfer of the functional activity to plant or bacterial systems can involve a nucleic acid sequence, encoding the amino acid sequence for a protein of the subject invention, integrated into a protein expression vector appropriate to the host in which the vector will reside. One way to obtain a nucleic acid sequence encoding a protein with functional activity is to isolate the native genetic material from the bacterial species which produce the protein of interest, using information deduced from the protein's amino acid sequence, as disclosed herein. The native sequences can be optimized for expression in plants, for example, as discussed in more detail below. Optimized polynucleotide can also be designed based on the protein sequence.

[00113] The subject invention provides classes of proteins having novel activities as identified herein. One way to characterize these classes of proteins and the polynucleotides that encode them is by defining a polynucleotide by its ability to hybridize, under a range of specified conditions, with an exemplified nucleotide sequence (the complement thereof and/or a probe

or probes derived from either strand) and/or by their ability to be amplified by PCR using primers derived from the exemplified sequences.

[00114] There are a number of methods for obtaining proteins for use according to the subject invention. For example, antibodies to the proteins disclosed herein can be used to identify and isolate other proteins from a mixture of proteins. Specifically, antibodies may be raised to the portions of the proteins that are most conserved or most distinct, as compared to other related proteins. These antibodies can then be used to specifically identify equivalent proteins with the characteristic activity by immunoprecipitation, enzyme linked immunosorbent assay (ELISA), or immuno-blotting. Antibodies to the proteins disclosed herein, or to equivalent proteins, or to fragments of these proteins, can be readily prepared using standard procedures. Such antibodies are an aspect of the subject invention. Antibodies of the subject invention include monoclonal and polyclonal antibodies, preferably produced in response to an exemplified or suggested protein.

[00115] One skilled in the art would readily recognize that proteins (and genes) of the subject invention can be obtained from a variety of sources. Since entire herbicide degradation operons are known to be encoded on transposable elements such as plasmids, as well as genomically integrated, proteins of the subject invention can be obtained from a wide variety of microorganisms, for example, including recombinant and/or wild-type bacteria. Other members of the orders Firmicutes and Proteobacteria, and specific genera with known *rdpA*'s, such as *Sphingobium*, *Delftia*, *Rodoferax*, and *Comamonas* for example, can be used as source isolates.

[00116] Mutants of bacterial isolates can be made by procedures that are well known in the art. For example, asporogenous mutants can be obtained through ethylmethane sulfonate (EMS) mutagenesis of an isolate. The mutants can be made using ultraviolet light and nitrosoguanidine by procedures well known in the art.

[00117] A protein "from" or "obtainable from" any of the subject isolates referred to or suggested herein means that the protein (or a similar protein) can be obtained from the isolate or some other source, such as another bacterial strain or a plant. "Derived from" also has this connotation, and includes proteins obtainable from a given type of bacterium that are modified for expression in a plant, for example. One skilled in the art will readily recognize that, given the disclosure of a bacterial gene and protein, a plant can be engineered to produce

the protein. Antibody preparations, nucleic acid probes (DNA, RNA, or PNA, for example), and the like can be prepared using the polynucleotide and/or amino acid sequences disclosed herein and used to screen and recover other related genes from other (natural) sources.

[00118] Standard molecular biology techniques may be used to clone and sequence the proteins and genes described herein. Additional information may be found in Sambrook *et al.*, 1989, which is incorporated herein by reference.

[00119] Polynucleotides and probes. The subject invention further provides nucleotide sequences that encode proteins for use according to the subject invention. The subject invention further provides methods of identifying and characterizing genes that encode proteins having the desired herbicidal activity. In one embodiment, the subject invention provides unique nucleotide sequences that are useful as hybridization probes and/or primers for PCR techniques. The primers produce characteristic gene fragments that can be used in the identification, characterization, and/or isolation of specific genes of interest. The nucleotide sequences of the subject invention encode proteins that are distinct from previously described proteins.

[00120] The polynucleotides of the subject invention can be used to form complete "genes" to encode proteins or peptides in a desired host cell. For example, as the skilled artisan would readily recognize, the subject polynucleotides can be appropriately placed under the control of a promoter in a host of interest, as is readily known in the art. The level of gene expression and temporal/tissue specific expression can greatly impact the utility of the invention. Generally, greater levels of protein expression of a degradative gene will result in faster and more complete degradation of a substrate (in this case a target herbicide). Promoters will be desired to express the target gene at high levels unless the high expression has a consequential negative impact on the health of the plant. Typically, one would wish to have the *AAD-1* gene constitutively expressed in all tissues for complete protection of the plant at all growth stages. However, one could alternatively use a vegetatively expressed resistance gene; this would allow use of the target herbicide in-crop for weed control and would subsequently control sexual reproduction of the target crop by application during the flowering stage.

[00121] As the skilled artisan knows, DNA typically exists in a double-stranded form. In this arrangement, one strand is complementary to the other strand and vice versa. As DNA is

replicated in a plant (for example), additional complementary strands of DNA are produced. The "coding strand" is often used in the art to refer to the strand that binds with the anti-sense strand. The mRNA is transcribed from the "anti-sense" strand of DNA. The "sense" or "coding" strand has a series of codons (a codon is three nucleotides that can be read as a three-residue unit to specify a particular amino acid) that can be read as an open reading frame (ORF) to form a protein or peptide of interest. In order to produce a protein *in vivo*, a strand of DNA is typically transcribed into a complementary strand of mRNA which is used as the template for the protein. Thus, the subject invention includes the use of the exemplified polynucleotides shown in the attached sequence listing and/or equivalents including the complementary strands. RNA and PNA (peptide nucleic acids) that are functionally equivalent to the exemplified DNA molecules are included in the subject invention.

[00122] In one embodiment of the subject invention, bacterial isolates can be cultivated under conditions resulting in high multiplication of the microbe. After treating the microbe to provide single-stranded genomic nucleic acid, the DNA can be contacted with the primers of the invention and subjected to PCR amplification. Characteristic fragments of genes of interest will be amplified by the procedure, thus identifying the presence of the gene(s) of interest.

[00123] Further aspects of the subject invention include genes and isolates identified using the methods and nucleotide sequences disclosed herein. The genes thus identified can encode herbicidal resistance proteins of the subject invention.

[00124] Proteins and genes for use according to the subject invention can be identified and obtained by using oligonucleotide probes, for example. These probes are detectable nucleotide sequences that can be detectable by virtue of an appropriate label or may be made inherently fluorescent as described in International Application No. WO 93/16094. The probes (and the polynucleotides of the subject invention) may be DNA, RNA, or PNA. In addition to adenine (A), cytosine (C), guanine (G), thymine (T), and uracil (U; for RNA molecules), synthetic probes (and polynucleotides) of the subject invention can also have inosine (a neutral base capable of pairing with all four bases; sometimes used in place of a mixture of all four bases in synthetic probes) and/or other synthetic (non-natural) bases. Thus, where a synthetic, degenerate oligonucleotide is referred to herein, and "N" or "n" is

used generically, "N" or "n" can be G, A, T, C, or inosine. Ambiguity codes as used herein are in accordance with standard IUPAC naming conventions as of the filing of the subject application (for example, R means A or G, Y means C or T, *etc.*).

[00125] As is well known in the art, if a probe molecule hybridizes with a nucleic acid sample, it can be reasonably assumed that the probe and sample have substantial homology/similarity/identity. Preferably, hybridization of the polynucleotide is first conducted followed by washes under conditions of low, moderate, or high stringency by techniques well-known in the art, as described in, for example, Keller, G.H., M.M. Manak (1987) *DNA Probes*, Stockton Press, New York, NY, pp. 169-170. For example, as stated therein, low stringency conditions can be achieved by first washing with 2x SSC (Standard Saline Citrate)/0.1% SDS (Sodium Dodecyl Sulfate) for 15 minutes at room temperature. Two washes are typically performed. Higher stringency can then be achieved by lowering the salt concentration and/or by raising the temperature. For example, the wash described above can be followed by two washings with 0.1x SSC/0.1% SDS for 15 minutes each at room temperature followed by subsequent washes with 0.1x SSC/0.1% SDS for 30 minutes each at 55° C. These temperatures can be used with other hybridization and wash protocols set forth herein and as would be known to one skilled in the art (SSPE can be used as the salt instead of SSC, for example). The 2x SSC/0.1% SDS can be prepared by adding 50 ml of 20x SSC and 5 ml of 10% SDS to 445 ml of water. 20x SSC can be prepared by combining NaCl (175.3 g/0.150 M), sodium citrate (88.2 g/0.015 M), and water, adjusting pH to 7.0 with 10 N NaOH, then adjusting the volume to 1 liter. 10% SDS can be prepared by dissolving 10 g of SDS in 50 ml of autoclaved water, then diluting to 100 ml.

[00126] Detection of the probe provides a means for determining in a known manner whether hybridization has been maintained. Such a probe analysis provides a rapid method for identifying genes of the subject invention. The nucleotide segments used as probes according to the invention can be synthesized using a DNA synthesizer and standard procedures. These nucleotide sequences can also be used as PCR primers to amplify genes of the subject invention.

[00127] Hybridization characteristics of a molecule can be used to define polynucleotides of the subject invention. Thus the subject invention includes polynucleotides (and/or their complements, preferably their full complements) that hybridize with a polynucleotide

exemplified herein. That is, one way to define a gene (and the protein it encodes), for example, is by its ability to hybridize (under any of the conditions specifically disclosed herein) with a known or specifically exemplified gene.

[00128] As used herein, "stringent" conditions for hybridization refers to conditions which achieve the same, or about the same, degree of specificity of hybridization as the conditions employed by the current applicants. Specifically, hybridization of immobilized DNA on Southern blots with ^{32}P-labeled gene-specific probes can be performed by standard methods (*see*, *e.g.*, Maniatis *et al.* 1982). In general, hybridization and subsequent washes can be carried out under conditions that allow for detection of target sequences. For double-stranded DNA gene probes, hybridization can be carried out overnight at 20-25° C below the melting temperature (Tm) of the DNA hybrid in 6x SSPE, 5x Denhardt's solution, 0.1% SDS, 0.1 mg/ml denatured DNA. The melting temperature is described by the following formula (Beltz *et al.* 1983):

$$Tm = 81.5° C + 16.6 \text{ Log}[Na+] + 0.41(\%G+C) - 0.61(\%\text{formamide}) - 600/\text{length of duplex in base pairs.}$$

[00129] Washes can typically be carried out as follows:

(1) Twice at room temperature for 15 minutes in 1x SSPE, 0.1% SDS (low stringency wash).

(2) Once at Tm-20° C for 15 minutes in 0.2x SSPE, 0.1% SDS (moderate stringency wash).

[00130] For oligonucleotide probes, hybridization can be carried out overnight at 10-20° C below the melting temperature (Tm) of the hybrid in 6x SSPE, 5x Denhardt's solution, 0.1% SDS, 0.1 mg/ml denatured DNA. Tm for oligonucleotide probes can be determined by the following formula:

$$Tm (°C) = 2(\text{number T/A base pairs}) + 4(\text{number G/C base pairs})$$

(Suggs *et al.*, 1981).

[00131] Washes can typically be out as follows:

(1) Twice at room temperature for 15 minutes 1x SSPE, 0.1% SDS (low stringency wash).

(2) Once at the hybridization temperature for 15 minutes in 1x SSPE, 0.1% SDS (moderate stringency wash).

[00132] In general, salt and/or temperature can be altered to change stringency. With a labeled DNA fragment >70 or so bases in length, the following conditions can be used:

Low:	1 or 2x SSPE, room temperature
Low:	1 or 2x SSPE, 42° C
Moderate:	0.2x or 1x SSPE, 65° C
High:	0.1x SSPE, 65° C.

[00133] Duplex formation and stability depend on substantial complementarity between the two strands of a hybrid, and, as noted above, a certain degree of mismatch can be tolerated. Therefore, the probe sequences of the subject invention include mutations (both single and multiple), deletions, insertions of the described sequences, and combinations thereof, wherein said mutations, insertions and deletions permit formation of stable hybrids with the target polynucleotide of interest. Mutations, insertions, and deletions can be produced in a given polynucleotide sequence in many ways, and these methods are known to an ordinarily skilled artisan. Other methods may become known in the future.

[00134] PCR technology. Polymerase Chain Reaction (PCR) is a repetitive, enzymatic, primed synthesis of a nucleic acid sequence. This procedure is well known and commonly used by those skilled in this art (*see* Mullis, U.S. Patent Nos. 4,683,195, 4,683,202, and 4,800,159; Saiki *et al.,* 1985). PCR is based on the enzymatic amplification of a DNA fragment of interest that is flanked by two oligonucleotide primers that hybridize to opposite strands of the target sequence. The primers are preferably oriented with the 3' ends pointing towards each other. Repeated cycles of heat denaturation of the template, annealing of the primers to their complementary sequences, and extension of the annealed primers with a DNA polymerase result in the amplification of the segment defined by the 5' ends of the PCR primers. The extension product of each primer can serve as a template for the other primer, so each cycle essentially doubles the amount of DNA fragment produced in the previous cycle. This results in the exponential accumulation of the specific target fragment, up to several million-fold in a few hours. By using a thermostable DNA polymerase such as *Taq* polymerase, isolated from the thermophilic bacterium *Thermus aquaticus*, the amplification process can be completely automated. Other enzymes which can be used are known to those skilled in the art.

[00135] Exemplified DNA sequences, or segments thereof, can be used as primers for PCR amplification. In performing PCR amplification, a certain degree of mismatch can be tolerated between primer and template. Therefore, mutations, deletions, and insertions (especially additions of nucleotides to the 5' end) of the exemplified primers fall within the scope of the subject invention. Mutations, insertions, and deletions can be produced in a given primer by methods known to an ordinarily skilled artisan.

[00136] Modification of genes and proteins. The subject genes and proteins can be fused to other genes and proteins to produce chimeric or fusion proteins. The genes and proteins useful according to the subject invention include not only the specifically exemplified full-length sequences, but also portions, segments and/or fragments (including contiguous fragments and internal and/or terminal deletions compared to the full-length molecules) of these sequences, variants, mutants, chimerics, and fusions thereof. Proteins of the subject invention can have substituted amino acids so long as they retain desired functional activity. "Variant" genes have nucleotide sequences that encode the same proteins or equivalent proteins having activity equivalent or similar to an exemplified protein. The terms "variant proteins" and "equivalent proteins" refer to proteins having the same or essentially the same biological/functional activity against the target pests and equivalent sequences as the exemplified proteins. As used herein, reference to an "equivalent" sequence refers to sequences having amino acid substitutions, deletions, additions, or insertions that improve or do not adversely affect activity to a significant extent. Fragments retaining activity are also included in this definition. Fragments and other equivalents that retain the same or similar function or activity as a corresponding fragment of an exemplified protein are within the scope of the subject invention. Changes, such as amino acid substitutions or additions, can be made for a variety of purposes, such as increasing (or decreasing) protease stability of the protein (without materially/substantially decreasing the functional activity of the protein), removing or adding a restriction site, and the like. Variations of genes may be readily constructed using standard techniques for making point mutations, for example.

[00137] In addition, U.S. Patent No. 5,605,793, for example, describes methods for generating additional molecular diversity by using DNA reassembly after random or focused fragmentation. This can be referred to as gene "shuffling," which typically involves mixing fragments (of a desired size) of two or more different DNA molecules, followed by repeated

rounds of renaturation. This can improve the activity of a protein encoded by a starting gene. The result is a chimeric protein having improved activity, altered substrate specificity, increased enzyme stability, altered stereospecificity, or other characteristics.

[00138] "Shuffling" can be designed and targeted after obtaining and examining the atomic 3D (three dimensional) coordinates and crystal structure of a protein of interest. Thus, "focused shuffling" can be directed to certain segments of a protein that are ideal for modification, such as surface-exposed segments, and preferably not internal segments that are involved with protein folding and essential 3D structural integrity.

[00139] Variant genes can be used to produce variant proteins; recombinant hosts can be used to produce the variant proteins. Using these "gene shuffling" techniques, equivalent genes and proteins can be constructed that comprise any 5, 10, or 20 contiguous residues (amino acid or nucleotide) of any sequence exemplified herein. As one skilled in the art knows, the gene shuffling techniques, for example, can be adjusted to obtain equivalents having, for example, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, or 297 contiguous residues (amino acid or nucleotide), corresponding to a segment (of the same size) in any of the exemplified or suggested sequences (or the complements (full complements)

thereof). Similarly sized segments, especially those for conserved regions, can also be used as probes and/or primers.

[00140] Fragments of full-length genes can be made using commercially available exonucleases or endonucleases according to standard procedures. For example, enzymes such as *Bal*31 or site-directed mutagenesis can be used to systematically cut off nucleotides from the ends of these genes. Also, genes that encode active fragments may be obtained using a variety of restriction enzymes. Proteases may be used to directly obtain active fragments of these proteins.

[00141] It is within the scope of the invention as disclosed herein that proteins can be truncated and still retain functional activity. By "truncated protein" it is meant that a portion of a protein may be cleaved off while the remaining truncated protein retains and exhibits the desired activity after cleavage. Cleavage can be achieved by various proteases. Furthermore, effectively cleaved proteins can be produced using molecular biology techniques wherein the DNA bases encoding said protein are removed either through digestion with restriction endonucleases or other techniques available to the skilled artisan. After truncation, said proteins can be expressed in heterologous systems such as *E. coli*, baculoviruses, plant-based viral systems, yeast, and the like and then placed in insect assays as disclosed herein to determine activity. It is well-known in the art that truncated proteins can be successfully produced so that they retain functional activity while having less than the entire, full-length sequence. For example, *B.t.* proteins can be used in a truncated (core protein) form (*see*, *e.g.*, Höfte *et al.* (1989), and Adang *et al.* (1985)). As used herein, the term "protein" can include functionally active truncations.

[00142] In some cases, especially for expression in plants, it can be advantageous to use truncated genes that express truncated proteins. Preferred truncated genes will typically encode 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, or 99% of the full-length protein.

[00143] Certain proteins of the subject invention have been specifically exemplified herein. As these proteins are merely exemplary of the proteins of the subject invention, it should be readily apparent that the subject invention comprises variant or equivalent proteins (and nucleotide sequences coding for equivalents thereof) having the same or similar activity of

the exemplified proteins. Equivalent proteins will have amino acid similarity (and/or homology) with an exemplified protein. The amino acid identity will typically be at least 60%, preferably at least 75%, more preferably at least 80%, even more preferably at least 90%, and can be at least 95%. Preferred proteins of the subject invention can also be defined in terms of more particular identity and/or similarity ranges. For example, the identity and/or similarity can be 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, or 99% as compared to a sequence exemplified or suggested herein. Any number listed above can be used to define the upper and lower limits.

[00144] Unless otherwise specified, as used herein, percent sequence identity and/or similarity of two nucleic acids is determined using the algorithm of Karlin and Altschul, 1990, modified as in Karlin and Altschul 1993. Such an algorithm is incorporated into the NBLAST and XBLAST programs of Altschul *et al.,* 1990. BLAST nucleotide searches are performed with the NBLAST program, score = 100, wordlength = 12. Gapped BLAST can be used as described in Altschul *et al.,* 1997. When utilizing BLAST and Gapped BLAST programs, the default parameters of the respective programs (NBLAST and XBLAST) are used. *See* NCBI/NIH website. To obtain gapped alignments for comparison purposes, the AlignX function of Vector NTI Suite 8 (InforMax, Inc., North Bethesda, MD, U.S.A.), was used employing the default parameters. These were: a Gap opening penalty of 15, a Gap extension penalty of 6.66, and a Gap separation penalty range of 8.

[00145] Various properties and three-dimensional features of the protein can also be changed without adversely affecting the activity/functionality of the protein. Conservative amino acid substitutions can be tolerated/made to not adversely affect the activity and/or three-dimensional configuration of the molecule. Amino acids can be placed in the following classes: non-polar, uncharged polar, basic, and acidic. Conservative substitutions whereby an amino acid of one class is replaced with another amino acid of the same type fall within the scope of the subject invention so long as the substitution is not adverse to the biological activity of the compound. **Table 5** provides a listing of examples of amino acids belonging to each class.

Table 5	
Class of Amino Acid	**Examples of Amino Acids**
Nonpolar	Ala, Val, Leu, Ile, Pro, Met, Phe, Trp
Uncharged Polar	Gly, Ser, Thr, Cys, Tyr, Asn, Gln
Acidic	Asp, Glu
Basic	Lys, Arg, His

[00146] In some instances, non-conservative substitutions can also be made. However, preferred substitutions do not significantly detract from the functional/biological activity of the protein.

[00147] As used herein, reference to "isolated" polynucleotides and/or "purified" proteins refers to these molecules when they are not associated with the other molecules with which they would be found in nature. Thus, reference to "isolated" and/or "purified" signifies the involvement of the "hand of man" as described herein. For example, a bacterial "gene" of the subject invention put into a plant for expression is an "isolated polynucleotide." Likewise, a protein derived from a bacterial protein and produced by a plant is an "isolated protein."

[00148] Because of the degeneracy/redundancy of the genetic code, a variety of different DNA sequences can encode the amino acid sequences disclosed herein. It is well within the skill of a person trained in the art to create alternative DNA sequences that encode the same, or essentially the same, proteins. These variant DNA sequences are within the scope of the subject invention. This is also discussed in more detail below in the section entitled "Optimization of sequence for expression in plants."

[00149] Optimization of sequence for expression in plants. To obtain high expression of heterologous genes in plants it is generally preferred to reengineer the genes so that they are more efficiently expressed in (the cytoplasm of) plant cells. Maize is one such plant where it may be preferred to re-design the heterologous gene(s) prior to transformation to increase the expression level thereof in said plant. Therefore, an additional step in the design of genes encoding a bacterial protein is reengineering of a heterologous gene for optimal expression, using codon bias more closely aligned with the target plant sequence, whether a dicot or monocot species. Sequences can also be optimized for expression in any of the more particular types of plants discussed elsewhere herein.

[00150] Transgenic hosts. The protein-encoding genes of the subject invention can be introduced into a wide variety of microbial or plant hosts. The subject invention includes

transgenic plant cells and transgenic plants. Preferred plants (and plant cells) are corn, *Arabidopsis*, tobacco, soybeans, cotton, canola, rice, wheat, turf and pasture grasses, and the like. Other types of transgenic plants can also be made according to the subject invention, such as fruits, vegetables, and trees. More generally, dicots and/or monocots can be used in various aspects of the subject invention.

[00151] In preferred embodiments, expression of the gene results, directly or indirectly, in the intracellular production (and maintenance) of the protein(s) of interest. Plants can be rendered herbicide-resistant in this manner. Such hosts can be referred to as transgenic, recombinant, transformed, and/or transfected hosts and/or cells. In some aspects of this invention (when cloning and preparing the gene of interest, for example), microbial (preferably bacterial) cells can be produced and used according to standard techniques, with the benefit of the subject disclosure.

[00152] Plant cells transfected with a polynucleotide of the subject invention can be regenerated into whole plants. The subject invention includes cell cultures including tissue cell cultures, liquid cultures, and plated cultures. Seeds produced by and/or used to generate plants of the subject invention are also included within the scope of the subject invention. Other plant tissues and parts are also included in the subject invention. The subject invention likewise includes methods of producing plants or cells comprising a polynucleotide of the subject invention. One preferred method of producing such plants is by planting a seed of the subject invention.

[00153] Insertion of genes to form transgenic hosts. One aspect of the subject invention is the transformation/transfection of plants, plant cells, and other host cells with polynucleotides of the subject invention that express proteins of the subject invention. Plants transformed in this manner can be rendered resistant to a variety of herbicides with different modes of action.

[00154] A wide variety of methods are available for introducing a gene encoding a desired protein into the target host under conditions that allow for stable maintenance and expression of the gene. These methods are well known to those skilled in the art and are described, for example, in U.S. Patent No. 5,135,867.

[00155] Vectors comprising an *AAD-1* polynucleotide are included in the scope of the subject invention. For example, a large number of cloning vectors comprising a replication system in

E. coli and a marker that permits selection of the transformed cells are available for preparation for the insertion of foreign genes into higher plants. The vectors comprise, for example, pBR322, pUC series, M13mp series, pACYC184, *etc*. Accordingly, the sequence encoding the protein can be inserted into the vector at a suitable restriction site. The resulting plasmid is used for transformation into *E. coli*. The *E. coli* cells are cultivated in a suitable nutrient medium, then harvested and lysed. The plasmid is recovered by purification away from genomic DNA. Sequence analysis, restriction analysis, electrophoresis, and other biochemical-molecular biological methods are generally carried out as methods of analysis. After each manipulation, the DNA sequence used can be restriction digested and joined to the next DNA sequence. Each plasmid sequence can be cloned in the same or other plasmids. Depending on the method of inserting desired genes into the plant, other DNA sequences may be necessary. If, for example, the Ti or Ri plasmid is used for the transformation of the plant cell, then at least the right border, but often the right and the left border of the Ti or Ri plasmid T-DNA, has to be joined as the flanking region of the genes to be inserted. The use of T-DNA for the transformation of plant cells has been intensively researched and described in EP 120 516; Hoekema (1985); Fraley *et al.* (1986); and An *et al.* (1985).

[00156] A large number of techniques are available for inserting DNA into a plant host cell. Those techniques include transformation with T-DNA using *Agrobacterium tumefaciens* or *Agrobacterium rhizogenes* as transformation agent, fusion, injection, biolistics (microparticle bombardment), silicon carbide whiskers, aerosol beaming, PEG, or electroporation as well as other possible methods. If *Agrobacteria* are used for the transformation, the DNA to be inserted has to be cloned into special plasmids, namely either into an intermediate vector or into a binary vector. The intermediate vectors can be integrated into the Ti or Ri plasmid by homologous recombination owing to sequences that are homologous to sequences in the T-DNA. The Ti or Ri plasmid also comprises the vir region necessary for the transfer of the T-DNA. Intermediate vectors cannot replicate themselves in *Agrobacteria*. The intermediate vector can be transferred into *Agrobacterium tumefaciens* by means of a helper plasmid (conjugation). Binary vectors can replicate themselves both in *E. coli* and in *Agrobacteria*. They comprise a selection marker gene and a linker or polylinker which are framed by the right and left T-DNA border regions. They can be transformed directly into *Agrobacteria* (Holsters, 1978). The *Agrobacterium* used as host cell is to comprise a plasmid carrying a vir

region. The vir region is necessary for the transfer of the T-DNA into the plant cell. Additional T-DNA may be contained. The bacterium so transformed is used for the transformation of plant cells. Plant explants can be cultivated advantageously with *Agrobacterium tumefaciens* or *Agrobacterium rhizogenes* for the transfer of the DNA into the plant cell. Whole plants can then be regenerated from the infected plant material (for example, pieces of leaf, segments of stalk, roots, but also protoplasts or suspension-cultivated cells) in a suitable medium, which may contain antibiotics or biocides for selection. The plants so obtained can then be tested for the presence of the inserted DNA. No special demands are made of the plasmids in the case of injection and electroporation. It is possible to use ordinary plasmids, such as, for example, pUC derivatives.

[00157] The transformed cells grow inside the plants in the usual manner. They can form germ cells and transmit the transformed trait(s) to progeny plants. Such plants can be grown in the normal manner and crossed with plants that have the same transformed hereditary factors or other hereditary factors. The resulting hybrid individuals have the corresponding phenotypic properties.

[00158] In some preferred embodiments of the invention, genes encoding the bacterial protein are expressed from transcriptional units inserted into the plant genome. Preferably, said transcriptional units are recombinant vectors capable of stable integration into the plant genome and enable selection of transformed plant lines expressing mRNA encoding the proteins.

[00159] Once the inserted DNA has been integrated in the genome, it is relatively stable there (and does not come out again). It normally contains a selection marker that confers on the transformed plant cells resistance to a biocide or an antibiotic, such as kanamycin, G418, bleomycin, hygromycin, or chloramphenicol, *inter alia*. Plant selectable markers also typically can provide resistance to various herbicides such as glufosinate, (*PAT*), glyphosate (*EPSPS*), imazethyapyr (*AHAS*), and many others. The individually employed marker should accordingly permit the selection of transformed cells rather than cells that do not contain the inserted DNA. The gene(s) of interest are preferably expressed either by constitutive or inducible promoters in the plant cell. Once expressed, the mRNA is translated into proteins, thereby incorporating amino acids of interest into protein. The genes encoding a protein

expressed in the plant cells can be under the control of a constitutive promoter, a tissue-specific promoter, or an inducible promoter.

[00160] Several techniques exist for introducing foreign recombinant vectors into plant cells, and for obtaining plants that stably maintain and express the introduced gene. Such techniques include the introduction of genetic material coated onto microparticles directly into cells (U.S. Patent Nos. 4,945,050 to Cornell and 5,141,131 to DowElanco, now Dow AgroSciences, LLC). In addition, plants may be transformed using *Agrobacterium* technology, *see* U.S. Patent Nos. 5,177,010 to University of Toledo; 5,104,310 to Texas A&M; European Patent Application 0131624B1; European Patent Applications 120516, 159418B1 and 176,112 to Schilperoot; U.S. Patent Nos. 5,149,645, 5,469,976, 5,464,763 and 4,940,838 and 4,693,976 to Schilperoot; European Patent Applications 116718, 290799, 320500, all to Max Planck; European Patent Applications 604662 and 627752, and U.S. Patent No. 5,591,616, to Japan Tobacco; European Patent Applications 0267159 and 0292435, and U.S. Patent No. 5,231,019, all to Ciba Geigy, now Syngenta; U.S. Patent Nos. 5,463,174 and 4,762,785, both to Calgene; and U.S. Patent Nos. 5,004,863 and 5,159,135, both to Agracetus. Other transformation technology includes whiskers technology. *See* U.S. Patent Nos. 5,302,523 and 5,464,765, both to Zeneca, now Syngenta. Electroporation technology has also been used to transform plants. *See* WO 87/06614 to Boyce Thompson Institute; U.S. Patent Nos. 5,472,869 and 5,384,253, both to Dekalb; and WO 92/09696 and WO 93/21335, both to Plant Genetic Systems. Furthermore, viral vectors can also be used to produce transgenic plants expressing the protein of interest. For example, monocotyledonous plants can be transformed with a viral vector using the methods described in U.S. Patent No. 5,569,597 to Mycogen Plant Science and Ciba-Geigy (now Syngenta), as well as U.S. Patent Nos. 5,589,367 and 5,316,931, both to Biosource, now Large Scale Biology.

[00161] As mentioned previously, the manner in which the DNA construct is introduced into the plant host is not critical to this invention. Any method that provides for efficient transformation may be employed. For example, various methods for plant cell transformation are described herein and include the use of Ti or Ri-plasmids and the like to perform *Agrobacterium* mediated transformation. In many instances, it will be desirable to have the construct used for transformation bordered on one or both sides by T-DNA borders, more specifically the right border. This is particularly useful when the construct uses

Agrobacterium tumefaciens or *Agrobacterium rhizogenes* as a mode for transformation, although T-DNA borders may find use with other modes of transformation. Where *Agrobacterium* is used for plant cell transformation, a vector may be used which may be introduced into the host for homologous recombination with T-DNA or the Ti or Ri plasmid present in the host. Introduction of the vector may be performed via electroporation, tri-parental mating and other techniques for transforming gram-negative bacteria which are known to those skilled in the art. The manner of vector transformation into the *Agrobacterium* host is not critical to this invention. The Ti or Ri plasmid containing the T-DNA for recombination may be capable or incapable of causing gall formation, and is not critical to said invention so long as the vir genes are present in said host.

[00162] In some cases where *Agrobacterium* is used for transformation, the expression construct being within the T-DNA borders will be inserted into a broad spectrum vector such as pRK2 or derivatives thereof as described in Ditta *et al.* (1980) and EPO 0 120 515. Included within the expression construct and the T-DNA will be one or more markers as described herein which allow for selection of transformed *Agrobacterium* and transformed plant cells. The particular marker employed is not essential to this invention, with the preferred marker depending on the host and construction used.

[00163] For transformation of plant cells using *Agrobacterium*, explants may be combined and incubated with the transformed *Agrobacterium* for sufficient time to allow transformation thereof. After transformation, the *Agrobacteria* are killed by selection with the appropriate antibiotic and plant cells are cultured with the appropriate selective medium. Once calli are formed, shoot formation can be encouraged by employing the appropriate plant hormones according to methods well known in the art of plant tissue culturing and plant regeneration. However, a callus intermediate stage is not always necessary. After shoot formation, said plant cells can be transferred to medium which encourages root formation thereby completing plant regeneration. The plants may then be grown to seed and said seed can be used to establish future generations. Regardless of transformation technique, the gene encoding a bacterial protein is preferably incorporated into a gene transfer vector adapted to express said gene in a plant cell by including in the vector a plant promoter regulatory element, as well as 3' non-translated transcriptional termination regions such as Nos and the like.

[00164] In addition to numerous technologies for transforming plants, the type of tissue that is contacted with the foreign genes may vary as well. Such tissue would include but would not be limited to embryogenic tissue, callus tissue types I, II, and III, hypocotyl, meristem, root tissue, tissues for expression in phloem, and the like. Almost all plant tissues may be transformed during dedifferentiation using appropriate techniques described herein.

[00165] As mentioned above, a variety of selectable markers can be used, if desired. Preference for a particular marker is at the discretion of the artisan, but any of the following selectable markers may be used along with any other gene not listed herein which could function as a selectable marker. Such selectable markers include but are not limited to aminoglycoside phosphotransferase gene of transposon Tn5 (Aph II) which encodes resistance to the antibiotics kanamycin, neomycin and G418, as well as those genes which encode for resistance or tolerance to glyphosate; hygromycin; methotrexate; phosphinothricin (bialaphos or glufosinate); imidazolinones, sulfonylureas and triazolopyrimidine herbicides, such as chlorsulfuron; bromoxynil, dalapon and the like.

[00166] In addition to a selectable marker, it may be desirous to use a reporter gene. In some instances a reporter gene may be used with or without a selectable marker. Reporter genes are genes that are typically not present in the recipient organism or tissue and typically encode for proteins resulting in some phenotypic change or enzymatic property. Examples of such genes are provided in Weising *et al.*, 1988. Preferred reporter genes include the beta-glucuronidase (GUS) of the *uidA* locus of *E. coli*, the chloramphenicol acetyl transferase gene from Tn9 of *E. coli*, the green fluorescent protein from the bioluminescent jellyfish *Aequorea victoria*, and the luciferase genes from firefly *Photinus pyralis*. An assay for detecting reporter gene expression may then be performed at a suitable time after said gene has been introduced into recipient cells. A preferred such assay entails the use of the gene encoding beta-glucuronidase (GUS) of the *uidA* locus of *E. coli* as described by Jefferson *et al.*, (1987) to identify transformed cells.

[00167] In addition to plant promoter regulatory elements, promoter regulatory elements from a variety of sources can be used efficiently in plant cells to express foreign genes. For example, promoter regulatory elements of bacterial origin, such as the octopine synthase promoter, the nopaline synthase promoter, the mannopine synthase promoter; promoters of viral origin, such as the cauliflower mosaic virus (35S and 19S), 35T (which is a re-

engineered 35S promoter, *see* U.S. Patent No. 6,166,302, especially Example 7E) and the like may be used. Plant promoter regulatory elements include but are not limited to ribulose-1,6-bisphosphate (RUBP) carboxylase small subunit (ssu), beta-conglycinin promoter, beta-phaseolin promoter, ADH promoter, heat-shock promoters, and tissue specific promoters. Other elements such as matrix attachment regions, scaffold attachment regions, introns, enhancers, polyadenylation sequences and the like may be present and thus may improve the transcription efficiency or DNA integration. Such elements may or may not be necessary for DNA function, although they can provide better expression or functioning of the DNA by affecting transcription, mRNA stability, and the like. Such elements may be included in the DNA as desired to obtain optimal performance of the transformed DNA in the plant. Typical elements include but are not limited to Adh-intron 1, Adh-intron 6, the alfalfa mosaic virus coat protein leader sequence, osmotin UTR sequences, the maize streak virus coat protein leader sequence, as well as others available to a skilled artisan. Constitutive promoter regulatory elements may also be used thereby directing continuous gene expression in all cells types and at all times (*e.g.*, actin, ubiquitin, CaMV 35S, and the like). Tissue specific promoter regulatory elements are responsible for gene expression in specific cell or tissue types, such as the leaves or seeds (*e.g.*, zein, oleosin, napin, ACP, globulin and the like) and these may also be used.

[00168] Promoter regulatory elements may also be active (or inactive) during a certain stage of the plant's development as well as active in plant tissues and organs. Examples of such include but are not limited to pollen-specific, embryo-specific, corn-silk-specific, cotton-fiber-specific, root-specific, seed-endosperm-specific, or vegetative phase-specific promoter regulatory elements and the like. Under certain circumstances it may be desirable to use an inducible promoter regulatory element, which is responsible for expression of genes in response to a specific signal, such as: physical stimulus (heat shock genes), light (RUBP carboxylase), hormone (Em), metabolites, chemical (tetracycline responsive), and stress. Other desirable transcription and translation elements that function in plants may be used. Numerous plant-specific gene transfer vectors are known in the art.

[00169] Plant RNA viral based systems can also be used to express bacterial protein. In so doing, the gene encoding a protein can be inserted into the coat promoter region of a suitable plant virus which will infect the host plant of interest. The protein can then be expressed thus

providing protection of the plant from herbicide damage. Plant RNA viral based systems are described in U.S. Patent No. 5,500,360 to Mycogen Plant Sciences, Inc. and U.S. Patent Nos. 5,316,931 and 5,589,367 to Biosource, now Large Scale Biology.

[00170] All patents, patent applications, provisional applications, and publications referred to or cited herein are incorporated by reference in their entirety to the extent they are not inconsistent with the explicit teachings of this specification.

[00171] Following are examples that illustrate procedures for practicing the invention. These examples should not be construed as limiting. All percentages are by weight and all solvent mixture proportions are by volume unless otherwise noted.

Example 1 – Method for Identifying Genes That Impart Resistance to 2,4-D *In Planta*

[00172] As a way to identify genes which possess herbicide degrading activities *in planta*, it is possible to mine current public databases such as NCBI (National Center for Biotechnology Information). To begin the process, it is necessary to have a functional gene sequence already identified that encodes a protein with the desired characteristics (*i.e.*, α-ketoglutarate dioxygenase activity). This protein sequence is then used as the input for the BLAST (Basic Local Alignment Search Tool) (Altschul *et al.,* 1997) algorithm to compare against available NCBI protein sequences deposited. Using default settings, this search returns upwards of 100 homologous protein sequences at varying levels. These range from highly identical (85-98%) to very low identity (23-32%) at the amino acid level. Traditionally only sequences with high homology would be expected to retain similar properties to the input sequence. In this case we chose only those sequences with ≤ 50% homology. We go on to exemplify that cloning and recombinantly expressing homologues with as little as 27% amino acid conservation can be used to impart commercial levels of resistance not only to the intended herbicide, but also to substrates never previously tested with these enzymes.

[00173] PCR and cloning of gene into pET. A single gene (*rdpA*) was identified from the NCBI database (*see* the ncbi.nlm.nih.gov website; accession #AF516752) as a homologue with only 28% amino acid identity to *tfdA* from *Ralstonia eutropha*. Percent identity was determined by first translating both the *rdpA* and *tfdA* DNA sequences deposited in the

database to proteins, then using ClustalW in the VectorNTI software package to perform the multiple sequence alignment.

[00174] The strain of *Sphingobium herbicidovorans* containing the *rdpA* gene was obtained from ATCC (American Type Culture Collection strain #700291). The lyophilized strain was revived according to ATCC protocol and stored at -80° C in 20% glycerol for internal use as Dow Bacterial strain DB 536. From this freezer stock, a plate of Tryptic Soy Agar was then struck out with a loopful of cells for isolation, and incubated at 28° C for 3 days.

[00175] A single colony was used to inoculate 100 ml of Tryptic Soy Broth in a 500 ml tri-baffled flask, which was incubated overnight at 28° C on a floor shaker at 150 rpm. From this, total DNA was isolated with the gram negative protocol of Qiagen's DNeasy kit (Qiagen cat. #69504). The following primers were designed to amplify the target gene from genomic DNA, Forward: 5' TCT AGA AGG AGA TAT ACC ATG CAT GCT GCA CTG TCC CCC CTC TCC CAG CG 3' [(SEQ ID NO:1) (added Xba I restriction site and Ribosome Binding Site (RBS))] and Reverse: 5' CTC GAG TTA CTA GCG CGC CGG GCG CAC GCC ACC GAC CG 3' [(SEQ ID NO:2)(added extra stop codon and Xho I site)].

[00176] Twenty microliter reactions were set up as follows: MasterMix 8 µl, ea. primer 1 µl (50 pmoles/µl), gDNA 2.5 µl, H_2O 7.5 µl. PCR was then carried out under the following conditions: 94° C 45 sec, 52° C 1.5 minute, 72° C 1.5 minute, for 30 cycles, followed by a final cycle of 72° C 5 minute, using Eppendorf's Master Taq kit (Eppendorf cat. #0032 002.250). The resulting ~1kb PCR product was cloned into pCR 2.1 (Invitrogen cat. # K4550-40) following the included protocol, with chemically competent TOP10F' *E. coli* as the host strain, for verification of nucleotide sequence.

[00177] Ten of the resulting white colonies were picked into 4 ml Luria Broth + 50 µg/ml Kanamycin (LB K), and grown overnight at 37° C with agitation. Plasmids were purified from each culture using Promega Wizard Plus SV kit (Promega cat. #A1460) and following the included protocol. Sequencing was carried out with Beckman CEQ Quick Start Kit (Beckman Coulter cat. #608120) using M13 Forward (5' GTA AAA CGA CGG CCA GT 3') (SEQ ID NO:16) and Reverse (5' CAG GAA ACA GCT ATG AC 3') (SEQ ID NO:17) primers, per manufacturers instructions. This gene sequence (SEQ ID NO:3), and its corresponding protein (SEQ ID NO:9) was given a new general designation for internal

consistency *AAD-1 (v1)* (AryloxyAlkanoate Dioxygenase).

[00178] Using the restriction enzymes corresponding to the sites added with the primer linkers (Xba 1, Xho 1) *AAD-1 (v1)* was cut out of the pCR2.1 vector and ligated into a pET 280 streptomycin/spectinomycin resistant vector. Ligated products were then transformed into TOP10F' *E. coli*, and plated on to Luria Broth + 50 µg/ml Streptomycin & Spectinomycin (LB S/S) agar plates. To differentiate between *AAD-1 (v1)*:pET 280 and pCR2.1:pET 280 ligations, approximately 20 isolated colonies were picked into 6 ml of LB S/S, and grown at 37° C for 4 hours with agitation.

[00179] Each culture was then spotted onto LB K plates, which were incubated at 37° C overnight. Colonies that grew on the LB K were assumed to have the pCR2.1 vector ligated in, and were discarded. Plasmids were isolated from the remaining cultures as before. This expression construct was given the designation pDAB 3203.

Example 2 – Expression and Testing

[00180] 2.1 – HPLC analysis.

[00181] Plasmid pDAB 3203 was maintained frozen at -80° C in TOP10F' cells (Invitrogen) as Dow Recombinant strain DR 1878. For expression, plasmid DNA purified from TOP10F' culture using Promega's Wizard kit (Fisher cat. #PR-A1460) was transformed into BL-21 Star (DE3) cells (Invitrogen cat. #C6010-03) following manufacturer's protocol. After transformation, 50 µl of the cells were plated onto LB S/S agar plates and incubated overnight at 37° C.

[00182] The next morning, all colonies from the entire plate were scraped into 100 mls LB in a 500 ml tri-baffled flask and incubated at 37° C/200 rpm for 1 hr. Gene expression was then induced with 1 mM IPTG, and incubated for 4 hrs at 30° C/200 rpm. All 100 ml of culture was centrifuged at 4000 rpm for 20 min. The supernatants were then discarded, and the pellets were resuspended in 10 ml of 50 mM MOPS. These were then subjected to three 45-sec rounds of sonication to lyse the cells. Following this, lysates were centrifuged at 15,000 rpm to remove cell debris. The supernatant was pipetted off and stored at 4° C. To check for recombinant expression, a 20 µl aliquot was run on a 4-20% Tris Glycine gel (Invitrogen cat. #EC60255).

[00183] After expression was confirmed, enzyme activity was tested as follows. First, an aliquot of the cell extract was desalted with a PD-10 cartridge (Amersham cat. #17-0435-01). This was then used for subsequent herbicide enzyme reactions.

[00184] For each reaction, the following were combined: 2,4-D (125 μg/ml), [Ascorbate (1 mM), Ferrous ion (50 μM), α-ketoglutarate (1 mM), in 100 mM MOPS], cell extract (100 μl). This reaction was then incubated at room temp for 30 min., after which the reaction was stopped with the addition of 0.1 N HCl until pH was between 2 and 3. Half of the reaction volume (~500 μl) was set aside for bioassay, the remaining volume was organically extracted using Solid Phase Extraction tubes (Fisher cat. #11-131-6), eluting with 400 μl of Acetonitrile + 0.05% TFA.

[00185] The extracts were then tested on HPLC for loss of the 2,4-D peak or presence of any additional peaks resulting from the degradation or modification of 2,4-D. Conditions for the HPLC were: Luna 10μ C18(2) 250 x 4.6mm (Phenomenex cat. #00G-4253-E0), run at 50% ACN + 0.05% TFA: 50% H_2O + 0.05% TFA to 100% ACN + 0.05% TFA over 5 min.

[00186] 2.2 – Plate test bioassays for herbicide degradation.

[00187] Plant bioassays were used to determine if *in vitro* enzymatic herbicide transformation resulted in a concomitant loss in herbicidal activity. Because of the selective nature of the herbicides being tested (*i.e.*, monocot plants controlled by AOPP herbicides and dicot plants controlled by auxinic herbicides), wildtype *Agrostis palustris* var. Pencross and *Arabidopsis thaliana* var. Columbia were used as monocot and dicot test species, respectively. Each species is amenable to germination and growth in small Petri dishes.

[00188] *Arabidopsis* seeds were surface sterilized for 10 min. in 50% commercial bleach/deionized water (v/v) with 1 μL of Tween-20 added as a wetting agent with vigorous agitation (shaker table @ 250 rpm). Bleach solution was decanted inside a sterile hood and rinsed three times with sterile water. Bentgrass seeds were surface sterilized for 20 minutes in a like manner.

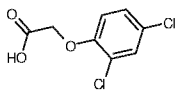
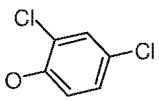
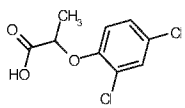
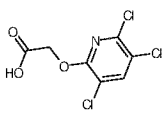
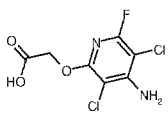
[00189] Twenty to thirty sterilized seeds for each test species used were added onto a sterile, solidified agar Plate Test Medium (PTM) [2.5 mM KNO_3, 2.5 mM KH_2PO_4, 50 mM $FeSO_4$, 10 mM NaEDTA (pH 8.0), 2 mM $MgSO_4$, 2 mM $Ca(NO_3)_2$, 70 μM H_3BO_3, 14 μM $MnCl_2$, 0.5 μM $CuSO_4$, 1 μM $ZnSO_4$, 0.2 μM $NaMoO_4 \cdot 2H_2O$, 10 μM NaCl, 10 nM $CoCl_2 \cdot H_2O$, 0.8% (w/v) sucrose, 0.4% agarose (w/v)] for bioassay in 60x15-mm Petri dishes (Falcon 1007).

PTM was additionally modified by adding up to six rates of test herbicide standards or herbicide-enzyme test solution dilutions such that the four-fold concentration increments covered a rate range of three orders of magnitude with the GR_{50} rate (50% growth reduction) approximately in the center of the range.

[00190] For herbicide-enzyme test solutions, the maximal concentration was determined based on the nominal concentration before any subsequent enzymatic degradation would occur. Seeds were evenly spread by adding 3 ml of melted PTM of the same composition, swirling, and allowing to solidify. Plates were sealed and maintained under sterile conditions in a low light growth chamber (24 h day^{-1}, 100 $\mu E/m^2s^1$, 23° C) for 7 days. Root length or root+shoot length were measured for five randomly chosen *Arabidopsis* and bentgrass plants, respectively, average mean length (percent of untreated control) vs. nominal herbicide concentration and GR_{50} determined.

[00191] This bioassay was used to confirm the loss of herbicidal activity as a result of AAD-1 (v1) degradation of the oxyalkanoate side chain from various agronomically relevant herbicides. In several instances, the anticipated phenol product co-eluted with the parent acid on HPLC and the bioassay served as the primary screen for herbicide degradation. **Tables 6 and 7** represent herbicidal substrates tested.

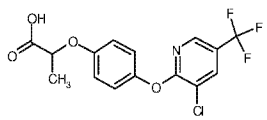
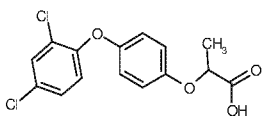
Table 6. *Arabidopsis* plate test bioassay for commercial phenoxy and pyridinyloxyalkanoate auxin substrates.

Chemical tested	GR_{50} (nM) Chemical alone	Chemical + Blank Vector *	Chemical + AAD-1 v1	GR_{50} ratio **	Structure
2,4-D	22	17	267	16	
DCP	>1000	nd	nd	nd	
Dichlorprop	nd	30	1000	33	
Triclopyr	255	1000	1000	1	
Fluroxypyr	2200	2250	1825	<1	

* Blank vector represents of cell lysate treatment where E. coli pET vector had no gene insert.

** GR50 ratio is a measure of the loss of herbicidal activity of enzyme-expressing lysate treatment vs blank vector treatments. A number ≥ 2 is considered the threshold for detecting herbicide activity loss with this assay.

Table 7. Bentgrass plate test bioassay for commercial aryloxyphenoxyalkanoate ACCase-inhibiting substrates.

Chemical tested	GR_{50} (nM) Chemical alone	Chemical + Blank Vector *	Chemical + AAD-1 v1	GR_{50} ratio **	Structure
Haloxyfop-RS	28	21	520	25	
Diclofop-RS	nd	20	130	7	

* Blank vector represents of cell lysate treatment where E. coli pET vector had no gene insert.

** GR50 ratio is a measure of the loss of herbicidal activity of enzyme-expressing lysate treatment vs blank vector treatments. A number ≥ 2 is considered the threshold for detecting herbicide activity loss with this assay.

[00192] 2.3 – HPLC results.

[00193] From the literature, it was known that dioxygenase enzymes in this class require α-ketoglutarate as a co-substrate (for a general scheme, see **Figure 1**) and ferrous ion to bind in the active site. Other experiments in the literature have shown that the addition of ascorbate increased the enzymatic activity by maintaining the iron in the reduced state, thus preventing the enzyme for being degraded. Based on this previous work, initial assays were set up under the assumption that the subject enzyme would work in the same way as other members of this general class of enzyme.

[00194] Surprisingly, the initial HPLC results showed the presence of a new peak at 6.1 minute, in addition to a reduced 2,4-D peak at 5.5 min. This new peak was not present in the control assay. For an initial identification of the peak at 6.1 minutes, a DCP control was run under our assay conditions and predictably this also eluted at 6.1 minutes. The formation of this product was confirmed using a colorimetric assay to detect phenols (see example 3.1) as well as mass spectrometry. As expected, AAD-1 (v1) carries out a similar reaction as other members of this enzyme class. In the bioassay, these same samples were also shown to have an almost complete loss of 2,4-D herbicidal activity in the *Arabidopsis* plate assay (**Figure 2**). Regardless of the specific conditions of the assay (*i.e.*, longer incubations, more enzyme), only 50-75% of the 2,4-D could be degraded to DCP as measured by HPLC. In fact, longer

induction of the BL-21 *E. coli* cells with IPTG only resulted in less active enzyme, even though more total recombinant protein was expressed.

[00195] After demonstrating degradation of 2,4-D, additional substrates were tested with similar ring substitutions (*i.e.*, oxyacetates and oxypropionates). The first compounds tested were the pyridine analogs fluroxypyr and triclopyr, which are pyridinyloxyacetates. No enzyme activity was detected on either of these as substrates. Additional tests on various analogs of these two pyridinyloxyacetates with either the fluorine or the amino groups removed also were not degraded. Interestingly however, adding a fluorine to the 5 position of 2,4-D resulted in an almost total loss of enzyme degradation (see next section for additional results).

[00196] ACCase inhibitors, haloxyfop and diclofop, were then tested using the same conditions as with 2,4-D. (The corresponding phenol metabolites co-eluted with the parent compound under the HPLC conditions used.) The bioassay results from these samples showed loss of herbicidal activity against both haloxyfop (**Figure 3**) and diclofop. These results were also confirmed by the colorimetric assay, which was also used to test a wider sampling of these compounds.

[00197] 2.4 – Plate test bioassays for herbicide degradation.

[00198] Bioassay tests results corroborated initial HPLC results that indicated loss of 2,4-D parent following incubation of 2,4-D solutions with unpurified recombinant AAD-1 (v1) extracts (**Figure 2**). Additionally, the herbicidal activity of the phenoxypropionic acid, dichlorprop, was also effectively degraded. The ratio of the nominal GR_{50} for herbicide+enzyme solution versus the herbicide solution alone served as measure of loss of parent herbicide activity resulting from enzyme activity. A ratio of 2-3 typically correlated with 50-75% loss of parent herbicide activity (**Table 6**). Often a GR_{50} could not be determined following enzyme treatment; *de facto*, no detectable herbicide activity remained.

[00199] The AOPP class of herbicides, too, served as excellent substrates for AAD-1 (v1) as shown by near complete degradation of graminicidal activity using the bentgrass plate bioassay (**Figure 3** and **Table 7**). These data are significant in that this is the first reported observation for any members of this class of enzyme to be active on herbicides outside the phenoxy auxins. The implications are that this enzyme is promiscuous enough to utilize

chemicals with similar phenoxyalkanoate substructures even though they have completely different modes of action as herbicides.

Example 3 – *In vitro* assay of AAD-1 (v1) activity via colorimetric phenol detection

[00200] 3.1 – AAD-1 (v1) assay.

[00201] AAD-1 (v1) enzyme activity was measured by colorimetric detection of the product phenol using a protocol modified from that of Fukumori and Hausinger (1993) (*J. Biol. Chem.* 268: 24311-24317) to enable deployment in a 96-well microplate format. The colorimetric assay has been described for use in measuring the activity of dioxygenases cleaving 2,4-D and dichlorprop to release the product 2,4-dichlorophenol. However, other phenols could potentially be released from different aryloxyalkanoate herbicides such as haloxyfop and cyhalofop (see **Figure 4**). The color yield from several phenols was compared to that of 2,4-dichlorophenol using the detection method previously described to ascertain which phenol products could be readily detected. Phenols and phenol analogs were tested at a final concentration of 100 μM in 0.15 ml 20 mM MOPS pH 6.75 containing 200 μM $NH_4(FeSO_4)_2$, 200 μM sodium ascorbate. The phenols derived from haloxyfop and cyhalofop had equivalent color yields to that of 2,4-dichlorophenol and so were readily detected. Pyridinols derived from fluroxypyr and triclopyr produced no significant color. The color yield of 2,4-dichlorophenol and the haloxyfop phenol was linear and proportional to the concentration of phenol in the assay up to ~500 μM. A calibration curve performed under standard assay conditions (160 μl final assay volume) indicated that an absorbance at 510 nm of 1.0 was obtained from 172 μM phenol.

[00202] Enzyme assays were performed in a total volume of 0.15 ml 20 mM MOPS pH 6.75 containing 200 μM NH_4FeSO_4, 200 μM sodium ascorbate, 1 mM α-ketoglutarate, the appropriate substrate (added from a 100 mM stock made up in DMSO), and enzyme. Assays were initiated by addition of the aryloxyalkanoate substrate, enzyme or α-ketoglutarate at time zero. After 15 minutes of incubation at 25° C, the reaction was terminated by addition of 10 μl 100 mM sodium EDTA. Color was developed by addition of 15 μl pH 10 buffer (3.09 g boric acid + 3.73 g KCl + 44 ml 1 N KOH), 1.5 μl 2% 4-aminoantipyrine and 1.5 μl 8% potassium ferricyanide. After 10 to 20 min, the absorbance at 510 nm was recorded in a spectrophotometric microplate reader. Blanks contained all reagents except for enzyme to account for the occasional slight contamination of some of the substrates by small amounts of

phenols. Later assays were made more convenient by consolidating the additions as follows: the reaction was quenched by addition of 30 µl of a 1:1:1 mix of 50 mM Na EDTA; pH 10 buffer and 0.2 % 4-aminoantipyrine, then adding 10 µl 0.8 % potassium ferricyanide.

[00203] 3.2 – Extraction.

[00204] Activity of recombinant AAD-1 (v1) expressed in *Escherichia coli*. *E. coli* cell pellets were resuspended in 0.1 M Tris, pH 7.4 + 1mg/ml lysozyme (5 ml/cells from 250 ml culture; 20 ml/cells from 1 liter) at room temperature. After about 15 minutes with occasional shaking, the suspension was frozen in liquid nitrogen then thawed. DNase was added to 0.02 mg/ml final concentration and $MgCl_2$ to 1 mM. After the extract was no longer viscous, the extract was centrifuged for 15 min. The supernatant was passed over a BioRad 10DG column pre-equilibrated with 20 mM MOPS pH 6.75 and the eluant stored in aliquots at –70° C. Assays were either performed with these unpurified desalted extracts or with purified enzymes.

[00205] A cell pellet from a 250 ml culture of induced *E. coli* cells expressing pDAB3203 containing the gene encoding *AAD-1 (v1)* was extracted and assayed using the previously described protocols. The 2,4-D cleaving activity in the AAD-1 (v1) extract was compared to that from *E. coli* cells expressing a vector without *AAD-1 (v1)* using 1 mM 2,4-D and is shown in **Figure 5**. The amount of 2,4-dichlorophenol formed is clearly proportional to the amount of extract added to the assay whereas the control extract contains no 2,4-D cleaving activity.

[00206] The activity of this extract was tested on four additional herbicides, (R,S)-dichlorprop, (R,S)-mecoprop, (R,S)-haloxyfop and (R,S)-diclofop in comparison to 2,4-D (all at a final concentration of 0.5 mM) using 4 µl of the *E. coli* extract per assay with a 15 min assay period. **Figure 6A** shows that AAD-1 (v1) cleaved all five herbicides to yield a phenol with the relative activity on the substrates being dichlorprop = mecoprop > diclofop > haloxyfop > 2,4-D. Thus AAD-1 (v1) has activity on graminicidal aryloxyphenoxypropionate herbicides as well as phenoxy auxins.

[00207] The AAD-1 (v1) extract was then tested using racemic (R,S)-haloxyfop, the R enantiomer of haloxyfop and the S-enantiomer of cyhalofop (all at 0.5 mM) as potential substrates to ascertain the likely enantiomeric specificity of AAD-1 (v1). The results are shown in **Figure 6B**. The activity of the enzyme on (R)-haloxyfop was equivalent to that on

(R,S)-haloxyfop whereas no activity could be seen on the S-enantiomer of cyhalofop indicating that AAD-1 (v1) has R specificity on AOPPs.

Example 4 – Substrate Specificity of AAD-1 (v1)

[00208] 4.1 – Additional substrates of AAD-1 (v1).

[00209] The substrate specificity of AAD-1 (v1) toward a variety of commercial and experimental herbicides was tested. Purified AAD-1 (v1) was used at either 1 or 10 µg per 160 µl assay and each substrate was tested at 1 mM with an assay time of 15 minutes. **Table 3** shows the A_{510} detected after the action of AAD-1 (v1) on a variety of aryloxyalkanoate auxinic herbicides and auxin analogs. The best substrate tested was dichlorprop, with mecoprop also being efficiently cleaved. Two other phenoxypropionates, the 4-fluoro and 3-amino analogs of dichlorprop, were also acted on effectively by AAD-1 (v1). AAD-1 (v1) produced small amounts of phenol from a variety of phenoxyacetates including 2,4-D. The relative rates on these substrates are better gauged from the assays using the higher amounts (10 µg) of AAD-1 (v1). From these data, 2,4-D is cleaved by AAD-1 (v1), as are two phenoxyalkylsulfonates, X188476 and X398166 (sesone).

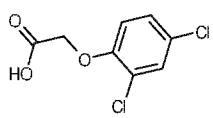
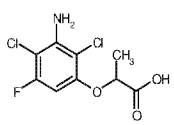
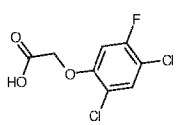
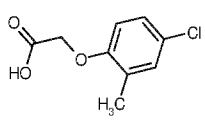
[00210] **Table 4** shows data for a variety of AOPP graminicide herbicides as AAD1 substrates, and also the safener cloquintocet. All the commercial AOPP herbicides tested were effectively cleaved by AAD-1 (v1). This is an unexpected discovery and greatly increases the potential utility of this enzyme for conferring resistance to a wide variety of graminicidal herbicides in transgenic uses, in addition to auxins. AAD-1 (v1) had the highest activity on quizalofop (76% of the dichlorprop rate) and lowest activity on cyhalofop (27% of the quizalofop rate, 21% of the dichlorprop rate). The aryloxyacetate analog of haloxyfop (X043865) was cleaved very slowly with only a small increase in A_{510} using the higher (10 µg) amount of enzyme. This is consistent with higher activity of AAD-1 (v1) seen on phenoxypropionates relative to auxin phenoxyacetates. Minimal activity was detected on (S)-cyhalofop indicating that AAD-1 (v1) has a significant preference for the R enantiomers of aryloxypropionate substrates. Similarly, no activity was noted against the quinolinoxyacetate safener, cloquintocet, which is consistent with the observation that AAD-1 (v1) prefers aryloxypropionate substrates over phenoxy auxins.

[00211] Substrates X11115427, X124987 and MCPA were tested at 1 mM using 27 µg crude recombinant AAD-1 (v1) per assay. All three compounds were substrates for AAD-1 (v1)

but with different relative effectiveness (**Table 8**). X11115427 was slightly better as a substrate than 2,4-D (125% of the 2,4-D rate) in contrast to the close analog 3-amino-dichlorprop, which is ~7- fold better than 2,4-D as a substrate (**Table 3**). The 5-F substitution appears to decrease the effectiveness of X11115427 as a substrate for AAD-1 (v1). The rates of product formation from 5-F-phenoxyacetate and MCPA were 32% and 55% that of 2,4-D respectively.

[00212] **Table 8:** Effect of AAD-1 (v1) on three substrates relative to 2,4-D. Substrates were assayed as in Table 6 at 1 mM using a crude recombinant AAD-1 (v1) extract from *E. coli.*

Table 8. Effect of AAD-1 (v1) on three substrates relative to 2,4-D.

Registry ID	MOLSTRUCTURE	Compound	A510	% 2,4-D
195517		2,4-D	0.177	100
11115427		(R,S)-3-amino, 5-F-dichlorprop	0.221	125
124987		5-F, 2,4-D	0.056	32
192711		MCPA	0.097	55

[00213] 4.2—Kinetic characterization.

[00214] The K_m and k_{cat} values of purified AAD-1 (v1) (see Example 10) were determined for four herbicide substrates, (R)-dichlorprop, (R)-haloxyfop, (R)-quizalofop and 2,4-D under standard assay conditions (25 mM MOPS, pH 6.8; 200 μM Na ascorbate; 200 μM Fe^{2+}; 1 mM α-ketoglutarate; 25° C). The dose response curves were fitted using Grafit (Erithacus

Software, UK), and the graphs and derived constants are shown in **Figure 7** and **Table 9** respectively. The K_m values for the four substrates were fairly similar (75 – 125 μM), but the k_{cat} values varied significantly. (R)-dichlorprop had the highest k_{cat} value and 2,4-D the lowest (10% that of (R)-dichlorprop). These k_{cat} values were consistent with the range of values seen in the substrate specificity tests shown in **Table 3** and **Table 4** as these were performed at high (saturating) substrate concentrations (1 mM).

[00215] **Table 9:** Kinetic Constants for AAD-1 (v1) Substrates. Kinetic constants were derived from the data in Figure 7 using Grafit fitting to the Michaelis-Menten equation.

Table 9. Kinetic Constants for AAD-1 (v1) Substrates.

Substrate	K_m (μM) ± SE	V_{max} (μmol min^{-1} mg^{-1} AAD1) ± SE	k_{cat} (min^{-1})	k_{cat}/K_m (min^{-1} mM^{-1})
R-dichlorprop	75 ± 10	0.79 ± 0.03	26.1	348
R-quizalofop	125 ± 20	0.57 ± 0.03	18.9	151
R-haloxyfop	120 ± 54	0.34 ± 0.04	11.2	94
2,4-D	96 ± 8	0.57 ± 0.00	2.7	28

[00216] The relative K_m and k_{cat} values for dichlorprop and 2,4-D differ significantly from those published for the R-specific dioxygenase from *Delftia acidovorans* by Westendorf *et al.* (2003) (*Acta Biotechnol.* 23: 3-17). The published k_{cat}/K_m value for 2,4-D is 0.6% that of dichlorprop, whereas in our studies, the k_{cat}/K_m value for 2,4-D is 8% that of dichlorprop. Thus, in this study, AAD-1 (v1) is unexpectedly effective at catalyzing the cleavage of 2,4-D. This increases its potential utility for conferring diverse herbicide tolerance traits in transgenic applications.

[00217] 4.3 – Additional substrates for AAD-1 (v1).

[00218] Three additional substrates were tested at 1 mM using 27 μg crude recombinant AAD-1 (v1) per assay; X11115427, X124987 and MCPA. The results are shown in **Table 8**. All three compounds were substrates for AAD-1 (v1) but with different relative effectiveness. X11115427 was only slightly better (125%) as a substrate than 2,4-D. This is in contrast to 3-aminodichlorprop which is >7 fold better than 2,4-D as a substrate (**Table 3**). Thus, the 5-F substitution has significantly decreased the effectiveness of X11115427 as a substrate for AAD-1 (v1). A similar pattern is seen with 5-F-2,4-D which is only 32% as effective as a

substrate relative to 2,4-D. In this assay, MCPA was also less effective as a substrate of AAD-1 (v1) (55% relative to 2,4-D).

Example 5 – Optimization of Sequence for Expression in Plants

[00219] 5.1 – Background.

[00220] To obtain high expression of heterologous genes in plants, it may be preferred to reengineer said genes so that they are more efficiently expressed in (the cytoplasm of) plant cells. Maize is one such plant where it may be preferred to re-design the heterologous gene(s) prior to transformation to increase the expression level thereof in said plant. Therefore, an additional step in the design of genes encoding a bacterial protein is reengineering of a heterologous gene for optimal expression.

[00221] One reason for the reengineering of a bacterial protein for expression in maize is due to the non-optimal G+C content of the native gene. For example, the very low G+C content of many native bacterial gene(s) (and consequent skewing towards high A+T content) results in the generation of sequences mimicking or duplicating plant gene control sequences that are known to be highly A+T rich. The presence of some A+T-rich sequences within the DNA of gene(s) introduced into plants (*e.g.*, TATA box regions normally found in gene promoters) may result in aberrant transcription of the gene(s). On the other hand, the presence of other regulatory sequences residing in the transcribed mRNA (*e.g.*, polyadenylation signal sequences (AAUAAA), or sequences complementary to small nuclear RNAs involved in pre-mRNA splicing) may lead to RNA instability. Therefore, one goal in the design of genes encoding a bacterial protein for maize expression, more preferably referred to as plant optimized gene(s), is to generate a DNA sequence having a higher G+C content, and preferably one close to that of maize genes coding for metabolic enzymes. Another goal in the design of the plant optimized gene(s) encoding a bacterial protein is to generate a DNA sequence in which the sequence modifications do not hinder translation.

[00222] **Table 10** illustrates how high the G+C content is in maize. For the data in **Table 10**, coding regions of the genes were extracted from GenBank (Release 71) entries, and base compositions were calculated using the MacVectorTM program (Accelerys, San Diego, California). Intron sequences were ignored in the calculations.

Table 10: Compilation of G + C contents of protein coding regions of maize genes

Protein Class.sup.a	Range % G + C	Mean % G + C.sup.b
Metabolic Enzymes (76)	44.4-75.3	59.0 (.+-.8.0)
Structural Proteins (18)	48.6-70.5	63.6 (.+-.6.7)
Regulatory Proteins (5)	57.2-68.8	62.0 (.+-.4.9)
Uncharacterized Proteins (9)	41.5-70.3	64.3 (.+-.7.2)
All Proteins (108)	44.4-75.3	60.8 (.+-.5.2)

.sup.a Number of genes in class given in parentheses.
.sup.b Standard deviations given in parentheses.
.sup.c Combined groups mean ignored in mean calculation

[00223] Due to the plasticity afforded by the redundancy/degeneracy of the genetic code (*i.e.*, some amino acids are specified by more than one codon), evolution of the genomes in different organisms or classes of organisms has resulted in differential usage of redundant codons. This "codon bias" is reflected in the mean base composition of protein coding regions. For example, organisms with relatively low G+C contents utilize codons having A or T in the third position of redundant codons, whereas those having higher G+C contents utilize codons having G or C in the third position. It is thought that the presence of "minor" codons within an mRNA may reduce the absolute translation rate of that mRNA, especially when the relative abundance of the charged tRNA corresponding to the minor codon is low. An extension of this is that the diminution of translation rate by individual minor codons would be at least additive for multiple minor codons. Therefore, mRNAs having high relative contents of minor codons would have correspondingly low translation rates. This rate would be reflected by subsequent low levels of the encoded protein.

[00224] In engineering genes encoding a bacterial protein for maize (or other plant, such as cotton or soybean) expression, the codon bias of the plant has been determined. The codon bias for maize is the statistical codon distribution that the plant uses for coding its proteins and the preferred codon usage is shown in **Table 11**. After determining the bias, the percent frequency of the codons in the gene(s) of interest is determined. The primary codons preferred by the plant should be determined, as well as the second, third, and fourth choices of preferred codons when multiple choices exist. A new DNA sequence can then be designed which encodes the amino sequence of the bacterial protein, but the new DNA sequence differs from the native bacterial DNA sequence (encoding the protein) by the substitution of the plant (first preferred, second preferred, third preferred, or fourth preferred) codons to

specify the amino acid at each position within the protein amino acid sequence. The new sequence is then analyzed for restriction enzyme sites that might have been created by the modification. The identified sites are further modified by replacing the codons with first, second, third, or fourth choice preferred codons. Other sites in the sequence which could affect transcription or translation of the gene of interest are the exon:intron junctions (5' or 3'), poly A addition signals, or RNA polymerase termination signals. The sequence is further analyzed and modified to reduce the frequency of TA or GC doublets. In addition to the doublets, G or C sequence blocks that have more than about four residues that are the same can affect transcription of the sequence. Therefore, these blocks are also modified by replacing the codons of first or second choice, *etc.* with the next preferred codon of choice.

Table 11. Preferred amino acid codons for proteins expressed in maize

Amino Acid	Codon*
Alanine	GCC/GCG
Cysteine	TGC/TGT
Aspartic Acid	GAC/GAT
Glutamic Acid	GAG/GAA
Phenylalanine	TTC/TTT
Glycine	GGC/GGG
Histidine	CAC/CAT
Isoleucine	ATC/ATT
Lysine	AAG/AAA
Leucine	CTG/CTC
Methionine	ATG
Asparagine	AAC/AAT
Proline	CCG/CCA
Glutamine	CAG/CAA
Arginine	AGG/CGC
Serine	AGC/TCC
Threonine	ACC/ACG
Valine	GTG/GTC
Tryptophan	TGG
Tryrosine	TAC/TAT
Stop	TGA/TAG

[00225] It is preferred that the plant optimized gene(s) encoding a bacterial protein contain about 63% of first choice codons, between about 22% to about 37% second choice codons, and between about 15% to about 0% third or fourth choice codons, wherein the total percentage is 100%. Most preferred the plant optimized gene(s) contains about 63% of first choice codons, at least about 22% second choice codons, about 7.5% third choice codons, and about 7.5% fourth choice codons, wherein the total percentage is 100%. The method described above enables one skilled in the art to modify gene(s) that are foreign to a particular plant so that the genes are optimally expressed in plants. The method is further illustrated in PCT application WO 97/13402.

[00226] Thus, in order to design plant optimized genes encoding a bacterial protein, a DNA sequence is designed to encode the amino acid sequence of said protein utilizing a redundant genetic code established from a codon bias table compiled for the gene sequences for the particular plant. The resulting DNA sequence has a higher degree of codon diversity, a desirable base composition, can contain strategically placed restriction enzyme recognition sites, and lacks sequences that might interfere with transcription of the gene, or translation of the product mRNA. Thus, synthetic genes that are functionally equivalent to the proteins/genes of the subject invention can be used to transform hosts, including plants. Additional guidance regarding the production of synthetic genes can be found in, for example, U.S. Patent No. 5,380,831.

[00227] 5.2 – Rebuild analysis.

[00228] Extensive analysis of the 888 base pairs (bp) of the DNA sequence of the native *AAD-1 (v1)* coding region (SEQ ID NO:3) revealed the presence of several sequence motifs that are thought to be detrimental to optimal plant expression, as well as a non-optimal codon composition. To improve production of the recombinant protein in monocots as well as dicots, a "plant-optimized" DNA sequence (SEQ ID NO:5) was developed that encodes SEQ ID NO:11, which is the same as the native SEQ ID NO:9 except for the addition of an alanine residue at the second position. The additional alanine codon (GCT; underlined in SEQ ID NO:5) was included to encode an Nco I site (CCATGG) spanning the ATG start codon, to enable subsequent cloning operations. The proteins encoded by the native (v1) and plant-optimized (v3) coding regions are 99.3% identical, differing only at amino acid number 2. In contrast, the native (v1) and plant-optimized (v3) DNA sequences of the coding regions are

only 77.7% identical. A sequence alignment was made of the native and plant-optimized DNAs, and **Table 12** shows the differences in codon compositions of the native and plant-optimized sequences.

Table 12. Codon composition comparison of native *AAD-1 (v1)* coding region and Plant-Optimized version.

Amino Acid	Codon	Native Gene #	Native Gene %	Plant Opt Gene #	Plant Opt Gene %	Amino Acid	Codon	Native Gene #		Plant Opt Gene #	Plant Opt Gene %
ALA (A)	GCA	2	9.1	5	22	LEU (L)	CTA	0	0.0	0	0
	GCC	10	45.5	8	35		CTC	5	22.7	7	32
22	GCG	9	40.9	0	0		CTG	16	72.7	0	0
	GCT	1	4.5	10	43	22	CTT	0	0.0	8	36
ARG (R)	AGA	0	0.0	7	30		TTA	0	0.0	0	0
	AGG	0	0.0	7	30		TTG	1	4.5	7	32
	CGA	0	0.0	0	0	LYS (K)	AAA	1	14.3	2	29
23	CGC	16	69.6	5	22	7	AAG	6	85.7	5	71
	CGG	4	17.4	0	0	MET (M)	ATG	8	**100**	8	**100**
	CGT	3	13.0	4	17	PHE (F)	TTC	10	76.9	9	69
ASN (N)	AAC	8	100.0	4	50	13	TTT	3	23.1	4	31
8	AAT	0	0.0	4	50	PRO (P)	CCA	1	5.9	8	47
ASP (D)	GAC	15	78.9	10	53		CCC	9	52.9	1	6
19	GAT	4	21.1	9	47	17	CCG	7	41.2	0	0
CYS (C)	TGC	3	100.0	2	67		CCT	0	0.0	8	47
3	TGT	0	0.0	1	33	SER (S)	AGC	11	73.3	4	27
END	TAA	0	0.0	0	0		AGT	0	0.0	0	0
1	TAG	1	100.0	0	0	15	TCA	0	0.0	4	27
	TGA	0	0.0	1	100		TCC	2	13.3	3	20
GLN (Q)	CAA	0	0.0	7	54		TCG	2	13.3	0	0
13	CAG	13	100.0	6	46		TCT	0	0.0	4	27
GLU (E)	GAA	8	50.0	5	31	THR (T)	ACA	1	4.3	6	26
16	GAG	8	50.0	11	69		ACC	16	69.6	9	39
GLY (G)	GGA	0	0.0	6	29	23	ACG	5	21.7	0	0
	GGC	15	71.4	7	33		ACT	1	4.3	8	35
21	GGG	3	14.3	2	10	TRP (W)	TGG	5	**100**	5	**100**
	GGT	3	14.3	6	29	TYR (Y)	TAC	7	70.0	6	60
HIS (H)	CAC	6	60.0	5	50	10	TAT	3	30.0	4	40
10	CAT	4	40.0	5	50	VAL (V)	GTA	2	7.1	0	0
ILE (I)	ATA	0	0.0	3	25		GTC	11	39.3	8	29
12	ATC	12	100.0	5	42	28	GTG	15	53.6	10	36
	ATT	0	0.0	4	33		GTT	0	0.0	10	36
	Totals	148		149			**Totals**	148		148	

[00229] 5.3 – Completion of binary vectors.

[00230] 5.3.1 – Rebuilt *AAD-1 (v3)*. The plant optimized gene *AAD-1 (v3)* was received from Picoscript (the gene rebuild design was completed (see above) and out-sourced to Picoscript for construction) and sequence verified (SEQ ID NO:5) internally, to confirm that no

alterations of the expected sequence were present. The sequencing reactions were carried out with M13 Forward (SEQ ID NO:16) and M13 Reverse (SEQ ID NO:17) primers using the Beckman Coulter "Dye Terminator Cycle Sequencing with Quick Start Kit" reagents as before. Sequence data was analyzed and results indicated that no anomalies were present in the plant optimized *AAD-1 (v3)* DNA sequence. The *AAD-1 (v3)* gene was cloned into pDAB726 as an Nco I – Sac I fragment. The resulting construct was designated pDAB720, containing: [AtUbi10 promoter: Nt OSM 5'UTR: *AAD-1 (v3)*: Nt OSM3'UTR: ORF1 polyA 3'UTR] (verified with Not I restriction digests). A Not I-Not I fragment containing the described cassette was then cloned into the Not I site of the binary vector pDAB3038. The resulting binary vector, pDAB721, containing the following cassette [AtUbi10 promoter: Nt OSM5'UTR: *AAD-1 (v3)*: Nt OSM 3'UTR: ORF1 polyA 3'UTR: CsVMV promoter: *PAT*: ORF25/26 3'UTR] was restriction digested (with Bam HI, EcoR I, EcoR V, HinD III, Pac I, and Xmn I) for verification of the correct orientation. The verified completed construct (pDAB721) was used for transformation into *Agrobacterium* (see section 6.2).

[00231] 5.3.2 – Native *AAD1 (v1)* and modified *AAD-1 (v2)*. The *AAD-1 (v1)* gene (SEQ ID NO:3) was PCR amplified from pDAB3203. During the PCR reaction, alterations were made within the primers to introduce the NcoI and SacI restriction sites in the 5' primer and 3' primer, respectively. The primers "rdpA(ncoI)" [CCC ATG GCT GCT GCA CTG TCC CCC CTC TCC] (SEQ ID NO:6) and "3'saci" [GAG CTC ACT AGC GCG CCG GGC GCA CGC CAC CGA] (SEQ ID NO:7) were used to amplify a DNA fragment using the Fail Safe PCR System (Epicenter).

[00232] The PCR amplicon was ligated into the pCR 2.1 TOPO TA cloning vector (Invitrogen) and sequence verified with M13 Forward (SEQ ID NO:16) and M13 Reverse (SEQ ID NO:17) primers using the Beckman Coulter "Dye Terminator Cycle Sequencing with Quick Start Kit" sequencing reagents.

[00233] Sequence data identified a clone with the correct sequence. During analysis a superfluous NotI restriction site was identified toward the 3' end of *AAD-1 (v1)*. This site was removed to facilitate cloning into pDAB3038. To remove the additional site a PCR reaction was performed with an internal 5' primer. The NotI site was altered by incorporating a new codon for an amino acid to remove the spurious NotI site. This change would alter the arginine at position 212 to a cysteine. The PCR primers "BstEII/Del NotI"

[TGG TGG TGA CCC ATC CGG GCA GCG GCT GCA AGG GCC] (SEQ ID NO:8) and "3' saci" (SEQ ID NO:7) were used.

[00234] A PCR reaction was completed using the Fail Safe PCR System (Epicenter) and the resulting fragment was cloned into the pCR 2.1 TOPO TA cloning kit (Invitrogen). Confirmation of the correct PCR product was completed by DNA sequencing, and the "fixed" gene was given the designation *AAD-1 (v2)* (SEQ ID NO:4).

[00235] A sequencing reaction using the M13 Reverse primer (SEQ ID NO:17) and the Beckman Coulter "Dye Terminator Cycle Sequencing with Quick Start Kit" sequencing reagents indicated that the correct PCR fragment had been isolated. This construct was digested with the BstEII and SacI enzymes. The resulting fragment was cloned into the pCR2.1 *AAD-1 (v2)* construct (pCR2.1 Delta NotI) and confirmed via restriction enzyme digestion.

[00236] The modified *AAD-1 (v2)* gene was then cloned into pDAB726 as a NcoI/SacI DNA fragment. The resulting construct (pDAB708) was verified with restriction digests. This construct was then cloned into the binary pDAB3038 as a NotI - NotI fragment. The final resulting construct was given the designation pDAB766, containing the [AtUbi10 promoter: Nt OSM5'UTR: *AAD-1 (v2)*: Nt OSM 3'UTR: ORF1 polyA 3'UTR: CsVMV promoter: *PAT*: ORF25/26 3'UTR] and was restriction digested for verification of the correct orientation. The completed construct was then used for transformation into *Agrobacterium*.

[00237] <u>5.3.3 – Design of a soybean-codon-biased DNA sequence encoding a soybean EPSPS having mutations that confer glyphosate tolerance</u>. This example teaches the design of a new DNA sequence that encodes a mutated soybean 5-enolpyruvoylshikimate 3-phosphate synthase (EPSPS), but is optimized for expression in soybean cells. The amino acid sequence of a triply-mutated soybean EPSPS is disclosed as SEQ ID NO:5 of WO 2004/009761. The mutated amino acids in the so-disclosed sequence are at residue 183 (threonine of native protein replaced with isoleucine), residue 186 (arginine in native protein replaced with lysine), and residue 187 (proline in native protein replaced with serine). Thus, one can deduce the amino acid sequence of the native soybean EPSPS protein by replacing the substituted amino acids of SEQ ID NO:5 of WO 2004/009761 with the native amino acids at the appropriate positions. Such native protein sequence is presented herein as SEQ ID NO:20. A doubly mutated soybean EPSPS protein sequence, containing a mutation at

residue 183 (threonine of native protein replaced with isoleucine), and at residue 187 (proline in native protein replaced with serine) is presented herein as SEQ ID NO:21.

[00238] A codon usage table for soybean (*Glycine max*) protein coding sequences, calculated from 362,096 codons (approximately 870 coding sequences), was obtained from the "kazusa.or.jp/codon" World Wide Web site. Those data were reformatted as displayed in **Table 13**. Columns D and H of **Table 13** present the distributions (in % of usage for all codons for that amino acid) of synonymous codons for each amino acid, as found in the protein coding regions of soybean genes. It is evident that some synonymous codons for some amino acids (an amino acid may be specified by 1, 2, 3, 4, or 6 codons) are present relatively rarely in soybean protein coding regions (for example, compare usage of GCG and GCT codons to specify alanine). A biased soybean codon usage table was calculated from the data in **Table 13.** Codons found in soybean genes less than about 10% of total occurrences for the particular amino acid were ignored. To balance the distribution of the remaining codon choices for an amino acid, a weighted average representation for each codon was calculated, using the formula:

Weighted % of C1 =1/(%C1 + %C2 + %C3 + *etc.*) x %C1 x 100

where C1 is the codon in question, C2, C3, *etc.* represent the remaining synonymous codons, and the % values for the relevant codons are taken from columns D and H of **Table 13** (ignoring the rare codon values in bold font). The Weighted % value for each codon is given in Columns C and G of **Table 13**. TGA was arbitrarily chosen as the translation terminator. The biased codon usage frequencies were then entered into a specialized genetic code table for use by the OptGene™ gene design program (Ocimum Biosolutions LLC, Indianapolis, Indiana).

Table 13. Synonymous codon representation in soybean protein coding sequences, and calculation of a biased codon representation set for soybean-optimized synthetic gene design.

A	B	C	D	E	F	G	H
Amino Acid	**Codon**	**Weighted %**	**Soybean %**	**Amino Acid**	**Codon**	**Weighted %**	**Soybean %**
ALA (A)	GCA	33.1	30.3	**LEU (L)**	CTA	**DNU**	**9.1**
	GCC	24.5	22.5		CTC	22.4	18.1
	GCG	**DNU***	**8.5**		CTG	16.3	13.2
	GCT	42.3	38.7		CTT	31.5	25.5
ARG (R)	AGA	36.0	30.9		TTA	**DNU**	**9.8**
	AGG	32.2	27.6		TTG	29.9	24.2
	CGA	**DNU**	**8.2**	**LYS (K)**	AAA	42.5	42.5
	CGC	14.8	12.7		AAG	57.5	57.5
	CGG	**DNU**	**6.0**	**MET (M)**	ATG	100.0	100
	CGT	16.9	14.5	**PHE (F)**	TTC	49.2	49.2
ASN (N)	AAC	50.0	50.0		TTT	50.8	50.8
	AAT	50.0	50.0	**PRO (P)**	CCA	39.8	36.5
ASP (D)	GAC	38.1	38.1		CCC	20.9	19.2
	GAT	61.9	61.9		CCG	**DNU**	**8.3**
CYS (C)	TGC	50.0	50.0		CCT	39.3	36.0
	TGT	50.0	50.0	**SER (S)**	AGC	16.0	15.1
END	TAA	**DNU**	40.7		AGT	18.2	17.1
	TAG	**DNU**	22.7		TCA	21.9	20.6
	TGA	100.0	36.6		TCC	18.0	16.9
GLN (Q)	CAA	55.5	55.5		TCG	**DNU**	**6.1**
	CAG	44.5	44.5		TCT	25.8	24.2
GLU (E)	GAA	50.5	50.5	**THR (T)**	ACA	32.4	29.7
	GAG	49.5	49.5		ACC	30.2	27.7
GLY (G)	GGA	31.9	31.9		ACG	**DNU**	**8.3**
	GGC	19.3	19.3		ACT	37.4	34.3
	GGG	18.4	18.4	**TRP (W)**	TGG	100.0	100
	GGT	30.4	30.4	**TYR (Y)**	TAC	48.2	48.2
HIS (H)	CAC	44.8	44.8		TAT	51.8	51.8
	CAT	55.2	55.2	**VAL (V)**	GTA	11.5	11.5
ILE (I)	ATA	23.4	23.4		GTC	17.8	17.8
	ATC	29.9	29.9		GTG	32.0	32.0
	ATT	46.7	46.7		GTT	38.7	38.7

***DNU** = Do Not Use

[00239] To derive a soybean-optimized DNA sequence encoding the doubly mutated EPSPS protein, the protein sequence of SEQ ID NO:21 was reverse-translated by the OptGene™ program using the soybean-biased genetic code derived above. The initial DNA sequence

thus derived was then modified by compensating codon changes (while retaining overall weighted average representation for the codons) to reduce the numbers of CG and TA doublets between adjacent codons, increase the numbers of CT and TG doublets between adjacent codons, remove highly stable intrastrand secondary structures, remove or add restriction enzyme recognition sites, and to remove other sequences that might be detrimental to expression or cloning manipulations of the engineered gene. Further refinements of the sequence were made to eliminate potential plant intron splice sites, long runs of A/T or C/G residues, and other motifs that might interfere with RNA stability, transcription, or translation of the coding region in plant cells. Other changes were made to eliminate long internal Open Reading Frames (frames other than +1). These changes were all made within the constraints of retaining the soybean-biased codon composition as described above, and while preserving the amino acid sequence disclosed as SEQ ID NO:21.

[00240] The soybean-biased DNA sequence that encodes the EPSPS protein of SEQ ID NO:21 is given as bases 1-1575 of SEQ ID NO:22. Synthesis of a DNA fragment comprising SEQ ID NO:22 was performed by a commercial supplier (PicoScript, Houston TX).

[00241] 5.3.4 - Cloning of additional binary constructs. The completion of pDAB3295 and pDAB3757 incorporated the use of the GateWay Cloning Technology (Invitrogen, cat #11791-043 and cat #12535-019). The GateWay Technology uses lambda phage-based site-specific recombination to insert a gene cassette into a vector. For more information refer to *Gateway Technology: A universal technology to clone DNA sequence for functional analysis and expression in multiple systems*, © 1999-2003, Invitrogen Corp., 1600 Faraday Ave., Carlsbad, CA 92008 (printed - 2003). All other constructs created for transformation into appropriate plant species were built using similar procedures as above and other standard molecular cloning methods (Maniatis *et al.,* 1982). **Table 14** lists all the transformation constructs used with appropriate promoters and features defined, as well as the crop transformed.

[00242] The *sacB* gene was added to the binary vector pDAB3289 as a bacterial negative selection marker to reduce the persistence of *Agrobacterium* associated with transformed plant tissue. SacB is a levan-sucrase enzyme produced by *Bacillus* spp. and is toxic to most Gram negative bacteria when grown in the presence of sucrose (Gay *et al.*, 1983). The *sacB*

gene was recovered on a *Hin*d III fragment from plasmid pRE112 (Edwards, *et al.*, 1998) and cloned into the unique *Hin*d III site in pDAB3289.

Table 14. Binary constructs used in transformation of various plant species.

pDAB #	pDAS #	Species * Trans-formed into	Gene of interest (GOI)	Promoter	Feature 1	Feature 2	GOI 2	Promoter	Bacterial Selection gene	Bacterial Selection gene 2	Plant Selection gene	Promoter	Trxn Method
721		A, T, Ct, S, Ca	AAD1 v3	AtUbi10	NtOsm	-	-	-	Erythromycin	-	pat	CsVMV	Agro binary
3230		A	EPSPS	AtUbi10	NtOsm	RB7 Mar v2	-	-	Spectinomycin	-	AAD1 v3	CsVMV	Agro binary
3289		S	AAD1 v3	CsVMV	NtOsm	RB7 Mar v2	EPSPS	AtUbi10	Spectinomycin	sacB	HptII	AtUbi3	Agro binary
3291		S	AAD1 v3	CsVMV	NtOsm	RB7 Mar v2	EPSPS	AtUbi10	Spectinomycin	-	HptII	AtUbi3	Agro binary
3295		S	AAD1 v3	CsVMV	NtOsm	RB7 Mar v2	-	-	Spectinomycin	-	pat	AtUbi10	Aerosol beam
3297	1270	A, T	AAD1 v3	CsVMV	NtOsm	RB7 Mar v2	-	-	Spectinomycin	-	pat	AtUbi10	Agro binary
3403		Cn, R	AAD1 v3	ZmUbi1	-	RB7 Mar v2	-	-	Ampicillin	-	Same as GOI		Whiskers / Gun
3404		Cn	AAD1 v3	ZmUbi1	-	RB7 Mar v2	-	-	Ampicillin	-	pat	OsAct1	Whiskers
3415	1283	Cn	AAD1 v3	ZmUbi1	-	RB7 Mar v2	-	-	Ampicillin	-	AHAS v3	OsAct1	Whiskers
3602	1421	Cn	AAD1 v3	ZmUbi1	-	RB7 Mar v2	-	-	Spectinomycin	-	AHAS v3	OsAct1	Agro Superbinary
3757		Ca	AAD1 v3	CsVMV	NtOsm	RB7 Mar v2	EPSPS	AtUbi10	Spectinomycin	-	pat	AtUbi11	Agro binary
3705		A	AAD2 v2	AtUbi10	NtOsm	RB7 Mar v2	-	-	Erythromycin	-	pat	CsVMV	Agro binary

*A = *Arabidopsis*
T = Tobacco
S = Soybean
Ct = Cotton
R = Rice
Cn = Corn
Ca = Canola

CsVMV = Cassava Vein Mosaic Virus Promoter
AtUbi10 = *Arabidopsis thaliana* Ubiquitin 10 Promoter
RB7 Mar v2 = *Nicotiana tabacum* matrix associated region (MAR)
Nt Osm = *Nicotiana tabacum* Osmotin 5' Untranslated Region and the *Nicotiana tabacum* Osmotin 3' Untranslated Region
(721 and 793) Atu ORF1 3' UTR = *Agrobacterium tumefaciens* Open Reading Frame 1 3' Untranslated Region
(3295 and 3757) Atu ORF24 3' UTR = *Agrobacterium tumefaciens* Open Reading Frame 24 3' Untranslated Region

ZmUbi1 = *Zea mays* Ubiquitin 1 Promoter
HptII = hygromycin phosphotransferase

Example 6 – Transformation into *Arabidopsis* and Selection

[00243] 6.1 – *Arabidopsis thaliana* growth conditions.

[00244] Wildtype *Arabidopsis* seed was suspended in a 0.1% Agarose (Sigma Chemical Co., St. Louis, MO) solution. The suspended seed was stored at 4° C for 2 days to complete dormancy requirements and ensure synchronous seed germination (stratification).

[00245] Sunshine Mix LP5 (Sun Gro Horticulture, Bellevue, WA) was covered with fine vermiculite and sub-irrigated with Hoagland's solution until wet. The soil mix was allowed to drain for 24 hours. Stratified seed was sown onto the vermiculite and covered with humidity domes (KORD Products, Bramalea, Ontario, Canada) for 7 days.

[00246] Seeds were germinated and plants were grown in a Conviron (models CMP4030 and CMP3244, Controlled Environments Limited, Winnipeg, Manitoba, Canada) under long day conditions (16 hours light/8 hours dark) at a light intensity of 120-150 $\mu mol/m^2 sec$ under constant temperature (22° C) and humidity (40-50%). Plants were initially watered with Hoagland's solution and subsequently with deionized water to keep the soil moist but not wet.

6.2 – *Agrobacterium* transformation.

[00247] An LB + agar plate with erythromycin (Sigma Chemical Co., St. Louis, MO) (200mg/L) or spectinomycin (100 mg/L) containing a streaked DH5α colony was used to provide a colony to inoculate 4 ml mini prep cultures (liquid LB + erythromycin). The cultures were incubated overnight at 37° C with constant agitation. Qiagen (Valencia, CA) Spin Mini Preps, performed per manufacturer's instructions, were used to purify the plasmid DNA.

[00248] Electro-competent *Agrobacterium tumefaciens* (strains Z707s, EHA101s, and LBA4404s) cells were prepared using a protocol from Weigel and Glazebrook (2002). The competent *Agrobacterium* cells were transformed using an electroporation method adapted from Weigel and Glazebrook (2002). 50 μl of competent agro cells were thawed on ice and 10-25 ng of the desired plasmid was added to the cells. The DNA and cell mix was added to pre-chilled electroporation cuvettes (2 mm). An Eppendorf Electroporator 2510 was used for the transformation with the following conditions, Voltage: 2.4kV, Pulse length: 5msec.

[00249] After electroporation, 1 ml of YEP broth (per liter: 10 g yeast extract, 10 g Bacto-peptone, 5 g NaCl) was added to the cuvette, and the cell-YEP suspension was transferred to a 15 ml culture tube. The cells were incubated at 28° C in a water bath with constant

agitation for 4 hours. After incubation, the culture was plated on YEP + agar with erythromycin (200 mg/L) or spectinomycin (100 mg/L) and streptomycin (Sigma Chemical Co., St. Louis, MO) (250 mg/L). The plates were incubated for 2-4 days at 28° C.

[00250] Colonies were selected and streaked onto fresh YEP + agar with erythromycin (200 mg/L) or spectinomycin (100 mg/L) and streptomycin (250 mg/L) plates and incubated at 28°C for 1-3 days. Colonies were selected for PCR analysis to verify the presence of the gene insert by using vector specific primers. Qiagen Spin Mini Preps, performed per manufacturer's instructions, were used to purify the plasmid DNA from selected *Agrobacterium* colonies with the following exception: 4 ml aliquots of a 15 ml overnight mini prep culture (liquid YEP + erythromycin (200 mg/L) or spectinomycin (100 mg/L)) and streptomycin (250 mg/L)) were used for the DNA purification. An alternative to using Qiagen Spin Mini Prep DNA was lysing the transformed Agrobacterium cells, suspended in 10 µl of water, at 100° C for 5 minutes. Plasmid DNA from the binary vector used in the *Agrobacterium* transformation was included as a control. The PCR reaction was completed using Taq DNA polymerase from Takara Mirus Bio Inc. (Madison, Wisconsin) per manufacturer's instructions at 0.5x concentrations. PCR reactions were carried out in a MJ Research Peltier Thermal Cycler programmed with the following conditions; 1) 94° C for 3 minutes, 2) 94° C for 45 seconds, 3) 55° C for 30 seconds, 4) 72° C for 1 minute, for 29 cycles then 1 cycle of 72° C for 10 minutes. The reaction was maintained at 4° C after cycling. The amplification was analyzed by 1% agarose gel electrophoresis and visualized by ethidium bromide staining. A colony was selected whose PCR product was identical to the plasmid control.

[00251] 6.3 – *Arabidopsis* transformation.

[00252] *Arabidopsis* was transformed using the floral dip method. The selected colony was used to inoculate one or more 15-30 ml pre-cultures of YEP broth containing erythromycin (200 mg/L) or spectinomycin (100 mg/L) and streptomycin (250 mg/L). The culture(s) was incubated overnight at 28° C with constant agitation at 220 rpm. Each pre-culture was used to inoculate two 500 ml cultures of YEP broth containing erythromycin (200 mg/L) or spectinomycin (100 mg/L) and streptomycin (250 mg/L) and the cultures were incubated overnight at 28° C with constant agitation. The cells were then pelleted at approx. 8700x g for 10 minutes at room temperature, and the resulting supernatant discarded. The cell pellet was gently resuspended in 500 ml infiltration media containing: 1/2x Murashige and Skoog

salts/Gamborg's B5 vitamins, 10% (w/v) sucrose, 0.044μM benzylamino purine (10 μl/liter of 1 mg/ml stock in DMSO) and 300 μl/liter Silwet L-77. Plants approximately 1 month old were dipped into the media for 15 seconds, being sure to submerge the newest inflorescence. The plants were then laid down on their sides and covered (transparent or opaque) for 24 hours, then washed with water, and placed upright. The plants were grown at 22° C, with a 16-hour light/8-hour dark photoperiod. Approximately 4 weeks after dipping, the seeds were harvested.

[00253] 6.4 – Selection of transformed plants.

[00254] Freshly harvested T_1 seed (transformed with native [*AAD-1 (v2)*] or plant optimized [*AAD-1 (v3)*] gene) was allowed to dry for 7 days at room temperature. T_1 seed was sown in 26.5 x 51-cm germination trays (T.O. Plastics Inc., Clearwater, MN), each receiving a 200 mg aliquots of stratified T_1 seed (~10,000 seed) that had previously been suspended in 40 ml of 0.1% agarose solution and stored at 4° C for 2 days to complete dormancy requirements and ensure synchronous seed germination.

[00255] Sunshine Mix LP5 (Sun Gro Horticulture Inc., Bellevue, WA) was covered with fine vermiculite and subirrigated with Hoagland's solution until wet, then allowed to gravity drain. Each 40 ml aliquot of stratified seed was sown evenly onto the vermiculite with a pipette and covered with humidity domes (KORD Products, Bramalea, Ontario, Canada) for 4-5 days. Domes were removed 1 day prior to initial transformant selection using glufosinate postemergence spray (selecting for the co-transformed *PAT* gene).

[00256] Five to six days after planting (DAP) and again 10 DAP, T_1 plants (cotyledon and 2-4-lf stage, respectively) were sprayed with a 0.2% solution of Liberty herbicide (200 g ai/L glufosinate, Bayer Crop Sciences, Kansas City, MO) at a spray volume of 10 ml/tray (703 L/ha) using a DeVilbiss compressed air spray tip to deliver an effective rate of 280 g ai/ha glufosinate per application. Survivors (plants actively growing) were identified 5-7 days after the final spraying and transplanted individually into 3-inch pots prepared with potting media (Metro Mix 360). Transplanted plants were covered with humidity domes for 3-4 days and placed in a 22° C growth chamber as before. Domes were subsequently removed and plants moved to the greenhouse (22±5° C, 50±30% RH, 14 h light:10 dark, minimum 500 $\mu E/m^2s^1$ natural + supplemental light) at least 1 day prior to testing for the ability of *AAD-1 (v3)* (plant optimized gene) or *AAD-1 (v2)* (native microbial gene) to provide phenoxy auxin herbicide resistance.

[00257] Random individual T_1 plants selected for glufosinate resistance above were confirmed for expression of the PAT protein using a PAT ELISA kit (Part no. 7000045, Strategic Diagnostics, Inc., Newark, DE) to non-destructively confirm fidelity of selection process (manufacturer's protocol). Plants were then randomly assigned to various rates of phenoxy herbicides (dichlorprop or 2,4-D). Phenoxy rates initially applied were 12.5 g ae/ha 2,4-D and 50 or 200 g ae/ha dichlorprop. GR_{99} for *Arabidopsis* is about 50 g ae/ha 2,4-D and 200 g ae/ha dichlorprop. Elevated rates were applied in subsequent trials (50, 200, 800, or 3200g ae/ha).

[00258] All auxin herbicide applications were made using the DeVilbiss sprayer as described above to apply 703 L/ha spray volume (0.4 ml solution/3-inch pot) or applied by track sprayer in a 187 L/ha spray volume. 2,4-D used was either technical grade (Sigma, St. Louis, MO) dissolved in DMSO and diluted in water (<1% DMSO final concentration) or the commercial dimethylamine salt formulation (456 g ae/L, NuFarm, St Joseph, MO). Dichlorprop used was technical grade (Sigma, St. Louis, MO) dissolved in DMSO and diluted in water (<1% DMSO final concentration). As herbicide rates increased beyond 800 g ae/ha, the pH of the spray solution became exceedingly acidic, burning the leaves of young, tender *Arabidopsis* plants and complicating evaluation of the primary effects of the herbicides. It became standard practice to apply these high rates of phenoxy herbicides in 200 mM Tris buffer (pH 9.0) to a final pH of ~7-8.

[00259] Some T_1 individuals were subjected to alternative commercial herbicides instead of a phenoxy auxin. One point of interest was determining whether haloxyfop could be effectively degraded *in planta*.

[00260] Although *Arabidopsis*, being a dicot, is not an optimal system for testing ACCase-inhibiting AOPP grass herbicides, *AAD-1 (v3)*-transformed T_1 plants were subjected to elevated rates (400-1600 g ae/ha) of RS-haloxyfop acid (internally synthesized) that do cause growth abnormalities and death of wildtype *Arabidopsis* using the DeVilbiss sprayer as described above Injury ratings were taken 7 and 14 days after treatment. Likewise, T_1 individuals were treated with the pyridyloxyacetate auxin herbicide, fluroxypyr.

[00261] 6.5 – Results of selection of transformed plants.

[00262] The first *Arabidopsis* transformations were conducted using *AAD-1 (v3)* (plant optimized gene). T_1 transformants were first selected from the background of untransformed seed using a glufosinate selection scheme. Over 400,000 T_1 seed were screened and 493

glufosinate resistant plants were identified (PAT gene), equating to a transformation/selection frequency of 0.12%. Depending on the lot of seed tested, this ranged from 0.05-0.23% (*see* **Table 15**). A small lot of *AAD-1 (v2)* (native)-transformed seed were also selected using the glufosinate selection agent. Two hundred seventy eight glufosinate-resistant T_1 individuals were identified out of 84,000 seed screened (0.33% transformation/selection frequency).

Table 15: Selection of AAD-1 (v3) (plant optimized), or AAD-1 (v2) (native), AAD-2 (v1) (native), or plant optimized AAD-2 (v2)-transformed T_1 individual plants using glufosinate and 2,4-D.

Selection agent	Gene	Codon bias	Total seed sown and screened	Number of resistant T_1	Selection rate	Selection rate range	% of selected plants expressing PAT[3]
Glufosinate[1]	*AAD-1 (v2)*	n	84,000	278	0.33%	0.33%	nd[4]
Glufosinate[1]	*AAD-1 (v3)*	p	400,500	493	0.12%	0.05 to 0.23%	97%
2,4-D[2]	*AAD-1(v3)*	p	70,000	53	0.08%	0.07 to 0.08%	96%
Glufosinate[1]	*AAD-2 (v1)*	n	1,301,500	228	0.018%	0.007 to 0.021%	100%
Glufosinate[1]	*AAD-2(v2)*	p	200,000	224	0.11%	0.11%	nd[4]

[1]Glufosinate selection scheme: 280g ai/ha glufosinate applied 5-6 + 10 DAP

[2]2,4-D selection scheme: 50 g ai/ha 2,4-D applied 5-7 + 10-14 DAP

[3]PAT protein expression determined by PAT ELISA strips

[4]nd, not determined

[5]codon bias, n-native microbial gene, p=plant optimized

[00263] T_1 plants selected above were subsequently transplanted to individual pots and sprayed with various rates of commercial aryloxyalkanoate herbicides. **Table 16** compares the response of native *AAD-1 (v2)* and plant optimized *AAD-1 (v3)* genes to impart 2,4-D resistance to *Arabidopsis* T_1 transformants. Both genes imparted resistance to individual T_1 *Arabidopsis* plants. Within a given treatment, the level of plant response varied greatly and can be attributed to the fact each plant represents an independent transformation event. Of important note, at each 2,4-D rate tested, there were individuals that were unaffected while some were severely affected. An overall population injury average by rate is presented in **Table 16** simply to demonstrate the significant difference between the plants transformed with *AAD-1 (v2)* or *AAD-1 (v3)* versus the wildtype or *PAT/Cry1F* transformed controls. Also evident is that tolerance appears to be significantly greater (frequency and overall level of individual response) for the plant optimized sequence *AAD-1 (v3)* versus the native sequence *AAD-1 (v2)* (see **Table 16**). Higher rates of 2,4-D (up to 3,200 g ae/ha) have been applied to additional T_1 individuals expressing AAD-1 (v3). Injury levels tend to be greater and the frequency of highly resistant plants is lower at these elevated rates (6x field rates). Also at these high rates, the spray solution becomes highly acidic unless buffered. *Arabidopsis* grown mostly in the growth chamber has a very thin cuticle and severe burning effects can complicate testing at these elevated rates. Nonetheless, some individuals have survived 3,200 g ae/ha 2,4-D with little or no injury.

[00264] **Table 16.** *AAD-1 v3* (plant optimized), or *AAD-1 v2* (native), or *AAD-2* (native)-transformed T_1 *Arabidopsis* response to a range of 2,4-D rates applied postemergence. Response is presented in terms of % visual injury 2 WAT. Data are presented as a histogram of individuals exhibiting little or no injury (<20%), moderate injury (20-40%), or severe injury (>40%). Since each T_1 is an independent transformation event, one can expect significant variation of individual T_1 responses within a given rate. An arithmetic mean and standard deviation is presented for each treatment. The range in individual response is also indicated in the last column for each rate and transformation. *PAT/Cry1F*-transformed *Arabidopsis* served as an auxin-sensitive transformed control. Wildtype *Arabidopsis* is untransformed.

Table 16. *AAD-1 v3* (plant optimized), or *AAD-1 v2* (native), or *AAD-2* (native)-transformed T_1 *Arabidopsis* response to a range of 2,4-D rates applied postemergence.

Native AAD-1 (v2) gene Averages	% Injury <20%	% Injury 20-40%	% Injury >40%	% Injury Ave	Std Dev
Untreated control-buffer	20	6	7	25.3	34.7
50 g ae/ha 2,4-D	55	16	9	14.8	22.7
200 g ae/ha 2,4-D	45	11	24	34.1	39.3
800 g ae/ha 2,4-D	11	32	37	52.5	34.2

Native AAD-2 gene Averages	% Injury <20%	% Injury 20-40%	% Injury >40%	% Injury Ave	Std Dev
Untreated control-buffer	4	1	1	25.0	21.7
50 g ae/ha 2,4-D	1	2	11	68.2	30.2
200 g ae/ha 2,4-D	0	3	11	82.7	28.8
800 g ae/ha 2,4-D	0	0	14	99.8	0.8

Rebuilt AAD-1 (v3) gene Averages	% Injury <20%	% Injury 20-40%	% Injury >40%	% Injury Ave	Std Dev
Untreated control-buffer	9	0	0	0.0	0.0
50 g ae/ha 2,4-D	10	1	5	24.3	35.9
200 g ae/ha 2,4-D	11	4	1	14.0	25.9
800 g ae/ha 2,4-D	11	4	1	14.7	26.1

Wildtype Averages	% Injury <20%	% Injury 20-40%	% Injury >40%	% Injury Ave	Std Dev
Untreated control-buffer	11	0	0	0.0	0.0
50 g ae/ha 2,4-D	0	0	15	90.0	0.0
200 g ae/ha 2,4-D	0	0	15	95.1	0.5
800 g ae/ha 2,4-D	0	0	15	100.0	0.0

PAT/Cry1F (transformed control) Averages	% Injury <20%	% Injury 20-40%	% Injury >40%	% Injury Ave	Std Dev
Untreated control-buffer	11	0	0	0.0	0.0
50 g ae/ha 2,4-D	0	0	15	90.7	4.2
200 g ae/ha 2,4-D	0	0	15	97.2	1.7
800 g ae/ha 2,4-D	0	0	15	100.0	0.0

[00265] **Table 17** shows a similar dose response of T_1 *Arabidopsis* to the phenoxypropionic acid, dichlorprop. Similar trends were seen as with 2,4-D, indicating the chiral propionic side chain indeed serves as an acceptable substrate. Next, it was determined that a degree of increased haloxyfop tolerance could be imparted to transformed *Arabidopsis* at elevated rates

of 400 – 1,600 g ae/ha (**Table 18**). Normal field use rate for haloxyfop (a grass-specific herbicide) is around 50-70 g ae/ha. Dicots are generally considered naturally tolerant to AOPP herbicides; however, severe physiological effects do occur in *Arabidopsis* at these elevated rates. Some *AAD1 (v3)* transformed individuals did exhibit increased tolerance to haloxyfop. This provides the first *in planta* data that *AAD-1 (v3)* will provide AOPP resistance. No resistance was observed with fluroxypyr (a pryridyloxyacetate auxin) in transformed *Arabidopsis*, consistent with *in vitro* work using heterologously expressed enzyme.

[00266] **Table 17.** T_1 *Arabidopsis* response to a range of dichlroprop rates applied postemergence. Response is presented in terms of % visual injury 2 WAT. Data are presented as a histogram of individuals exhibiting little or no injury (<20%), moderate injury (20-40%), or severe injury (>40%). Since each T_1 is an independent transformation event, one can expect significant variation of individual T_1 responses within a given rate. An arithmetic mean and standard deviation is presented for each treatment. The range in individual response is also indicated in the last column for each rate and transformation. *PAT/Cry1F*-transformed *Arabidopsis* served as an auxin-sensitive transformed control. Wildtype *Arabidopsis* is untransformed.

Table 17. T_1 *Arabidopsis* response to a range of dichlroprop rates applied postemergence.

AAD-1 v3		% Injury		% Injury		
Averages	<20%	20-40%	>40%	Ave	Std Dev	Range
Untreated control	3	0	0	0.0	0.0	0
12.5 g ae/ha RS-dichlorprop	7	1	0	5.0	7.6	0-20
50 g ae/ha RS-dichlorprop	7	1	0	3.1	8.8	0-25
200 g ae/ha RS-dichlorprop	4	1	3	40.0	50.1	0-100
800 g ae/ha RS-dichlorprop	0	5	3	51.9	40.0	20-100
PAT/Cry1F		% Injury		% Injury		
Averages	<20%	20-40%	>40%	Ave	Std Dev	Range
Untreated control	3	0	0	0.0	0.0	0
12.5 g ae/ha RS-dichlorprop	0	6	2	38.1	25.3	20-95
50 g ae/ha RS-dichlorprop	0	0	8	80.0	25.3	50-100
200 g ae/ha RS-dichlorprop	0	0	8	98.3	2.2	95-100
800 g ae/ha RS-dichlorprop	0	0	8	100.0	0.0	100

Table 17. T_1 *Arabidopsis* response to a range of dichlroprop rates applied postemergence.

Wildtype	% Injury			% Injury		
Averages	<20%	20-40%	>40%	Ave	Std Dev	Range
Untreated control	3	0	0	0.0	0.0	0
12.5 g ae/ha RS-dichlorprop	3	0	0	13.3	2.9	10-15
50 g ae/ha RS-dichlorprop	0	0	3	53.3	5.8	50-60
200 g ae/ha RS-dichlorprop	0	0	3	95.0	5.0	90-100
800 g ae/ha RS-dichlorprop	0	0	3	100.0	0.0	100

[00267] **Table 18.** T1 *Arabidopsis* response to a range of haloxyfop rates applied postemergence at artificially high rates attempting to show tolerance of the dicot *Arabidopsis* to the graminicide. Response is presented in terms of % visual injury 2 WAT. Data are presented as a histogram of individuals exhibiting little or no injury (<20%), moderate injury (20-40%), or severe injury (>40%). Since each T1 is an independent transformation event, one can expect significant variation of individual T1 responses within a given rate. An arithmetic mean and standard deviation is presented for each treatment. The range in individual response is also indicated in the last column for each rate and transformation. *PAT/Cry1F*-transformed *Arabidopsis* served as an auxin-sensitive transformed control. Wildtype *Arabidopsis* is untransformed.

Table 18. T1 *Arabidopsis* response to a range of haloxyfop rates applied postemergence at artificially high rates attempting to show tolerance of the dicot *Arabidopsis* to the graminicide.

AAD-1 v3	% Injury			% Injury		
Averages	<20%	20-40%	>40%	Ave	Std Dev	Range
Untreated control	3	0	0	0.0	0.0	0
100 g ae/ha haloxyfop	4	0	0	0.0	0.0	0
200 g ae/ha haloxyfop	4	0	0	0.0	0.0	0
400 g ae/ha haloxyfop	3	1	0	6.3	9.5	0-20
800 g ae/ha haloxyfop	1	1	2	46.3	42.7	0-85
1600 g ae/ha haloxyfop	1	0	3	65.0	47.3	0-100
PAT/Cry1F	% Injury			% Injury		
Averages	<20%	20-40%	>40%	Ave	Std Dev	Range
Untreated control	3	0	0	0.0	0.0	0
100 g ae/ha haloxyfop	4	0	0	0.0	0.0	0
200 g ae/ha haloxyfop	4	0	0	10.0	0.0	10
400 g ae/ha haloxyfop	0	4	0	27.5	5.0	20-30
800 g ae/ha haloxyfop	0	0	4	78.8	6.3	70-85
1600 g ae/ha haloxyfop	0	0	4	47.5	43.5	80-100
Wildtype	% Injury			% Injury		
Averages	<20%	20-40%	>40%	Ave	Std Dev	Range
Untreated control	3	0	0	0.0	0.0	0

Table 18. T1 *Arabidopsis* response to a range of haloxyfop rates applied postemergence at artificially high rates attempting to show tolerance of the dicot *Arabidopsis* to the graminicide.

100 g ae/ha haloxyfop	3	0	0	0.0	0.0	0
200 g ae/ha haloxyfop	3	0	0	0.0	0.0	0
400 g ae/ha haloxyfop	0	3	0	20.0	0.0	20
800 g ae/ha haloxyfop	0	0	3	73.3	10.4	70-85
1600 g ae/ha haloxyfop	0	0	3	93.3	11.5	80-100

[00268] 6.6 – *AAD-1 (v3)* as a selectable marker.

[00269] The ability to use *AAD-1 (v3)* as a selectable marker using 2,4-D as the selection agent was analyzed initially with *Arabidopsis* transformed with as described above. T_1 seed transformed with *PAT* and *AAD1 (v3)* (pDAB 721) were sown into flats and germinated as described above and compared to similar seed treated with the normal glufosinate selection scheme (5 and 10 DAP). 2,4-D (50g ae/ha) was applied to seedling *Arabidopsis* as previously done with glufosinate. Variation in number of applications and timing of application were tested. Each tray of plants received either one or two application timings of 2,4-D in one of the following treatment schemes: 5+10 DAP, 5+14 DAP, 10 DAP, 10+14 DAP, 14 DAP. Plants were identified as Resistant or Sensitive 19 DAP and ELISA test strips run to determine frequency of successfully co-transforming an active *PAT* gene.

[00270] Fifty-three out of 70,000 seed planted were identified as resistant to 2,4-D. ELISA was used to screen a subset of 44-individuals from this population for PAT protein expression. Ninety six percent of the individuals were positive indicating the presence of the co-transformed gene, *PAT*. The low number of negative ELISA results (4%) is in line with a 3% error rate in populations of glufosinate-resistant plants (**Table 15**). The efficiency of selection appears to be somewhat less with 2,4-D (0.08%) vs. glufosinate (0.12%); however, the range of selection rates across all experiments would indicate both selection agents are equally good for selecting *Arabidopsis* transformed with *AAD-1 (v3)* or *PAT* genes, respectively. Two successive applications most accurately identify resistant individuals with both herbicides tested.

[00271] 6.7 – Heritability.

[00272] A variety of T_1 events were self-pollinated to produce T_2 seed. These seed were progeny tested by applying 2,4-D (200 g ae/ha) to 100 random T_2 siblings. Each individual T_2 plant was transplanted to 7.5-cm square pots prior to spray application (track sprayer at 187 L/ha applications rate). More than 60% of the T_1 families (T_2 plants) segregated in the

anticipated 3 Resistant:1 Sensitive model for a dominantly inherited single locus with Mendelian inheritance as determined by Chi square analysis ($P > 0.05$).

[00273] Seed were collected from 12 to 20 T_2 individuals (T_3 seed). Twenty-five T_3 siblings from each of eight randomly-selected T_2 families were progeny tested as previously described. Approximately one-third of the T_2 families anticipated to be homozygous (non-segregating populations) have been identified in each line tested: ranging in frequency from one to four out of the eight families tested. These data show *AAD1 (v3)* is stably integrated and inherited in a Mendelian fashion to at least three generations.

[00274] 6.8 –Additional herbicide resistance attributable to AAD-1 in *Arabidopsis*.

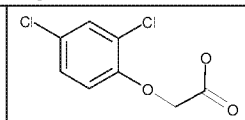
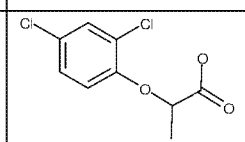
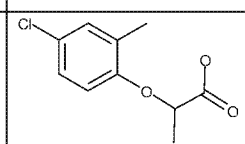
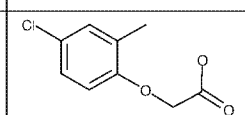
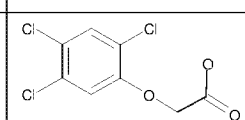
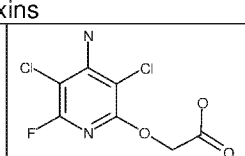
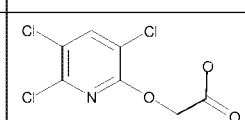
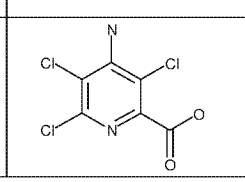
[00275] The ability of *AAD-1 (v3)* to provide resistance to other aryloxyphenoxyalkanoate herbicides in transgenic *Arabidopsis* was determined using a modified *in vitro* plate assay. Seeds from wild-type *Arabidopsis thaliana* as well as *Arabidopsis thaliana* containing the plant optimized AAD-1 (v3) gene (T_4 homozygous plants id = PAAD1.315.064) were sterilized by agitating for 10 min in a 50% bleach solution. These seeds were then rinsed four times with sterile water to remove the bleach.

[00276] Dose response assays utilized a nutrient media (see below) supplemented with various rates of test compounds. The test compounds were added to the heated media (55° C) as concentrated solutions in DMSO. Control wells had the appropriate amount of DMSO without any additional compound. The final concentration of DMSO never exceeded 1% (v/v). After thorough mixing, a 6 mL aliquot of the warm media containing the appropriate concentration of compound was added to each well of a 6-well, flat bottom, polystyrene tissue culture tray (Falcon 353046, Becton Dickson and Company, Franklin Lakes, NJ). After the media solidified, approximately 20 to 30 *Arabidopsis* seeds were applied on top of the solidified media and the remaining 2 mL of media was poured over the seeds. The plates were lightly agitated to disperse the seeds, covered and allowed to cool until the media had completely solidified. The plates were incubated for 7 days at 25°C under continual fluorescent lighting (75 $\mu E\ m^{-2}\ s^{-1}$). Nutrient Media Composition was as described in Example 2.2 and in Somerville and Orgen (1982).

[00277] Assessment of growth reduction. The apical portion of the *Arabidopsis* plants grown in the treated media was assessed visually relative to the apical portion of the plants grown in the media containing only DMSO. Values were recorded as % growth reduction.

Assessments of root growth inhibition of the *Arabidopsis* plants grown in the treated media were achieved by carefully extracting the plants from the media and measuring the length of the root. These root lengths were then compared to the root length of the control plants to determine a % growth reduction. A minimum of five plants were assessed for each treatment. The values recorded are an average of all the plants assessed. The calculated concentration to reach 50% inhibition effect (I_{50}) were determined for both root and shoots of wildtype and AAD-1-transformed *Arabidopsis*. The ratios of resistant to sensitive biotypes are included in **Table 19**. A ratio >2 for both root and shoot measurements generally signifies significant resistance. The higher the ratio, the greater the level of resistance. All commercial phenoxy auxins showed significant levels of resistance including oxyacetic acids (2,4-D and MCPA) as well as oxypropionic acids (dichlorprop and mecoprop). In fact, the chronic root assessment shows resistance to the oxypropionic acid is higher with AAD-1 (v3) than for the oxyacetic acids, consistent with enzymatic characteristics of AAD-1 (v1). Assessment of other auxins containing pyridine rings showed AAD-1 (v3) did not effectively protect *Arabidopsis* form pyridyloxyacetates herbicides, triclopyr and fluroxypyr, or the picolinic acid herbicide, picloram. The broad phenoxy auxin resistance is the first reported *in planta*. The alternative auxins to which AAD-1 does not protect would be viable tools for the control and containment of *AAD-1*-transformed commercial crops or experimental plant species.

Table 19. *In vitro* plate test assessment of herbicide substrate cross resistance afforded by AAD-1 (v3) in homozygous T_4 *Arabidopsis* (ARBTH).

Compound	Structure	wt ARBTH shoot I50	PAAD1.315.064 T3 ARBTH shoot I50	wt ARBTH root I50	PAAD1.315.064 ARBTH root I50	shoot ratio	root ratio
		ppm					
Phenoxy auxins							
2,4-D		0.2	10	< 0.01	0.04	50	> 4
dichlorprop		2	5	0.01	1.5	2.5	150
Mecoprop		2	25	0.01	1.5	12.5	150
MCPA		0.2	1	0.01	0.03	5	3
2,4,5-T		1.5	10	<0.01	<0.01	6.67	NA
Pyridine auxins							
Fluroxypyr		2	1	0.2	0.2	0.5	1
Triclopyr		0.2	0.04	0.02	0.02	0.2	1
Picloram		1	0.5	0.3	0.15	0.5	0.5

[00278] 6.9 – Foliar applications herbicide resistance in AAD-1 *Arabidopsis* .

[00279] The ability of *AAD-1 (v3)* to provide resistance to other aryloxyphenoxyalkanoate auxin herbicides in transgenic *Arabidopsis* was determined by foliar application of various

substrates described in Example 6.8. T_4 generation *Arabidopsis* seed, homozygous for *AAD-1 (v3)* (line AAD1.01.315.076) was stratified, and sown into selection trays much like that of *Arabidopsis* (Example 6.4). A transformed-control line containing PAT and the insect resistance gene Cry1F was planted in a similar manner. Seedlings were transferred to individual 3-inch pots in the greenhouse. All plants were sprayed with the use of a track sprayer set at 187 L/ha. The plants were sprayed from a range of phenoxy auxin herbicides: 12.5-1600 g ae/ha 2,4-D dimethylamine salt (DMA) (Riverside Chemicals), 12.5-1600 g ae/ha mecoprop (AH Marks), 50-3200 g ae/ha R-dichlorprop (AH Marks), 8.75-1120 g ae/ha 2,4,5-T (technical grade); pyridyloxyacetates herbicides 50-3200 g ae/ha triclopyr (Dow AgroSciences) and 50-3200 g ae/ha fluroxypyr (Dow AgroSciences); and the 2,4-D metabolite resulting from AAD-1 activity, 2,4-dichlorophenol (DCP, Sigma) (at 50-3200 g ae/ha, technical grade). All applications were formulated in 200 mM Hepes buffer (pH 7.5). Each treatment was replicated 3-4 times. Plants were evaluated at 3 and 14 days after treatment and are averaged over two experiments.

[00280] These results (see **Table 20**) confirm that *AAD-1 (v3)* in *Arabidopsis* provides robust resistance to the phenoxyacetic auxins, phenoxypropionic auxins, but have not shown significant cross resistance to the pyridyloxyacetic auxins tested and corroborates the *in vitro* enzyme and whole plate substrate specificity data. Additionally, there is no effect of the metabolite, 2,4-dichlorphohenol (DCP), on wildtype or transgenic *Arabidopsis*.

Table 20. Comparison of homozygous T_4 AAD-1 (v3) and wildtype *Arabidopsis* plant response to various foliar-applied auxinic herbicides.

Phenoxypropionic auxins		
	Ave % Injury 14DAT	
Herbicide Treatment	**AAD1.01.315.076.T_4 homozygous AAD1 plants**	**PatCry1f - Control**
50 g ae/ha R-Dichlorprop	3	31
200 g ae/ha R-Dichlorprop	3	73
800 g ae/ha R-Dichlorprop	3	89
3200 g ae/ha R-Dichlorprop	3	95

Table 20. Comparison of homozygous T_4 AAD-1 (v3) and wildtype *Arabidopsis* plant response to various foliar-applied auxinic herbicides.

12.5 g ae/ha Mecoprop	3	0
25 g ae/ha Mecoprop	0	2
50 g ae/ha Mecoprop	0	17
100 g ae/ha Mecoprop	0	33
200 g ae/ha Mecoprop	3	62
400 g ae/ha Mecoprop	0	78
800 g ae/ha Mecoprop	0	93
1600 g ae/ha Mecoprop	0	100
Phenoxyacetic auxins		
	Ave % Injury 14DAT	
Herbicide Treatment	**AAD1.01.315.076.T_4 homozygous AAD1 plants**	**Pat/Cry1f - Control**
12.5 g ae/ha 2,4-D DMA	0	67
25 g ae/ha 2,4-D DMA	0	78
50 g ae/ha 2,4-D DMA	0	93
100 g ae/ha 2,4-D DMA	0	100
200 g ae/ha 2,4-D DMA	0	100
400 g ae/ha 2,4-D DMA	0	100
800 g ae/ha 2,4-D DMA	0	100
1600 g ae/ha 2,4-D DMA	0	100
8.75 g ae/ha 2,4,5-T	0	0
17.5 g ae/ha 2,4,5-T	3	20
35 g ae/ha 2,4,5-T	0	43
70 g ae/ha 2,4,5-T	3	85
140 g ae/ha 2,4,5-T	0	95
280 g ae/ha 2,4,5-T	0	98
560 g ae/ha 2,4,5-T	17	100
1120 g ae/ha 2,4,5-T	3	100
Pyridyloxyacetic auxins		
	Ave % Injury 14DAT	
Herbicide Treatment	**AAD1.01.315.076.T_4 homozygous AAD1 plants**	**Pat/Cry1f - Control**
50 g ae/ha Triclopyr	31	36
200 g ae/ha Triclopyr	58	65
800 g ae/ha Triclopyr	74	84
3200 g ae/ha Triclopyr	97	95
50 g ae/ha Fluroxypyr	48	76
200 g ae/ha Fluroxypyr	75	85
800 g ae/ha Fluroxypyr	88	85
3200 g ae/ha Fluroxypyr	95	95

Table 20. Comparison of homozygous T_4 AAD-1 (v3) and wildtype *Arabidopsis* plant response to various foliar-applied auxinic herbicides.		
	Inactive DCP metabolite	
50 g ae/ha 2,4-DCP	0	0
200 g ae/ha 2,4-DCP	0	0
800 g ae/ha 2,4-DCP	0	0
3200 g ae/ha 2,4-DCP	0	0

[00281] 6.10 – Relationship of Plant Growth to AAD-1 (v3) Expression in *Arabidopsis*.

[00282] An experiment was designed to examine if the level of AAD-1 (v3) expression in *Arabidopsis* varies at different growth stages. A high-tolerance, homozygous, *AAD-1 (v3)* T_4 line (id=PAAD1.01.345.163) was grown in greenhouse. Half of the plants were treated with 800 g ae /ha of 2,4-D (as previously described) while the other half were not treated. Two leaves, the 3rd leaf from the top and the 5th leaf from the bottom, were harvested from 5 plants, both treated and untreated, and analyzed by ELISA and Western Blotting (as described in Example 11) experiments at 4, 10, 14, 20 and 25 DAT. **Figures 8A** and **8B** showed that there was statistically no difference in AAD-1 (v3) expression between young and old leaves. In addition, the herbicide 2,4-D had little impact on the expression level of AAD-1 (v3) protein. The protein levels accumulated in older plants with some significant protein degradation at the later time points.

[00283] In a separate experiment, four different homozygous T_4 lines of *Arabidopsis* displaying different tolerance level to the herbicide 2,4-D were sprayed with various levels (0, 200, 800 and 3200 g/ha) of 2,4-D and their herbicide injury and AAD-1 (v3) expression were examined. Four days after the herbicide treatment, little injury was observed in three of the four lines, even at the highest dose tested (**Figure 9A**). These plants also expressed high level of AAD-1 (v3), from 0.1 to 0.25% of (**Figure 9B**). On the contrary, the low tolerance line expressed less than 0.1% of AAD-1 (v3) in TSP and suffered observable injury. More importantly, they recovered from the injury on 14 DAT (**Figure 9A**), indicating that the low level of AAD-1 (v3) expression was able to protect the plants from the serious herbicide damage. All control plants suffered serious injury and died 14 DAT at doses 800 g ae/ha 2,4-D and above.

[00284] 6.11 – Molecular analysis of *AAD-1 (v3) Arabidopsis*.

[00285] Invader Assay (methods of Third Wave Agbio Kit Procedures) for PAT gene copy number and/or Southern blot analysis was performed with total DNA obtained from Qiagen DNeasy kit on multiple *AAD-1 (v3)* homozygous lines to determine stable integration of the plant transformation unit containing *PAT* and *AAD-1 (v3)*. Analysis assumed direct physical linkage of these genes as they were contained on the same plasmid.

[00286] For Southern analysis, a total of 1 µg of DNA was subjected to an overnight digest of Nsi I for pDAB721 to obtain integration data. The samples were run on a large 0.85 % agarose gel overnight at 40 volts. The gel was then denatured in 0.2 M NaOH, 0.6 M NaCl for 30 minutes. The gel was then neutralized in 0.5 M Tris HCl, 1.5 M NaCl pH of 7.5 for 30 minutes. A gel apparatus containing 20SSC was then set up to obtain a gravity gel to nylon membrane (Millipore INYC00010) transfer overnight. After the overnight transfer the membrane was then subjected to UV light via a crosslinker (stratagene UV stratalinker 1800) at 1200 X100 microjoules. The membrane was then washed in 0.1% SDS, 0.1 SSC for 45 minutes. After the 45 minute wash, the membrane was baked for 3 hours at 80° C and then stored at 4° C until hybridization. The hybridization template fragment consisted of the prepared primers (Pat 5-3 AGATACCCTTGGTTGGTTGC) (SEQ ID NO:23) and (Pat 3-3 CAGATGGATCGTTTGGAAGG) (SEQ ID NO:24) designed to obtain the coding region of *PAT*. The product was run on a 1% agarose gel and excised and then gel extracted using the Qiagen (28706) gel extraction procedure. The membrane was then subjected to a pre-hybridization at 60° C step for 1 hour in Perfect Hyb buffer (Sigma H7033). The Prime it RmT dCTP-labeling rxn (Stratagene 300392) procedure was used to develop the p32 based probe (Perkin Elmer). The probe was cleaned up using the Probe Quant. G50 columns (Amersham 27-5335-01). Two million counts CPM per ml of Perfect Hyb buffer was used to hybridize the southern blots overnight. After the overnight hybridization the blots were then subjected to two 20 minute washes at 65° C in 0.1% SDS, 0.1 SSC. The blots were then exposed to film overnight, incubating at -80° C.

[00287] Results showed all 2,4-D resistant plants assayed contained *PAT* (and thus by inference, *AAD-1 (v3)*). Copy number analysis showed total inserts ranged from 1 to >10 copies. This correlates, too, with the AAD-1 (V3) protein expression data indicating that the

presence of the enzyme yields significantly high levels of resistance (>>200 fold) to all commercially available phenoxyacetic and phenoxypropionic acids.

[00288] 6.12 – *Arabidopsis* transformed with molecular stack of *AAD-1 (v3)* and glyphosate resistance gene.

[00289] T_1 *Arabidopsis* seed was produced, as previously described, containing pDAB3230 plasmid (*AAD-1 (v3)* + *EPSPS*) coding for a putative glyphosate resistance trait. T_1 transformants were selected using *AAD-1 (v3)* as the selectable marker as described in example 6.6, except the 2,4-D rate used was 75 g ae/ha. Twenty-four T_1 individually transformed events were recovered from the first selection attempt and transferred to three-inch pots in the greenhouse as previously described. Three different control *Arabidopsis* lines were also tested: wildtype Columbia-0, *AAD-1 (v3)* + *PAT* T_5 homozygous lines (pDAB721-transformed), and *PAT* + *Cry1F* homozygous line (transformed control). Only pDAB3230 plants were pre-selected at the seedling stage for 2,4-D tolerance. Four days after transplanting, plants were evenly divided for foliar treatment by track sprayer as previously described with 0, 26.25, 105, 420, or 1680 g ae/ha glyphosate (Glyphomax Plus, Dow AgroSciences) in 200 mM Hepes buffer (pH 7.5). All treatments were replicated 4 or 5 times. Plants were evaluated 7 and 14 days after treatment. I_{50} values were calculated and show >14 fold level of tolerance imparted by *EPSPS* molecularly stacked with *AAD-1 (v3)* (*see* **Figure 10**). AAD-1 (v3) did not provide resistance to glyphosate itself (re: pDAB721 response). These T_1 plants will be grown to seed, self-pollinated to yield T_2 seed. The pDAB 3230 T_1 plants have demonstrated tolerance to lethal doses of 2,4-D and glyphosate. T_2 plants will be further tested to demonstrate these co-transformed plants will withstand glyphosate + 2,4-D treatments applied in tankmix as described in Example 21 and shown for *AAD-1 (v3)*-transformed corn in Example 8.

Example 7 – WHISKERS-Mediated Transformation Into Maize, and Use of *AAD-1 (v3)* as a Selectable Marker

[00290] 7.1 – Cloning of *AAD-1 (v3)*.

[00291] The *AAD-1 (v3)* fragment was received on an NcoI/SacI fragment. Construct pDAB4005 was digested with NcoI and SacI and the 5175 bp backbone fragment isolated. The two fragments were ligated together using T4 DNA ligase and transformed into DH5α

cells. Minipreps were performed on the resulting colonies using Qiagen's QIA Spin mini prep kit, and the colonies were digested to check for orientation. The correct intermediate plasmid was named pDAB3403. Both pDAB3403 and pDAB8505 (OsAct1/PAT/ZmLip) were digested with NotI. The 3442 bp band from pDAB3403 and the 11017 bp band from pDAB8505 were isolated and purified. The fragments were ligated together, transformed into DH5α, and the resulting plasmids were screened for orientation. The final construct was designated pDAB3404, which contains ZmUbi1/po-aad1/ZmPer5::OsAct1/PAT/ZmLip.

[00292] 7.2 – Callus/suspension initiation.

[00293] To obtain immature embryos for callus culture initiation, F_1 crosses between greenhouse-grown Hi-II parents A and B (Armstrong *et al.* 1991) were performed. When embryos were 1.0-1.2 mm in size (approximately 9-10 days post-pollination), ears were harvested and surface sterilized by scrubbing with Liqui-Nox® soap, immersed in 70% ethanol for 2-3 minutes, then immersed in 20% commercial bleach (0.1% sodium hypochlorite) for 30 minutes.

[00294] Ears were rinsed in sterile, distilled water, and immature zygotic embryos were aseptically excised and cultured on 15Ag10 medium (N6 Medium (Chu *et al.*, 1975), 1.0 mg/L 2,4-D, 20 g/L sucrose, 100 mg/L casein hydrolysate (enzymatic digest), 25 mM L-proline, 10 mg/L $AgNO_3$, 2.5 g/L Gelrite, pH 5.8) for 2-3 weeks with the scutellum facing away from the medium. Tissue showing the proper morphology (Welter *et al.*, 1995) was selectively transferred at biweekly intervals onto fresh 15Ag10 medium for about 6 weeks, then transferred to 4 medium (N6 Medium, 1.0 mg/L 2,4-D, 20 g/L sucrose, 100 mg/L casein hydrolysate (enzymatic digest), 6 mM L-proline, 2.5 g/L Gelrite, pH 5.8) at bi-weekly intervals for approximately 2 months.

[00295] To initiate embryogenic suspension cultures, approximately 3 ml packed cell volume (PCV) of callus tissue originating from a single embryo was added to approximately 30 ml of H9CP+ liquid medium (MS basal salt mixture (Murashige and Skoog, 1962), modified MS Vitamins containing 10-fold less nicotinic acid and 5-fold higher thiamine-HCl, 2.0 mg/L 2,4-D, 2.0 mg/L α-naphthaleneacetic acid (NAA), 30 g/L sucrose, 200 mg/L casein hydrolysate (acid digest), 100 mg/L *myo*-inositol, 6 mM L-proline, 5% v/v coconut water (added just before subculture), pH 6.0). Suspension cultures were maintained under dark conditions in 125 ml Erlenmeyer flasks in a temperature-controlled shaker set at 125 rpm at

28° C. Cell lines typically became established within 2 to 3 months after initiation. During establishment, suspensions were subcultured every 3.5 days by adding 3 ml PCV of cells and 7 ml of conditioned medium to 20 ml of fresh H9CP+ liquid medium using a wide-bore pipette. Once the tissue started doubling in growth, suspensions were scaled-up and maintained in 500 ml flasks whereby 12 ml PCV of cells and 28 ml conditioned medium was transferred into 80 ml H9CP+ medium. Once the suspensions were fully established, they were cryopreserved for future use.

[00296] 7.3 – Cryopreservation and thawing of suspensions.

[00297] Two days post-subculture, 4 ml PCV of suspension cells and 4 ml of conditioned medium were added to 8 ml of cryoprotectant (dissolved in H9CP+ medium without coconut water, 1 M glycerol, 1 M DMSO, 2 M sucrose, filter sterilized) and allowed to shake at 125 rpm at 4° C for 1 hour in a 125 ml flask. After 1 hour 4.5 ml was added to a chilled 5.0 ml Corning cryo vial. Once filled individual vials were held for 15 minutes at 4° C in a controlled rate freezer, then allowed to freeze at a rate of -0.5° C/minute until reaching a final temperature of -40° C. After reaching the final temperature, vials were transferred to boxes within racks inside a Cryoplus 4 storage unit (Forma Scientific) filled with liquid nitrogen vapors.

[00298] For thawing, vials were removed from the storage unit and placed in a closed dry ice container, then plunged into a water bath held at 40-45° C until "boiling" subsided. When thawed, contents were poured over a stack of ~8 sterile 70 mm Whatman filter papers (No. 4) in covered 100x25 mm Petri dishes. Liquid was allowed to absorb into the filters for several minutes, then the top filter containing the cells was transferred onto GN6 medium (N6 medium, 2.0 mg/L 2,4-D, 30 g/L sucrose, 2.5 g/L Gelrite, pH 5.8) for 1 week. After 1 week, only tissue with promising morphology was transferred off the filter paper directly onto fresh GN6 medium. This tissue was subcultured every 7-14 days until 1 to 3 grams was available for suspension initiation into approximately 30 mL H9CP+ medium in 125 ml Erlenmeyer flasks. Three milliliters PCV was subcultured into fresh H9CP+ medium every 3.5 days until a total of 12 ml PCV was obtained, at which point subculture took place as described previously.

[00299] 7.4 – Dose response of non-transformed tissue to haloxyfop acid.

[00300] Non-transformed donor Hi-II cell lines were pooled together, WHISKERS-treated without DNA, filtered onto GN6 medium at the rate of 6 ml per filter, and allowed to callus for 2-3 weeks at 28° C. Approximately 200 mg of callused suspension tissue was transferred per treatment to selection media in 60x20 mm plates containing 30, 100 or 300 nM R-haloxyfop acid. Three replicates were used per concentration. A control medium containing 1 mg/L bialaphos (from Herbiace commercial formulation, Meiji Seika, Japan), GN6 (1H), was also included for comparison. Callus was removed after 2 weeks, weighed, and transferred to fresh media of the same concentration for another 2 weeks. After a total of 4 weeks elapsed time, tissue was removed, weighed a final time, and then discarded. Results are shown in **Figure 11**.

[00301] Two separate dose response studies of callus tissue to the phenol degradation products of haloxyfop and cyhalofop, respectively, were also completed to confirm that this end product would not be deleterious to callus growth. Data from a cyhalofop phenol dose response (see **Figure 12**) shows that at 1 μM cyhalofop phenol, growth is still 76% as high as the control without cyhalofop phenol. Data from a haloxyfop phenol dose response showed that even at 300 nM haloxyfop phenol, growth was equal to or greater than the control lacking haloxyfop phenol (data not shown).

[00302] 7.5 – WHISKERS-mediated transformation using bialaphos selection.

[00303] Approximately 24 hours prior to transformation, 12 ml PCV of previously cryopreserved embryogenic maize suspension cells plus 28 ml of conditioned medium was subcultured into 80 ml of GN6 liquid medium (GN6 medium lacking Gelrite) in a 500 ml Erlenmeyer flask, and placed on a shaker at 125 rpm at 28° C. This was repeated 2 times using the same cell line such that a total of 36 ml PCV was distributed across 3 flasks. After 24 hours the GN6 liquid media was removed and replaced with 72 ml GN6 S/M osmotic medium (N6 Medium, 2.0 mg/L 2,4-D, 30 g/L sucrose, 45.5 g/L sorbitol, 45.5 g/L mannitol, 100 mg/L *myo*-inositol, pH 6.0) per flask in order to plasmolyze the cells. The flasks were placed on a shaker in the dark for 30-35 minutes, and during this time a 50 mg/ml suspension of silicon carbide whiskers was prepared by adding the appropriate volume of GN6 S/M liquid medium to ~405 mg of pre-autoclaved, silicon carbide whiskers (Advanced Composite Materials, Inc.).

[00304] After incubation in GN6 S/M, the contents of each flask were pooled into a 250 ml centrifuge bottle. Once all cells settled to the bottom, all but ~14 ml of GN6 S/M liquid was drawn off and collected in a sterile 1-L flask for future use. The pre-wetted suspension of whiskers was vortexed for 60 seconds on maximum speed and 8.1 ml was added to the bottle, to which 170 μg DNA was added as a last step. The bottle was immediately placed in a modified Red Devil 5400 commercial paint mixer and agitated for 10 seconds. After agitation, the cocktail of cells, media, whiskers and DNA was added to the contents of the 1-L flask along with 125 ml fresh GN6 liquid medium to reduce the osmoticant. The cells were allowed to recover on a shaker for 2 hours before being filtered onto Whatman #4 filter paper (5.5 cm) using a glass cell collector unit that was connected to a house vacuum line.

[00305] Either 3 or 6 mL of dispersed suspension was pipetted onto the surface of the filter as the vacuum was drawn. Filters were placed onto 60 x 20 mm plates of GN6 medium. Plates were cultured for 1 week at 28° C in a dark box that was loosely sealed with a single layer of plastic (<2 mils thick) to minimize evaporation of the individual plates.

[00306] After 1 week, filter papers were transferred to 60x20 mm plates of GN6 (1H) medium (N6 Medium, 2.0 mg/L 2,4-D, 30 g/L sucrose, 100 mg/L *myo*-inositol, 1.0 mg/L bialaphos, 2.5 g/L Gelrite, pH 5.8) or GN6D (1H) medium (same as GN6 (1H) except with 8.0 mg/L dicamba and 0.8 mg/L 2,4-D).

[00307] Plates were placed in boxes and cultured as before for an additional week. Two weeks post-transformation, the tissue was embedded by scraping either ½ the cells on the plate or else all cells on the plate into 3.0 mL of melted GN6 agarose medium (N6 medium, 2.0 mg/L 2,4-D, 30 g/L sucrose, 100 mg/L *myo*-inositol, 7 g/L Sea Plaque agarose, pH 5.8, autoclaved for only 10 minutes at 121° C) containing 1 mg/L bialaphos. The tissue was broken up and the 3 mL of agarose and tissue were evenly poured onto the surface of a 100 x 15 mm plate of GN6 (1H) or GN6D (1H) medium. This was repeated for all remaining plates. Once embedded, plates were individually sealed with Nescofilm® or Parafilm M®, and then cultured for 1 week at 28° C in dark boxes.

[00308] Putatively transformed isolates were typically first visible 5-8 weeks post-transformation. Any potential isolates were removed from the embedded plate and transferred to fresh selection medium of the same concentration in 60 x 20 mm plates. If sustained

growth was evident after approximately 2 weeks, an event was deemed to be resistant and was submitted for molecular analysis.

[00309] Regeneration was initiated by transferring callus tissue to a cytokinin-based induction medium, 28 (1H), containing 1 mg/L bialaphos, MS salts and vitamins, 30.0 g/L sucrose, 5 mg/L BAP, 0.25 mg/L 2,4-D, 2.5 g/L Gelrite; pH 5.7. Cells were allowed to grow in low light (13 $\mu Em^{-2}s^{-1}$) for one week then higher light (40 $\mu Em^{-2}s^{-1}$) for another week before being transferred to regeneration medium, 36 (1H), which was identical to 28 (1H) except that it lacked plant growth regulators. Small (3-5 cm) plantlets were removed and placed into 150 x 25-mm culture tubes containing selection-free SHGA medium (Schenk and Hildebrandt basal salts and vitamins, 1972; 1 g/L *myo*-inositol, 10 g/L sucrose, 2.0 g/L Gelrite, pH 5.8). Once plantlets developed a sufficient root and shoot system, they were transplanted to soil in the greenhouse.

[00310] 7.6 – WHISKERS-mediated transformation using haloxyfop selection.

[00311] DNA delivery parameters for direct selection on "fops" were identical to the bialaphos selection procedure except that 85 µg of pDAB3403 and 85 µg of construct containing a GFP (Green Fluorescent Protein) reporter gene were co-transformed together, and only 3 mL of suspension was filtered onto GN6 medium following the 2-hour recovery.

[00312] After 0-7 days on GN6 selection-free medium, filter papers were transferred to 60x20-mm plates of GN6 medium containing 2 mg/L 2,4-D plus 50, 100, or 200 nM R-haloxyfop acid. Plates were placed in boxes and cultured for one additional week. After one week, the tissue was embedded by scraping all cells from the plate into 3.0 mL of melted GN6 agarose medium containing the same concentration of selection agent as in the previous transfer. All steps afterward were identical to the PAT selection/regeneration protocol except that 100 nM R-haloxyfop acid was included in the regeneration media instead of 1 mg/L bialaphos.

[00313] 7.7 – Results. Multiple experiments testing various levels of haloxyfop and cyhalofop were initiated, and 47 isolates were recovered from direct selection. A subset of the callus events were submitted for screening using PCR and Western analyses. Following these expression data, 21 lead events were submitted for Southern analysis. Results using NcoI, a unique cutter, to obtain integration data following probing with *AAD-1 (v3)*, unequivocally

demonstrate stable integration of *AAD-1 (v3)* following Whiskers-mediated transformation coupled with "fop" selection.

[00314] 7.8 – Quantitative demonstration of *in vitro* tolerance from AAD-1 (v3) expressing callus events from bialaphos selection

[00315] Ninety-seven callus isolates recovered from bialaphos selection were submitted for PAT copy number via Invader analysis and *AAD-1 (v3)* PTU analysis via PCR (see Example 7.10). AAD-1 (v3) protein expression using Western blot/Sandwich ELISA (Example 11) was completed on a subset of the events. A summary is described in **Table 21** below. At least 15 T_0 plants were regenerated from each of these events and sent for spray testing and seed production.

Table 21.

Event	PAT Copy #	PCR for *AAD-1 (v3)* PTU	Callus Western
3404-001	2	+	+
3404-006	2	+	+
3404-013	3	+	+
3404-017	1	+	+
3404-020	3	+	nd
3404-022	2	+	+
3404-025	2	+	+
3404-027	3	+	+
3404-031	1	+	+
3404-033	2	+	nd
3404-036	3	+	+
3404-044	3	+	+
3404-050	3	+	+
3404-053	3	+	+
3404-074	2	+	+
3404-082	2	+	+

[00316] A smaller subset of these events was assessed in dose-response studies in comparison to a non-transformed control. A range of concentrations of haloxyfop (from Gallant Super formulation), up to 400 nM, were tested. Dose response data for one event, 3404-006, was generated using the general methods of Example 7.4, and is shown in **Figure 13**. This demonstrates that event 3404-006 showed no significant reduction in callus growth at haloxyfop concentrations up to 400 nM whereas non-transgenic corn callus tissue growth was

inhibited at this rate. These data have not been normalized to account for inherent growth differences that are not related to the expression of the transgene.

[00317] 7.9 –WHISKERS-mediated transformation using imazethapyr selection.

[00318] The ZmUbi1/*AAD-1 (v3)*/ZmPer5 cassette was removed from pDAB3404 with AscI/SwaI and inserted into pDAB2212 to create the *AAD-1 (v3)* and *AHAS* Whiskers transformation vector pDAB3415, which is also referred to as pDAS1283) Once completed, this construct was transformed into maize via silicon carbide whiskers-mediated transformation as described in Example 7.4 except 2 mL of cells were filtered, followed by a 7-day recovery on GN6 medium followed by selection on media containing 3 μM imazethapyr from Pursuit® DG herbicide. Following Invader analysis, 36 events were identified that contained the AAD-1 (v3) and the AHAS genes.

[00319] Fifty-three corn calli events from these transformations were tested in both ELISA and Western Blotting experiments for their AAD-1 (v3) expression – a subset of the data is shown below. For the events listed in **Table 22,** the expression levels of those detected positive ranged from 90 to over 1000 ppm of total soluble proteins.

Table 22.		
AAD-1 Event ID Number	**Expression Level (ppm)**	**Western Blot**
1283[1]-001	2	-
1283[1]-002	206	+++
1283[1]-003	1	-
1283[1]-004	90	+++
1283[1]-005	1	-
1283[1]-006	105	+++
1283[1]-007	212	++
1283[1]-008	114	±
1283[1]-009	305	+
1283[1]-010	2	-
1283[1]-011	4	-
1283[1]-012	200	+++
1283[1]-013	134	+++
1283[1]-014	4	-
1283[1]-015	194	+++
1283[1]-016	4	-
1283[1]-017	196	+++
1283[1]-018	3	-
1283[1]-019	178	+
1283[1]-020	260	++
1283[1]-021	144	+++
1283[1]-022	140	+++
1283[1]-023	191	+++
1283[1]-024	392	++
1283[1]-025	368	++
1283[1]-026	14	-
1283[1]-027	1006	++
Neg Control	3	-
Neg Control	3	-
Standard (0.5 µg/mL)		++
Standard (5 µg/mL)		++++

[00320] 7.10– Molecular Analysis: Maize Materials and Methods.

[00321] 7.10.1 – Tissue harvesting DNA isolation and quantification. Fresh tissue was placed into tubes and lyophilized at 4° C for 2 days. After the tissue was fully dried, a tungsten bead (Valenite) was placed in the tube and the samples were subjected to 1 minute of dry grinding using a Kelco bead mill. The standard DNeasy DNA isolation procedure was then followed (Qiagen, DNeasy 69109). An aliquot of the extracted DNA was then stained with Pico Green

(Molecular Probes P7589) and read in the fluorometer (BioTek) with known standards to obtain the concentration in ng/µl.

[00322] 7.10.2 – Invader assay analysis. The DNA samples are diluted to 20 ng/µl then denatured by incubation in a thermocycler at 95° C for 10 minutes. Signal Probe mix was then prepared using the provided oligo mix and $MgCl_2$ (Third Wave Technologies). An aliquot of 7.5 µl was placed in each well of the Invader assay plate followed by an aliquot of 7.5 µl of controls, standards, and 20 ng/µl diluted unknown samples. Each well was overlaid with 15 µl of mineral oil (Sigma). The plates are then incubated at 63° C for 1 hour and read on the fluorometer (Biotek). Calculation of % signal over background for the target probe divided by the % signal over background internal control probe will calculate the ratio. The ratio of known copy standards developed and validated with Southern blot analysis was used to identify the estimated copy of the unknown events.

[00323] 7.10.3 – Polymerase chain reaction. A total of 100 ng of total DNA was used as the template. 20 mM of each primer was used with the Takara Ex Taq PCR Polymerase kit (Mirus TAKRR001A). Primers for the *AAD-1 (v3)* PTU were (Forward – ATAATGCCAGC CTGTTAAACGCC) (SEQ ID NO:25) and (Reverse – CTCAAGCATATGAATGACCT CGA) (SEQ ID NO:26). The PCR reaction was carried out in the 9700 Geneamp thermocycler (Applied Biosystems), by subjecting the samples to 94° C for 3 minutes and 35 cycles of 94° C for 30 seconds, 63° C for 30 seconds, and 72° C for 1 minute and 45 seconds followed by 72° C for 10 minutes. Primers for Coding Region PCR *AAD-1 (v3)* were (Forward – ATGGCTCATGCTGCCCTCAGCC) (SEQ ID NO:27) and (Reverse – CGGGC AGGCCTAACTCCACCAA) (SEQ ID NO:28). The PCR reaction was carried out in the 9700 Geneamp thermocycler (Applied Biosystems), by subjecting the samples to 94° C for 3 minutes and 35 cycles of 94° C for 30 seconds, 65° C for 30 seconds, and 72° C for 1 minute and 45 seconds followed by 72° C for 10 minutes. PCR products were analyzed by electrophoresis on a 1% agarose gel stained with EtBr.

[00324] 7.10.4 – Southern blot analysis. Southern blot analysis was performed with total DNA obtained from Qiagen DNeasy kit. A total of 2 µg of DNA was subjected to an overnight digestion of Afl II and also EcoRV for pDAB3404, NcoI for pDAB3403, and SpeI for pDAB1421 to obtain integration data. After the overnight digestion an aliquot of ~100 ng was run on a 1% gel to ensure complete digestion. After this assurance the samples were run

on a large 0.85 % agarose gel overnight at 40 volts. The gel was then denatured in 0.2 M NaOH, 0.6 M NaCl for 30 minutes. The gel was then neutralized in 0.5 M Tris HCl, 1.5 M NaCl pH of 7.5 for 30 minutes. A gel apparatus containing 20x SSC was then set up to obtain a gravity gel to nylon membrane (Millipore INYC00010) transfer overnight. After the overnight transfer the membrane was then subjected to UV light via a crosslinker (Stratagene UV stratalinker 1800) at 1200 X100 microjoules. The membrane was then washed in 0.1% SDS, 0.1 SSC for 45 minutes. After the 45 minute wash, the membrane was baked for 3 hours at 80° C and then stored at 4° C until hybridization. The hybridization template fragment was prepared using the above coding region PCR using plasmid pDAB3404. The product was run on a 1% agarose gel and excised and then gel extracted using the Qiagen (28706) gel extraction procedure. The membrane was then subjected to a pre-hybridization at 60° C step for 1 hour in Perfect Hyb buffer (Sigma H7033). The Prime it RmT dCTP-labeling rxn (Stratagene 300392) procedure was used to develop the p32 based probe (Perkin Elmer). The probe was cleaned up using the Probe Quant. G50 columns (Amersham 27-5335-01). Two million counts CPM were used to hybridize the southern blots overnight. After the overnight hybridization the blots were then subjected to two 20 minute washes at 65° C in 0.1% SDS, 0.1 SSC. The blots were then exposed to film overnight, incubating at -80° C.

Example 8 – *In vivo* tolerance and field tolerance data generated from *PAT*-selected (pDAB3404) *AAD-1 (v3)* events

[00325] 8.1 - Tolerance of T_0 corn plants to AOPP herbicides.

[00326] If more than 15 clone plants per event were successfully regenerated, then extra plants were transferred to the greenhouse for preliminary tolerance screening with postemergence-applied AOPP herbicides on T_0 corn plants. Greenhouse-acclimated plants were allowed to grow until 2-4 new, normal looking leaves had emerged from the whorl (*i.e.*, plants had transitioned from tissue culture to greenhouse growing conditions). Plants were grown at 27° C under 16 hour light: 8 hour dark conditions in the greenhouse. Plants were then treated with commercial formulations of one of three AOPP herbicides: Assure® II (DuPont), Clincher* (Dow AgroSciences), or Gallant Super* (Dow AgroSciences) for quizalofop, cyhalofop, or haloxyfop, respectively. Herbicide applications were made with a track sprayer

at a spray volume of 187 L/ha, 50-cm spray height, and all sprays contained 1% v/v Agridex crop oil concentrate adjuvant. The number of clones of each event varied from week to week due to the rate of regeneration and acclimation of each event. Overall, an attempt was made to treat representative clones of each event with a range of herbicide doses ranging from 1X lethal dose (~1/8 X field dose) up to 8X field doses (64 X lethal dose). A lethal dose is defined as the rate that causes >95% injury to the Hi-II inbred. Hi-II is the genetic background of the transformants of the present invention.

[00327] AOPP's are generally very potent corn-killing herbicides. Three to four leaf Hi-II corn grown from seed is effectively killed (>95% injury) with 8.8, 62.5, and 4.4 g ae/ha of haloxyfop, cyhalofop, and quizalofop, respectively. Each *AAD-1 (v3)*-transformed line tested survived a minimally lethal dose of each AOPP herbicide tested. In fact, most lines tested survived with no visible injury (14 DAT) even when treated with an 8X field dose (64X lethal dose) of quizalofop. Several individual clones from events "017" and "038," however, did incur significant injury at elevated rates. This could be a function of lower gene expression due to how or where the gene was inserted.

[00328] The high level of AOPP tolerance was demonstrated in most events, even when applications were made to plants just coming out of tissue culture (T_0 stage). Significantly, this tolerance was shown for all three AOPP herbicides and likely will extend to all AOPP herbicides as previously shown for AAD-1 *in vitro*.

[00329] **Figure 14** shows the responses of several *AAD-1 (v3)*–transformed and non-transformed event clones to lethal doses of two AOPP herbicides (haloxyfop and quizalofop) applied 1 week prior.

[00330] **Table 23** shows data for the responses of selected *AAD-1 (v3)*-transformed T_0 corn events to three AOPP herbicides applied postemergence.

Table 23. Selected AAD-1 (v3)-transformed T0 corn events response to three AOPP herbicides applied postemergence.

Construct	Event	Clone	Haloxyfog* g ae/ha	Cyhalofop** g ae/ha	Quizalofop*** g ae/ha	% Injury 14 DAT
3404	001	016	8.8			0
3404	001	018		62.5		0
3404	001	017			8.8	0
3404	001	019			8.8	30

Construct	Event	Clone	Haloxyfog* g ae/ha	Cyhalofop** g ae/ha	Quizalofop*** g ae/ha	% Injury 14 DAT
3404	001	020			35	0
3404	017	018			35	0
3404	017	019			35	0
3404	017	020			70	0
3404	017	021			70	0
3404	017	022			140	0
3404	017	023			140	30
3404	017	024			280	30
3404	017	025			280	20
3404	022	019	8.8			0
3404	022	020	17.5			0
3404	022	016	17.5			0
3404	022	024		62.5		0
3404	022	018		125		0
3404	022	021			8.8	0
3404	022	017			17.5	0
3404	022	022			35	0
3404	022	023			70	0
3404	033	012			35	0
3404	033	013			70	0
3404	033	014			70	0
3404	033	015			140	0
3404	033	016			280	0
3404	038	016	8.8			0
3404	038	018		62.5		0
3404	038	017			8.8	0
3404	038	019			35	70
3404	038	020			35	80
3404	038	021			70	80
3404	038	022			70	80
			(lethal dose = 8.8 g ae/ha)	(lethal dose = 62.5 ae/ha)	(lethal dose = 4.4 g ae/ha)	

*Gallant super# + 1% COC (v/v)
**Clincher # + 1% COC (v/v)
***Assure II + 1% COC (v/v)
*Trademark of Dow AgroSciences, LLC

8.2 – Field tolerance of pDAB3404 T_1 corn plants to quizalofop 2,4-D, and glufosinate herbicides.

[00331] Two field trials were established at field stations in Hawaii and Indiana. Corn seed from inbred T_1 plants were utilized to evaluate sixteen AAD1 event lines for tolerance against quizalofop and 2,4-D. Three non-transformed hybrids were included for comparison purposes. The hybrid Hi-II x 5XH571 is of the same parentage as the *AAD-1 (v3)* event lines. The hybrid Croplan 585SR is a sethoxydim resistant line.

[00332] The experimental design was a split-plot with four replications. The main plot was herbicide treatment and the sub-plot was *AAD-1 (v3)* event or comparison hybrid. Plots were one row by 3.7 meters with approximately twenty-five seeds planted in each row. For AAD1 events, seeds from a different lineage within the event were planted in each replicate.

[00333] Glufosinate at 560 g ai/ha was applied to *AAD-1 (v3)* plots at the V2 stage to eliminate non-transformed plants. Experimental treatments included commercial formulations of quizalofop applied at 70 and 140 g ae/ha, 2,4-D (dimethylamine salt) at 560 and 1120 g ae/ha, and an untreated control. Treatments were applied using backpack broadcast boom equipment delivering 187 L/ha carrier volume at 130-200 kpa pressure. Quizalofop treatments were applied at the V3-V4 corn stage and 2,4-D treatments were applied at the V5-V6 stage.

[00334] Quizalofop treated plots were visually assessed for crop injury at one and three weeks after application (WAA) using a 0-100% scale, where 0 equals no injury and 100 equals complete death. 2,4-D treated plots were visually assessed for plant leaning at 2 days after application (DAA) using 0-100% scale where 0 equals no leaning from any plant and 100 equals all plants prone. Additionally, 2,4-D plots were visually assessed at 3-4 WAA for brace root deformation using a 0-10 scale.

[00335] 8.2.1 – Results.

[00336] *AAD-1 (v3)* event response to the highest rates tested of quizalofop and 2,4-D are shown in **Table 24**. These rates represent approximately twice the normal commercial use rates. Non-transformed hybrids were severely injured (80-100%) by quizalofop at 70 g ae/ha including the sethoxydim resistant line, although it displayed slightly better tolerance than the other two hybrids. All *AAD-1 (v3)* events except one lineage of event 3404.001 displayed

excellent tolerance to quizalofop at 70 g ae/ha. No visible symptoms were observed on the *AAD-1 (v3)* events except with the events noted above.

Table 24.

Treatment (rate) =	Quizalofop (140 g ae/ha)		2,4-D amine (1120 g ae/ha)		2,4-D amine (1120 g ae/ha)		Analysis Results			Resistance Segregation Ratios following Liberty Spray		
Evaluation =	% Injury 3 WAA (0-100 scale)		% Leaning 2 DAA (0-100 scale)		Braceroot Deformation 3-4 WAA (0-10 scale)		AAD-1 copy number leaf (Southern analysis)	AAD-1 Leaf Western Blot T_0	AAD-1 Leaf ELISA T_0	T_1 Population Average		T_2 Population Average
Event or Hybrid	IN	HI	IN	HI	IN	HI				IN	HI	HI
3404.001	25	25	0	5	1	2	3	+++	+++	40%	47%	X
3404.006	0	0	0	0	0	0	1	++	+++	33%	26%	X
3404.013	0	0	0	0	0	0	1	+	+++	63%	58%	X
3404.017	0	0	1	0	0	0	2	+/-	++	48%	47%	X
3404.020	0	0	0	0	0	0	2	++	+++	50%	51%	X
3404.022	0	0	1	0	0	0	1	+	++	51%	57%	76%*
3404.025	0	0	0	0	0	0	2	+++	++++	55%	59%	X
3404.027	0	0	3	0	0	0	5	+	++	51%	50%	X
3404.031	0	0	1	0	0	0	1	++	++++	47%	43%	61%*
3404.033	0	0	0	0	0	0	2 or 3	+	++	52%	49%	X
3404.036	0	0	0	0	0	0	4	++	+++	52%	48%	X
3404.044	0	0	1	0	0	1	1	+	+/-	50%	48%	X
3404.050	0	0	0	1	0	1	2	nd	nd	38%	28%	X
3404.053	0	0	1	0	0	0	2	+++	+++	48%	56%	X
3404.074	0	0	0	0	0	0	1	++	+++	53%	52%	73%*
3404.082	0	0	0	0	0	1	3	nd	nd	38%	36%	X
DK493	100	100	20	23	8	9						
HI-II X 5XH571	100	100	13	34	7	9						
CROPLAN 585SR	80	96	11	33	9	9						

* Fits single locus dominant trait segregation as determined by chi square analysis (P>0.05)

[00337] 2,4-D at the 1120 g ae/ha rate caused significant levels (11-33%) of epinastic leaning in the non-transformed hybrids, a normal response when applied beyond the V4 growth stage. Little or no leaning was observed with all *AAD-1 (v3)* events except one lineage of 3404.001 (Indiana location only) where moderate levels (5-13%) of leaning occurred.

[00338] Brace roots of non-transformed hybrids were severely deformed (rating of 9 on a 0-10 scale) by 2,4-D at the 1120 g ae/ha rate. Again, this is a normal response to 2,4-D applied beyond the V4 growth stage. As with the leaning response, little or no brace root injury was observed with all *AAD-1 (v3)* events except one lineage of 3404.001.

[00339] Similar trends occurred with lower tested rates of quizalofop and 2,4-D although at reduced but still significant response levels in the non-transformed hybrids (data not shown).

[00340] These results indicate that most *AAD-1 (v3)* transformed event lines displayed a high level of resistance to quizalofop and 2,4-D at rates that were lethal or caused severe epinastic malformations to non-transformed corn hybrids. *See also* **Figure 16.**

[00341] 8.2.2- Expected Mendelian segregation ratios on three T_2 events. Plants from individual lineages of each event were randomly self-pollinated in the field. T_2 seed were hand harvested at physiological maturity. Based on single gene copy number (see **Table 24** above) and overall performance in T_1 generation (segregation, herbicide tolerance, and vigor), three events (022, 031, and 074) were chosen for further evaluation in the field. Breeding rows of each event were planted using a precision cone planter each consisting of 2500-3000 seeds. At the V2 growth stage, all *AAD-1 (v3)* lines were sprayed with 140 g ae/ha quizalofop (Assure® II) using a backpack sprayer as previously described. This rate rapidly killed all "null" (untransformed) segregants. Each event had a segregation ratio consistent with Mendelian inheritance of a single locus, dominant gene (3 resistant:1 sensitive, or 75% survival) (see **Table 24**). Homozygotes and hemizygotes from event 74 were identified by zygosity testing (refer to *AAD-1 (v3)* Invader assay description for corn). Hemizygous plants were removed and homozygous *AAD-1 (v3)* plants were crossed with BE1146 corn inbred introgressed and homozygous for glyphosate resistance trait, NK603, creating a homogeneous F_1 hybrid seed that is hemizygous for glyphosate resistance, *AAD-1 (v3)*, and glufosinate resistance.

[00342] 8.3 – Stacking of *AAD-1 (v3)* and *PAT* with glyphosate resistance genes in corn.

[00343] Homozygous T_2 *AAD-1 (v3)/PAT* corn plants were crossed with glyphosate resistant corn plants producing F_1 seed containing *AAD-1 (v3)*, *PAT*, and glyphosate resistance genes as described in the previous example.

[00344] F_1 seeds were planted individually into 3-inch pots prepared with Metro-Mix® 360 growing medium (Sun Gro Horticulture). The pots were initially subirrigated with Hoagland's solution until wet, then allowed to gravity drain, and grown at 27° C under 16 hour light:8 hour dark conditions in the greenhouse. For the remainder of the study the plants were subirrigated with deionized water.

[00345] Plants were allowed to grow until 2-4 leaves had emerged from the whorl. At this point herbicide applications were made with a track sprayer at a spray volume of 187 L/ha, 50-cm spray height. The plants were sprayed with rates of 2,4-D DMA, glyphosate, glufosinate, and various combinations of the three. All applications were formulated in 200 mM Hepes buffer (pH 7.5). In spray applications where glufosinate was present the treatment was formulated with the addition of 2% w/v ammonium sulfate.

[00346] At 3 and 14 days after treatment (DAT) plants were evaluated. Plants were assigned injury rating with respect to stunting, chlorosis, and necrosis. Plants assigned an injury rating of 90% or above are considered dead. Results of the study at 14 DAT can be seen in **Table 25.**

Table 25.

	Field Rate	% Injury at 14 DAT	
		Hi II X 5XH751	RR/PAT/AAD1
		Ave	Ave
Untreated control	-	0	0
840 g ae/ha glyphosate	1X	98	0
1680 g ae/ha glyphosate	2X	100	0
3360 g ae/ha glyphosate	4X	100	0
560 g ae/ha 2,4-D DMA	1X	10	0
1120 g ae/ha 2,4-D DMA	2X	14	0
2240 g ae/ha 2,4-D DMA	4X	29	0
470 g ae/ha glufosinate	1X	80	0
940 g ae/ha glufosinate	2X	90	3
1880 g ae/ha glufosinate	4X	96	15
840 g ae/ha glyphosate + 560 g ae/ha 2,4-D DMA	1X + 1X	96	1
1680 g ae/ha glyphosate +1120 g ae/ha 2,4-D DMA	2X + 2X	100	2
3360 g ae/ha glyphosate + 2240 g ae/ha 2,4-D DMA	4X + 4X	100	1
470 g ae/ha glufosinate + 560 g ae/ha 2,4-D DMA	1X + 1X	89	5
940 g ae/ha glufosinate + 1120 g ae/ha 2,4-D DMA	2X + 2X	91	10
1880 g ae/ha glufosinate + 2240 g ae/ha 2,4-D DMA	4X + 4X	97	13
840 g ae/ha glyphosate + 470 g ae/ha glufosinate	1X + 1X	90	5
1680 g ae/ha glyphosate + 940 g ae/ha glufosinate	2X + 2X	98	15
3360 g ae/ha glyphosate + 1880 g ae/ha glufosinate	4X + 4X	100	15

[00347] This study demonstrated that the *AAD-1 (v3)* gene in corn can be stacked with a glyphosate resistance gene and a glufosinate resistance gene to provide robust field-level tolerance to 2,4-D, glyphosate, and glufosinate alone or in tank mix combinations.

[00348] 8.3.1 – Resistance of *AAD-1 (v3)* corn using a tank mix of 2,4-D DMA and quizalofop. T_2BC_1 seeds of hemizygous event number 3404-025.001R/R001 Bulked.001.S058 were planted individually into 3-inch pots prepared with Metro-Mix® 360 growing medium. The pots were initially sub-irrigated with Hoagland's solution until wet, then allowed to gravity drain, and grown at 27° C under 16 hour light:8 hour dark conditions in the greenhouse. For the remainder of the study the plants were sub-irrigated with de-ionized water.

[00349] Plants were allowed to grow until V1 stage in the greenhouse. At this point the plants were selected with 560 g ae/ha Assure® II with the addition of 1% Agridex crop oil concentrate in 200 mM Hepes buffer with the research track sprayer set at 187 L/ha. Plants were allowed 4 days to show symptoms of the selection. All plants were uninjured. Herbicide applications were made with a track sprayer at a spray volume of 187 L/ha, 18-in spray height. All applications were formulated in 200 mM Hepes buffer (pH 7.5) with the addition of 1% v/v Agridex.

At 3 and 14 days after treatment (DAT) plants were evaluated. Plants were assigned injury rating with respect to stunting, chlorosis, and necrosis. Plants assigned an injury rating of 90% or above are considered dead. Plants from this particular lineage had 0% injury at 14 DAT for all tank mixed combinations, while the wild-type had 100% injury. These results indicate AAD-1 (v3) not only provides robust field level resistance to 2,4-D and quizalofop individually, but also to exaggerated rates of multiple combinations of the two chemistries. One could logically expect to implement novel weed control measures with combinations of phenoxy auxins and AOPP graminicides in corn (or other crops transformed with AAD-1) not previously enabled by a single gene HTC.

[00350] 8.3.2 - Tolerance of (pDAB3403) T_0 corn plants to quizalofop herbicide. A target of approximately eight T_0 plant clones from each of 17 events were regenerated and transferred to the greenhouse for preliminary tolerance screening with postemergence-applied discriminating rate of quizalofop herbicide applied by track sprayer at 35 g ae/ha (1X field rate, 4X lethal dose) to 3-leaf, greenhouse-adapted T_0 corn plants using track sprayer conditions previously described. Plants were rated as Resistant or Sensitive 7 days after treatment. Control, non-transgenic corn was included with each spray application. Two events, Event 014 and 047, had two or more T_0 clones sensitive to 35 g ae/ha quizalofop,

indicating an unexpected level of sensitivity for this event. The 15 other events showed stable integration, protein expression, and the ability to tolerate a 4X lethal dose of quizalofop at the whole plant level.

[00351] 8.3.3 Expression of AAD-1 (v3) with respect to quizalofop tolerance.

[00352] Three different T2 lineages from 3404 transformations that were pre-screened with Liberty® (as described previously) to remove nulls were chosen to compare their tolerance to quizalofop with respect to their AAD-1 (v3) expression. Expression was measured at 14 DAT (data not shown) and at 30 DAT (see **Figure 15.**). The highest tolerance line, event 3404-074, always expressed with a higher amount of AAD-1 (v3) than the other two events at 1X and higher field rates. This data concludes that corn expressing AAD-1 (v3) can be protected from quizalofop injury at the highest level tested (2,240 g/ha), which is 16 times the 1X field dose of 35 g/ha. In addition, the expression level was consistent throughout the period of the experiment.

Example 9 - *Agrobacterium*-Mediated Transformation of Maize with *AAD-1 (v3)*

[00353] 9.1 - Plant material.

[00354] Seeds of a "High II" (*i.e.*, Parent A and B) F_1 cross (Armstrong *et al.*, 1991) are planted directly into 5 gallon-pots containing 95:5 Metro-Mix® 360: Mineral soil. The plants are grown in the greenhouse with a 16 hour photoperiod supplemented by a combination of high pressure sodium and metal halide lamps.

[00355] 9.2 - Tissue source.

[00356] For obtaining immature Hi-II (F2) embryos, controlled sib-pollinations were performed. On the day of pollination, actively shedding tassels are bagged, and fresh pollen is collected and applied carefully onto the silks. Immature embryos were isolated as described in Example 7.2.

[00357] 9.3 - Preparation of a superbinary vector.

[00358] Construction of an *Agrobacterium* construct, pDAB2272, containing the *AAD-1 (v3)* gene in combination with the AHAS selectable marker gene was accomplished by isolating the 3443 base pair NotI fragment from pDAB3404 containing ZmUbi1 v2/ *AAD-1 (v3)*/ZmPer5 v2 and inserting it into the NotI site of pDAB8549. The resulting plasmid contains the ZmUbi1 v2/ *AAD-1 (v3)*/ ZmPer5 v2 and the OsAct1 v2/AHAS v3/ZmLip v1 cassettes flanked by non-identical MAR regions in the direct orientation. This was

subsequently transformed into LBA4404/pSB1 to create the superbinary vector, which was named pDAB3602 but was also referred to as pDAS1421.

[00359] 9.4 - Bacterial supply.

[00360] All transformations use the "Super Binary" vector from Japan Tobacco described in U.S. Patent No. 5,591,616 ("Method for Transforming Monocotyledons"). To prepare the *Agrobacterium* suspension for treatment, 1-2 loops of pDAS1421 recombinant bacteria from a YP streak plate was put into 5 ml of LS-inf. Mod medium (LS Basal Medium (Linsmaier and Skoog, 1965), N6 vitamins, 1.5 mg/L 2,4-D, 68.5 g/L sucrose, 36.0 g/L glucose, 6 mM L-proline, pH 5.2). The mixture was vortexed until a uniform suspension was achieved. The bacterial concentration was taken using a Klett-Summerson Photoelectric Colorimeter by reading the density of the solution. The solution was adjusted to a concentration of Klett 200 (~ $1x10^9$ cfu/ml) and 100 μM actetosyringone added to the solution.

[00361] 9.5 - Infection and cocultivation.

[00362] The immature embryos are isolated directly into a microfuge tube containing 2 ml LS-inf. Mod liquid medium. Each tube, containing ~100 embryos, is vortexed for 3-5 sec. The medium is removed and replaced with fresh liquid medium and the vortex is repeated. The liquid medium is again removed and this time replaced with an *Agrobacterium* solution at the Klett 200 concentration. The *Agrobacterium* and embryo mixture is vortexed for 30 sec. Following a 5 minute incubation at room temperature, the embryos were transferred to LS-As Mod medium (LS Basal Medium, N6 vitamins, 1.5 mg/L 2,4-D, 30.0 g/L sucrose, 6 mM L-proline, 0.85 mg/L $AgNO_3$,1, 100 μM actetosyringone, 3.0 g/L Gelrite, pH 5.8) for a 5-day co-cultivation at 25° C.

[00363] 9.6 - Dose response using immature embryos.

[00364] Dose response studies were initiated using immature embryos treated with *Agrobacterium* strain LBA4404 lacking a plasmid as described previously. Once treated, embryos were allowed to co-cultivate for 5 days at 25° C and were then transferred to selection media containing various levels of R-haloxyfop or R-cyhalofop. Embryos were also transferred to media containing 1 mg/L bialaphos and 100 nM imazethapyr as negative controls. Embryos were scored for % embryogenic callus formation after 2 weeks, and then again after 4 weeks. Embryos were tested on R-haloxyfop levels up to 30 nM; however, insufficient reduction of callus formation was seen at the highest levels, so higher

concentrations (50 – 100 nM) were used during transformation experiments. Data from embryos grown on cyhalofop-containing media is shown in **Figure 17**.

9.7 – Selection.

[00365] After co-cultivation, the embryos were moved through a 2-step selection scheme after which transformed isolates were obtained. For selection, LSD Mod medium (LS Basal Medium, N6 vitamins, 1.5 mg/L 2,4-D, 0.5 g/L MES, 30.0 g/L sucrose, 6 mM L-proline, 1.0 mg/L $AgNO_3$, 250 mg/L cephotaxime, 2.5 g/L Gelrite, pH 5.7) was used along with one of two selection levels of either haloxyfop, cyhalofop, or imazethapyr. Throughout the selection phase, the embryos are cultured in the dark at 28° C. The embryos were first transferred to an initial level of selection (50-100 nM R-haloxyfop or 300 nM R-cyhalofop) for 14 days, then moved up to a higher selection level (250-500 nM R-haloxyfop acid or 1.5 μM cyhalofop) at a rate of 5 embryos/plate. A subset of embryos were similarly stepped-up from 100 to 500 nM imazethapyr from Pursuit® DG as a positive control. Pursuit® is used as the chemical selection agent when the *AHAS* gene is used, based on U.S. Patent No. 5,731,180. Tissue was transferred at biweekly intervals on the same medium until embryogenic colonies were obtained. These colonies were maintained on the high selection pressure for the remainder of the culture period. The recovered transgenic colonies were bulked up by transferring to fresh selection medium at 2-week intervals for regeneration and further analysis.

[00366] 9.8. – Regeneration and seed production.

[00367] For regeneration, the cultures are transferred to 28 "induction" medium and 36 "regeneration" medium as described previously containing either 100 nM R-haloxyfop or 1.5 μM cyhalofop for differentiation of plantlets. When plantlets were established, they were transferred to SHGA tubes to allow for further growth and development of the shoot and roots as described previously. Controlled pollinations for seed production were conducted as described previously.

[00368] 9.9 - Event recovery and analysis particulars; whole plant screening of T_0 corn lineages containing *AAD-1 (v3)* and *AHAS* (pDAS1421).

[00369] Seventy-two *Agrobacterium*-transformed events were selected on various levels of R-haloxyfop acid and R-cyhalofop acid *in vitro*. Twenty-two callus samples were analyzed by Southern blot analysis for stable integration of *AAD-1 (v3)* into the genome as described previously. Ten single copy events, as indicated in **Table 26,** were chosen to be regenerated.

Table 26.					
Corn event	***In vitro* Selection agent**	**Southern Copy # (callus)**	**Western Blot (AAD-1) T_0 Callus**	**Assessment of T_0 lineages resistant to 35 g ae/ha quizalofop**	
	(nM)	**AAD-1**		Resistant	Sensitive
1421[21]-016	50 Haloxyfop	1	+	8	0
1421[22]-020	100 Haloxyfop	1	++	8	0
1421[22]-022	100 Haloxyfop	1	+	8	0
1421[22]-023	100 Haloxyfop	1	++	8	0
1421[3]-036	100 Haloxyfop	1	++	8	0
1421[4]-031	300 Cyhalofop	1	++	9	0
1421[4]-032	300 Cyhalofop	1	++	8	0
1421[4]-033	300 Cyhalofop	1	++	12	0
1421[4]-034	300 Cyhalofop	1	++	8	0
1421[4]-035	300 Cyhalofop	1	++	6	0
Events with more than 1 copy were not taken to the greenhouse					

[00371] A minimum six regenerated clonal lineages per event were moved to soil in the greenhouse and screened using a track sprayer as previously described to apply 35 g ae/ha quizalofop when 2-4 new, normal leaves had emerged (see section 8.3.3). Presence of AAD-1 protein on a Western blot correlated perfectly with herbicide resistance in the T_0 generation regardless of which AOPP herbicide was used for selection. There is no negative impact of the second HTC gene (*AHAS*) on the function of the *AAD-1 (v3)*.

Example 10 – Purification of AAD-1 (v1) for Antibody Creation and Biochemical Characterization

[00372] All operations during purification were carried out at 4° C. Frozen or fresh *E. coli* cells from approximately 1 L culture, grown and induced as in Example 3, were re-suspended in 200 ml of extraction buffer containing 20 mM Tris-HCl, 1 mM EDTA, and 2 ml of Protease Inhibitor Cocktail (Sigma), and disrupted by ultrasonication treatment on ice using a Branson sonifier. The soluble extract was obtained by centrifugation in a GSA rotor (Sorvall) at 12,000 rpm (24,000g) for 20 minutes. The supernatant was then loaded onto a Mono Q ion exchange column (Pharmacia HR 10/10) equilibrated with 20 mM Tris-HCl, 1 mM EDTA, pH 8.0, and the column was washed with same buffer for 10 CV (80 ml). The protein was eluted with 80 ml of a 0 to 0.25 M NaCl linear gradient in column buffer, while 2 ml fractions were collected. The fractions containing AAD-1 (v1) were pooled and concentrated using MWCO 30 kDa membrane centrifugation spin columns (Millipore). The

sample was then further separated on a Superdex 200 size exclusion column (Pharmacia, XK 16/60) with buffer containing 20 mM Tris-HCl, 0.15 M NaCl, and 1 mM DTT, pH 8.0 at a flow rate of 1 ml/min. Purification procedures were analyzed by SDS-PAGE, and protein concentration was determined by Bradford assay using bovine serum albumin as standard.

Example 11 – Recombinant AAD1 Purification and Antibody Production

[00373] Plasmid pDAB3203 containing the *AAD-1 (v1)* gene was maintained frozen at -80° C in TOP10F' cells (Invitrogen) as Dow Recombinant strain DR1878. For expression, plasmid DNA purified from TOP10F' cell culture using Promega's Wizard Kit (Fisher cat. #PR-A1460) was transformed into BL-21 Star (DE3) cells (Invitrogen cat. #C6010-03) following manufacturer's protocol. After transformation, 50 µL of the cells were plated onto LB S/S agar plates, and incubated overnight at 37° C. All colonies from the entire agar plate were scraped into 100 mL LB in a 500 mL tribaffled flask and incubated at 37° C with 200 rpm shaking for 1 hr. Gene expression was then induced with 1 mM IPTG, and incubated for 4 hrs at 30° C with 200 rpm shaking. All 100 mL of culture was centrifuged at 4000 rpm for 20 min. The supernatant were then discarded, and the pellets were resuspended in 200 mL of extraction containing 20 mM Tris-HCl (pH 8.0), 1 mM EDTA, and 2 mL of Protease Inhibitor Cocktail (Sigma), and disrupted by ultrasonication treatment on ice using a Branson sonifier. The lysate was centrifuged at 24,000x g for 20 min to remove cell debris. The supernatant containing the AAD-1 protein was then subjected to purification protocol.

[00374] All AAD-1 (v1) purifications were conducted at 4° C as discussed in Example 10, unless otherwise stated. The cell lysate was loaded onto a Mono Q ion exchange column (Pharmacia Cat. #HR 10/10) equilibrated with 20 mM Tris-HCl (pH 8.0) 1 mM EDTA, followed by 80 mL of washing with the same buffer. The proteins were eluted with 80 mL of a 0 to 0.25 M NaCl linear gradient in column buffer, while 2 mL fractions were collected. The fractions containing AAD-1 were pooled and concentrated using MWCO 30 kDa membrane centrifugation spin columns (Millipore). The sample was then further separated on a Superdex 200 size exclusion column (Pharmacia, XK 16/60) with buffer containing 20 mM Tris-HCl (pH 8.0), 0.15 M NaCl and 1 mM DTT. Protein concentration was determined by Bradford assay using bovine serum albumin as standard.

[00375] Five milligrams purified AAD-1 (v1) was delivered to Zymed Laboratories, Inc. (South San Francisco, CA) for rabbit polyclonal antibody production. The rabbit received 5 injections in the period of 5 weeks with each injection containing 0.5 mg of the purified protein suspended in 1 mL of Incomplete Freund's Adjuvant. Sera were tested in both ELISA and Western blotting experiments to confirm specificity and affinity before affinity purification and horseradish peroxidase (HRP) conjugation (Zymed Lab Inc).

[00376] 11.1 – Extracting AAD-1 (v3) from plant leaves.

[00377] Approximately 50 to 100 mg of leaf tissue was cut into small pieces and put into microfuge tubes containing 2 stainless steel beads (4.5 mm; Daisy Co., cat. #145462-000) and 300 μL plant extraction buffer (PBS containing 0.1 % Triton X-100 and 10 mM DTT). The tubes were shaken for 4 min with a bead beater at maximum speed followed by centrifugation for 10 min at 5,000x g. The supernatant containing the plant soluble proteins were analyzed for both total soluble protein (TSP) and AAD-1 (v3) concentrations.

[00378] 11.2 – Bradford assay.

[00379] Total soluble protein concentration from plant leaf tissues were determined by Bradford assay using bovine serum albumin (BSA) as standard. Five micro-liter of serially diluted BSA in PBS or plant extract was transferred to 96-well microtiter plate in triplicates. For standards, concentrations were ranged from 2000 to 15.6 μg/mL. The protein assay concentrate was first diluted 5 fold in PBS and 250 μL was added to each well and incubated at room temp for 5 min. Each optical density (OD) was measured at 595 nm using a microplate reader. The protein concentration of each sample was extrapolated from standard curve using the Softmax® Pro (ver. 4.0) (Molecular Devices).

[00380] 11.3 – Enzyme linked immuno-sorbent assay (ELISA).

[00381] The assay was conducted at room temperature unless otherwise stated. One hundred micro-liter of purified anti-AAD-1 antibody (0.5 μg/mL) was coated on 96-well microtiter well and incubated at 4° C for 16 hours. The plate was washed four times with washing buffer (100 mM phosphate buffered saline (PBS; pH 7.4) containing 0.05% Tween 20) using a plate washer, followed by blocking with 4% skim milk dissolved in PBS for 1 hour. After washing, 100 μL standard AAD-1 of known concentrations or plant extract (see previous section) was incubated in the wells. For standard curve, purified AAD-1 concentrations ranged from 100 to 1.6 ng/mL in triplicates. Plant extracts were diluted 5, 10, 20, and 40 fold

in PBS and analyzed in duplicates. After 1 hour incubation, the plate was washed as above. One hundred micro-liter anti-AAD-1 antibody-HRP conjugate (0.25 ug/mL) was incubated in each well for 1 hour before washing. One hundred micro-liter HRP substrate, 1-Step™ Ultra TMB-ELISA (Pierce), was incubated in each well for 10 minutes before the reaction was stopped by adding 100 µL 0.4N H_2SO_4. The OD of each well was measured using a microplate reader at 450 nm. To determine the concentrations of AAD-1 in plant extract, the OD value of duplicates were averaged and extrapolated from the standard curve using the Softmax® Pro ver. 4.0 (Molecular Devices).

[00382] For comparison, each sample was normalized with its TSP concentration and percent expression to TSP was calculated.

[00383] 11.4 – Western blotting analysis.

[00384] Plant extracts or AAD-1 standards (5 and 0.5 µg/mL) were incubated with Laemmli sample buffer at 95° C for 10 minutes and electrophoretically separated in 8-16% Tris-Glycine Precast gel. Proteins were then electro-transferred onto nitrocellulose membrane using standard protocol. After blocking in 4% skim milk in PBS, AAD-1 protein was detected by anti-AAD1 antiserum followed by goat anti-rabbit/HRP conjugates. The detected protein was visualized by chemiluminescence substrate ECL Western Analysis Reagent (Amersham cat. #RPN 21058).

Example 12 – Tobacco Transformation

[00385] Tobacco transformation with *Agrobacterium tumefaciens* was carried out by a method similar, but not identical, to published methods (Horsch *et al.*, 1988). To provide source tissue for the transformation, tobacco seed (*Nicotiana tabacum* cv. Kentucky 160) was surface sterilized and planted on the surface of TOB-medium, which is a hormone-free Murashige and Skoog medium (Murashige and Skoog, 1962) solidified with agar. Plants were grown for 6-8 weeks in a lighted incubator room at 28-30° C and leaves collected sterilely for use in the transformation protocol. Pieces of approximately one square centimeter were sterilely cut from these leaves, excluding the midrib. Cultures of the *Agrobacterium* strains (EHA101S containing pDAB721, *AAD-1 (v3)* + *PAT*), grown overnight in a flask on a shaker set at 250 rpm at 28° C, were pelleted in a centrifuge and resuspended in sterile Murashige & Skoog salts, and adjusted to a final optical density of 0.5

at 600 nm. Leaf pieces were dipped in this bacterial suspension for approximately 30 seconds, then blotted dry on sterile paper towels and placed right side up on TOB+ medium (Murashige and Skoog medium containing 1 mg/L indole acetic acid and 2.5 mg/L benzyladenine) and incubated in the dark at 28° C. Two days later the leaf pieces were moved to TOB+ medium containing 250 mg/L cefotaxime (Agri-Bio, North Miami, Florida) and 5 mg/L glufosinate ammonium (active ingredient in Basta, Bayer Crop Sciences) and incubated at 28-30° C in the light. Leaf pieces were moved to fresh TOB+ medium with cefotaxime and Basta twice per week for the first two weeks and once per week thereafter. Four to six weeks after the leaf pieces were treated with the bacteria, small plants arising from transformed foci were removed from this tissue preparation and planted into medium TOB-containing 250 mg/L cefotaxime and 10 mg/L Basta in Phytatray™ II vessels (Sigma). These plantlets were grown in a lighted incubator room. After 3 weeks, stem cuttings were taken and re-rooted in the same media. Plants were ready to send out to the greenhouse after 2-3 additional weeks.

[00386] Plants were moved into the greenhouse by washing the agar from the roots, transplanting into soil in 13.75 cm square pots, placing the pot into a Ziploc® bag (SC Johnson & Son, Inc.), placing tap water into the bottom of the bag, and placing in indirect light in a 30° C greenhouse for one week. After 3-7 days, the bag was opened; the plants were fertilized and allowed to grow in the open bag until the plants were greenhouse-acclimated, at which time the bag was removed. Plants were grown under ordinary warm greenhouse conditions (30° C, 16 hour day, 8 hour night, minimum natural + supplemental light = 500 $\mu E/m^2s^1$).

[00387] Prior to propagation, T_0 plants were sampled for DNA analysis to determine the insert copy number. The *PAT* gene which was molecularly linked to *AAD-1 (v3)* was assayed for convenience. Fresh tissue was placed into tubes and lyophilized at 4° C for 2 days. After the tissue was fully dried, a tungsten bead (Valenite) was placed in the tube and the samples were subjected to 1 minute of dry grinding using a Kelco bead mill. The standard DNeasy DNA isolation procedure was then followed (Qiagen, DNeasy 69109). An aliquot of the extracted DNA was then stained with Pico Green (Molecular Probes P7589) and read in the florometer (BioTek) with known standards to obtain the concentration in ng/µl.

[00388] The DNA samples were diluted to 9 ng/µl, then denatured by incubation in a thermocycler at 95° C for 10 minutes. Signal Probe mix was then prepared using the provided oligo mix and MgCl2 (Third Wave Technologies). An aliquot of 7.5 µl was placed in each well of the Invader assay plate followed by an aliquot of 7.5 µl of controls, standards, and 20 ng/µl diluted unknown samples. Each well was overlaid with 15 µl of mineral oil (Sigma). The plates were then incubated at 63° C for 1.5 hours and read on the florometer (Biotek). Calculation of % signal over background for the target probe divided by the % signal over background internal control probe will calculate the ratio. The ratio of known copy standards developed and validated with southern blot analysis was used to identify the estimated copy of the unknown events (**Table 27**).

Table 27. Tobacco T0 events transformed with pDAB721 (*AAD-1(v3) + PAT*).

Event	PAT copy number (Southern)	Coding Region PCR for AAD-1	ELISA (µg AAD-1 / ml plant extract)	Relative tolerance T0 spray with 2,4-D *
721(1)1	1	+	0.9	Medium
721(2)1	nd	nd	0.6	Medium
721(2)2	5	+	0.3	Low
721(2)3	3	+	2.6	Medium
721(2)5	5	+	4.1	Variable
721(2)6	3	+	0.5	Variable
721(2)8	5	+	0.3	High
721(2)11	3	+	n/a	High
721(2)12	3	+	4.1	Medium
721(2)13	2	+	0.5	Medium
721(2)14	5	+	0.2	High
721(2)16	4	+	3.2	Medium
721(2)17	3	+	nd	High
721(2)18	5	+	nd	High
721(2)19	>10	+	nd	Low
721(2)20	5	+	nd	Medium
721(2)21	4	+	nd	High
721(2)22	7	+	nd	Medium
721(2)23	>10	+	nd	Variable
721(3)003	3	+	nd	Variable
721(3)008	2	+	nd	High
721(3)012	1	+	nd	High
721(3)4	2	+	0.5	High
721(3)5	9	+	3.3	High
721(3)6	4	+	7.1	Variable
721(3)9	2	+	1	Low
721(3)10	3	+	0.6	High
721(3)11	7	+	6	Low
721(3)13	4	+	0.1	High
721(3)014	2	+	0.1	Medium

nd = not done

Legend:	Relative tolerance*	Injury at 3200 g ae/ha 2,4-D (14DAT)
	Low	>50% injury
	Medium	20-50% injury
	High	<20% injury
	Variable	inconsistent

[00389] Copy number estimations were confirmed by Southern Analysis on several events. Southern blot analysis was performed with total DNA obtained from Qiagen DNeasy kit. A

total of 2 μgs of DNA was subjected to an overnight digest of NsiI and also HindIII for pDAB721 to obtain integration data. After the overnight digestion an aliquot of ~100 ngs was run on a 1% gel to ensure complete digestion. After this assurance the samples were processed using same protocol as in Example 6 section 11.

[00390] All events were also assayed for the presence of the *AAD-1 (v3)* gene by PCR using the same extracted DNA samples. A total of 100 ng of total DNA was used as template. 20 mM of each primer was used with the Takara Ex Taq PCR Polymerase kit (Mirus TAKRR001A). Primers for the Coding Region PCR AAD-1 were (RdpAcodF ATGGCTCA TGCTGCCCTCAGCC) (SEQ ID NO:27) and (RdpAcodR CGGGCAGGCCTAACTCCACC AA) (SEQ ID NO:28). The PCR reaction was carried out in the 9700 Geneamp thermocycler (Applied Biosystems), by subjecting the samples to 94° C for 3 minutes and 35 cycles of 94° C for 30 seconds, 64° C for 30 seconds, and 72° C for 1 minute and 45 seconds followed by 72° C for 10 minutes. PCR products were analyzed by electrophoresis on a 1% agarose gel stained with EtBr. Four to 12 clonal lineages from each of 30 PCR positive events were regenerated and moved to the greenhouse.

[00391] A representative plant from each of 19 events was assayed for AAD-1 (v3) expression by ELISA methods previously described. All events assayed showed detectable levels of AAD-1 (v3) (**Table 27**). Protein expression varied across events.

[00392] T_0 plants from each of the 30 events were challenged with a wide range of 2,4-D sprayed on plants that were 3-4 inches tall. Spray applications were made as previously described using a track sprayer at a spray volume of 187 L/ha. 2,4-D dimethylamine salt (Riverside Corp) was applied at 0, 50, 200, 800, or 3200 g ae/ha to representative clones from each event mixed in deionized water. Each treatment was replicated 1-3 times. Injury ratings were recorded 3 and 14 DAT. Every event tested was more tolerant to 2,4-D than the untransformed control line KY160. In several events, some initial auxinic herbicide-related epinasty occurred at doses of 800 g ae/ha or less. Some events were uninjured at this rate (equivalent to 1.5X field rate). All events suffered some level temporary auxinic damage 3 DAT when treated with 3200 g ae/ha. Some leaf burning also occurred at this high rate due to the acidity of the spray solution. Future trials at high 2,4-D rates were buffered. Response of T_0 plants treated with 3200 g ae/ha 2,4-D (~6X field rate) was used to discern relative tolerance of each event into "low" (>50% injury 14 DAT), "medium" (20-50% injury),

"high" (<20% injury). Some events were inconsistent in response among replicates and were deemed "variable" (**Table 27**).

[00393] Verification of high 2,4-D tolerance.

[00394] Two to four T_0 individuals surviving high rates of 2,4-D were saved from each event and allowed to self fertilize in the greenhouse to give rise to T_1 seed. Two *AAD-1 (v3)* tobacco lines (event 721(2)-013.010 and 721(3)-008.005) were chosen from the T_0 generation. The T_1 seed was stratified, and sown into selection trays much like that of *Arabidopsis* (Example 6.4), followed by selective removal of untransformed nulls in this segregating population with 280 g ai/ha glufosinate (PAT selection). Survivors were transferred to individual 3-inch pots in the greenhouse. These lines provided medium and high levels of robustness to 2,4-D in the T_0 generation. Improved consistency of response is anticipated in T_1 plants not having come directly from tissue culture. These plants were compared against wildtype KY 160 tobacco. All plants were sprayed with the use of a track sprayer set at 187L/ha. The plants were sprayed from a range of 70-4480 g ae/ha 2,4-D dimethylamine salt (DMA), R-Dichlorprop, and a 50/50 mix of the two herbicides. All applications were formulated in 200mM Hepes buffer (pH 7.5). Each treatment was replicated 4 times. Plants were evaluated at 3 and 14 days after treatment. Plants were assigned injury rating with respect to stunting, chlorosis, and necrosis. The T_1 generation is segregating, so some variable response is expected due to difference in zygosity. (**Table 28**). No injury was observed at rates below 1X field rates (560 g ae/ha) for 2,4-D or R-dichlorprop in either event. Very little injury was observed even up to 8 times field rates (4480 g ae/ha) and this was exhibited as stunting, not auxinic herbicide damage. These results indicated commercial level tolerance can be provided by *AAD-1 (v3)*, even in a very auxin-sensitive dicot crop like tobacco. These results also show resistance can be imparted to both chiral (2,4-dichlorophenoxypropionic acid) and achiral (2,4-dichlorophenoxyacetic acid) phenoxy auxin herbicides alone or in tank mix combination.

Table 28. Segregating AAD-1 T_1 tobacco plants' response to phenoxy auxin herbicides.

Herbicide	KY160 – Wildtype	721(2)013.010 (medium tolerance in T_0 generation)	721(3)008.005 (high tolerance in T_0 generation)
	Average % Injury of Replicates 14 DAT		
560 g ae/ha 2,4-D DMA	75	5	0
1120 g ae/ha 2,4-D DMA	80	5	2
2240 g ae/ha 2,4-D DMA	90	5	0
4480 g ae/ha 2,4-D DMA	95	5	5
560 g ae/ha R-dichlorprop	70	5	0
1120 g ae/ha R-dichlorprop	75	5	0
2240 g ae/ha R-dichlorprop	88	5	0
4480 g ae/ha R-dichlorprop	95	10	5
560 g ae/ha 2,4-D DMA/R-dichlorprop	80	5	5
1120 g ae/ha 2,4-D DMA/R-dichlorprop	80	10	10
2240 g ae/ha 2,4-D DMA/R-dichlorprop	95	15	15
4480 g ae/ha 2,4-D DMA/R-dichlorprop	95	15	15

[00395] A 100 plant progeny test was also conducted on each of the two *AAD-1 (v3)* lines (events 721(2)-013.010 and 721(3)-008.005). The seeds were stratified, sown, and transplanted with respect to the procedure above except null plants were not removed by Liberty selection. All plants were then sprayed with 560 g ae/ha 2,4-D DMA as previously described. After 14 DAT, resistant and sensitive plants were counted. Both event '013' and '008' segregated as a single locus, dominant Mendelian trait (3R:1S) as determined by Chi square analysis. AAD-1 is heritable as a robust phenoxy auxin resistance gene in multiple species.

[00396] Field level tolerance will be demonstrated by planting T_1 or T_2 seed in the greenhouse, selectively removing the null plants by Liberty selection as previously described, and rearing individual seedlings in 72-well transplant flats (Hummert International) in Metro 360 media according to growing conditions indicated above. Individual plants will be transplanted into the field plots using an industrial vegetable planter. Drip or overhead irrigation will be used to keep plants growing vigorously. Once plants reach 6-12 inches in height, tobacco plants will be sprayed with a broad range of phenoxy auxins and rated as shown above. Environmental stresses are more significant under field conditions; however, based on previous experience with *AAD-1 (v3)*-transformed corn, robust translation of resistance from the greenhouse to the field is expected.

Example 13 – Soybean Transformation

[00397] Soybean improvement via gene transfer techniques has been accomplished for such traits as herbicide tolerance (Padgette *et al.*, 1995), amino acid modification (Falco *et al.*, 1995), and insect resistance (Parrott *et al.*, 1994). Introduction of foreign traits into crop species requires methods that will allow for routine production of transgenic lines using selectable marker sequences, containing simple inserts. The transgenes should be inherited as a single functional locus in order to simplify breeding. Delivery of foreign genes into cultivated soybean by microprojectile bombardment of zygotic embryo axes (McCabe *et al.*, 1988) or somatic embryogenic cultures (Finer and McMullen, 1991), and *Agrobacterium*-mediated transformation of cotyledonary explants (Hinchee *et al.*, 1988) or zygotic embryos (Chee *et al.*, 1989) have been reported.

[00398] Transformants derived from *Agrobacterium*-mediated transformations tend to possess simple inserts with low copy number (Birch, 1991). There are benefits and disadvantages associated with each of the three target tissues investigated for gene transfer into soybean, zygotic embryonic axis (Chee *et al.*, 1989; McCabe *et al.*, 1988), cotyledon (Hinchee *et al.*, 1988) and somatic embryogenic cultures (Finer and McMullen, 1991). The latter have been extensively investigated as a target tissue for direct gene transfer. Embryogenic cultures tend to be quite prolific and can be maintained over a prolonged period. However, sterility and chromosomal aberrations of the primary transformants have been associated with age of the embryogenic suspensions (Singh *et al.*, 1998) and thus continuous initiation of new cultures appears to be necessary for soybean transformation systems utilizing this tissue. This system needs a high level of 2,4-D, 40 mg/L concentration, to initiate the embryogenic callus and this poses a fundamental problem in using the *AAD-1 (v3)* gene since the transformed locus could not be developed further with 2,4-D in the medium. So, the meristem based transformation is ideal for the development of 2,4-D resistant plant using *AAD-1 (v3)*.

[00399] 13.1 – Transformation Method 1: cotyledonary node transformation of soybean mediated by *Agrobacterium tumefaciens*.

[00400] The first reports of soybean transformation targeted meristematic cells in the cotyledonary node region (Hinchee *et al.*, 1988) and shoot multiplication from apical meristems (McCabe *et al.*, 1988). In the *A. tumefaciens*-based cotyledonary node method,

explant preparation and culture media composition stimulate proliferation of auxiliary meristems in the node (Hinchee *et al.*, 1988). It remains unclear whether a truly dedifferentiated, but totipotent, callus culture is initiated by these treatments. The recovery of multiple clones of a transformation event from a single explant and the infrequent recovery of chimeric plants (Clemente *et al.*, 2000; Olhoft *et al.*, 2003) indicates a single cell origin followed by multiplication of the transgenic cell to produce either a proliferating transgenic meristem culture or a uniformly transformed shoot that undergoes further shoot multiplication. The soybean shoot multiplication method, originally based on microprojectile bombardment (McCabe *et al.*, 1988) and, more recently, adapted for *Agrobacterium*-mediated transformation (Martinell *et al.*, 2002), apparently does not undergo the same level or type of dedifferentiation as the cotyledonary node method because the system is based on successful identification of germ line chimeras. The range of genotypes that have been transformed via the *Agrobacterium*-based cotyledonary node method is steadily growing (Olhoft and Somers, 2001). This *de novo* meristem and shoot multiplication method is less limited to specific genotypes. Also, this is a non 2,4-D based protocol which would be ideal for 2,4-D selection system. Thus, the cotyledonary node method may be the method of choice to develop 2,4-D resistant soybean cultivars. Though this method was described as early as 1988 (Hinchee *et al.*, 1988), only very recently has it been optimized for routine high frequency transformation of several soybean genotypes (Zhang *et al.*, 1999; Zeng *et al.*, 2004).

[00401] 13.1.1 – *Agrobacterium* preparation. The plasmid, pDAB721, contains the *AAD-1 (v3)* gene under the control of the *Arabidopsis* Ubi10 promoter. This plasmid also carries the *PAT* gene under the control of rice actin promoter coding for an enzyme that degrades glufosinate which can be used as a selection agent for transformants. This vector can be used in the transformation experiment described below. The construct pDAB721 was mobilized into the *Agrobacterium* strain EHA101S by electroporation.

[00402] *Agrobacterium* cultures harboring pDAB721 used in the transformations can be grown in YEP medium (10 g/L peptone, 5 g/L yeast extract and 5 g/L NaCl, pH 7.0). *Agrobacterium* cultures are pelleted at low speed and resuspended in SCM liquid medium (see below) to OD660 of 0.6 for use in the inoculations.

[00403] 13.1.2 – Plant transformation. Seeds of "Thorne," "Williams82," or "NE3001," public genotypes of soybean, can be disinfected by a 20-minute wash in 20% (v/v) commercial bleach (NaClO) amended with 2 drops of Liqui-Nox®. The seeds should be rinsed five times with sterile water on hormone-free SHGA medium and allowed to germinate for 5 days at 24° C, with an 18/6 hour light/dark regime. B5 medium consists of macro and micro nutrients and vitamins described by Gamborg *et al.* (1968) (Sigma, cat. #G 5893, St. Louis). All media are solidified with 0.8% (w/v) washed agar (Sigma cat. #A 8678). Alternatively, certain genotypes of soybean can undergo a dry surface sterilization procedure using chlorine gas (Cl_2) whereby mature seeds are placed into 100 x 25 mm Petri plates in a single layer using about 130 seeds per plate. Approximately 3-4 plates are placed into a desiccator within a fume hood in such a way that all the plates are half open and that there is enough space for a 250 ml beaker in the middle of the desiccator. The beaker is filled with 95 ml of commercial bleach, to which 5 ml of concentrated (12N) HCl is added dropwise along the side of the beaker. The desiccator is immediately closed and allowed to stand for at least 16 hours in a fume hood. Following sterilization, the plates are closed, then brought to a laminar flow hood and left open for about 30 minutes to remove any excessive Cl_2 gas. Seeds are then germinated as described previously. The dry surface sterilized seeds will remain sterile at room temperature for about 2 weeks. Explants are prepared for inoculation as previously described (Hinchee *et al.*, 1988).

[00404] Explants should be inoculated for 30 minutes. Cocultivation and *Agrobacterium* re-suspension medium consists of B5 medium supplemented with 1 mg/L BAP, 1 mg/L GA3, 3% (w/v) sucrose, 20 mM MES(2-[N-morpholino]ethane sulfonic acid), 400 mg/L L-cysteine (Olhoft and Somers, 2001) pH 5.7, 0.99 mM dithiothreitol (DTT), and 200 μM acetosyringone (AS). Explants are cocultivated for 5 days at 25° C. Following cocultivation, explants were washed in the cocultivation medium containing 100 mg/L timentin and 200 mg/L cefotaxime, without MES and AS.

[00405] Explants are to be placed on shoot induction medium and transferred every 14 days for a total of 28 days prior to herbicide selection. The shoot induction medium consists of full-strength B5 medium supplemented with 1.7 mg/L BAP, 100 mg/L timentin , 200 mg/L cefotaxime pH 5.7 and 3% (w/v) sucrose. Cotyledons should be placed adaxial side up with the cotyledonary nodal region flush to the medium, amended with increasing levels of Basta

(2, 5, 6 then 7 mg/L glufosinate ammonium) or sublethal levels of 2,4-D ranging from 10 mg to 400 mg/L every 2 weeks for a total of 8 weeks.

[00406] Differentiating explants are subsequently transferred to shoot elongation medium for an additional 4 to 10 weeks under the same glufosinate selection or under decreased 2,4-D selection pressure ranging from10 mg to 100 mg/L. The elongation medium consisted of B5 medium (Sigma cat. #M0404) amended with 1 mg/L zeatin riboside, 0.1 mg/L IAA (indole-3-acetic acid), 0.5 mg/L GA3, 50 mg/L glutamine, 50 mg/L asparagine, and 3% (w/v) sucrose, pH 5.8. Elongated shoots should be rooted, without further selection, on half-strength MS/B5 medium with full-strength vitamins plus 0.5 mg/L NAA (α-naphthaleneacetic acid) or 0.1 mg/L IAA and 2% (w/v) sucrose.

[00407] The antibiotics, timentin and cefotaxime, are maintained within the media throughout selection. Cultures are transferred to fresh medium every 2 weeks. Plantlets are acclimated for 1 to 2 weeks prior to transfer to the greenhouse.

[00408] 13.1.3 – Progeny evaluation. T_0 plants will be allowed to self fertilize in the greenhouse to give rise to T_1 seed. T_1 plants (and to the extent enough T_0 plant clones are produced) will be sprayed with a range of herbicide doses to determine the level of herbicide protection afforded by *AAD-1 (v3)* and *PAT* genes in transgenic soybean. Rates of 2,4-D used on T_0 plants will typically use one or two selective rates in the range of 100-400 g ae/ha. T_1 seed will be treated with a wider herbicide dose ranging from 50-3200 g ae/ha 2,4-D. Likewise, T_0 and T_1 plants can be screened for glufosinate resistance by postemergence treatment with 200-800 and 50-3200 g ae/ha glufosinate, respectively. Analysis of protein expression will occur as described in Example 9 for *Arabidopsis* and corn. Determination of the inheritance of *AAD-1 (v3)* will be made using T_1 and T_2 progeny segregation with respect to herbicide tolerance.

[00409] 13.2 – Transformation Method 2: "No-shake" *Agrobacterium* mediated transformation of non-regenerable soybean suspension cells.

[00410] The DAS Soybean cell suspensions were cultured on a 3d cycle with 10 ml of settled suspension volume transferred to 115 ml of fresh liquid medium. Settled cell volume was determined by allowing the cell suspension to settle for 2 min in the 125-mL flask after vigorous swirling and then drawing cells from the bottom of the flask with a wide bore 10 ml pipette. The flasks were then transferred to orbital shakers at 140 rpm.

[00411] Aliquots of 4 ml of the suspension cells at 0.72 OD^{600} was transferred along with 200 μM acetosyringone (AS) onto a 100x25 sterile Petri plate. EHA105 *Agrobacterium* suspension at a density of 1.2 OD^{650} in a 100 μL volume was added and mixed well. The *Agrobacterium* and suspension cell mixture was swirled well and the plate was transferred to dark growth chamber where the temperature was maintained at 25° C.

[00412] 13.2.1 – Selection of soybean suspension cells and isolation of transformed colonies. After 4 days of co-cultivation the plate was swirled again to mix the suspension well and a 1.5 ml aliquot was transferred to the selection medium and spread on the gel medium on a 100x15 ml Petri-plate. The selection medium consisted of full-strength B5 medium supplemented with 1.7 mg/L BAP, 100 mg/L timentin, 200 mg/L cefotaxime pH 5.7 and 3% (w/v) sucrose and the medium was amended with glufosinate ammonium at 5 mg/L level. After a 10 min drying in the hood the plates were incubated for 4 weeks in dark at 28° C. Colonies appeared in selection and a total of 11 colonies were transferred to fresh medium from 3 different experiments and maintained for 3-4 months. All the 11 resistant colonies produced calli that were growing on the 5 mg/L glufosinate containing selection medium. The non-transformed suspension cells were sensitive when plated on to 0.5 mg/l glufosinate ammonium medium. However, the transformed colonies were resistant to 5x concentration of glufosinate ammonium and were maintained for up to 4 months.

[00413] Callus events were sampled for analyses when they reached 2 to 3 cm in diameter. At least two of colony isolates, one each from two different experiments, were analyzed for AAD1 protein expression. The ELISA and Western analysis carried out on these two isolates showed positive expression of AAD1 proteins. Both ELISA (**Table 29**) and Western Blotting (**Figure 18**) analysis on two separate soybean calli transformed with *AAD-1 (v3)* gene indicated that the callus cells are expressing AAD-1 (v3) protein. The sandwich ELISA detected 0.0318% and 0.0102% total soluble protein of AAD-1 (v3) in two different callus tissue samples. Due to the sensitivity and cross reactivity of the antiserum, multiple bands were observed in the western blot. However, AAD-1 (v3) specific band was observed in both callus samples but not in the wild type (negative) tissue. Coding region PCR analyses showed the expected size products of the AAD1 and the PAT coding regions in these colonies indicating that they were transformed.

Table 29. PCR and ELISA data for transgenic soybean events.

Event	AAD-1 Coding region PCR	PAT Coding region PCR	T SP (µg/mL)	AAD-l (ng/mL)	% Expression
1-1	+	+	1995.13	633.89	0.0318%
2-1	+	+	2018.91	205.92	0.0102%
Negative Control	-	-	2074.63	-1.22	-0.0001%

[00414] 13.3 – Transformation Method 3: aerosol-beam mediated transformation of embryogenic soybean callus tissue.

[00415] Culture of embryogenic soybean callus tissue and subsequent beaming were as described in U.S. Patent No. 6,809,232 (Held *et al.*).

[00416] Embryogenic calluses of several Stine elite varieties, including 96E750, 96E94, 97E986, 96E144 and 96E692, were separately collected into the center of plates of B1-30 3Co5My or B1-30 3Co5My0.25PA0.5K three days after transfer to fresh medium. The tissue was then beamed with pDAB3295 using linearized DNA at a concentration of approximately 0.2 µg/ml. After beaming, the embryogenic callus was transferred to fresh B1-30 3Co5My or B1-30 3Co5My0.25PA0.5K for one passage of a month. The tissue was then transferred to selective medium containing 1 mg/l bialaphos. With bialaphos, selection typically was maintained at 1 mg/l for the first two one-month passages and then increased to 2 mg/l for the following three to seven months. Transgenic events were identified when callus tissue generated by transformation experiments began to organize and develop into embryogenic structures while still on selective media containing 2,4-D plus bialaphos. Once identified, the maturing structures were regenerated into plants according to the following protocol: Embryogenic structures were transferred off B1-30 3Co5My or B1-30 3/co5My0.25PA0.5K to B3 medium. After 3 to 4 weeks' growth on B3 medium, individual structures were transferred to fresh medium. After another 3 to 4 weeks, maturing embryos were transferred to B5G medium and placed in the light. Embryos that had elongated and produced roots were transferred to tubes containing 1/2 B5G medium where they continued development into plantlets; and these plantlets were removed from the tubes and placed into pots.

[00417] Variations of media referred to in **Table 30** were tested, *e.g.*, B1-30 3Co5My, which was made by adding 3% coconut water and 5 gm/l myo-inositol to B1-30. Other variations

included: B1-30 3Co5My0.25 PA0.5K which contained B1-30 basal medium plus 3% coconut water, 5 gm/l myo-inositol, 0.25 gm/l phytic acid, and 0.5 gm/l additional KH_2PO_4 and 1/2 B5G which contained all ingredients of B5G medium at half strength.

Table 30. Growth Media for Soybean

	Ingredients in 1 Liter		
	B1-30	**B3**	**B5G**
Ms Salts	4.43 g	4.43 g	
B5 Salts			3.19 g
NaEDTA	37.3 mg	37.3 mg	37.3 mg
2,4-D	30 mg		
Activated charcoal		5 g	
Phytagar	8g	8g	
Gelrite			2g
pH	5.8	5.8	5.8

Example 14 – *AAD-1 (v3)* Enablement in Cotton

[00418] 14.1 – Cotton transformation protocol.

[00419] Cotton seeds (Co310 genotype) are surface-sterilized in 95% ethanol for 1 minute, rinsed, sterilized with 50% commercial bleach for twenty minutes, and then rinsed 3 times with sterile distilled water before being germinated on G-media (**Table 31**) in Magenta GA-7 vessels and maintained under high light intensity of 40-60 µE/m2, with the photoperiod set at 16 hours of light and 8 hours dark at 28° C.

[00420] Cotyledon segments (~5mm) square are isolated from 7-10 day old seedlings into liquid M liquid media (**Table 31**) in Petri plates (Nunc, item #0875728). Cut segments are treated with an *Agrobacterium* solution (for 30 minutes) then transferred to semi-solid M-media (**Table 31**) and undergo co-cultivation for 2-3 days. Following co-cultivation, segments are transferred to MG media (**Table 31**). Carbenicillin is the antibiotic used to kill the *Agrobacterium* and glufosinate-ammonium is the selection agent that would allow growth of only those cells that contain the transferred gene.

[00421] *Agrobacterium* preparation. Inoculate 35ml of Y media (**Table 31**) (containing streptomycin (100 mg/ml stock) and erythromycin (100 mg/ml stock)), with one loop of bacteria to grow overnight in the dark at 28° C, while shaking at 150 rpm. The next day, pour

the *Agrobacterium* solution into a sterile oakridge tube (Nalge-Nunc, 3139-0050), and centrifuge for in Beckman J2-21 at 8,000 rpm for 5 minutes. Pour off the supernatant and resuspend the pellet in 25 ml of M liquid (**Table 31**) and vortex. Place an aliquot into a glass culture tube (Fisher, 14-961-27) for Klett reading (Klett-Summerson, model 800-3). Dilute the new suspension using M liquid media to a Klett-meter reading of 10^8 colony forming units per mL with a total volume of 40 ml.

[00422] After three weeks, callus from the cotyledon segments is isolated and transferred to fresh MG media. The callus is transferred for an additional 3 weeks on MG media. Callus is then transferred to CG-media (**Table 31**), and transferred again to fresh selection medium after three weeks. After another three weeks the callus tissue is transferred to D media (**Table 31**) lacking plant growth regulators for embryogenic callus induction. After 4-8 weeks on this media, embryogenic callus is formed, and can be distinguished from the non-embryogenic callus by its yellowish-white color and granular cells. Embryos start to regenerate soon after and are distinct green in color.

[00423] Larger, well-developed embryos are isolated and transferred to DK media (**Table 31**) for embryo development. After 3 weeks (or when the embryos have developed), germinated embryos are transferred to fresh media for shoot and root development. After 4-8 weeks, any well-developed plants are transferred into soil and grown to maturity. Following a couple of months, the plant has grown to a point that it can be sprayed to determine if it has resistance to 2,4-D.

Table 31. Media for Cotton Transformation

Ingredients in 1 liter	G	M liquid	M	MG	CG	D	DK	Y
LS Salts (5X)	200 ml	200 ml	200 ml	200 ml	200 ml			
Glucose		30 grams	30 grams	30 grams	30 grams	20 grams		
modified B5 vit (1000x)	1 ml	1 ml	1 ml	1 ml	1 ml	10 ml	1 ml	
kinetin (1mM)		1ml	1 ml	1 ml	4.6 ml		0.5ml	
2,4-D (1mM)		1ml	1 ml	1 ml				
agar	8 grams		8 grams	8 grams	8 grams	8 grams	8 grams	
DKW salts (D190)						1 package	1 package	
MYO-Inositol (100x)						1 ml	10 ml	
Sucrose 3%	30 grams						30 grams	10 grams
NAA								
Carbenicillin (250 mg/ml)				2 ml	0.4 ml			
GLA (10mg/ml)				0.5 ml	0.3 ml			
Peptone								10 grams
Yeast Extract								10 grams
NaCl								5 grams

[00424] 14.2 – Experiment specifics.

[00425] For this experiment 500 cotyledon segments were treated with pDAB721. Of the 500 segments treated, 475 had callus isolated while on selection (95% transformation frequency). The callus was selected on glufosinate-ammonium, due to the inclusion of the *PAT* gene in the construct, since there was already a selection scheme developed. Callus line analysis in the form of PCR and Invader were initiated to determine the insertion patterns and to be sure the gene was present at the callus stage, then callus lines that were embryogenic were sent for Western analysis.

[00426] 14.3 – Callus analysis results.

[00427] The object of the analysis is to eliminate any lines that do not have the complete PTU, show no expression or that have high copy number, so those lines are not regenerated. Of the 475 pDAB721 transformed callus lines, 306 were sent for PCR analysis and Invader assay (**Table 32**). Very few lines were PCR negative. The Invader results are not complete at this time, because some samples had low DNA amounts when extracted, and these have been resubmitted. However, the current Invader data shows a few of the lines submitted have high copy number (copy number of >2) (**Table 32**). Due to the large number of lines that passed analysis, it was necessary to decrease the number of embryogenic callus lines being maintained due to the volume. Ninety lines have been sent for Western analysis, and eight of those were negative. The western analysis showed high expression from the majority of the lines (**Table 32**). Eighty-two embryogenic callus lines are being maintained for plant regeneration based on analysis results (and results pending).

Table 32. Analysis of cotton callus

Line	Copy #	PTU	Western	Line	Copy #	PTU	Western
1	2	pos	***	43	1	pos	*****
2	1	pos	***	44	low DNA	pos	*****
3	1	pos	***	45	1	pos	*****
4	2	pos	***	46	2	pos	*****
5	1	pos	***	47	1	pos	***
6	1	pos	neg	48	1	pos	***
7	1	pos	****	49	3	faint pos	neg
8	1	pos	*****	50	1	pos	****
9	2	pos	*	51	4	pos	neg
10	1	pos	*	52	2	pos	****
11	1	pos	*****	53	1	pos	***

Table 32. Analysis of cotton callus

Line	Copy #	PTU	Western	Line	Copy #	PTU	Western
12	1	pos	*	54	1	pos	****
13	1	pos	*	55	1	pos	neg
14	1	pos	**	56	5	pos	*
15	1	pos	****	57	2	faint pos	neg
16	1	pos	*****	58	8	pos	****
17	1	pos	*	59	2	pos	****
18	1	pos	***	60	5	pos	*****
19	1	pos	**	61	1	pos	**
20	1	pos	*****	62	1	pos	**
21	2	pos	*****	63	1	pos	***
22	1	pos	*****	64	1	pos	***
23	1	pos	*****	65	3	pos	****
24	4	pos	* or neg	66	5	pos	*
25	1	pos	****	67	6	pos	*
26	1	pos	****	68	Low DNA	pos	neg
27	low DNA	pos	*****	69	Low DNA	pos	****
28	low DNA	pos	**	70	low DNA	pos	**
29	low DNA	pos	*****	71	low DNA	faint pos	**
30	17	pos	*	72	low DNA	pos	****
31	low DNA	pos	*****	73	low DNA	neg	***
32	low DNA	pos	*****	74	low DNA	faint pos	***
33	low DNA	pos	****	75	Low DNA	pos	***
34	low DNA	faint pos	*****	76	Low DNA	pos	neg
35	low DNA	pos	****	77	low DNA	faint pos	****
36	low DNA	pos	neg	78	low DNA	pos	****
37	low DNA	pos	****	79	1	pos	**
38	low DNA	neg	*****	80	low DNA	pos	***
39	1	pos	****	81	low DNA	pos	***
40	low DNA	pos	*	82	low DNA	pos	***
41	low DNA	pos	*	83	low DNA	neg	****
42	low DNA	pos	**	84	low DNA	pos	***
				85	low DNA	pos	**
standard	AAD1	5ug/ml	*****	86	low DNA	pos	*
standard	AAD1	0.5ug/ml	**				

[00428] 14.4 – Plant regeneration.

[00429] Two *AAD-1 (v3)* cotton lines have produced plants according to the above protocol that have been sent to the greenhouse. To demonstrate the *AAD-1 (v3)* gene provides resistance to 2,4-D in cotton, both the *AAD-1 (v3)* cotton plant and wild-type cotton plants were sprayed with a track sprayer set at 187 L/ha. The plants were sprayed at 560 g ae/ha

2,4-DMA formulated in 200 mM Hepes buffer (pH 7.5). The plants were evaluated at 3, 7, and 14 days after treatment. Plants were assigned injury ratings with respect to stunting, chlorosis, and necrosis. Plants assigned an injury rating of 90% or above are considered dead. Three days after treatment (DAT) the wild-type plant began showing epinasy and received a rating of 15%; in contrast, the *AAD-1 (v3)* plant showed 0% injury. By 7 DAT epinasy continued on the wild-type and the new growth shoots began turning brown. It received a rating of 50% at this time. At 14 DAT the *AAD-1 (v3)* plant was still uninjured, whereas the wild-type was severely stunted, and the new growth areas were brown and shriveled. Thus, the wild-type received a rating of 90% at 14 DAT.

[00430] This study demonstrates that the *AAD-1 (v3)* gene in cotton provides substantial tolerance to 2,4-D up to at least 560 g ae/ha.

Example 15 – *Agrobacterium* Transformation of Other Crops

[00431] In light of the subject disclosure, additional crops can be transformed according to the subject invention using techniques that are known in the art. For *Agrobacterium*-mediated trans-formation of rye, *see, e.g.,* Popelka and Altpeter (2003). For *Agrobacterium*-mediated transformation of soybean, *see, e.g.,* Hinchee *et al.*, 1988. For *Agrobacterium*-mediated transformation of sorghum, *see, e.g.,* Zhao *et al.*, 2000. For *Agrobacterium*-mediated transformation of barley, *see, e.g.,* Tingay *et al.*, 1997. For *Agrobacterium*-mediated transformation of wheat, *see, e.g.,* Cheng *et al.*, 1997. For *Agrobacterium*-mediated transformation of rice, *see, e.g.,* Hiei *et al.*, 1997.

[00432] The Latin names for these and other plants are given below. It should be clear that these and other (non-*Agrobacterium*) transformation techniques can be used to transform *AAD-1 (v3)*, for example, into these and other plants, including but not limited to Maize (*Gramineae Zea mays*), Wheat (*Pooideae Triticum* spp.), Rice (*Gramineae Oryza* spp. and *Zizania* spp.), Barley (*Pooideae Hordeum* spp.), Cotton (*Abroma Dicotyledoneae Abroma augusta*, and *Malvaceae Gossypium* spp.), Soybean (*Soya Leguminosae Glycine max*), Sugar beet (*Chenopodiaceae Beta vulgaris altissima*), Sugar cane (*Arenga pinnata*), Tomato (*Solanaceae Lycopersicon esculentum* and other spp., *Physalis ixocarpa*, *Solanum incanum* and other spp., and *Cyphomandra betacea*), Potato, Sweet potato, Rye (*Pooideae Secale* spp.), Peppers (*Solanaceae Capsicum annuum*, *sinense*, and *frutescens*), Lettuce (*Compositae*

Lactuca sativa, *perennis*, and *pulchella*), Cabbage, Celery (*Umbelliferae Apium graveolens*), Eggplant (*Solanaceae Solanum melongena*), Sorghum (all *Sorghum* species), Alfalfa (*Leguminosae Medicago sativum*), Carrot (*Umbelliferae Daucus carota sativa*), Beans (*Leguminosae Phaseolus* spp. and other genera), Oats (*Avena Sativa* and *Strigosa*), Peas (*Leguminosae Pisum*, *Vigna*, and *Tetragonolobus* spp.), Sunflower (*Compositae Helianthus annuus*), Squash (*Dicotyledoneae Cucurbita* spp.), Cucumber (*Dicotyledoneae genera*), Tobacco (*Solanaceae Nicotiana* spp.), *Arabidopsis* (*Cruciferae Arabidopsis thaliana*), Turfgrass (*Lolium*, *Agrostis*, and other families), and Clover (*Leguminosae*). Such plants, with *AAD-1 (v3)* genes, for example, are included in the subject invention.

Example 16 – Stacking *AAD-1 (v3)* with AHAS Herbicide Resistance Gene

[00433] Stacking *AAD-1 (v3)* with an AHAS herbicide resistance gene is described in Example 7.9.

Example 17 – Further Evidence of Surprising Results: *AAD-1 vs. AAD-2*

[00434] 17.1 – *AAD-2 (v1)* initial cloning.

[00435] Another gene was identified from the NCBI database (see the ncbi.nlm.nih.gov website; accession #AP005940) as a homologue with only 44% amino acid identity to *tfdA*. This gene is referred to herein as *AAD-2 (v1)* for consistency. Percent identity was determined by first translating both the *AAD-2* and *tfdA* DNA sequences (SEQ ID NO:12 and GENBANK Accession No. M16730, respectively) to proteins (SEQ ID NO:13 and GENBANK Accession No. M16730, respectively), then using ClustalW in the VectorNTI software package to perform the multiple sequence alignment.

[00436] The strain of *Bradyrhizobium japonicum* containing the *AAD-2 (v1)* gene was obtained from Northern Regional Research Laboratory (NRRL, strain #B4450). The lyophilized strain was revived according to NRRL protocol and stored at -80° C in 20% glycerol for internal use as Dow Bacterial strain DB 663. From this freezer stock, a plate of Tryptic Soy Agar was then struck out with a loopful of cells for isolation, and incubated at 28° C for 3 days. A single colony was used to inoculate 100 ml of Tryptic Soy Broth in a 500 ml tri-baffled flask, which was incubated overnight at 28° C on a floor shaker at 150 rpm. From this, total DNA was isolated with the gram negative protocol of Qiagen's DNeasy kit

(Qiagen cat. #69504). The following primers were designed to amplify the target gene from genomic DNA, Forward: 5' ACT AGT AAC AAA GAA GGA GAT ATA CCA TGA CGA T 3' [(brjap 5'(speI) SEQ ID NO:14 (added Spe I restriction site and Ribosome Binding Site (RBS))] and Reverse: 5' TTC TCG AGC TAT CAC TCC GCC GCC TGC TGC TGC 3' [(br jap 3' (xhoI) SEQ ID NO:15 (added a Xho I site)].

[00437] Fifty microliter reactions were set up as follows: Fail Safe Buffer 25 µl, ea. primer 1 µl (50 ng/µl), gDNA 1 µl (200 ng/µl), H_2O 21 µl, Taq polymerase 1 µl (2.5 units/µl). Three Fail Safe Buffers—A, B, and C—were used in three separate reactions. PCR was then carried out under the following conditions: 95° C 3.0 minutes heat denature cycle; 95° C 1.0 minute, 50° C 1.0 minute, 72° C 1.5 minutes, for 30 cycles; followed by a final cycle of 72° C 5 minutes, using the FailSafe PCR System (Epicenter cat. #FS99100). The resulting ~1 kb PCR product was cloned into pCR 2.1 (Invitrogen cat. #K4550-40) following the included protocol, with chemically competent TOP10F' *E. coli* as the host strain, for verification of nucleotide sequence.

[00438] Ten of the resulting white colonies were picked into 3 µl Luria Broth + 1000 µg/ml Ampicillin (LB Amp), and grown overnight at 37° C with agitation. Plasmids were purified from each culture using Nucleospin Plus Plasmid Miniprep Kit (BD Biosciences cat. #K3063-2) and following included protocol. Restriction digestion of the isolated DNA's was completed to confirm the presence of the PCR product in the pCR2.1 vector. Plasmid DNA was digested with the restriction enzyme EcoRI (New England Biolabs cat. #R0101S). Sequencing was carried out with Beckman CEQ Quick Start Kit (Beckman Coulter cat. #608120) using M13 Forward [5' GTA AAA CGA CGG CCA GT 3'] (SEQ ID NO:16) and Reverse [5' CAG GAA ACA GCT ATG AC 3'] (SEQ ID NO:17) primers, per manufacturers instructions. This gene sequence and its corresponding protein was given a new general designation *AAD-2 (v1)* for internal consistency.

[00439] 17.2 – Completion of *AAD-2 (v1)* binary vector.

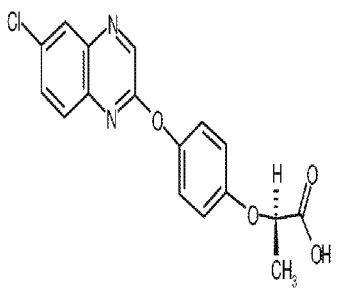
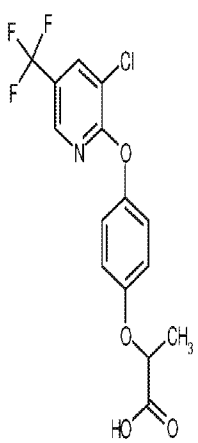
[00440] The *AAD-2 (v1)* gene was PCR amplified from pDAB3202. During the PCR reaction alterations were made within the primers to introduce the AflIII and SacI restriction sites in the 5' primer and 3' primer, respectively. The primers "NcoI of Brady" [5' TAT ACC ACA TGT CGA TCG CCA TCC GGC AGC TT 3'] (SEQ ID NO:18) and "SacI of Brady" [5' GAG CTC CTA TCA CTC CGC CGC CTG CTG CTG CAC 3'] (SEQ ID NO:19) were used

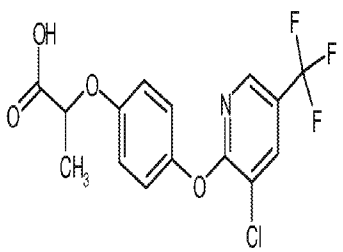
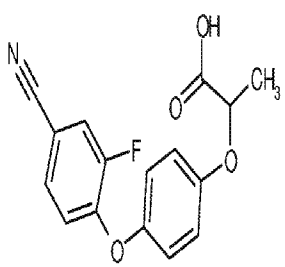
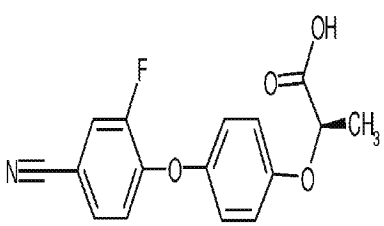
to amplify a DNA fragment using the Fail Safe PCR System (Epicentre). The PCR product was cloned into the pCR 2.1 TOPO TA cloning vector (Invitrogen) and sequence verified with M13 Forward and M13 Reverse primers using the Beckman Coulter "Dye Terminator Cycle Sequencing with Quick Start Kit" sequencing reagents. Sequence data identified a clone with the correct sequence (pDAB716). The AflIII/SacI *AAD-2 (v1)* gene fragment was then cloned into the NcoI/SacI pDAB726 vector. The resulting construct (pDAB717); AtUbi10 promoter: Nt OSM 5'UTR: *AAD-2 (v1)*: Nt OSM3'UTR: ORF1 polyA 3'UTR was verified with restriction digests (with NcoI/SacI). This construct was cloned into the binary pDAB3038 as a NotI – NotI DNA fragment. The resulting construct (pDAB767); AtUbi10 promoter: Nt OSM5'UTR: *AAD-2 (v1)*: Nt OSM 3'UTR: ORF1 polyA 3'UTR: CsVMV promoter: *PAT*: ORF25/26 3'UTR was restriction digested (with NotI, EcoRI, HinDIII, NcoI, PvuII, and SalI) for verification of the correct orientation. The completed construct (pDAB767) was then used for transformation into *Agrobacterium*.

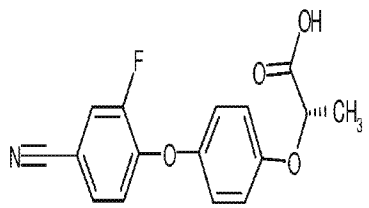
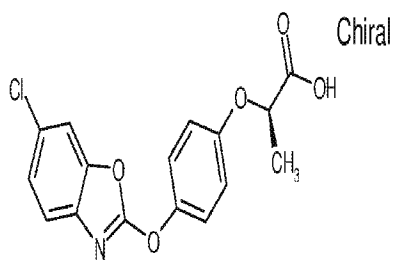
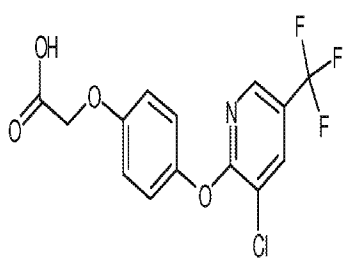
[00441] 17.3 – Comparison of substrate specificities of AAD-2 (v1) and AAD-1 (v1)

[00442] The activity of an extract from *E. coli* expressing AAD-2 (v1) (pDAB3202) prepared as in Example 11 was tested on four herbicides, 2,4-D, (R,S)-dichlorprop, (R,S)-haloxyfop and (R)-haloxyfop (all at a final concentration of 0.5 mM) using 3 µl (42 µg) of *E. coli* extract per assay with a 15 min assay period. **Figure 22** shows that the relative AAD-2 (v1) activity on the substrates was 2,4-D = dichlorprop > (R,S)-haloxyfop >> (R)-haloxyfop. Thus AAD-2 (v1) differs from AAD-1 (v1) in that it has a similar level of activity on 2,4-D as on dichlorprop (whereas the activity of AAD-1 (v1) on 2,4-D is ~10% that of dichlorprop). AAD-2 (v1) also differs from AAD-1 (v1) in that it is unable to act on (R)-haloxyfop. **Table 33** shows data from additional substrates tested with AAD-1 (v1) and AAD-2 (v1) that confirm that AAD-2 (v1) is specific for (S)-enantiomer substrates, in contrast to AAD-1 (v1) which is specific for (R)-enantiomers. In another test, AAD-2 (v1) was found to differ from AAD-1 (v1) in that it releases little or no detectable phenol from 2,4-D sulfonate (in which a sulfonate group replaces the carboxylate of 2,4-D) whereas AAD-1 (v1) produces significant levels of phenol from this compound (~25% of 2,4-D.)

Table 33. Comparison of AAD1 and AAD2 activity on various substrates. Substrates were assayed at 0.5 mM for 15 min in 25 mM MOPS pH 6.8, 200 µM Fe^{2+}, 200 µM Na ascorbate, 1 mM α-ketoglutarate using 4 µl AAD1 (32 µg protein) extract or 3 µl AAD2 extract (42 µg protein).

				A510	
STRUCTURE	**Reg ID**	**Compound**	**Enantiomer**	**AAD1**	**AAD2**
	18706	quizalofop	R	0.27	0.01
	8671	haloxyfop	R	0.12	0

	66905	haloxyfop	R,S	0.1	0.3
	14623	cyhalofop	R,S	0.12	0.1
	14603	cyhalofop	R	0.14	0

	7466	cyhalofop	S	0	0.15
	11044492	fenoxaprop	R	0.14	0
	43865	haloxyfop-acetate	--	0	0.22

[00443] The enzyme kinetics of partially purified AAD-1 (v1) and AAD-2 (v1) were compared using 2,4-D as substrate. *See* **Figure 19.** The K_m values for 2,4-D were 97 and 423 µM for AAD-1 (v1) and AAD-2 (v1) respectively and the apparent V_{max} values were 0.11 and 0.86 A_{510} units, respectively (**Table 34**). Because equivalent amounts of enzyme were used in the assays (as determined by SDS-PAGE analysis), it can be concluded that the k_{cat} of AAD-2 (v1) for 2,4-D is almost 8-fold higher than AAD-1 (v1) and the k_{cat}/K_m is 2-fold higher. Thus AAD-2 (v1) is significantly more efficient at cleaving 2,4-D *in vitro* than AAD-1 (v1). This is in surprising contrast to the *in planta* findings reported below, where plants expressing AAD-1 (v1) are significantly better in conferring 2,4-D resistance relative to AAD-2 (v1).

Table 34. Comparison of the Km and "Vmax" values for the aryloxyalkanoate dioxygenases (AADs) from pDAB3202 (AAD-2) and pDAB3203 [AAD-1 (v1)] with different herbicide substrates:

Enzyme	Compound	Km (µM) ±SE	Vmax (A510 units)	Km/Vmax (arbitrary units)
AAD-2	2,4-D	423 (±1)	0.86	2.03
AAD-1 (v1)	2,4-D	97 (±21)	0.11	1.16

Notes: Assays were performed in MOPS pH 6.75 + 1 mM α-ketoglutarate + 0.1 mM Na ascorbate + 0.1 mM Fe2+ and the released phenols colorimetrically detected using 4-aminoantipyrine/ferricyanide.

[00444] 17.4 – Evaluation of transformed *Arabidopsis*.

[00445] Freshly harvested T_1 seed transformed with a native [*AAD-1 (v2)*], plant optimized [*AAD-1 (v3)*], or native *AAD-2 (v1)* gene was allowed to dry for 7 days at room temperature. T_1 seed was sown in 26.5 x 51-cm germination trays (T.O. Plastics Inc., Clearwater, MN), each receiving a 200 mg aliquots of stratified T_1 seed (~10,000 seed) that had previously been suspended in 40 ml of 0.1% agarose solution and stored at 4° C for 2 days to complete dormancy requirements and ensure synchronous seed germination.

[00446] Sunshine Mix LP5 (Sun Gro Horticulture Inc., Bellevue, WA) was covered with fine vermiculite and subirrigated with Hoagland's solution until wet and then allowed to gravity drain. Each 40 ml aliquot of stratified seed was sown evenly onto the vermiculite with a pipette and covered with humidity domes (KORD Products, Bramalea, Ontario, Canada) for

4-5 days. Domes were removed 1 day prior to initial transformant selection using glufosinate postemergence spray (selecting for the co-transformed *PAT* gene).

[00447] Five to six days after planting (DAP) and again 10 DAP, T_1 plants (cotyledon and 2-4-lf stage, respectively) were sprayed with a 0.2% solution of Liberty herbicide (200 g ai/L glufosinate, Bayer Crop Sciences, Kansas City, MO) at a spray volume of 10 ml/tray (703 L/ha) using a DeVilbiss compressed air spray tip to deliver an effective rate of 280 g ai/ha glufosinate per application. Survivors (plants actively growing) were identified 5-7 days after the final spraying and transplanted individually into 3-inch pots prepared with potting media (Metro Mix 360). Transplanted plants were covered with humidity domes for 3-4 days and placed in a 22° C growth chamber as before. Domes were subsequently removed and plants moved to the greenhouse (22±5° C, 50±30% RH, 14 hours light:10 dark, minimum 500 $\mu E/m^2s^1$ natural + supplemental light) at least 1 day prior to testing for the ability of *AAD-1 (v3)*, *AAD-1 (v2)*,or *AAD-2 (v1)* to provide phenoxy auxin herbicide resistance.

[00448] Random individual T_1 plants selected for glufosinate resistance above were confirmed for expression of the PAT protein using a PAT ELISA kit (Part no. 7000045, Strategic Diagnostics, Inc., Newark, DE) to non-destructively confirm fidelity of selection process (manufacturer's protocol). Plants were then randomly assigned to various rates of 2,4-D (50-800 g ae/ha).

[00449] Herbicide applications were applied by track sprayer in a 187 L/ha spray volume. 2,4-D used was the commercial dimethylamine salt formulation (456 g ae/L, NuFarm, St Joseph, MO) mixed in 200 mM Tris buffer (pH 9.0).

17.5 – Results of selection of transformed plants.

The first *Arabidopsis* transformations were conducted using *AAD-1 (v3)*. T_1 transformants were first selected from the background of untransformed seed using a glufosinate selection scheme. Over 400,000 T_1 seed were screened and 493 glufosinate resistant plants were identified (*PAT* gene), equating to a transformation/ selection frequency of 0.12%. Depending on the lot of seed tested, this ranged from 0.05-0.23% (see **Table 15** in Example 6.5 above). A small lot of native *AAD-1 (v2)* transformed seed were also selected using the glufosinate selection agent. Two hundred seventy eight glufosinate-resistant T_1 individuals were identified out of 84,000 seed screened (0.33% transformation/selection frequency). Surprisingly, *Arabidopsis* transformations using the native *AAD-2(v1)* gene

provided a very low transformation frequency when selected for glufosinate tolerance (*PAT* selectable marker function). Approximately 1.3 million seed have been screened and only 228 glufosinate transformants were recovered, equating to a transformation/selection frequency of 0.018% (*see* **Table 15**). Transformation frequency for native *AAD-2 (v1)* was only 6% of that of native *AAD-1 (v2)*. The native *AAD2 (v1)* gene was subsequently synthetically optimized, cloned, and transformed as pDAB3705, into Arabidopsis using methods previously described (see Example 5). The plant optimized *AAD2 (v2)* (SEQ ID NO:29, which encodes SEQ ID NO:30) yielded a normal T_1 *Arabidopsis* selection frequency using Liberty herbicide of approximately 0.11% (*see* **Table 15**).

[00450] T_1 plants selected above were subsequently transplanted to individual pots and sprayed with various rates of commercial aryloxyalkanoate herbicides. **Table 16** (in Example 6.5 above) compares the response of *AAD-1 (v2)*, *AAD-1 (v3)*, *AAD-2 (v1)* and *AAD-1(v2)* genes to impart 2,4-D resistance to *Arabidopsis* T_1 transformants. All genes did provide some significant 2,4-D resistance versus the transformed and untransformed control lines; however, individual constructs were widely variable in their ability to impart 2,4-D resistance to individual T_1 *Arabidopsis* plants. Within a given treatment, the level of plant response varied greatly and can be attributed to the fact each plant represents an independent transformation event. Of important note, at each 2,4-D rate tested, there were individuals that were unaffected while some were severely affected. An overall population injury average by rate is presented in **Table 16** simply to demonstrate the significant difference between the plants transformed with *AAD-1 (v2)*, *AAD-1 (v3)*, *AAD-2 (v1)* or *AAD-2 (v2)* versus the wildtype or *PAT/Cry1F* transformed controls.

[00451] Surprisingly, *AAD-2 (v1)* transformants were far less resistant to 2,4-D than either *AAD-1 (v2)* or *AAD-1 (v3)* genes (**Table 16**) both from a frequency of highly tolerant plants as well as overall average injury. No plants transformed with *AAD-2 (v1)* survived 200 g ae/ha 2,4-D relatively uninjured (<20% visual injury), and overall population injury was about 83%. Conversely, 56% (45 of 80) *AAD-1 (v2)*-transformed T_1 plants survived 200 g ae/ha 2,4-D uninjured (population injury average = 34%), and >73% (11 of 15) *AAD-1 (v3)* T_1 plants were uninjured (population injury average = 14%). *See* **Figure 20**. Tolerance improved slightly for plant-optimized *AAD2 (v2)* versus the native gene; however,

comparison of both *AAD-1* and *-2* plant optimized genes indicates a significant advantage for *AAD-1 (v3) in planta* (see **Table 16**).

[00452] These results are unexpected given that *in vitro* comparison of native AAD-1 (v2) and AAD-2 (v1) indicated 2,4-D was better degraded by AAD-2 (v1). AAD-2 (v1) is expressed in individual T_1 plants to varying levels with the anticipated size; however, little protection from 2,4-D injury is afforded by this expressed protein. Little correlation exists between expression level noted on the Western blot and the level of injury from 2,4-D on the same plants. *See* **Figure 21**. No large difference was evident in protein expression level (*in planta)* for the native and plant optimized *AAD-2* genes. These data corroborate earlier findings that make the functional expression of AAD-1 (v3) *in planta* for imparting herbicide resistance to 2,4-D and AOPP herbicides is unexpected .

Example 18 – Preplant Burndown Applications

[00453] This and the following Examples are specific examples of novel herbicide uses made possible by the subject AAD-1 invention.

[00454] Preplant burndown herbicide applications are intended to kill weeds that have emerged over winter or early spring prior to planting a given crop. Typically these applications are applied in no-till or reduced tillage management systems where physical removal of weeds is not completed prior to planting. An herbicide program, therefore, must control a very wide spectrum of broadleaf and grass weeds present at the time of planting. Glyphosate, gramoxone, and glufosinate are examples of non-selective, non-residual herbicides widely used for preplant burndown herbicide applications. Some weeds, however, are difficult to control at this time of the season due to one or more of the following: inherent insensitivity of the weed species or biotype to the herbicide, relatively large size of winter annual weeds, and cool weather conditions limiting herbicide uptake and activity. Several herbicide options are available to tankmix with these herbicides to increase spectrum and activity on weeds where the non-selective herbicides are weak. An example would be 2,4-D tankmix applications with glyphosate to assist in the control of *Conyza canadensis* (horseweed). Glyphosate can be used from 420 to 1680 g ae/ha, more typically 560 to 840 g ae/ha, for the preplant burndown control of most weeds present; however, 280 – 1120 g ae/ha of 2,4-D can be applied to aid in control of many broadleaf weed species (*e.g.*, horseweed).

2,4-D is an herbicide of choice because it is effective on a very wide range of broadleaf weeds, effective even at low temperatures, and extremely inexpensive. However, if the subsequent crop is a sensitive dicot crop, 2,4-D residues in the soil (although short-lived) can negatively impact the crop. Soybeans are a sensitive crop and require a minimum time period of 7 days (for 280 g ae/ha 2,4-D rate) to at least 30 days (for 2,4-D applications of 1120 g ae/ha) to occur between burndown applications and planting. 2,4-D is prohibited as a burndown treatment prior to cotton planting (*see* federal labels, most are available through CPR, 2003 or online at cdms.net/manuf/manuf.asp). With *AAD-1 (v3)* transformed cotton or soybeans, these crops should be able to survive 2,4-D residues in the soil from burndown applications applied right up to and even after planting before emergence of the crop. The increased flexibility and reduced cost of tankmix (or commercial premix) partners will improve weed control options and increase the robustness of burndown applications in important no-till and reduced tillage situations. This example is one of many options that will be available. Those skilled in the art of weed control will note a variety of other applications including, but not limited to gramoxone + 2,4-D or glufosinate + 2,4-D by utilizing products described in federal herbicide labels (CPR, 2003) and uses described in Agriliance Crop Protection Guide (2003), as examples. Those skilled in the art will also recognize that the above example can be applied to any 2,4-D-sensitive (or other phenoxy auxin herbicide) crop that would be protected by the *AAD-1 (v3)* gene if stably transformed.

Example 19 – In-Crop Use of Phenoxy Auxins Herbicides in *AAD-1 (v3)* Only Transformed Soybeans, Cotton, and Other Dicot Crops

[00455] *AAD-1 (v3)* can enable the use of phenoxy auxin herbicides (*e.g.*, 2,4-D, dichlorprop, MCPA, *et al.*) for the control of a wide spectrum of broadleaf weeds directly in crops normally sensitive to 2,4-D. Application of 2,4-D at 280 to 2240 g ae/ha would control most broadleaf weed species present in agronomic environments. More typically, 560 – 1120 g ae/ha is used. For a complete weed control system, grass weeds must be controlled. A variety of broad spectrum graminicide herbicides, including but not limited to haloxyfop, quizalofop, fenoxaprop, fluazifop, sethoxydim, and clethodim are currently registered for use in most dicot crops which are naturally tolerant to these herbicides. A combination of quizalofop (20 – 100 g ae/ha) plus 2,4-D (420 – 840 g ae/ha) could provide two herbicide

modes of action in an *AAD-1 (v3)*-transformed dicot crop (*i.e.*, soybean or cotton) that would control most agronomic weeds in a similar fashion to glyphosate in glyphosate tolerant crops (*see* weed control spectra by reference to Agriliance Crop Protection Guide performance ratings).

[00456] An advantage to this additional tool is the extremely low cost of the broadleaf herbicide component and potential short-lived residual weed control provided by higher rates of 2,4-D and/or AOPP herbicides when used at higher rates, whereas a non-residual herbicide like glyphosate would provide no control of later germinating weeds. This tool also provides a mechanism to rotate herbicide modes of action with the convenience of HTC as an integrated herbicide resistance and weed shift management strategy in a glyphosate tolerant crop/*AAD-1 (v3)* HTC rotation strategy, whether one rotates crops species or not. Additionally, the grass and broadleaf weed control components of this system are independent of one another, thus allowing one skilled in the are of weed control to determine the most cost effective and efficacious ratio of auxin and AOPP herbicide. For example, if broadleaf weeds were the only significant weeds present when herbicide applications were needed, an herbicide application of 560 to 1120 g ae/ha 2,4-D could be made without another herbicide. This would reduce unnecessary herbicide applications, provide flexibility to reduce input costs and reduce environmental loads of pesticides, and reduce unnecessary selection pressure for the development of herbicide resistant weeds.

[00457] Further benefits could include tolerance to 2,4-D drift or volatilization as mechanisms for off-site 2,4-D injury to dicot crops; no interval required before planting following 2,4-D application (*see* previous example); and fewer problems from contamination injury to dicot crops resulting from incompletely cleaned bulk tanks that had contained 2,4-D. Dicamba (and other herbicides) can still be used for the subsequent control of *AAD-1 (v3)*-transformed dicot crop volunteers.

[00458] Those skilled in the art will also recognize that the above example can be applied to any 2,4-D-sensitive (or other phenoxy auxin herbicide) crop that would be protected by the *AAD-1 (v3)* gene if stably transformed. One skilled in the art of weed control will now recognize that use of various commercial phenoxy auxin herbicides alone or in combination with any commercial AOPP herbicide is enabled by *AAD-1 (v3)* transformation. Specific rates of other herbicides representative of these chemistries can be determined by the

herbicide labels compiled in the CPR (Crop Protection Reference) book or similar compilation or any commercial or academic crop protection references such as the Crop Protection Guide from Agriliance (2003). Each alternative herbicide enabled for use in HTCs by *AAD-1 (v3)*, whether used alone, tank mixed, or sequentially, is considered within the scope of this invention.

Example 20 - In-Crop Use of Phenoxy Auxins and AOPP Herbicides in *AAD-1 (v3)* Only Transformed Corn, Rice, and Other Monocot Species

[00459] In an analogous fashion, transformation of grass species (such as, but not limited to, corn, rice, wheat, barley, or turf and pasture grasses) with *AAD-1 (v3)* would allow the use of highly efficacious AOPP graminicides in crops normally sensitive to these herbicides. Most grass species have a natural tolerance to auxinic herbicides such as the phenoxy auxins (i.e., 2,4-D, dichlorprop, et al.). However, a relatively low level of crop selectivity has resulted in diminished utility in these crops due to a shortened window of application timing and alternative broadleaf weeds. *AAD-1 (v3)*-transformed monocot crops would, therefore, enable the use of a similar combination of treatments described for dicot crops such as the application of 2,4-D at 280 to 2240 g ae/ha to control most broadleaf weed species. More typically, 560 – 1120 g ae/ha would be used. A variety of broad spectrum AOPP graminicide herbicides (including but not limited to haloxyfop, quizalofop, fenoxaprop, and fluazifop) could be utilized for effectively controlling a wide selection of grass weeds. Cyclohexanedione graminicidal herbicides like sethoxydim, clethodim, *et al.* could not be used in this system as shown for dicot crops since AAD-1 would not protect from this chemistry, and grass crops will be naturally sensitive to the cyclohexanedione chemistries. However, this attribute would enable the use of cyclohexanedione herbicides for the subsequent control of *AAD-1 (v3)*-transformed grass crop volunteers. Similar weed control strategies are now enabled by AAD-1 for the dicot crop species. A combination of quizalofop (20 – 100 g ae/ha) plus 2,4-D (420 – 840 g ae/ha) could provide two herbicide modes of action in an *AAD-1 (v3)* transformed monocot crop (*e.g.*, corn and rice) that would control most agronomic weeds in a similar fashion to glyphosate in glyphosate tolerant crops (see weed control spectra by reference to Agriliance Crop Protection Guide performance ratings).

[00460] An advantage to this additional tool is the extremely low cost of the broadleaf herbicide component and potential short-lived residual weed control provided by higher rates of 2,4-D and/or AOPP herbicides when used at higher rates. In contrast, a non-residual herbicide like glyphosate would provide no control of later-germinating weeds. This tool would also provide a mechanism to rotate herbicide modes of action with the convenience of HTC as an integrated-herbicide-resistance and weed-shift-management strategy in a glyphosate tolerant crop/*AAD-1 (v3)* HTC rotation strategy, whether one rotates crops species or not. Additionally, the grass and broadleaf weed control components of this system are independent of one another, thus allowing one skilled in the are of weed control to determine the most cost effective and efficacious ratio of auxin and AOPP herbicide. For example, if broadleaf weeds were the only significant weeds present when herbicide applications were needed, an herbicide application of 560 to 1120 g ae/ha 2,4-D could be made without another herbicide. This would reduce unnecessary herbicide applications, provide flexibility to reduce input costs and reduce environmental loads of pesticides, and reduce unnecessary selection pressure for the development of herbicide resistant weeds. The increased tolerance of corn, and other monocots to the phenoxy auxins shall enable use of these herbicides in-crop without growth stage restrictions or the potential for crop leaning, unfurling phenomena such as "rat-tailing," crop leaning, growth regulator-induced stalk brittleness in corn, or deformed brace roots.

[00461] Those skilled in the art will now also recognize that the above example can be applied to any monocot crop that would be protected by the *AAD-1 (v3)* gene from injury by any AOPP herbicide. One skilled in the art of weed control will now recognize that use of various commercial phenoxy auxin herbicides alone or in combination with any commercial AOPP herbicide is enabled by *AAD-1 (v3)* transformation. Specific rates of other herbicides representative of these chemistries can be determined by the herbicide labels compiled in the CPR (Crop Protection Reference) book or similar compilation, labels compiled online (*e.g.*, cdms.net/manuf/manuf.asp), or any commercial or academic crop protection guides such as the Crop Protection Guide from Agriliance (2003). Each alternative herbicide enabled for use in HTCs by *AAD-1 (v3)*, whether used alone, tank mixed, or sequentially, is considered within the scope of this invention.

Example 21 – *AAD-1 (v3)* Stacked With Glyphosate Tolerance Trait in Any Crop

[00462] The vast majority of cotton, canola, and soybean acres planted in North America contain a glyphosate tolerance (GT) trait, and adoption of GT corn is on the rise. Additional GT crops (*e.g.*, wheat, rice, sugar beet, and turf) have been under development but have not been commercially released to date. Many other glyphosate resistant species are in experimental to development stage (e.g., alfalfa, sugar cane, sunflower, beets, peas, carrot, cucumber, lettuce, onion, strawberry, tomato, and tobacco; forestry species like poplar and sweetgum; and horticultural species like marigold, petunia, and begonias; isb.vt.edu/cfdocs/fieldtests1.cfm, 2005 on the World Wide Web). GTC's are valuable tools for the sheer breadth of weeds controlled and convenience and cost effectiveness provided by this system. However, glyphosate's utility as a now-standard base treatment is selecting for glyphosate resistant weeds. Furthermore, weeds that glyphosate is inherently less efficacious on are shifting to the predominant species in fields where glyphosate-only chemical programs are being practiced. By stacking *AAD-1 (v3)* with a GT trait, either through conventional breeding or jointly as a novel transformation event, weed control efficacy, flexibility, and ability to manage weed shifts and herbicide resistance development could be improved. As mentioned in previous examples, by transforming crops with*AAD-1 (v3)*, one can selectively apply AOPP herbicides in monocot crops, monocot crops will have a higher margin of phenoxy auxin safety, and phenoxy auxins can be selectively applied in dicot crops. Several scenarios for improved weed control options can be envisioned where *AAD-1 (v3)* and a GT trait are stacked in any monocot or dicot crop species:

a) Glyphosate can be applied at a standard postemergent application rate (420 to 2160 g ae/ha, preferably 560 to 840 g ae/ha) for the control of most grass and broadleaf weed species. For the control of glyphosate resistant broadleaf weeds like *Conyza canadensis* or weeds inherently difficult to control with glyphosate (*e.g.*, *Commelina* spp), 280-2240 g ae/ha (preferably 560-1120 g ae/ha) 2,4-D can be applied sequentially, tank mixed, or as a premix with glyphosate to provide effective control.

b) Glyphosate can be applied at a standard postemergent application rate (420 to 2160 g ae/ha, preferably 560 to 840 g ae/ha) for the control of most grass and broadleaf weed species. For the control of glyphosate resistant grass species

like *Lolium rigidum* or *Eleusine indica,* 10-200 g ae/ha (preferably 20-100 g ae/ha) quizalofop can be applied sequentially, tank mixed, or as a premix with glyphosate to provide effective control.

c) Currently, glyphosate rates applied in GTC's generally range from 560 to 2240 g ae/ha per application timing. Glyphosate is far more efficacious on grass species than broadleaf weed species. *AAD-1 (v3)* + GT stacked traits would allow grass-effective rates of glyphosate (105-840 g ae/ha, more preferably 210-420 g ae/ha). 2,4-D (at 280-2240 g ae/ha, more preferably 560-1120 g ae/ha) could then be applied sequentially, tank mixed, or as a premix with grass-effective rates of glyphosate to provide necessary broadleaf weed control. An AOPP herbicide like quizalofop at 10-200 g ae/ha (preferably 20-100 g ae/ha and more preferably 20-35 g ae/ha), could be for more robust grass weed control and/or for delaying the development of glyphosate resistant grasses. The low rate of glyphosate would also provide some benefit to the broadleaf weed control; however, primary control would be from the 2,4-D.

[00463] One skilled in the art of weed control will recognize that use of one or more commercial phenoxy auxin herbicides alone or in combination (sequentially or independently) with one or more commercial AOPP herbicide is enabled by *AAD-1 (v3)* transformation into crops. Specific rates of other herbicides representative of these chemistries can be determined by the herbicide labels compiled in the CPR (Crop Protection Reference) book or similar compilation, labels compiled online (*e.g.*, cdms.net/manuf/manuf.asp), or any commercial or academic crop protection guides such as the Crop Protection Guide from Agriliance (2003). Each alternative herbicide enabled for use in HTCs by *AAD-1 (v3)*, whether used alone, tank mixed, or sequentially, is considered within the scope of this invention.

Example 22 - *AAD-1 (v3)* Stacked with Glufosinate Tolerance Trait in Any Crop

[00464] Glufosinate tolerance (*PAT or bar*) is currently present in a number of crops planted in North America either as a selectable marker for an input trait like insect resistance proteins or specifically as an HTC trait. Crops include, but are not limited to, glufosinate tolerant

canola, corn, and cotton. Additional glufosinate tolerant crops (*e.g.*, rice, sugar beet, soybeans, and turf) have been under development but have not been commercially released to date. Glufosinate, like glyphosate, is a relatively non-selective, broad spectrum grass and broadleaf herbicide. Glufosinate's mode of action differs from glyphosate. It is faster acting, resulting in desiccation and "burning" of treated leaves 24-48 hours after herbicide application. This is advantageous for the appearance of rapid weed control. However, this also limits translocation of glufosinate to meristematic regions of target plants resulting in poorer weed control as evidenced by relative weed control performance ratings of the two compounds in many species (Agriliance, 2003).

[00465] By stacking *AAD-1 (v3)* with a glufosinate tolerance trait, either through conventional breeding or jointly as a novel transformation event, weed control efficacy, flexibility, and ability to manage weed shifts and herbicide resistance development could be improved. As mentioned in previous examples, by transforming crops with *AAD-1 (v3)*, one can selectively apply AOPP herbicides in monocot crops, monocot crops will have a higher margin of phenoxy auxin safety, and phenoxy auxins can be selectively applied in dicot crops. Several scenarios for improved weed control options can be envisioned where *AAD-1 (v3)* and a glufosinate tolerance trait are stacked in any monocot or dicot crop species:

a) Glufosinate can be applied at a standard postemergent application rate (200 to 1700 g ae/ha, preferably 350 to 500 g ae/ha) for the control of many grass and broadleaf weed species. To date, no glufosinate-resistant weeds have been confirmed; however, glufosinate has a greater number of weeds that are inherently more tolerant than does glyphosate.

   i) Inherently tolerant grass weed species (e.g., *Echinochloa spp* or *Sorghum spp*) could be controlled by tank mixing 10-200 g ae/ha (preferably 20-100 g ae/ha) quizalofop.

   ii) Inherently tolerant broadleaf weed species (e.g., *Cirsium arvensis* and *Apocynum cannabinum*) could be controlled by tank mixing 280-2240 g ae/ha, more preferably 560-2240 g ae/ha, 2,4-D for effective control of these more difficult-to-control perennial species and to improve the robustness of control on annual broadleaf weed species.

b) A three-way combination of glufosinate (200-500 g ae/ha) + 2,4-D (280-1120 g ae/ha) + quizalofop (10-100 g ae/ha), for example, could provide more robust, overlapping weed control spectrum. Additionally, the overlapping spectrum provides an additional mechanism for the management or delay of herbicide resistant weeds.

[00466] One skilled in the art of weed control will recognize that use of one or more commercial phenoxy auxin herbicides alone or in combination (sequentially or independently) with one or more commercial AOPP herbicide is enabled by *AAD-1 (v3)* transformation into crops. Specific rates of other herbicides representative of these chemistries can be determined by the herbicide labels compiled in the CPR (Crop Protection Reference) book or similar compilation, labels compiled online (*e.g.*, cdms.net/manuf/manuf.asp), or any commercial or academic crop protection guides such as the Crop Protection Guide from Agriliance (2003). Each alternative herbicide enabled for use in HTCs by *AAD-1 (v3)*, whether used alone, tank mixed, or sequentially, is considered within the scope of this invention.

Example 23 - *AAD-1 (v3)* Stacked with *AHAS* Trait in Any Crop

[00467] Imidazolinone herbicide tolerance (*AHAS, et al.*) is currently present in a number of crops planted in North America including, but not limited to, corn, rice, and wheat. Additional imidazolinone tolerant crops (*e.g.*, cotton and sugar beet) have been under development but have not been commercially released to date. Many imidazolinone herbicides (*e.g.*, imazamox, imazethapyr, imazaquin, and imazapic) are currently used selectively in various conventional crops. The use of imazethapyr, imazamox, and the non-selective imazapyr has been enabled through imidazolinone tolerance traits like *AHAS et al.* Imidazolinone tolerant HTCs to date have the advantage of being non-transgenic. This chemistry class also has significant soil residual activity, thus being able to provide weed control extended beyond the application timing, unlike glyphosate or glufosinate-based systems. However, the spectrum of weeds controlled by imidazolinone herbicides is not as broad as glyphosate (Agriliance, 2003). Additionally, imidazolinone herbicides have a mode of action (inhibition of acetolactate synthase, ALS) to which many weeds have developed resistance (Heap, 2004). By stacking *AAD-1 (v3)* with an imidazolinone tolerance trait,

either through conventional breeding or jointly as a novel transformation event, weed control efficacy, flexibility, and ability to manage weed shifts and herbicide resistance development could be improved. As mentioned in previous examples, by transforming crops with *AAD-1 (v3)*, one can selectively apply AOPP herbicides in monocot crops, monocot crops will have a higher margin of phenoxy auxin safety, and phenoxy auxins can be selectively applied in dicot crops. Several scenarios for improved weed control options can be envisioned where *AAD-1 (v3)* and an imidazolinone tolerance trait are stacked in any monocot or dicot crop species:

a) Imazethapyr can be applied at a standard postemergent application rate of (35 to 280 g ae/ha, preferably 70-140 g ae/ha) for the control of many grass and broadleaf weed species.

   i) ALS-inhibitor resistant broadleaf weeds like *Amaranthus rudis, Ambrosia trifida, Chenopodium album* (among others, Heap, 2004) could be controlled by tank mixing 280-2240 g ae/ha, more preferably 560-1120 g ae/ha, 2,4-D.

   ii) Inherently more tolerant broadleaf species to imidazolinone herbicides like *Ipomoea spp.* can also be controlled by tank mixing 280-2240 g ae/ha, more preferably 560-1120 g ae/ha, 2,4-D.

   iii) ALS-inhibitor resistant grass weeds like *Sorghum halepense* and *Lolium* spp. can be controlled by tank mixing 10-200 g ae/ha (preferably 20-100 g ae/ha) quizalofop.

   iv) Inherently tolerant grass weed species (e.g., *Agropyron repens*) could also be controlled by tank mixing 10-200 g ae/ha (preferably 20-100 g ae/ha) quizalofop.

b) A three-way combination of imazethapyr (35 to 280 g ae/ha, preferably 70-140 g ae/ha) + 2,4-D (280-1120 g ae/ha) + quizalofop (10-100 g ae/ha), for example, could provide more robust, overlapping weed control spectrum. Additionally, the overlapping spectrum provides an additional mechanism for the management or delay of herbicide resistant weeds.

[00468] One skilled in the art of weed control will recognize that use of any of various commercial imidazolinone herbicides, phenoxy auxin herbicides, or AOPP herbicide, alone

or in multiple combinations, is enabled by *AAD-1 (v3)* transformation and stacking with any imidazolinone tolerance trait either by conventional breeding or genetic engineering. Specific rates of other herbicides representative of these chemistries can be determined by the herbicide labels compiled in the CPR (Crop Protection Reference) book or similar compilation, labels compiled online (*e.g.*, cdms.net/manuf/manuf.asp), or any commercial or academic crop protection guides such as the Crop Protection Guide from Agriliance (2003). Each alternative herbicide enabled for use in HTCs by *AAD-1 (v3)*, whether used alone, tank mixed, or sequentially, is considered within the scope of this invention.

Example 24 – *AAD-1 (v3)* in Rice

[00469] 24.1 – Media description.

[00470] Culture media employed were adjusted to pH 5.8 with 1 M KOH and solidified with 2.5 g/l Phytagel (Sigma). Embryogenic calli were cultured in 100 x 20 mm Petri dishes containing 40 ml semi-solid medium. Rice plantlets were grown on 50 ml medium in Magenta boxes. Cell suspensions were maintained in 125-ml conical flasks containing 35 ml liquid medium and rotated at 125 rpm. Induction and maintenance of embryogenic cultures took place in the dark at 25–26° C, and plant regeneration and whole-plant culture took place in a 16-h photoperiod (Zhang *et al.* 1996).

[00471] Induction and maintenance of embryogenic callus took place on NB basal medium as described previously (Li *et al.* 1993), but adapted to contain 500 mg/l glutamine. Suspension cultures were initiated and maintained in SZ liquid medium (Zhang *et al.* 1998) with the inclusion of 30 g/l sucrose in place of maltose. Osmotic medium (NBO) consisted of NB medium with the addition of 0.256 M each of mannitol and sorbitol. Hygromycin-B-resistant callus was selected on NB medium supplemented with 50 mg/l hygromycin B for 3–4 weeks. Pre-regeneration took place on medium (PRH50) consisting of NB medium without 2,4-dichlorophenoxyacetic acid (2,4-D), but with the addition of 2 mg/l 6-benzylaminopurine (BAP), 1 mg/l α-naphthaleneacetic acid (NAA), 5 mg/l abscisic acid (ABA) and 50 mg/l hygromycin B for 1 week. Regeneration of plantlets followed via culture on regeneration medium (RNH50) comprising NB medium without 2,4-D, and supplemented with 3 mg/l BAP, 0.5 mg/l NAA, and 50 mg/l hygromycin B until shoots regenerated. Shoots were transferred to rooting medium with half-strength Murashige and Skoog basal salts and

Gamborg's B5 vitamins, supplemented with 1% sucrose and 50 mg/l hygromycin B (1/2MSH50).

[00472] 24.2 – Tissue culture development.

[00473] Mature desiccated seeds of *Oryza sativa* L. japonica cv. Taipei 309 were sterilized as described in Zhang et al. 1996. Embryogenic tissues were induced by culturing sterile mature rice seeds on NB medium in the dark. The primary callus approximately 1 mm in diameter, was removed from the scutellum and used to initiate cell suspension in SZ liquid medium. Suspensions were then maintained as described in Zhang 1995. Suspension-derived embryogenic tissues were removed from liquid culture 3–5 days after the previous subculture and placed on NBO osmotic medium to form a circle about 2.5 cm across in a Petri dish and cultured for 4 h prior to bombardment. Sixteen to 20 h after bombardment, tissues were transferred from NBO medium onto NBH50 hygromycin B selection medium, ensuring that the bombarded surface was facing upward, and incubated in the dark for 14–17 days. Newly formed callus was then separated from the original bombarded explants and placed nearby on the same medium. Following an additional 8–12 days, relatively compact, opaque callus was visually identified, and transferred to PRH50 pre-regeneration medium for 7 days in the dark. Growing callus, which became more compact and opaque was then subcultured onto RNH50 regeneration medium for a period of 14–21 days under a 16-h photoperiod. Regenerating shoots were transferred to Magenta boxes containing ½ MSH50 medium. Multiple plants regenerated from a single explant are considered siblings and were treated as one independent plant line. A plant was scored as positive for the hph gene if it produced thick, white roots and grew vigorously on ½ MSH50 medium. Once plantlets had reached the top of Magenta boxes, they were transferred to soil in a 6-cm pot under 100% humidity for a week, then moved to a growth chamber with a 14-h light period at 30° C and in the dark at 21° C for 2–3 weeks before transplanting into 13-cm pots in the greenhouse. Seeds were collected and dried at 37° C for one week prior to storage at 4° C.

[00474] 24.3 – Microprojectile bombardment.

[00475] All bombardments were conducted with the Biolistic PDS-1000/He™ system (Bio-Rad, Laboratories, Inc.). Three milligrams of 1.0 micron diameter gold particles were washed once with 100% ethanol, twice with sterile distilled water and resuspended in 50 µl water in a siliconized Eppendorf tube. Five micrograms plasmid DNA representing a 1:6 molar ratio of

pDOW3303(Hpt-containing vector) to pDAB3403, 20 µl spermidine (0.1 M) and 50 µl calcium chloride (2.5 M) were added to the gold suspension. The mixture was incubated at room temperature for 10 min, pelleted at 10000 rpm for 10 s, resuspended in 60 µl cold 100% ethanol and 8–9 µl was distributed onto each macrocarrier. Tissue samples were bombarded at 1100 psi and 27 in of Hg vacuum as described by Zhang *et al.* (1996).

[00476] 24.4 – Tolerance testing.

[00477] Rice plantlets at the 3-5 leaf stage were sprayed with a 0.3% (v/v) solution of DuPont™ Assure® II containing 1% (v/v) Agridex crop oil concentrate using a DeVilbiss bulb sprayer (model 15-RD glass atomizer). This concentration corresponds to approximately 140 g ae/ha. Each plant was spayed in a fume hood at a distance of 8-12 inches with 6 full squirts of the sprayer directed so that the entire plant was covered with an equal portion of herbicide. Each squirt delivered approximately 100 µl solution to the plantlet. Once sprayed, plantlets were allowed to dry for one hour before being moved out of the fume hood. Rating for sensitivity or resistance was done at 10-14 days after treatment (DAT) and is shown in **Table 35** below.

Table 35.

Sample Name	**140 g ae/ha quizalofop**
Control	Dead
63-1A	No injury
63-1F	No injury
63-4B	No injury
63-4D	No injury
63-6C	Dead

[00478] 24.5 – Tissue harvesting, DNA isolation and quantification.

[00479] Fresh tissue was placed into tubes and lyophilized at 4° C for 2 days. After the tissue was fully dried, a tungsten bead (Valenite) was placed in the tube and the samples were subjected to 1 minute of dry grinding using a Kelco bead mill. The standard DNeasy DNA isolation procedure was then followed (Qiagen, Dneasy 69109). An aliquot of the extracted DNA was then stained with Pico Green (Molecular Probes P7589) and scanned in the florometer (BioTek) with known standards to obtain the concentration in ng/µl.

[00480] 24.6 – Southern blot analysis.

[00481] Southern blot analysis was performed with total DNA obtained from the Qiagen DNeasy kit. A total of 2 µg of DNA was subjected to an overnight digest of HindIII for pDAB3403 to obtain integration data. Likewise a total of 2 ug of DNA was subjected to an overnight digest of MfeI to obtain the PTU data. After the overnight digestion an aliquot of ~100 ng was run on a 1% gel to ensure complete digestion. After this assurance the samples were run on a large 0.85% agarose gel overnight at 40 volts. The gel was then denatured in 0.2 M NaOH, 0.6 M NaCl for 30 minutes. The gel was then neutralized in 0.5 M Tris HCl, 1.5 M NaCl pH of 7.5 for 30 minutes. A gel apparatus containing 20 x SSC was then set-up to obtain a gravity gel to nylon membrane (Millipore INYC00010) transfer overnight. After the overnight transfer the membrane was then subjected to UV light via a crosslinker (Stratagene UV stratalinker 1800) at 1200 X100 microjoules. The membrane was then washed in 0.1% SDS, 0.1 SSC for 45 minutes. After the 45 minute wash, the membrane was baked for 3 hours at 80°C and then stored at 4° C until hybridization. The hybridization template fragment was prepared using coding region PCR using plasmid pDAB3404. A total of 100 ng of total DNA was used as template. 20mM of each primer was used with the Takara Ex Taq PCR Polymerase kit (Mirus TAKRR001A). Primers for Southern fragment PCR AAD-1 were (Forward - ATGGCTCATGCTGCCCTCAGCC) (SEQ ID NO:31) and (Reverse - GGGCAGGCCTAACTCCACCAA) (SEQ ID NO:32). The PCR reaction was carried out in the 9700 Geneamp thermocycler (Applied Biosystems), by subjecting the samples to 94°C for 3 minutes and 35 cycles of 94°C for 30 seconds, 65°C for 30 seconds, and 72°C for 1 minute and 45 seconds followed by 72°C for 10 minutes.

[00482] The product was run on a 1% agarose gel and excised then gel extracted using the Qiagen (28706) gel extraction procedure. The membrane was then subjected to a pre-hybridization at 60°C step for 1 hour in Perfect Hyb buffer (Sigma H7033). The Prime it RmT dCTP-labeling reaction (Stratagene 300392) procedure was used to develop the p32 based probe (Perkin Elmer). The probe was cleaned-up using the Probe Quant. G50 columns (Amersham 27-5335-01). Two million counts CPM were used to hybridize the Southern blots overnight. After the overnight hybridization the blots were then subjected to two 20 minute washes at 65°C in 0.1% SDS, 0.1 SSC. The blots were then exposed to a phosphor image screen overnight and scanned using a storm scanner (MOLECULAR DEVICES). A summary of the results is presented in **Table 36.**

Table 36. Southern Results.		
	Integration Southern data	**PTU Southern data**
Event	**Number of bands**	**Expected size 3049bp**
63-1 A	8	yes, 7 distinct bands
63-1 F	5	yes, 9 distinct bands
63-4 A	20	yes, 20 distinct bands
63-4 D	20	yes, 19 distinct bands
63-6 C	2	Insufficient DNA yield for both cuts

[00484] Plants 63-1 A and 63-1 F are not the same event; Plants 63-4 A and 63-4 D are the same event. These events have the expected size PTU's, but they are very complex. This Southern blot PTU data correlates with expression data and the spray data. Sample 63-6 C did not have enough DNA present to perform both Integration and PTU southern blots.

[00485] 24.7 – Western data

[00486] Sample preparation and analysis conditions were as described previously. Five transgenic rice lines and 1 non-transgenic control were analyzed for AAD-1 expression using ELISA and Western blot. AAD-1 was detected in four lines (63-1A, 63-1F, 63-4B and 63-4D) but not in line 63-1C or the control plant. Expression levels ranged from 15.6 to 183 ppm of total soluble protein. A summary of the results is presented in **Table 37.**

Table 37.					
			ELISA		
Lane	**Sample Name**	**TSP (µg/mL)**	**[AAD1] (ng/mL)**	**Expression (ppm)**	**Western**
1	Control	6719.58	0.00	0.00	-
2	63-1A	8311.87	351.17	42.25	±
3	63-1F	11453.31	2092.35	182.69	++
4	63-4B	13835.09	216.00	15.61	+
5	36-4D	13656.49	717.05	52.51	++
6	63-6C	5343.63	0.00	0.00	-
7	AAD1 Standard (0.5 µg/mL)				+++
8	AAD1 Standard (5.0 µg/mL)				+++++

Example 25 – Turf Grass Transformation Procedures

[00487] Genetic transformation, with *AAD-1 (v3)* substituted for the "bar" gene as described below, of creeping bentgrass mediated by Agrobacterium tumefaciens could be achieved through embryogenic callus initiated from seeds (cv. Penn-A-4), as described generally

below. *See* "Efficiency of *Agrobacterium tumefaciens*-mediated turfgrass (*Agrostis stolonifera* L) transformation" (Luo *et. al.*, 2004).

[00488] Callus is infected with an *A. tumefaciens* strain (LBA4404) harboring a super-binary vector that contained an herbicide-resistant bar gene driven either by a rice ubiquitin promoter. The overall stable transformation efficiency ranged from 18% to 45%. Southern blot and genetic analysis confirmed transgene integration in the creeping bentgrass genome and normal transmission and stable expression of the transgene in the T_1 generation. All independent transformation events carried one to three copies of the transgene, and a majority (60–65%) contained only a single copy of the foreign gene with no apparent rearrangements.

[00489] 25.1 – Seed preparation for embryogenic callus induction.

[00490] Mature seeds were dehusked with sand paper and surface sterilized in 10% (v/v) Clorox bleach (6% sodium hypochlorite) plus 0.2% (v/v) Tween 20 (Polysorbate 20) with vigorous shaking for 90 min. Following rinsing five times in sterile distilled water, the seeds were placed onto callus-induction medium (MS basal salts and vitamins, 30 g/l sucrose, 500 mg/l casein hydrolysate, 6.6 mg/l 3,6-dichloro-*o*-anisic acid (dicamba), 0.5 mg/l 6-benzylaminopurine (BAP) and 2 g/l Phytagel. The pH of the medium was adjusted to 5.7 before autoclaving at 120°C for 20 min).

[00491] 25.2 – Embryogenic callus induction.

[00492] The culture plates containing prepared seed explants were kept in the dark at room temperature for 6 weeks. Embryogenic calli were visually selected and subcultured on fresh callus-induction medium in the dark at room temperature for 1 week before co-cultivation.

[00493] 25.3 – *Agrobacterium* infection and co-cultivation.

[00494] One day before agro-infection, the embryogenic callus was divided into 1- to 2-mm pieces and placed on callus-induction medium containing 100 μM acetosyringone. A 10-ul aliquot of Agrobacterium (LBA4404) suspension (OD=1.0 at 660 nm) was then applied to each piece of callus, followed by 3 days of co-cultivation in the dark at 25°C.

[00495] 25.4 – Resting stage and *Agrobacterium* control.

[00496] For the antibiotic treatment step, the callus was then transferred and cultured for 2 weeks on callus-induction medium plus 125 mg/l cefotaxime and 250 mg/l carbenicillin to suppress bacterial growth.

[00497] 25.5 – Selection and potential transgenic colony identification.

[00498] Subsequently, for selection, the callus was moved to callus-induction medium containing 250 mg/l cefotaxime and 10 mg/l phosphinothricin (PPT) for 8 weeks. Antibiotic treatment and the entire selection process were performed at room temperature in the dark. The subculture interval during selection was typically 3 weeks.

[00499] 25.6 – Regeneration of transgenic plants.

[00500] For plant regeneration, the PPT-resistant proliferating callus events are first moved to regeneration medium (MS basal medium, 30 g/l sucrose, 100 mg/l myo-inositol, 1 mg/l BAP and 2 g/l Phytagel) supplemented with cefotaxime, PPT or hygromycin. These calli were kept in the dark at room temperature for 1 week and then moved into the light for 2–3 weeks to develop shoots. No Albino plants with PPT selection (Hygromycin if used as a selection agent, produces a high level of albino plants).

[00501] 25.7 – Root induction and transfer to greenhouse.

[00502] Small shoots were then separated and transferred to hormone-free regeneration medium containing PPT and cefotaxime to promote root growth while maintaining selection pressure and suppressing any remaining *Agrobacterium* cells. Plantlets with well-developed roots (3–5 weeks) were then transferred to soil and grown either in the greenhouse or in the field.

[00503] 25.8 – Vernalization and out-crossing of transgenic plants.

[00504] Transgenic plants were maintained out of doors in a containment nursery (3-6 months) until the winter solstice in December. The vernalized plants were then transferred to the greenhouse and kept at 25°C under a 16/8 h photoperiod and surrounded by non-transgenic wild-type plants that physically isolated them from other pollen sources. The plants started flowering 3-4 weeks after being moved back into the greenhouse. They were out-crossed with the pollen from the surrounding wild type plants. The seeds collected from each individual transgenic plant were germinated in soil at 25°C, and T1 plants were grown in the greenhouse for further analysis.

[00505] 25.9 – Other target grasses.

[00506] Other grasses that can be targeted for AAD-1 transformation according to the subject invention include Annual meadowgrass (*Poa annua*), Bahiagrass, Bentgrass, Bermudagrass, Bluegrass, Bluestems, Bromegrass, Browntop bent (*Agrostis capillaries*), Buffalograss, Canary Grass, Carpetgrass, Centipedegrass, Chewings fescue (*Festuca rubra commutate*),

Crabgrass, Creeping bent (*Agrostis stolonifera*), Crested hairgrass (*Koeleria macrantha*), Dallisgrass, Fescue, Festolium, Hard/sheeps fescue (*Festuca ovina*), Gramagrass, Indiangrass, Johnsongrass, Lovegrass, mixes (Equine, Pasture, etc.), Native Grasses, Orchardgrass, Perennial ryegrass (*Lolium perenne*), Redtop, Rescuegrass, annual and perennial Ryegrass, Slender creeping red fescue (*Festuca rubra trichophylla*), Smooth-stalked meadowgrass (*Poa pratensis*), St. Augustine, Strong creeping red fescue (*Festuca rubra rubra*), Sudangrass, Switchgrass, Tall fescue (*Festuca arundinacea*), Timothy, Tufted hairgrass (*Deschampsia caespitosa*), Turfgrasses, Wheatgrass, and Zoysiagrass.

Example 26 – *AAD-1 (v3)* in Canola

[00507] 26.1 – Canola transformation.

[00508] The *AAD-1 (v3)* gene conferring resistance to 2,4-D was used to transform *Brassica napus* var. Nexera* 710 with *Agrobacterium*-mediated transformation. The construct contained *AAD-1 (v3)* gene driven by CsVMV promoter and Pat gene driven by AtUbi10 promoter.

[00509] Seeds were surface-sterilized with 10% commercial bleach for 10 minutes and rinsed 3 times with sterile distilled water. The seeds were then placed on one half concentration of MS basal medium (Murashige and Skoog, 1962) and maintained under growth regime set at 25° C, and a photoperiod of 16 hrs light/8 hrs dark.

[00510] Hypocotyl segments (3-5 mm) were excised from 5 - 7 day old seedlings and placed on callus induction medium K1D1 (MS medium with 1 mg/l kinetin and 1 mg/l 2,4-D) for 3 days as pre-treatment. The segments were then transferred into a petri plate, treated with *Agrobacterium* Z707S or LBA4404 strain containing pDAB721. The *Agrobacterium* was grown overnight at 28° C in the dark on a shaker at 150 rpm and subsequently re-suspended in the culture medium.

[00511] After 30 min treatment of the hypocotyl segments with *Agrobacterium*, these were placed back on the callus induction medium for 3 days. Following co-cultivation, the segments were placed K1D1TC (callus induction medium containing 250 mg/l Carbenicillin and 300 mg/l Timentin) for one week of recovery. Alternately, the segments were placed directly on selection medium K1D1H1 (above medium with 1 mg/l Herbiace). Carbenicillin

and Timentin were the antibiotics used to kill the *Agrobacterium*. The selection agent Herbiace allowed the growth of the transformed cells.

[00512] Callus samples from 35 independent events were tested by PCR. All the 35 samples tested positive for the presence of *AAD-1 (v3)*,whereas the non-transformed controls were negative (section on PCR assay). Ten callus samples were confirmed to express the AAD-1 protein as determined by ELISA (section on protein analysis).

[00513] Callused hypocotyl segments were then placed on B3Z1H1 (MS medium, 3 mg/l benzylamino purine, 1 mg/l Zeatin, 0.5 gm/l MES [2-(N-morpholino) ethane sulfonic acid], 5 mg/l silver nitrate, 1 mg/l Herbiace, Carbenicillin and Timentin) shoot regeneration medium. After 3 weeks shoots started regenerating. Hypocotyl segments along with the shoots are transferred to B3Z1H3 medium (MS medium, 3 mg/l benzylamino purine, 1 mg/l Zeatin, 0.5 gm/l MES [2-(N-morpholino) ethane sulfonic acid], 5 mg/l silver nitrate, 3 mg/l Herbiace, Carbenicillin and Timentin) for another 3 weeks.

[00514] Shoots were excised from the hypocotyl segments and transferred to shoot elongation medium MESH10 (MS, 0.5 gm/l MES, 10 mg/l Herbiace, Carbenicillin, Timentin) for 2-4 weeks. The elongated shoots are cultured for root induction on MSI.1 (MS with 0.1 mg/l Indolebutyric acid). Once the plants had a well established root system, these were transplanted into soil. The plants were acclimated under controlled environmental conditions in the Conviron for 1-2 weeks before transfer to the greenhouse.

[00515] The transformed T0 plants were self-pollinated in the greenhouse to obtain T1 seed. The T0 plants and T1 progeny were sprayed with a range of herbicide concentrations to establish the level of protection by the *AAD-1 (v3)* gene.

[00516] 26.2 – "Molecular analysis": canola materials and methods

[00517] 26.2.1 – Tissue harvesting DNA isolation and quantification. Fresh tissue was placed into tubes and lyophilized at 4° C for 2 days. After the tissue was fully dried, a tungsten bead (Valenite) was placed in the tube and the samples were subjected to 1 minute of dry grinding using a Kelco bead mill. The standard DNeasy DNA isolation procedure was then followed (Qiagen, DNeasy 69109). An aliquot of the extracted DNA was then stained with Pico Green (Molecular Probes P7589) and read in the florometer (BioTek) with known standards to obtain the concentration in ng/ul.

[00518] 26.2.2 - Polymerase chain reaction. A total of 100 ng of total DNA was used as the template. 20mM of each primer was used with the Takara Ex Taq PCR Polymerase kit (Mirus TAKRR001A). Primers for Coding Region PCR *AAD-1 (v3)* were (Forward – ATGGCTCATG CTGCCCTCAGCC) (SEQ ID NO:27) and (Reverse - CGGGCAGGCCTAACTCCACCAA) (SEQ ID NO:28). The PCR reaction was carried out in the 9700 Geneamp thermocycler (Applied Biosystems), by subjecting the samples to 94°C for 3 minutes and 35 cycles of 94°C for 30 seconds, 65°C for 30 seconds, and 72°C for 2 minutes followed by 72°C for 10 minutes. PCR products were analyzed by electrophoresis on a 1% agarose gel stained with EtBr. 35 samples from 35 plants with *AAD-1 (v3)* events tested positive. Three negative control samples tested negative.

[00519] 26.3 – ELISA.

[00520] Using established ELISA described in previous section, AAD-1 protein was detected in 10 different canola transformation events. Expression levels ranged from 150 to over 1000 ppm of total soluble protein (TSP). Three different untransformed calli samples were tested in parallel with little signal detected, indicating that the antibodies used in the assay have minimal cross reactivity to the canola cell matrix. A summary of the results is presented in **Table 38.**

Table 38. Expression of AAD1 in Canola calli.

Sample #	Weight (mg)	[TSP] (µg/mL)	[AAD1] (ng/mL)	Expression (ppm TSP)	PCR for AAD1
1	114	757.02	119.36	157.67	+
2	55	839.79	131.84	156.99	+
3	53	724.41	202.12	279.01	+
4	52	629.01	284.89	452.92	+
5	55	521.75	175.88	337.08	+
6	61	707.69	74.24	153.71	+
7	51	642.02	559.11	1026.73	+
8	65	707.69	270.73	382.56	+
9	51	642.02	197.90	308.25	+
10	51	1417.42	220.63	156.66	+
Control 1	53	2424.67	18.67	7.70	-
Control 2	61	2549.60	35.00	13.73	-
Control 3	59	2374.41	22.79	9.60	-

References

Adang, M.J., M.J. Staver, T.A. Rocheleau, J. Leighton, R.F. Barker, and D.V. Thompson. 1985. Characterized full-length and truncated plasmid clones of the crystal protein of *Bacillus thuringiensis* subsp *kurstaki* HD-73 and their toxicity to *Manduca sexta*. Gene 36:289-300.

Agriliance Crop Protection Guide. 2003. Agriliance, LLC. St Paul, MN. 588 p.

Altschul, S. F., W. Gish, W. Miller, E. W. Myers, and D.J. Lipman. 1990. Basic local alighment search tool. J. Mol. Biol. 215:403-410.

Altschul, S. F., T.L. Madden, A.A. Schaffer, J. Zhang, Z, Zhang, W. Miller, and D.J. Lipman. 1997. Gapped BLAST and PSIBLAST: a new generation of protein databasesearch programs. Nucl. Acids Res. 25:3389-3402.

An, G., B.D. Watson, S. Stachel, M.P. Gordon, E. W. Nester. 1985. New cloning vehicles for transformation of higher plants. EMBO J. 4:277-284.

Armstrong C.L., C.E. Green, R.L. Phillips. 1991. Development and availability of germplasm with high Type II culture formation response. Maize Genet Coop News Lett 65:92-93.

Beltz, G.A., K.A. Jacobs, T.H. Eickbush, P.T. Cherbas, and F.C. Kafatos. 1983 Methods of Enzymology, R. Wu, L. Grossman and K. Moldave [eds.] Academic Press, New York 100:266-285

Birch R.G. and T. Franks. 1991. Development and optimization of microprojectile systems for plant genetic transformation. Aust. J. Plant Physiol. 18:453-469.

CDMS. Crop Data Management Systems Labels and MSDS. Online. Internet. March 13, 2004. Available at net/manuf/manuf.asp.

Chee P.P., K.A. Fober, J.L. Slightom. 1989. Transformation of soybean (Glycine max) by infecting germinating seeds with Agrobacterium tumefaciens. Plant Physiol. 91:1212-1218.

Cheng M., J.E. Fry, S. Pang, H. Zhou, C.M. Hironaka, D.R. Duncan, T.W. Conner, and Y. Wan. 1997. Genetic transformation of wheat mediated by *Agrobacterium tumefaciens*. Plant Physiol 115: 971-980.

Chu C.C., C.C. Wang, C.S. Sun, C. Hsu, K.C. Yin, C.Y. Chu, F.Y. Bi. 1975. Establishment of an efficient medium for anther culture of rice through comparative experiments on the nitrogen sources. Sci. Sinica 18:659-668.

Clemente T.E., B.J. LaVallee, A.R. Howe, D. Conner-Ward, R.J. Rozman, P.E. Hunter, D.L. Broyles, D.S. Kasten, M.A. Hinchee. 2000. Progeny analysis of glyphosate

selected transgenic soybeans derived from *Agrobacterium*-mediated transformation. Crop Sci 40: 797-803.

CPR: Crop Protection Reference. 2003 Chemical and Pharmaceutical Press, New York, NY. 2429 p.

Devine, M. D. 2005. Why are there not more herbicide-tolerant crops? Pest Manag. Sci. 61:312-317.

Dietrich, Gabriele Elfriede (1998) Imidazolinone resistant AHAS mutants. U.S. Patent 5,731,180.

Didierjean L, L. Gondet, R. Perkins, S.M. Lau, H. Schaller, D.P. O'Keefe, D. Werck-Reichhart. 2002. Engineering Herbicide Metabolism in Tobacco and *Arabidopsis* with CYP76B1, a Cytochrome P450 Enzyme from Jerusalem Artichoke. Plant Physiol 2002, 130:179-189.

Ditta, G. S. Stranfield, D. Corbin, and D.R. Helinski. 1980. Broad host range DNA cloning system for Gram-negative bacteria: Construction ofa gene bank of *Rhizobium leliloti.* PNAS 77:7347-7351.

Edwards, R. A., L. H. Keller, and D. M. Schifferli. 1998. Improved allelic exchange vectors and their use to analyze 987P fimbria gene expression. Gene 207:149-157.

Falco S.C., T. Guida, M. Locke, J. Mauvais, C. Sanders, R.T. Ward, P. Webber. 1995. Transgenic canola and soybean seeds with increased lysine. Bio/Technology 13:577-582.

Finer J. and M. McMullen. 1991. Transformation of soybean via particle bombardment of embryogenic suspension culture tissue. In Vitro Cell. Dev. Biol. 27P:175-182.

Fraley, R.T., D.G. Rogers, and R. B. Horsch. 1986. Genetic transformation in higher plants. Crit. Rev. Plant Sci. 4:1-46.

Frame B.R., P.R. Drayton, S.V. Bagnall, C.J. Lewnau, W.P. Bullock, H.M. Wilson, J.M. Dunwell, J.A. Thompson, and K. Wang. 1994. Production of fertile maize plants by silicon carbide whisker-mediated transformation. Plant J. 6:941-948.

Fukumori, F., and R.P. Hausinger. 1993. Purification and characterization of 2,4-dichlorophenoxyacetate/ α -ketoglutarate dioxygenase. J. Biol. Chem. 268: 24311-24317.

Gamborg, O.L., R. A. Miller, and K. Ojima. 1968. Nutirent requirements of suspensions of cultures of soybean root cells. Exp. Cell Res. 50:151-158.

Gay, P., D. Le Coq , M. Steinmetz, E. Ferrari, and J. A. Hoch. 1983. Cloning structural gene *sacB*, which codes for exoenzyme levansucrase of *Bacillus subtilis*: expression of the gene in *Eschericia coli*. J. Bacteriol. 153:1424-1431.

Gianessi, L. R. 2005 Economic and herbicide use impacts of glyphosate-resistant crops. Pest. Manag. Sci. 61:241-245.

Heap, I. The International Survey of Herbicide Resistant Weeds. Online. Internet. March 18, 2005 . Available at weedscience.com.

Hiei Y., T. Komari, and T. Kubo. 1997. Tranformation of rice mediated by *Agrobacterium tumefaciens*, Plant Mol. Biol. 35:205-218.

Hiei, Y., T. Komari (1997) Method for Transforming Monocotyledons. U.S. Patent 5,591,616.

Hinchee M.A.W., D.V. Conner-Ward, C.A. Newell, R.E. McDonnell, S.J. Sato, C.S. Gasser, D.A. Fischhoff, D.B. Re, R.T. Fraley, R.B. Horsch. 1988. Production of transgenic soybean plants using *Agrobacterium*-mediated DNA transfer. Bio/Technology 6:915-922.

Höfte, H. and H. R. Whiteley. 1989. Insecticidal cristal proteins of *Bacillus thuringiensis.* 1989. Microbiol. Rev. 53:242-255.

Hoekema, A. 1985. In: *The Binary Plant Vector System*, Offset-durkkerij Kanters B.V., Alblasserdam, Chapter 5.

Hogan, D.A.; S.R. Smith, E.A. Saari, J. McCracken, R.P.Hausinger. 2000. Site-directed mutagenesis of 2,4-dichlorophenoxyacetic acid/a-ketoglutarate dioxygenase. Identification of residues involved in metallocenter formation and substrate binding. J. Biol. Chem. 275:12400-12409.

Holsters, M., D. De Waele, A. Depicker, E. Messens, M. Van Montagu, and J. Schell. 1978. Transfection and transformation of *Agrobacterium tumefaciens.* Mol Gen. Genet. 163:181-187.

Horsch, R., J. Fry, N. Hoffman, J. Neidermeyer, S. Rogers, and R. Fraley. 1988. In Plant Molecular Biology Manual, S. Gelvin *et al.*, eds., Kluwer Academic Publishers, Boston

Horvath, M., G. Ditzelmüller, M. Lodl, and F. Streichsbier. 1990. Isolation and characterization of a 2-(2,4-dichlorophenoxy)propionic acid-degrading soil bacterium. Appl. Microbiol Biotechnol. 33:213-216.

Jefferson, R. A. M. Bevan, and T. Kavanagh. 1987. The use of *Escherichia coli* ß-glucuronidase gene as a gene fustion marker for studies of gene expression in higher plants. Biochem. Soc. Trans. 15: 17-19.

Karlin, S. and S.F. Altschul. 1990. Methods for assessing the statistical significance of molecular sequence features by using general scoring schemes. PNAS 87:2264-2268.

Karlin, S. and S.F. Altschul. 1993. Applications and statistics for multiple high-scoring segments in molecular sequences. PNAS 90:5873-5877

Keller, G.H., and M.M. Manak. 1987. DNA Probes. Stockton Press, New York, NY, pp. 169-170.

Kohler, H.P.E. 1999. *Sphingobium herbicidovorans* MH: a versatile phenoxyalkanoic acid herbicide degrader. J. Ind Microbiol and Biotech. 23:336-340.

Li L, Qu R, Kochko A de, Fauquet CM, Beachy RN (1993) An improved rice transformation system using the biolistic method. Plant Cell Rep 12:250–255

Linsmaier, E.M. and F. Skoog (1965) Organic growth factor requirements of tobacco tissue cultures. Physiol. Plant. 18:100-127.

Lorraine-Colwill, D. F., S. B. Powles, T. R. Hoawkes, P.H. Hollingshead, S.A.J. Arner, and C. Preston. 2003. Investigations into the mechanism of glyphosate resistance in *Lolium rigidum*. Pestic. Biochem. Physiol. 74:62-73.

Luo , H., Q. Hu, K. Nelson, C. Longo, A. P. Kausch, J. M. Chandlee, J. K. Wipff and C. R. Fricker. 2004. *Agrobacterium tumefaciens*-mediated creeping bentgrass (*Agrostis stolonifera* L.) transformation using phosphinothricin selection results in a high frequency of single-copy transgene integration. Plant Cell Reports 22: 645-652.

Lyon, B.R., D. J. Llewellyn, J. L. Huppatz, E. S. Dennis, and W. J. Peacock. 1989. Expression of a bacterial gene in transgenic tobacco confers resistance to the herbicide 2,4-dichlorophenoxyacetic acid. Plant Mol. Bio. 13:533-540.

Lyon, B.R., Y. L. Cousins, D. J. Llewellyn, and E. S. Dennis. 1993. Cotton plants transformed with a bacterial degradation gene are protected from accidental spray drift damage by the herbicide 2,4-dichlorophenoxyacetic acid. Transgenic Res. 2: 166-169.

Maniatis, T., E.F. Fritsch, J. Sambrook. 1982. *Molecular Cloning: A Laboratory Manual*, Cold Spring Harbor Laboratory, Cold Spring Harbor, NY

Martin, J.R. and W.W. Witt. 2002. Response of glyphosate tolerant and susceptible biotypes of horseweed (Conyza canadensis) to foliar applied herbicides. Proc.North Cent.Weed Sci.Soc. 57:185.

Martinell B.J., L.S. Julson, C.A. Emler, H. Yong, D.E. McCabe, E.J. Williams. 2002. Soybean Agrobacterium transformation method. U.S. Patent Application No. 6384301

McCabe D.E., W.F. Swain, B.J. Martinell, P. Christou. 1988. Stable transformation of soybean (Glycine max) by particle acceleration. Bio/Technology 6:923-926.

Miller S.D., P.W. Stahlman, P. Westra, G.W. Wicks, R.G. Wilson, J.M. Tichota. 2003. Risks of weed spectrum shifts and herbicide resistance in glyphosate-resistant cropping systems. Proc.West.Soc.Weed Sci. 56:61-62.

Muller R, S. Jorks, S. Kleinsteuber, W. Babel. 1999. *Comamonas acidovorans* strain MC1: a new isolate capable of degrading the chiral herbicides dichlorprop and mecoprop and the herbicides 2,4-D and MCPA. Microbiol. Res. 154:241-246.

Murashige T. and F. Skoog. 1962. A revised medium for rapid growth and bioassays with tobacco tissue cultures. Physiol. Plant. 15:473-497.

Murphy G.P., T.E. Dutt, R.F. Montgomery, T.S. Willard, G.A. Elmore. 2002. Control of horseweed with glyphosate. Proc.North Cent.Weed Sci.Soc. 57:194.

Ng, C.H., R. Wickneswari, S. Salmigah, Y.T. Teng, and B.S. Ismail. 2003. Gene polymorphisms in glyphosate-resistant and –susceptible biotypes of *Eleusine indica* from Malaysia. Weed Res. 43:108-115.

Olhoft P.M. and D.A. Somers. 2001. L-Cysteine increases *Agrobacterium*-mediated T-DNA delivery into soybean cotyledonary-node cells. Plant Cell Rep 20: 706-711

Olhoft, P.M., L.E. Flagel, C.M. Donovan, and D.A. Somers. 2003. Efficient soybean transformation using hygromycin B selection in the cotyledonary-node method. Planta 216:723-735

Padgette S.R., K.H. Kolacz, X. Delannay, D.B. Re, B.J. LaVallee, C.N. Tinius, W.K. Rhodes, Y.I. Otero, G.F. Barry, D.A. Eichholtz, V.M. Peschke, D.L. Nida, N.B. Taylor, and G.M. Kishore. 1995. Development, identification, and characterization of a glyphosate-tolerant soybean line. Crop Sci. 1995;35:1451-1461.

Parrott W.A., J. N. All, M.J. Adang, M.A. Bailey, H.R. Boerma, and C.N. Stewart, Jr. 1994. Recovery and evaluation of soybean plants transgenic for a *Bacillus thuringiensis* var. kurstaki insecticidal gene. In Vitro Cell. Dev. Biol. 30P:144-149.

Popelka, J. C. and F. Altpeter 2003. *Agrobacterium tumefaciens*-mediated genetic transformation of rye (*Secale cereale* L) Mol. Breed 11:203-211

Saari, R.E., D.A. Hogan, and R.P. Hausinger. 1999. Stereospecific degradation of the pheonxypropionate herbicide dichlorprop. J. Mol. Catal. B: Enz. 6:421-428.

Saiki, R. K., S. Scharf, F. Faloona, K.B. Mullis, G.T. Horn, H.A. Erlich, and N. Arnheim. 1985. Enzymatic Amplification of β-Globin Genomic Sequences and Restriction Site Analysis for Diagnosis of Sickle Cell Anemia. *Science* 230:1350-1354.

Sambrook, J., E.F. Fritsch, and T. Maniatis. 1989. Molecular Cloning, A Laboratory Manual, Cold Spring Harbor Press.

Sambrook, J. and D.W. Russell. 2000. *Molecular Cloning*. Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY.

Schenk, R.U. and A.C. Hildebrandt (1972) Methods and techniques for induction and growth of monocotyledenous and dicotyledenous plant cell cultures. Can. J. Bot.. 50:199-204.

Sfiligoj, E. 2004. Spreading resistance. Crop Life. March issue.

Simarmata, M., J.E. Kaufmann, and D. Penner. 2003. Potential basis of glyphosate resistance in California rigid ryegrass (*Lolium* rigidum). Weed Sci. 51:678-682.

Singh R.J., T.M. Klein, C.J. Mauvais, S. Knowlton, T. Hymowitz, C.M. Kostow. Cytological characterization of transgenic soybean. Theor. Appl. Genet. 1998; 96:319-324.

Smejkal, C.W., T. Vallaeys, S.K. Burton, and H.M. Lappin-Scott. 2001. Substrate specificity of chlorophenoxyalkanoic acid-degrading bacteria is not dependent upon phylogenetically related tfdA gene types. Biol. Fertil. Sols 33:507-513.

Streber, W. and L. Willmitzer. 1989. Transgenic tobacco plants expressing a bacterial detoxifying enzyme are resistant to 2,4-D. Bio/Technology 7:811-816.

Streber, W.R., K.N. Timmis, and M. H. Zenk. 2000. Microorganisms and plasmids for 2,4-dichlorophenoxyacetic acid (2,4-D) monooxygenase formation and process for the production of these plasmids and strains. US Pat. 6,153,401.

Streber, W.R., K.N. Timmis, and M.H. Zenk. 1987. Analysis, cloning, and high-level expression of 2,4-dichlorophenixyacetic monooxygenase gene tfdA of Alcaligenes eutrophus JMP134. J. Bacteriol. 169:2950-2955.

Suggs, S.V., T. Miyake, E.H. Kawashime, M.J. Johnson, K. Itakura, and R.B. Wallace. 1981. *ICN-UCLA Symp. Dev. Biol. Using Purified Genes*, D.D. Brown [ed.], Academic Press, New York, 23:683-693.

Tingay, S., D. McElroy, R. Kalla, S. Fieg, W. Mingbo, S. Thornton, and R. Bretell. 1997. *Agrobacterium tumefaciens*-mediated barley transformation. Plant J. 11:1369-1376.

Weigel, D. and J. Glazebrook. 2002. *Arabidopsis*: A Laboratory Manual. Cold Spring Harbor Lab Press, Cold Spring Harbor, N. Y.. 358 pp.

Weising, K., J. Schell, and G. Kahl. 1988. Foreign genes in plants: transfer, structure, expression and applications. Ann. Rev. Genet. 22:421-477.

Welter, M.E., D.S. Clayton, M.A. miler, and J.F. Petolino. 1995. Morphotypes of friable embryogenic maize callus. Plant Cell Rep. 14:725-729.

Westendorf A., D. Benndorf, R. Muller, W. Babel. 2002. The two enantiospecific dichlorprop/α-ketoglutarate-dioxygenases from Delftia acidovorans MC1-protein and sequence data of *RdpA* and *SdpA*. Microbiol. Res. 157:317-22.

Westendorf, A., R.H. Muller, and W. Babel. 2003. Purification and characterization of the enantiospecific dioxygenases from Delftia acidovorans MC1 initiating the degradation of phenoxypropionates and phenoxyacetate herbicides. Acta Biotechnol. 23: 3-17.

WSSA. 2002. Herbicide Handbook (8th ed). Weed Science Society of America. Lawrence, KS 492 pp.

Zeng P, D. Vadnais, Z. Zhang, and J. Polacco. 2004. Refined glufosinate selection in *Agrobacterium*-mediated transformation of soybean [Glycine max (L.) Merr.]. Plant Cell Rep. 22: 478 – 482.

Zhang S (1995) Efficient plant regeneration from indica (group 1) rice protoplasts of one advanced breeding line and three varieties. Plant Cell Rep 15:68–71

Zhang S, Chen L, Qu R, Marmey P, Beachy RN, Fauquet CM (1996) Efficient plant regeneration from indica (group 1) rice protoplasts of one advanced breeding line and three varieties. Plant Cell Rep15:465–469.

Zhang S, Song W, Chen L, Ruan D, Taylor N, Ronald P, Beachy RN, Fauquet CM (1998) Transgenic elite Indica rice varieties, resistant to Xanthomonas oryzae pv. oryzae. Mol Breed 4:551-558.

Zhang, Z., A. Xing, P.E. Staswick, and T. E. Clemente. 1999. The use of glufosinate as a selective agent in Agrobacterium-mediated transformation of soybean. Plant Cell, Tissue, and Organ Culture 56:37-46.

Zhao, Z.Y., T. Cai, L. Tagliani, M. Miller, N. Wang, H. Pang, M. Rudert, S. Schroeder, D. Hondred, J. Seltzer, and D. Pierce. 2000. *Agrobacterium*-mediated sorghum transformation, Plant Mol. Biol. 44:789-798.

Zipper, C., M. Bunk, A. Zehnder, H. Kohler. 1998. Enantioselective uptake and degradation of the chiral herbicide dichlorprop [(RS)-2-(2,4-dichlorophenoxy)propanoic acid] by Sphingobium herbicidovorans MH. J. Bact. 13:3368-3374

Claims

1. A transgenic soybean plant cell comprising a recombinant polynucleotide that encodes an AAD-1 protein that exhibits aryloxyalkanoate dioxygenase activity wherein said activity enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, which are aryloxyalkanoate herbicides, further wherein said AAD-1 protein comprises:

i) an amino acid sequence having at least 85% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ ID NO: 34), wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114\text{-}137}$ represents a sequence of 24 amino acids;

$(X)_{139\text{-}269}$ represents a sequence of 131 amino acids; and

$(X)_{271\text{-}280}$ represents a sequence of 10 amino acids,

wherein said AAD-1 protein when expressed in a soybean plant cell renders said soybean plant cell tolerant to a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, as compared to an untransformed soybean plant cell.

2. The plant cell of claim 1 wherein said AAD-1 motif has the general formula of: $HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R(X)_{282\text{-}284}R$ (SEQ ID NO: 35), wherein $(X)_{282\text{-}284}$ represents a sequence of 3 amino acids.

3. A transgenic soybean plant comprising a plurality of the soybean plant cell of claim 1, wherein expression of said polynucleotide renders said plant tolerant to said aryloxyalkanoate herbicide.

4. The plant of claim 3 wherein said aryloxyalkanoate herbicide

selected from the group consisting of 2,4-dichlorophenoxyacetic acid, MCPA, dichlorprop, and mecoprop.

5. The plant of claim 3 wherein said aryloxyalkanoate herbicide is an (R)-aryloxyphenoxypropionate.

6. The plant of claim 3 wherein said aryloxyalkanoate herbicide is selected from the group consisting of (R)-fluazifop, (R)-haloxyfop, (R)-diclofop, (R)-quizalofop, (R)-fenoxaprop, (R)-metamifop, (R)-cyhalofop, and (R)-clodinofop.

7. The plant of claim 3 wherein said plant further comprises a second herbicide resistance gene.

8. The plant of claim 7 wherein said second herbicide resistance gene renders said plant resistant to an herbicide selected from the group consisting of glyphosate, glufosinate, acetolactate synthase (ALS) inhibitors, inhibitors of 4-hydroxyphenyl-pyruvate-dioxygenase (HPPD), dicamba, and inhibitors of protoporphyrinogen oxidase (PPO).

9. A method of controlling at least one weed in a field, wherein said field contains at least one plant of claim 3 wherein said method comprises applying to at least a portion of said field a first herbicide selected from the group consisting of a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide.

10. The method of claim 9 wherein said phenoxy auxin herbicide is an R-enantiomer of a chiral phenoxy auxin.

11. The method of claim 9 wherein said phenoxy auxin herbicide is an achiral phenoxy auxin selected from the group consisting of 2,4-D and MCPA.

12. The method of claim 9 wherein said (R)-aryloxyphenoxypropionate herbicide is selected from the group consisting of (R)-fluazifop, (R)-haloxyfop, (R)-diclofop, (R)-quizalofop, (R)-fenoxaprop, (R)-metamifop, (R)-cyhalofop, and (R)-clodinofop.

13. The method of claim 9 wherein said method comprises applying a second herbicide.

14. The method of claim 13 wherein said first herbicide and said second herbicide are applied sequentially.

15. The method of claim 13 wherein said first herbicide and said second herbicide are applied concurrently.

16 The method of claim 13 wherein said first herbicide is a phenoxy auxin and said second herbicide is an (R)-aryloxyphenoxypropionate.

17. The method of claim 13 wherein said second herbicide is selected from the group consisting of glyphosate, glufosinate, dicamba, acetolactate synthase (ALS) inhibitors, protoporphyrinogen oxidase (PPO) inhibitors, and 4-hydroxyphenyl-pyruvate-dioxygenase (HPPD) inhibitors.

18. The method of claim 13, wherein said first herbicide is 2,4-D and said second herbicide is glyphosate or glufosinate.

19. The method of claim 13, wherein said first herbicide is an (R)-aryloxyphenoxypropionate and said second herbicide is glyphosate or glufosinate.

20 The method of claim 13 wherein said plant further comprises a second herbicide resistance gene that renders said plant resistant to said second herbicide.

21. The method of claim 20 wherein said second herbicide resistance gene is selected from the group consisting of a modified acetolactate synthase (ALS) gene, a glyphosate resistance gene, a glufosinate resistance gene, and a dicamba-degrading enzyme gene.

22. The method of claim 13 wherein said method further comprises applying a third herbicide.

23. The method of claim 22, wherein said third herbicide is selected from the group consisting of glyphosate, glufosinate, HPPD-inhibitors, PPO-inhibitors, ALS inhibitors, and dicamba.

24. The method of claim 23 wherein said first, second and third herbicides are 2,4-D, quizalofop, and glyphosate.

25. A seed comprising a plurality of the plant cell of claim 1.

26. A method of controlling weeds in a field, wherein said method comprises applying an aryloxyalkanoate herbicide to said field and planting a seed of claim 25 in said field within 14 days after applying said aryloxyalkanoate herbicide.

27. A plant grown from the seed of claim 25, wherein said plant comprises said polynucleotide.

28. A part, progeny, or asexual propagate of the plant of claim 27, wherein said part, progeny, or sexual propagate comprises said polynucleotide.

29. An (R)-aryloxyphenoxypropionate herbicide tolerant transgenic soybean plant cell comprising a recombinant polynucleotide that encodes an AAD-1

protein that exhibits aryloxyalkanoate dioxygenase activity wherein said activity enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, further wherein said AAD-1 protein comprises:

i) an amino acid sequence having at least 85% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ DI NO: 34), wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114\text{-}137}$ represents a sequence of 24 amino acids;

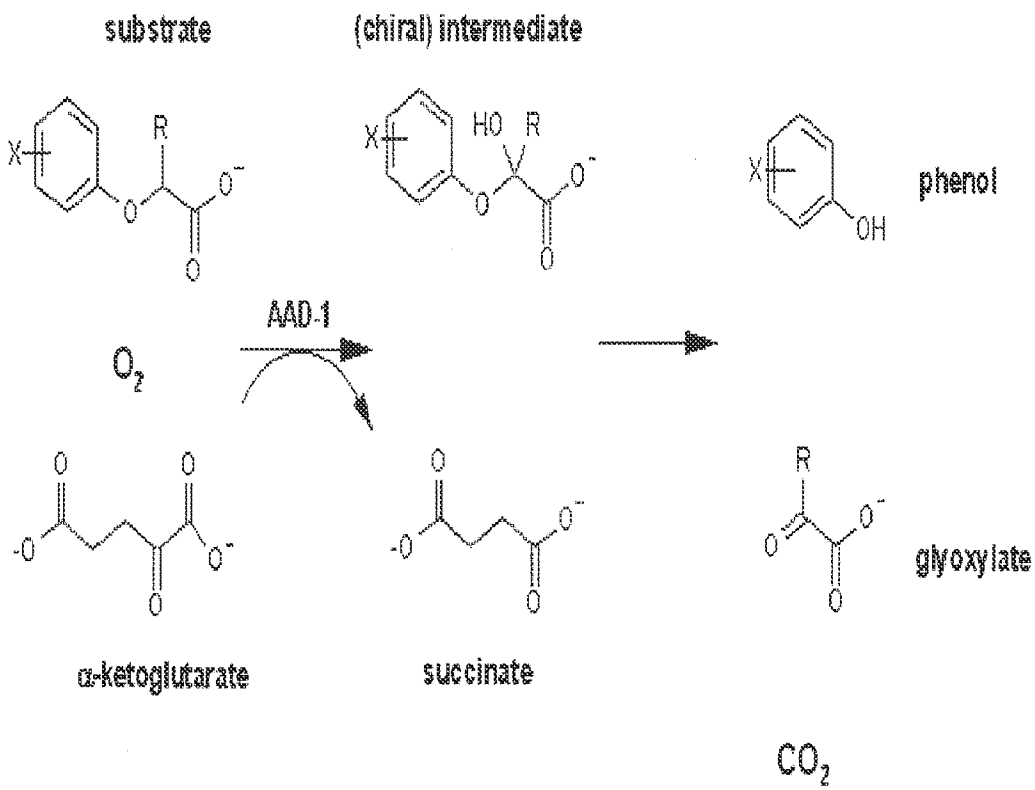
$(X)_{139\text{-}269}$ represents a sequence of 131 amino acids; and

$(X)_{271\text{-}280}$ represents a sequence of 10 amino acids, wherein said motif has 90% sequence identity with corresponding amino acids of position 111 to 281 of SEQ ID NO: 9

wherein said AAD-1 protein when expressed in a soybean plant cell renders said soybean plant cell tolerant to a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, as compared to an untransformed soybean plant cell.

ABSTRACT

The subject invention provides novel plants that are not only resistant to 2,4-D and other phenoxy auxin herbicides, but also to aryloxyphenoxypropionate herbicides. Heretofore, there was no expectation or suggestion that a plant with both of these advantageous properties could be produced by the introduction of a single gene. The subject invention also includes plants that produce one or more enzymes of the subject invention alone or "stacked" together with another herbicide resistance gene, preferably a glyphosate resistance gene, so as to provide broader and more robust weed control, increased treatment flexibility, and improved herbicide resistance management options. More specifically, preferred enzymes and genes for use according to the subject invention are referred to herein as *AAD* (aryloxyalkanoate dioxygenase) genes and proteins. No α-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. This highly novel discovery is the basis of significant herbicide tolerant crop trait opportunities as well as development of selectable marker technology. The subject invention also includes related methods of controlling weeds. The subject invention enables novel combinations of herbicides to be used in new ways. Furthermore, the subject invention provides novel methods of preventing the formation of, and controlling, weeds that are resistant (or naturally more tolerant) to one or more herbicides such as glyphosate.



- Addition of O_2 is *stereospecific*
- Breakdown of intermediate to phenol + glyoxylate is spontaneous

Fig. 1

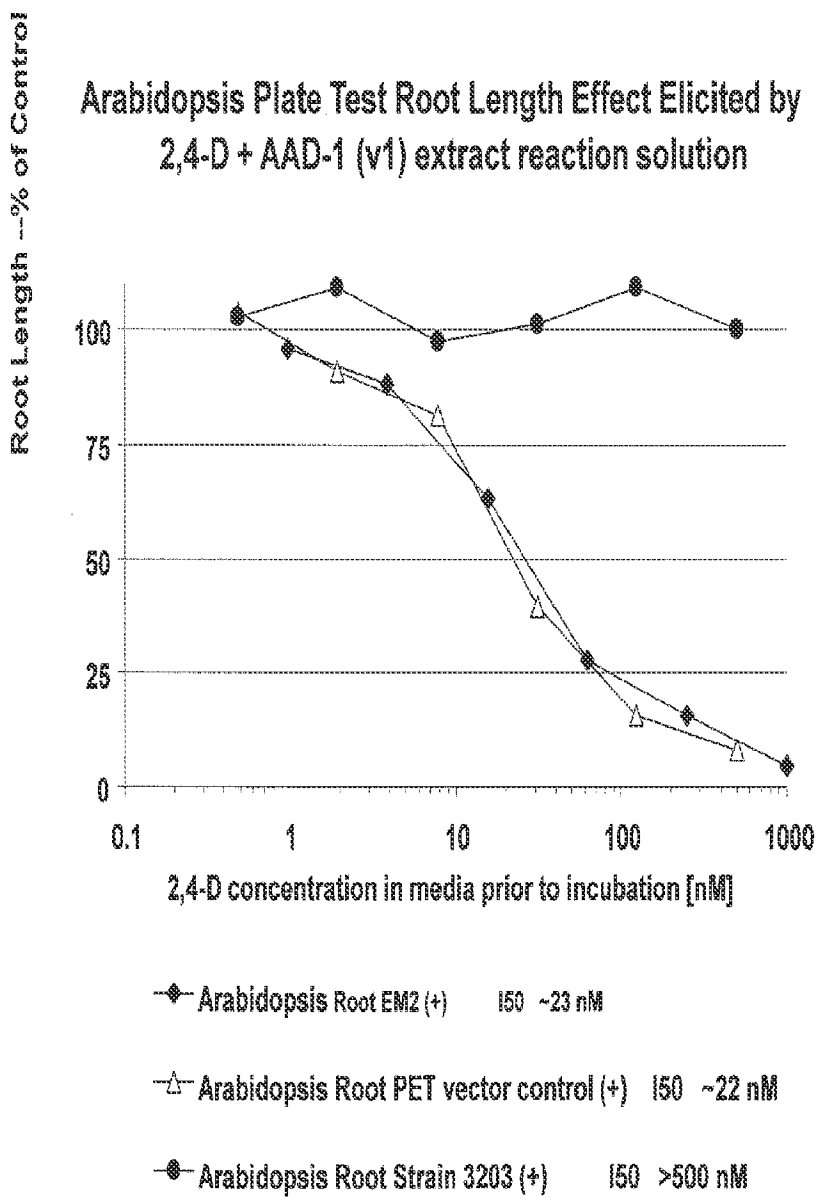

Arabidopsis Plate Test Root Length Effect Elicited by
2,4-D + AAD-1 (v1) extract reaction solution
Root Length --% of Control
100
75
50
25
0
0.1
1
10
100
1000
2,4-D concentration in media prior to incubation [nM]
Arabidopsis Root EM2 (+) I50 ~23 nM
Arabidopsis Root PET vector control (+) I50 ~22 nM
Arabidopsis Root Strain 3203 (+) I50 >500 nM

Fig. 2

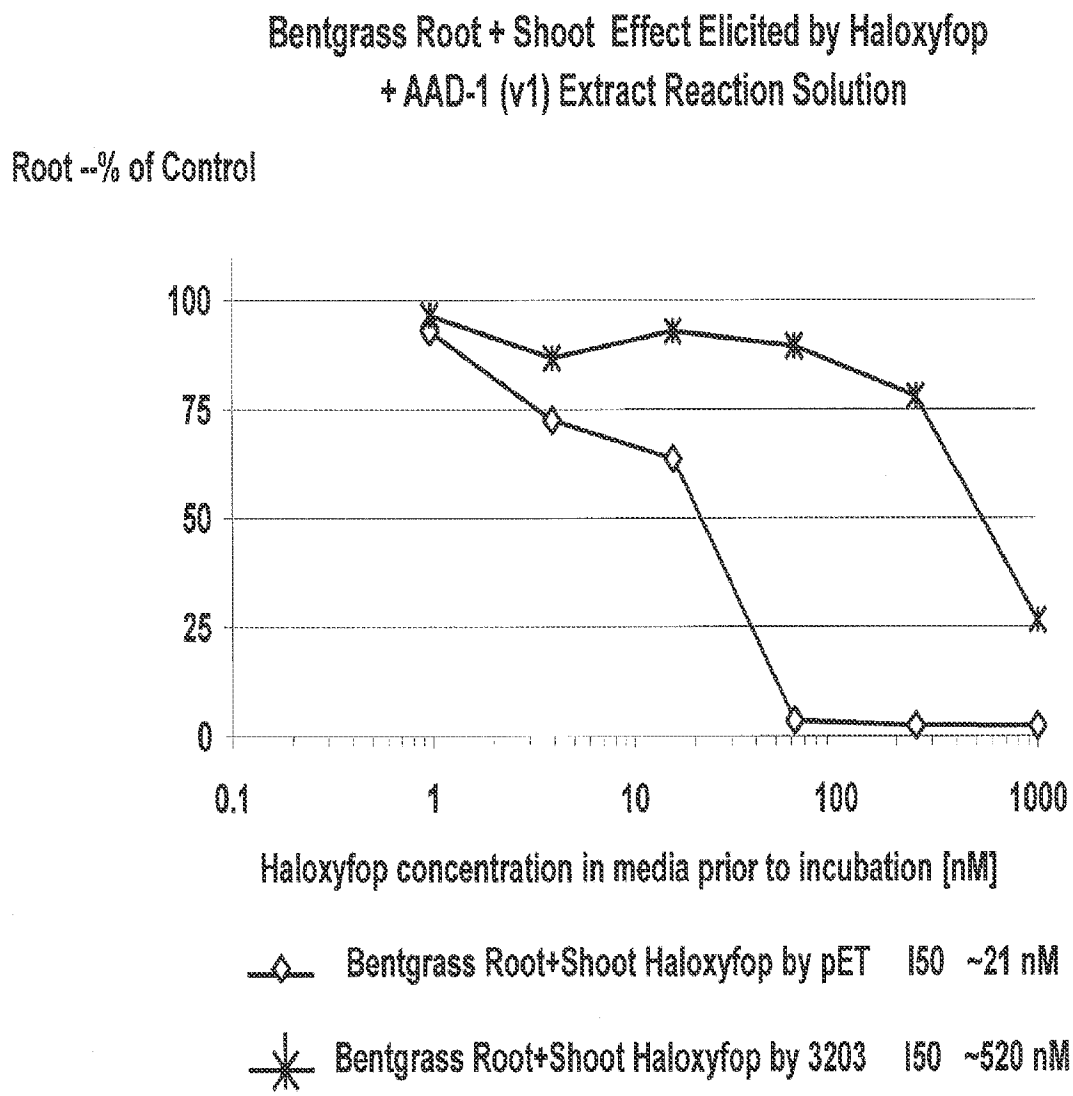

Bentgrass Root + Shoot Effect Elicited by Haloxyfop
+ AAD-1 (v1) Extract Reaction Solution
Root --% of Control
100
75
50
25
0
0.1
1
10
100
1000
Haloxyfop concentration in media prior to incubation [nM]
Bentgrass Root+Shoot Haloxyfop by pET I50 ~21 nM
Bentgrass Root+Shoot Haloxyfop by 3203 I50 ~520 nM

Fig. 3

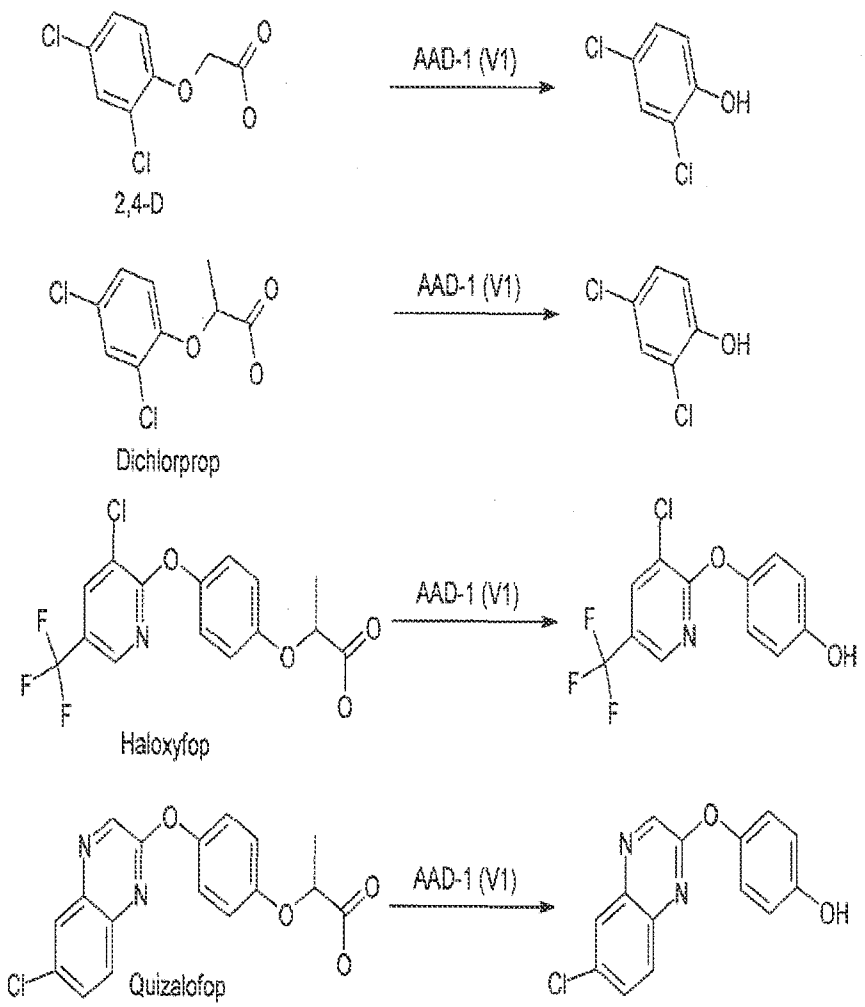

AAD-1 (V1)
2,4-D
AAD-1 (V1)
Dichlorprop
AAD-1 (V1)
Haloxyfop
AAD-1 (V1)
Quizalofop

Fig. 4

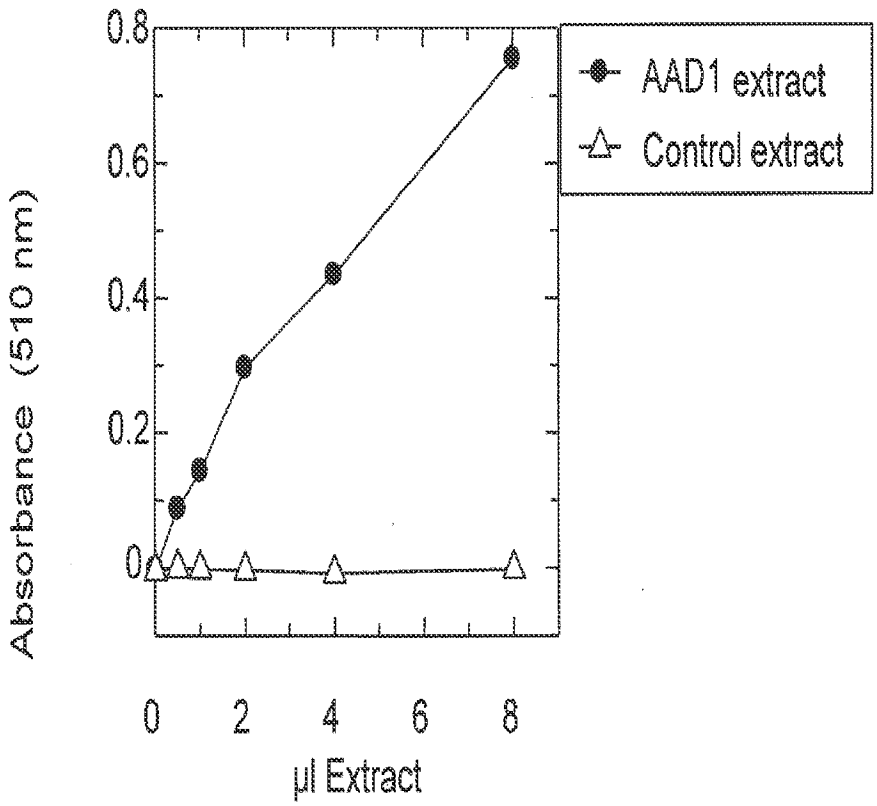
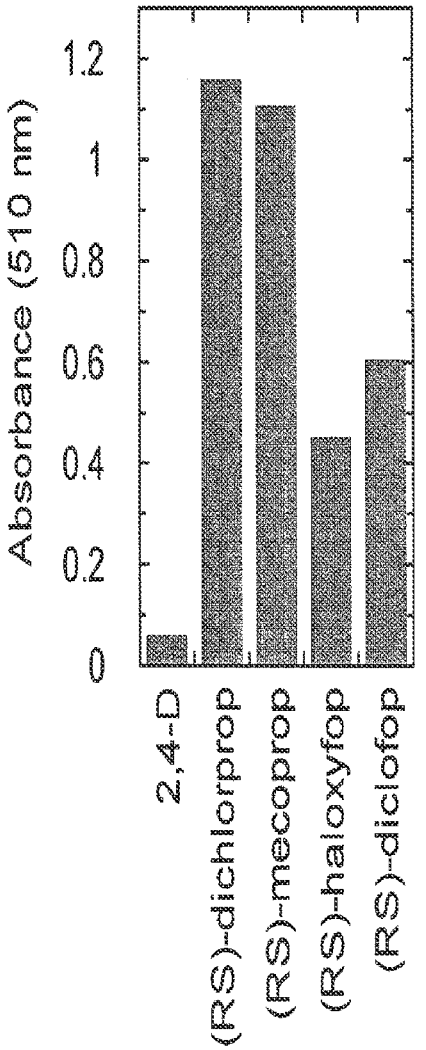

0.8
0.6
0.4
0.2
0
Absorbance (510 nm)
0
2
4
6
8
µl Extract
AAD1 extract
Control extract

Fig. 5


Absorbance (510 nm)
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0.2
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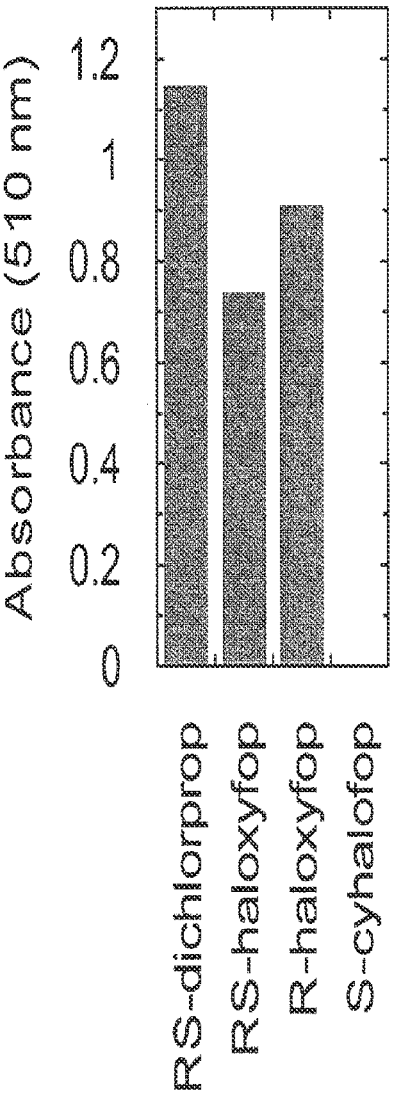
2,4-D
(RS)-dichlorprop
(RS)-mecoprop
(RS)-haloxyfop
(RS)-diclofop

Fig. 6A


Absorbance (510 nm)
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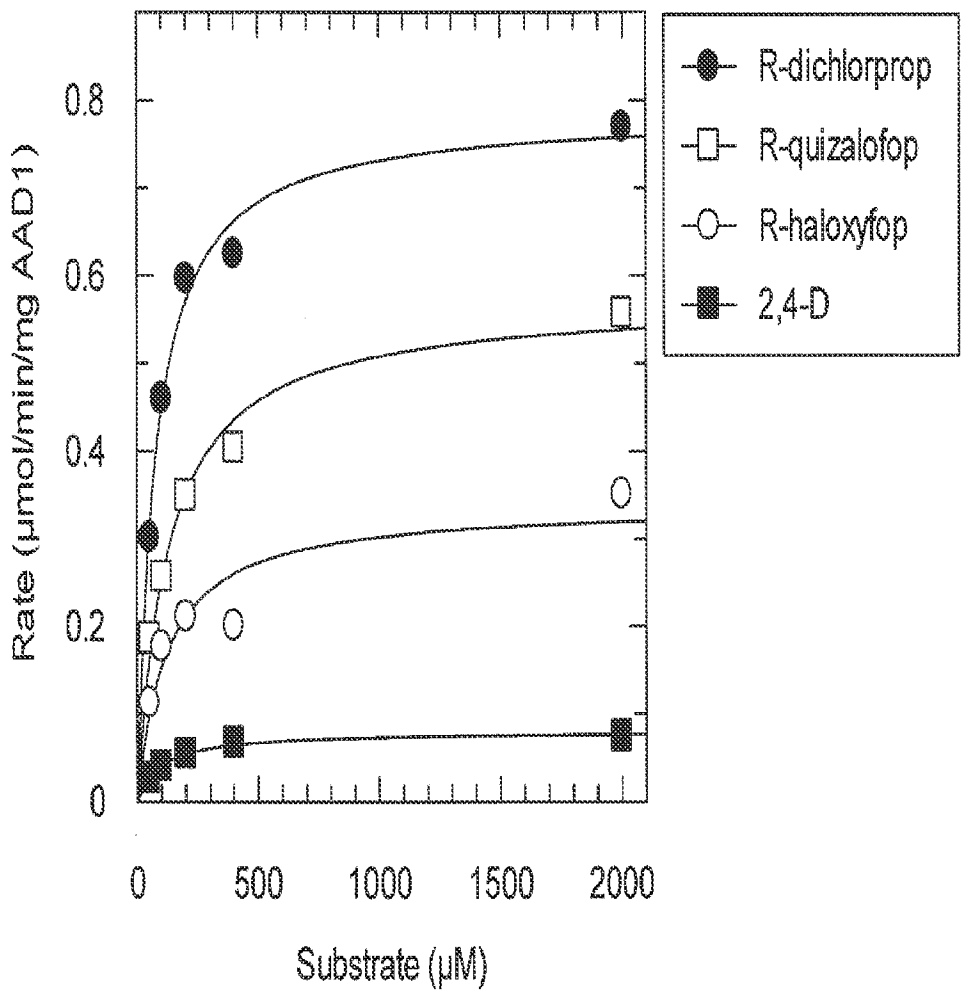
1.2
RS-dichlorprop
RS-haloxyfop
R-haloxyfop
S-cyhalofop

Fig. 6B


R-dichlorprop
R-quizalofop
R-haloxyfop
2,4-D
Rate (µmol/min/mg AAD1)
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0.6
0.4
0.2
0
0
500
1000
1500
2000
Substrate (µM)

Fig. 7

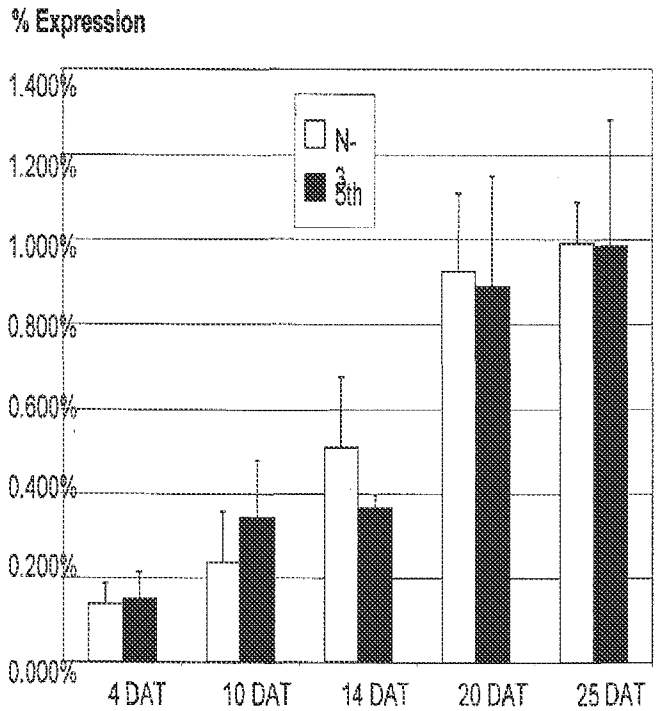
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Fig. 8A

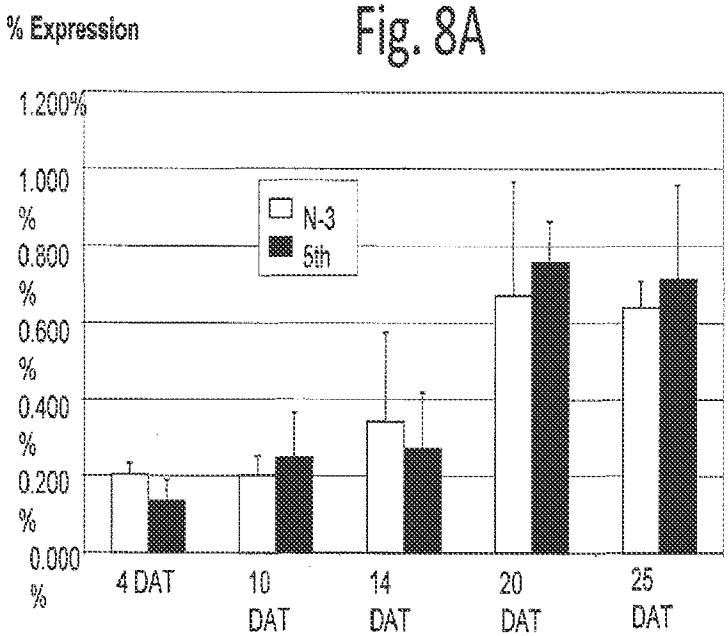
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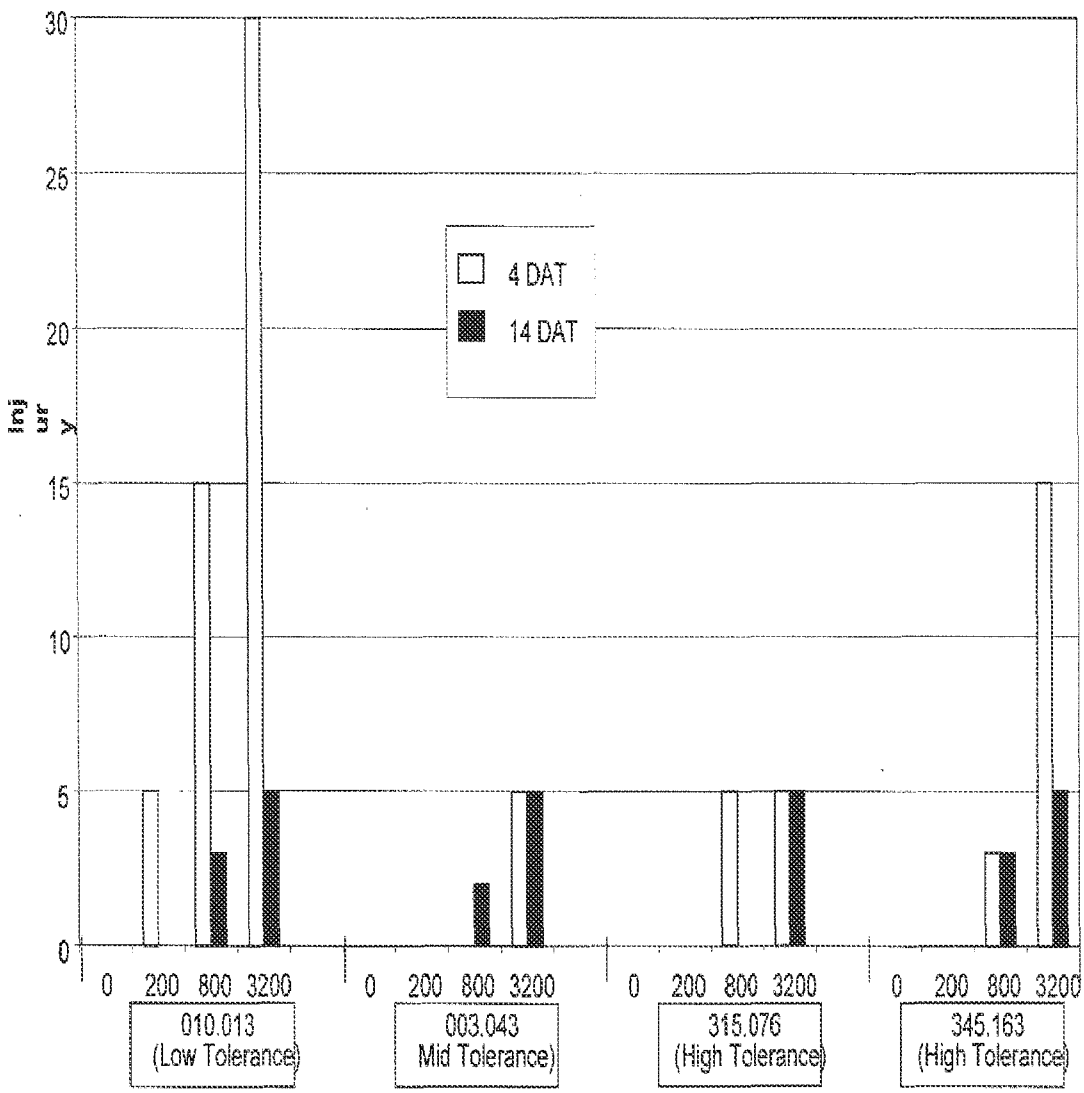
Fig. 8B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25
20
15
10
5
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Injury
4 DAT
14 DAT
0 200 800 3200
010.013
(Low Tolerance)
0 200 800 3200
003.043
Mid Tolerance)
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315.076
(High Tolerance)
0 200 800 3200
345.163
(High Tolerance)

Fig. 9A

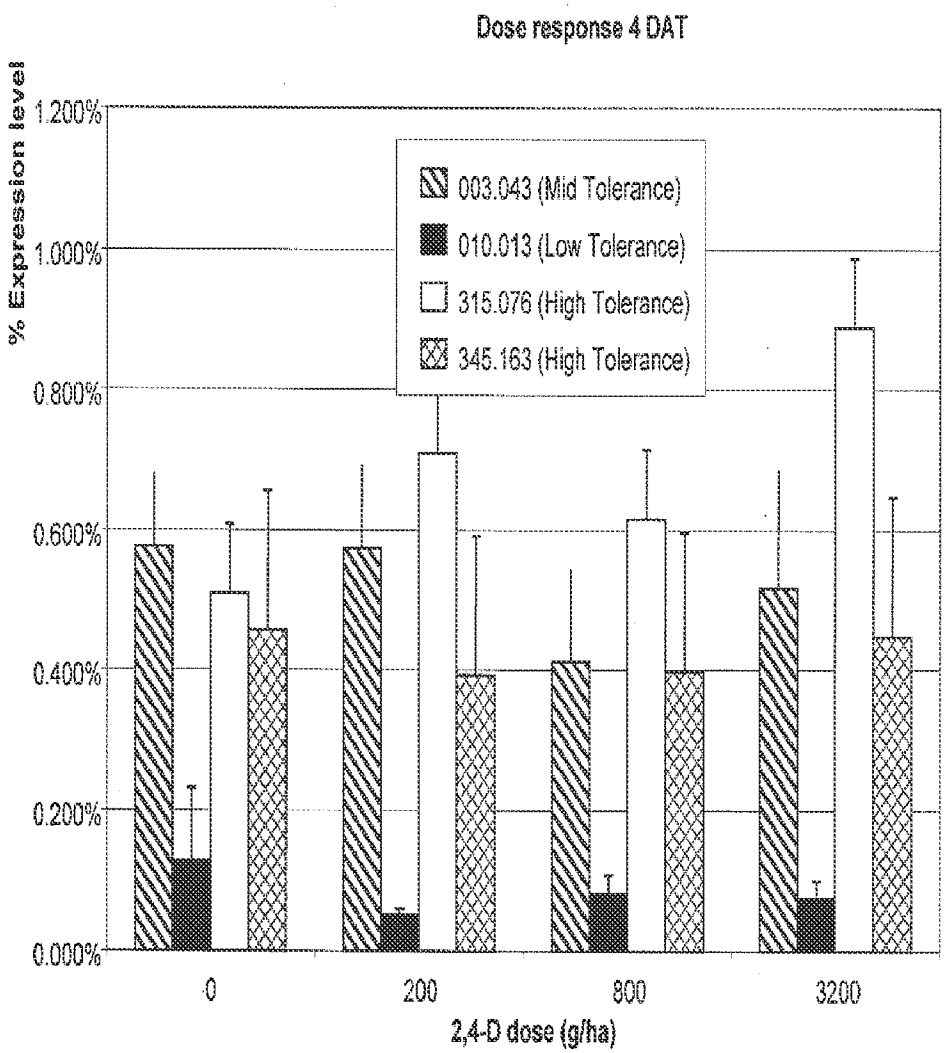

Dose response 4 DAT
% Expression level
1.200%
1.000%
0.800%
0.600%
0.400%
0.200%
0.000%
003.043 (Mid Tolerance)
010.013 (Low Tolerance)
315.076 (High Tolerance)
345.163 (High Tolerance)
0
200
800
3200
2,4-D dose (g/ha)

Fig. 9B

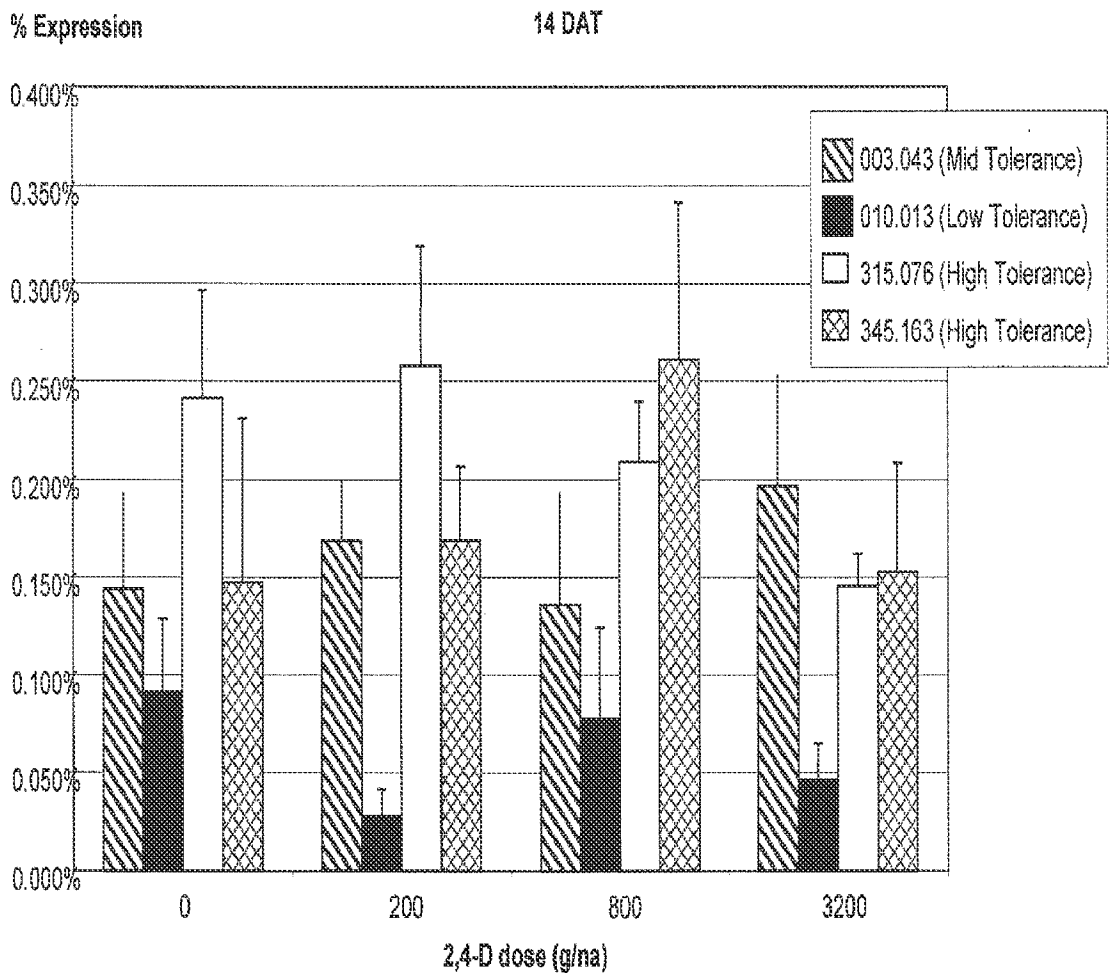

% Expression
14 DAT
0.400%
0.350%
0.300%
0.250%
0.200%
0.150%
0.100%
0.050%
0.000%
003.043 (Mid Tolerance)
010.013 (Low Tolerance)
315.076 (High Tolerance)
345.163 (High Tolerance)
0
200
800
3200
2,4-D dose (g/na)

Fig. 9C

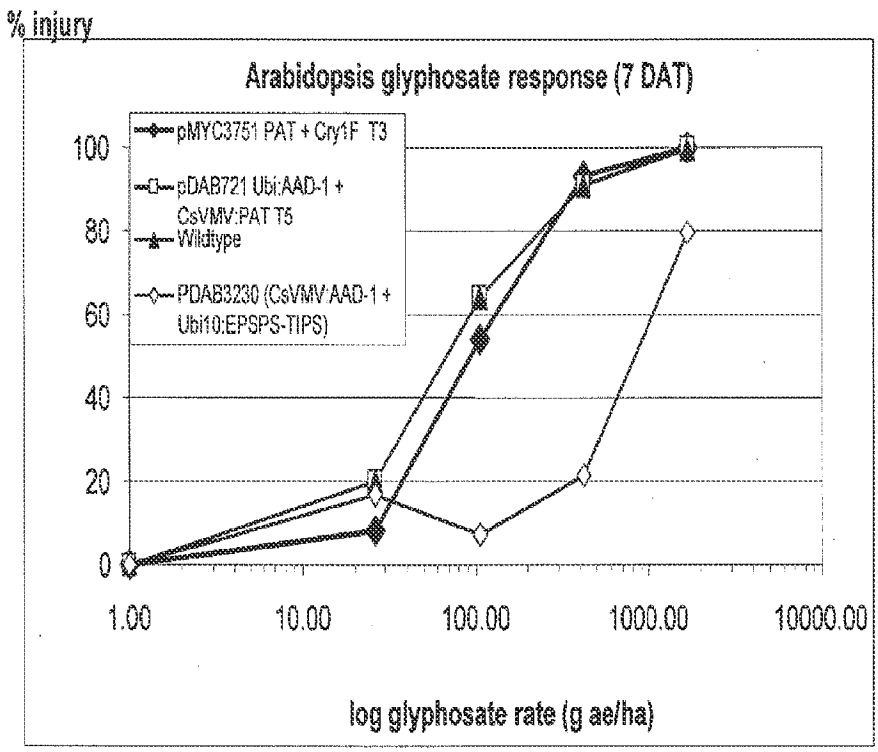

% injury
Arabidopsis glyphosate response (7 DAT)
pMYC3751 PAT + Cry1F T3
pDAB721 Ubi:AAD-1 + CsVMV:PAT T5
Wildtype
PDAB3230 (CsVMV:AAD-1 + Ubi10:EPSPS-TIPS)
100
80
60
40
20
0
1.00
10.00
100.00
1000.00
10000.00
log glyphosate rate (g ae/ha)

Fig. 10

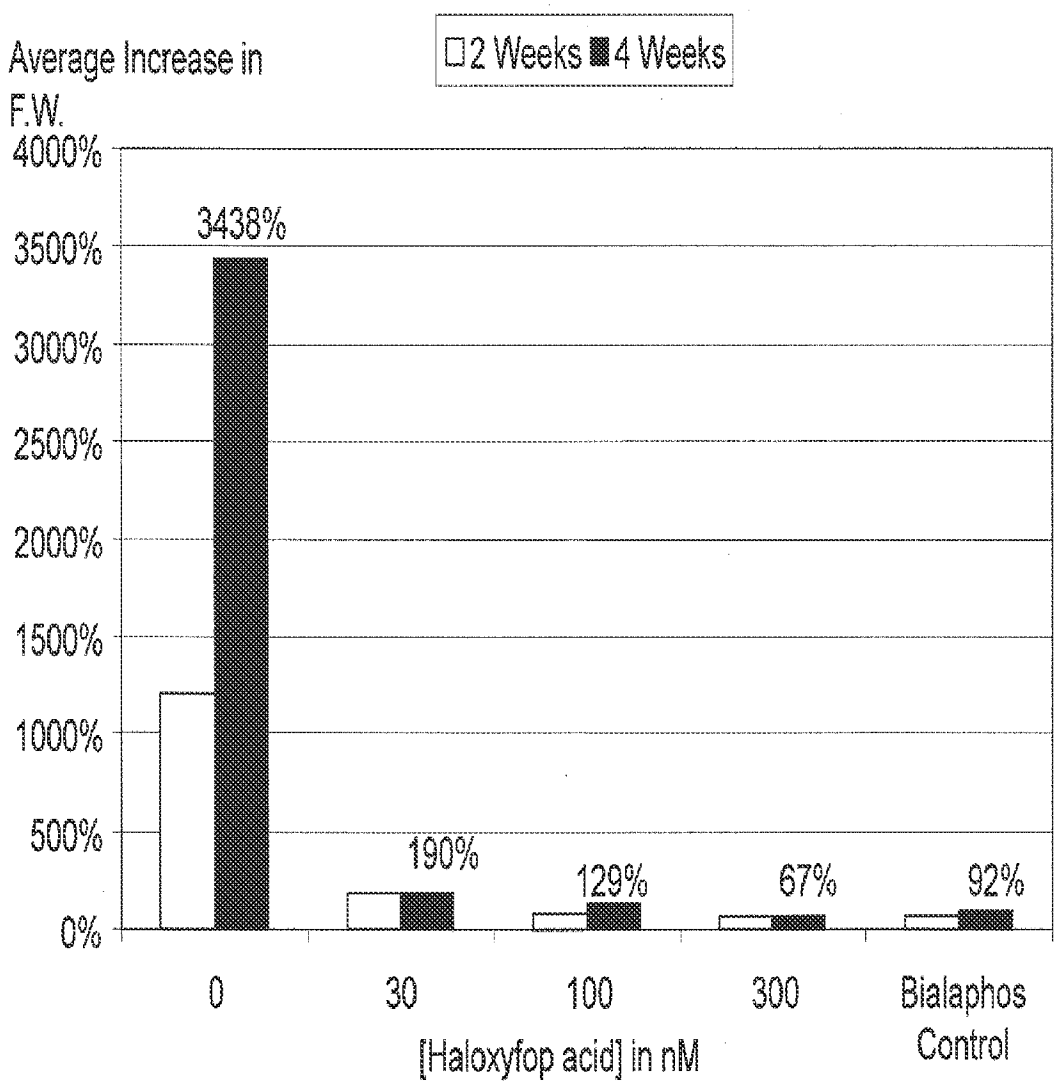

Average Increase in F.W.
2 Weeks
4 Weeks
4000%
3500%
3000%
2500%
2000%
1500%
1000%
500%
0%
3438%
190%
129%
67%
92%
0
30
100
300
Bialaphos Control
[Haloxyfop acid] in nM

Fig. 11

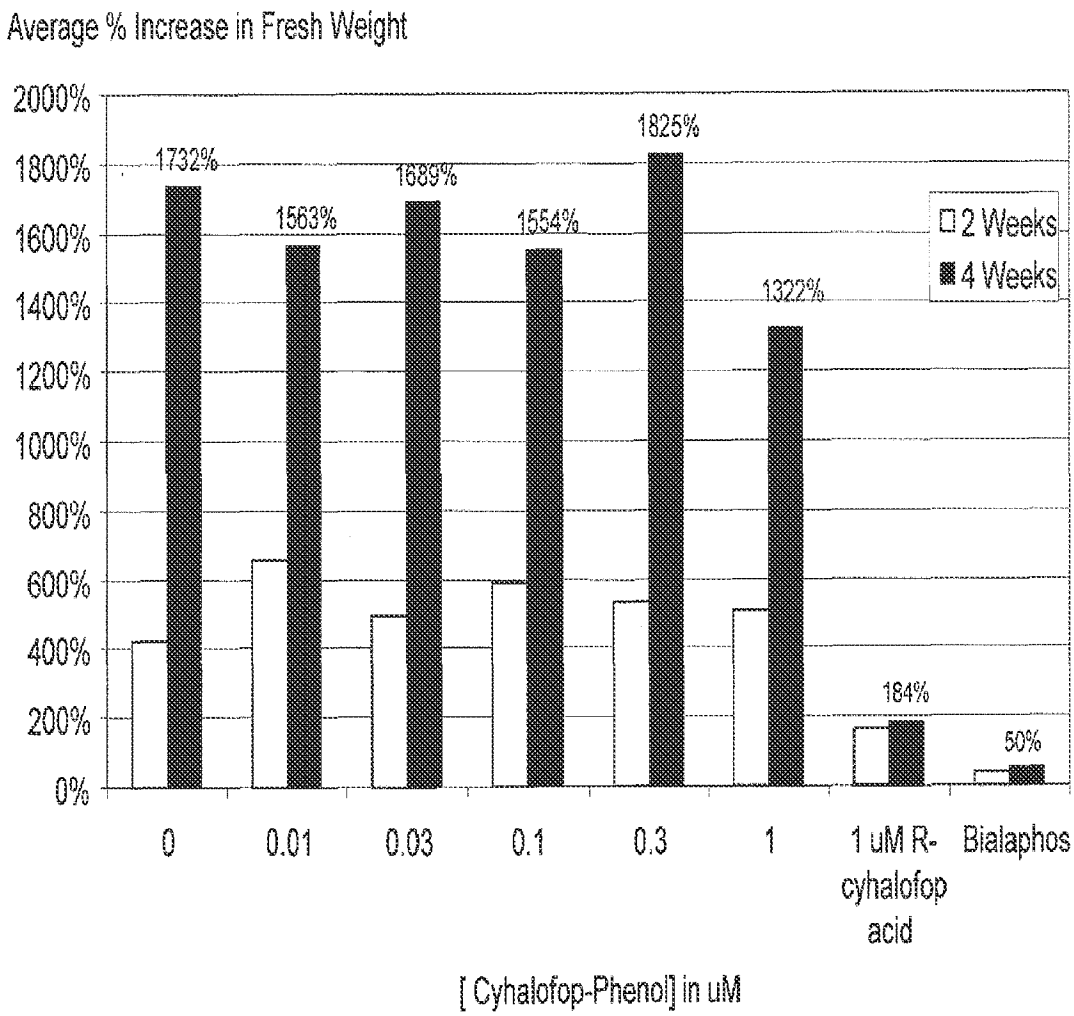

Average % Increase in Fresh Weight
2000%
1800%
1600%
1400%
1200%
1000%
800%
600%
400%
200%
0%
1732%
1563%
1689%
1554%
1825%
1322%
184%
50%
2 Weeks
4 Weeks
0
0.01
0.03
0.1
0.3
1
1 uM R-cyhalofop acid
Bialaphos
[Cyhalofop-Phenol] in uM

Fig. 12

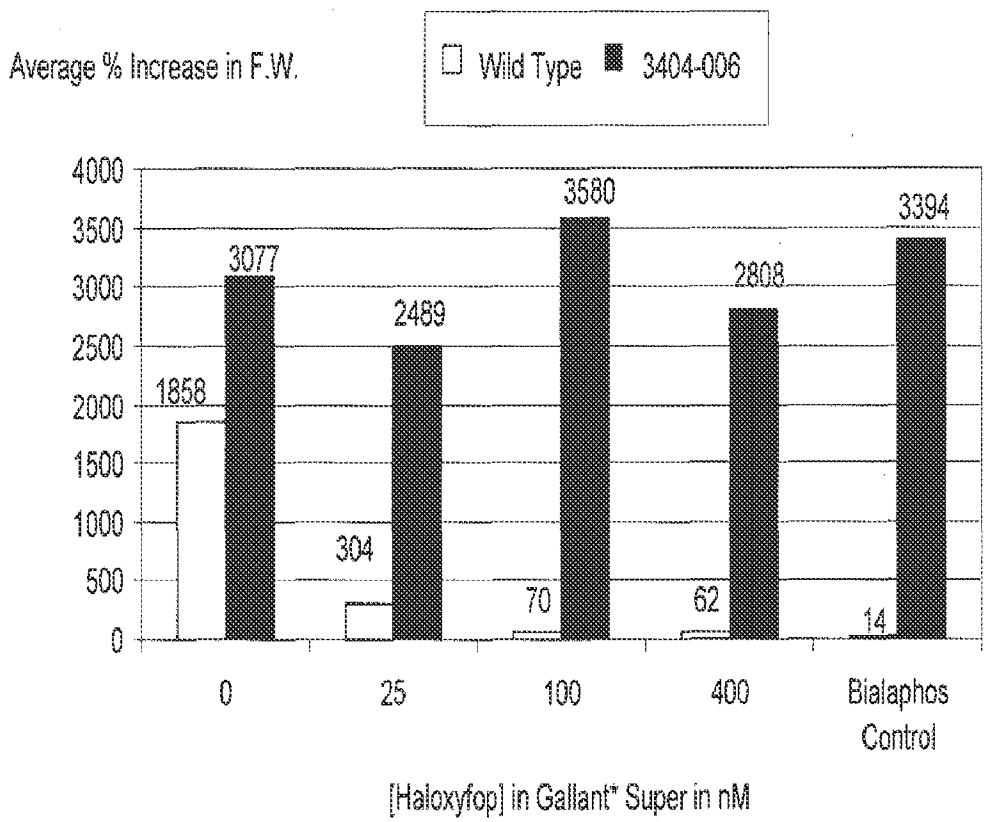

Average % Increase in F.W.
Wild Type
3404-006
4000
3500
3000
2500
2000
1500
1000
500
0
1858
3077
304
2489
70
3580
62
2808
14
3394
0
25
100
400
Bialaphos Control
[Haloxyfop] in Gallant® Super in nM

Fig. 13

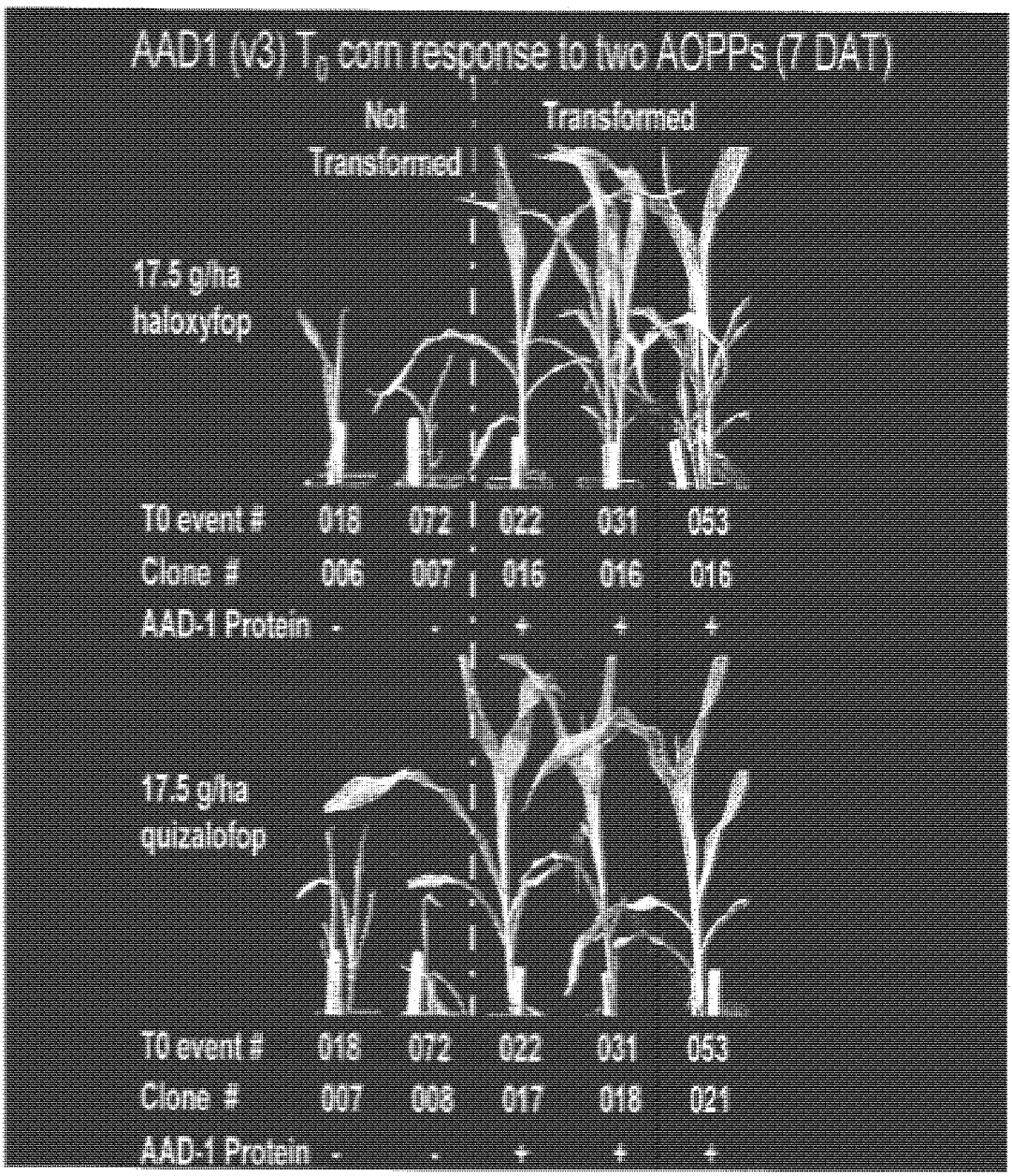

AAD1 (v3) T_0 corn response to two AOPPs (7 DAT)
Not Transformed
Transformed
17.5 g/ha haloxyfop
T0 event # 018 072 022 031 053
Clone # 006 007 016 016 016
AAD-1 Protein - - + + +
17.5 g/ha quizalofop
T0 event # 018 072 022 031 053
Clone # 007 008 017 018 021
AAD-1 Protein - - + + +

Fig. 14

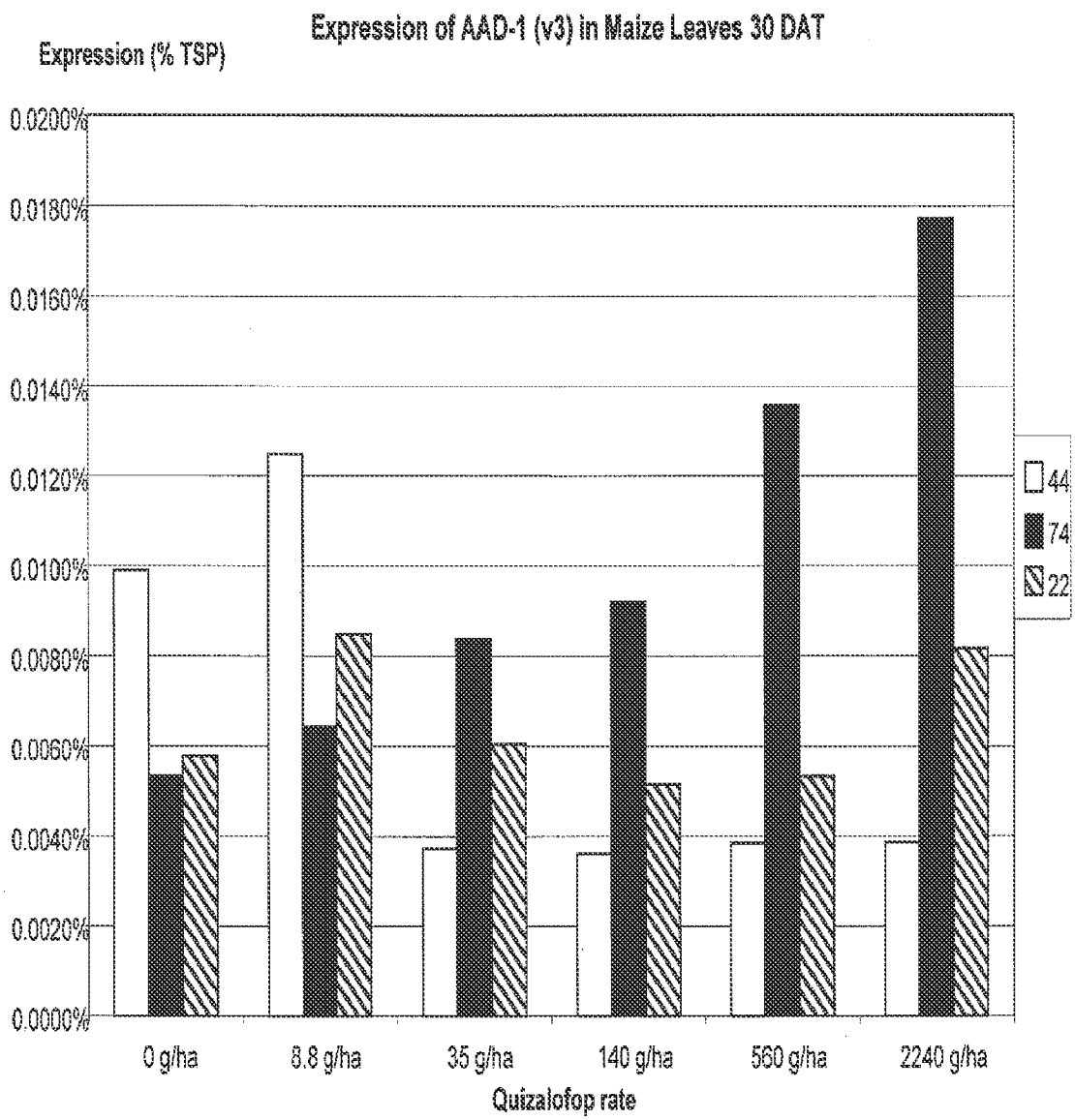

Expression of AAD-1 (v3) in Maize Leaves 30 DAT
Expression (% TSP)
0.0200%
0.0180%
0.0160%
0.0140%
0.0120%
0.0100%
0.0080%
0.0060%
0.0040%
0.0020%
0.0000%
0 g/ha
8.8 g/ha
35 g/ha
140 g/ha
560 g/ha
2240 g/ha
Quizalofop rate
44
74
22

Fig. 15

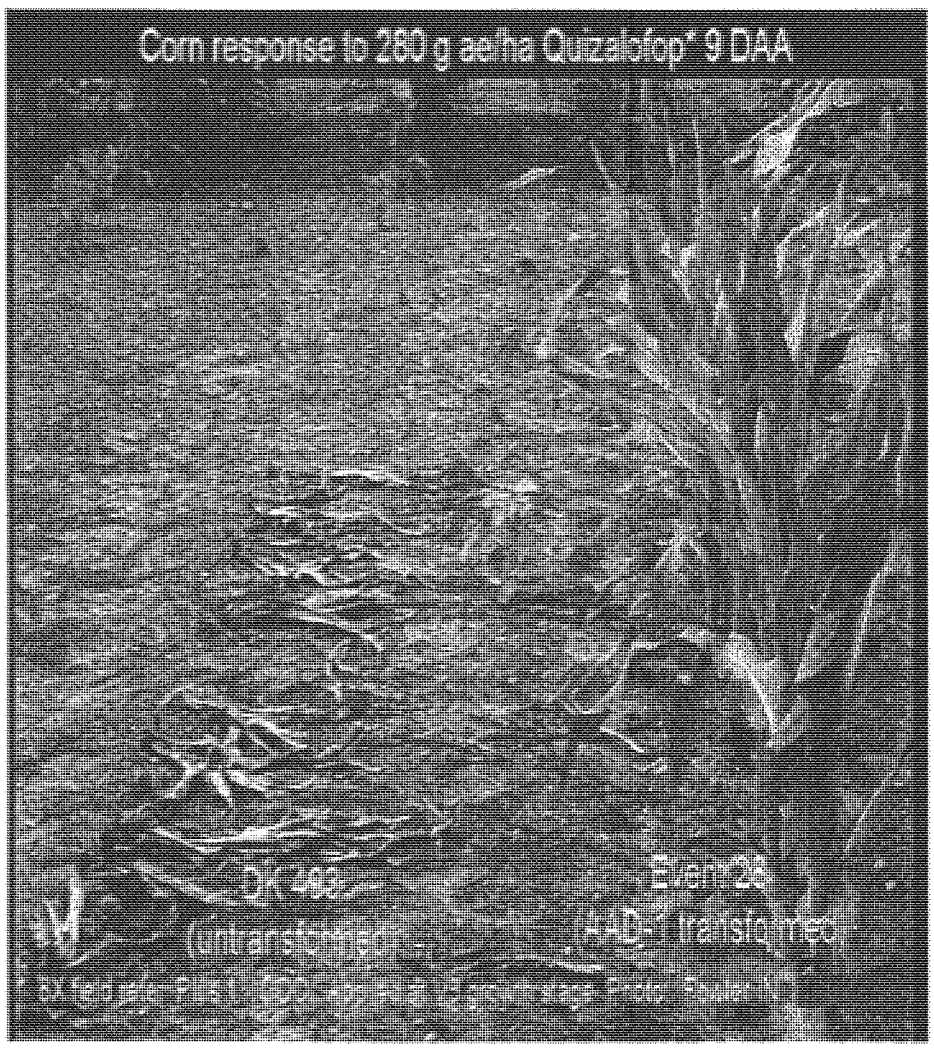

Corn response to 280 g ae/ha Quizalofop* 9 DAA
DK 493
(Untransformed)
Event 28
AAD-1 Transformed

Fig. 16

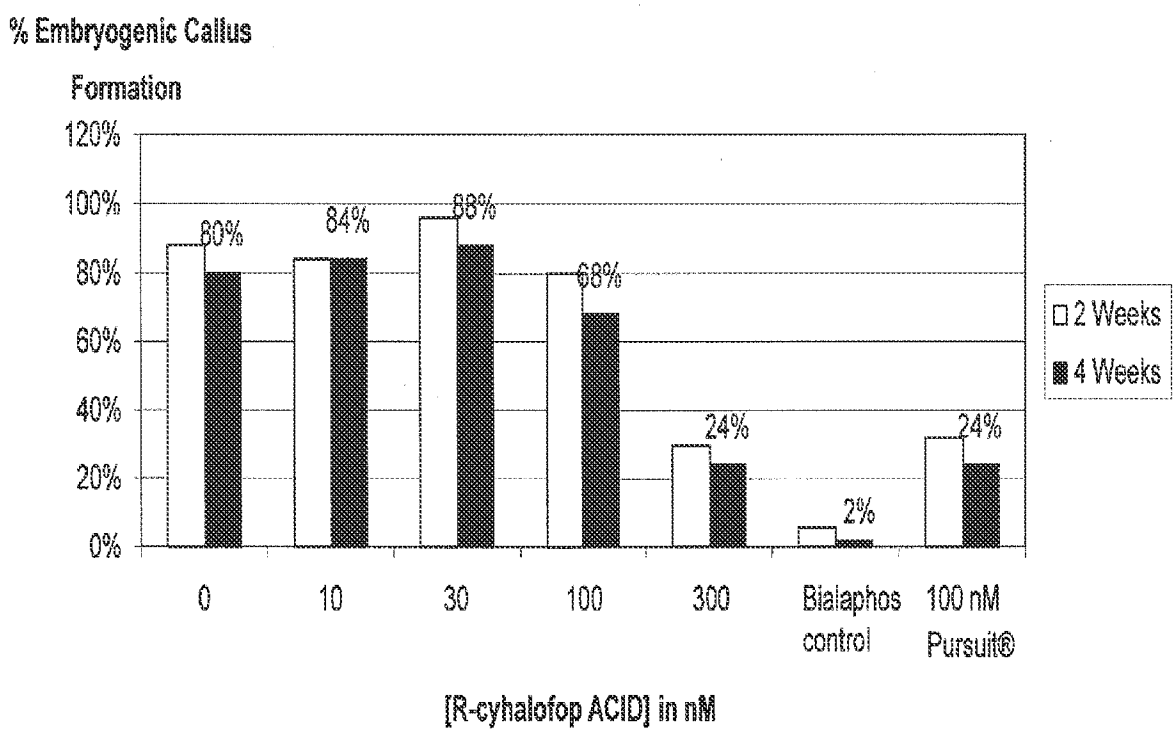
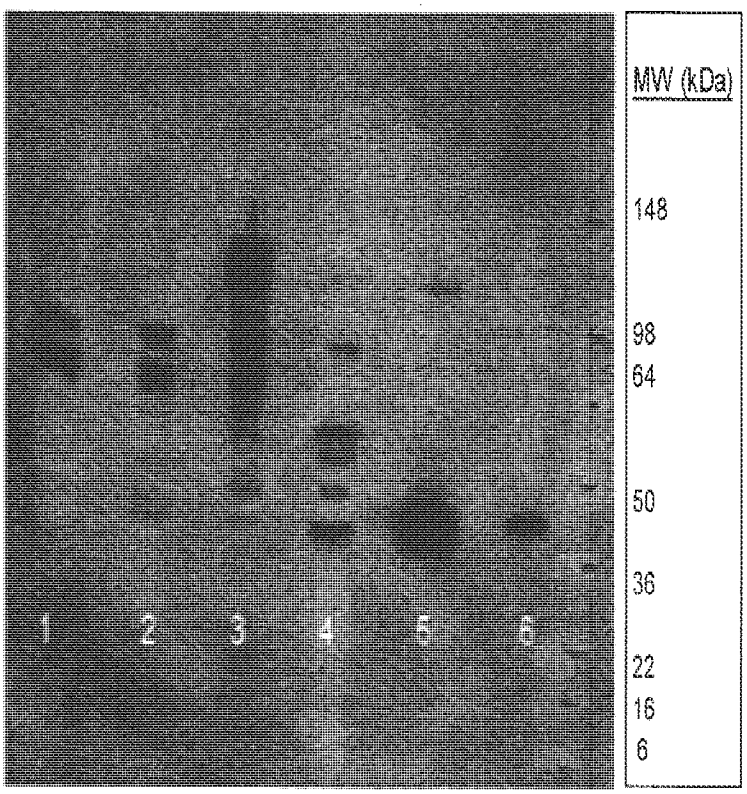

% Embryogenic Callus Formation
120%
100%
80%
60%
40%
20%
0%
80%
84%
88%
68%
24%
2%
24%
0
10
30
100
300
Bialaphos control
100 nM Pursuit®
[R-cyhalofop ACID] in nM
2 Weeks
4 Weeks

Fig. 17



Western

Lane	
1	Calli #1
2	Calli #2
3	Negative
4	AAD1 Corn
5	Standard 5 ug/mL
6	Standard 0.5 ug/mL

Fig. 18

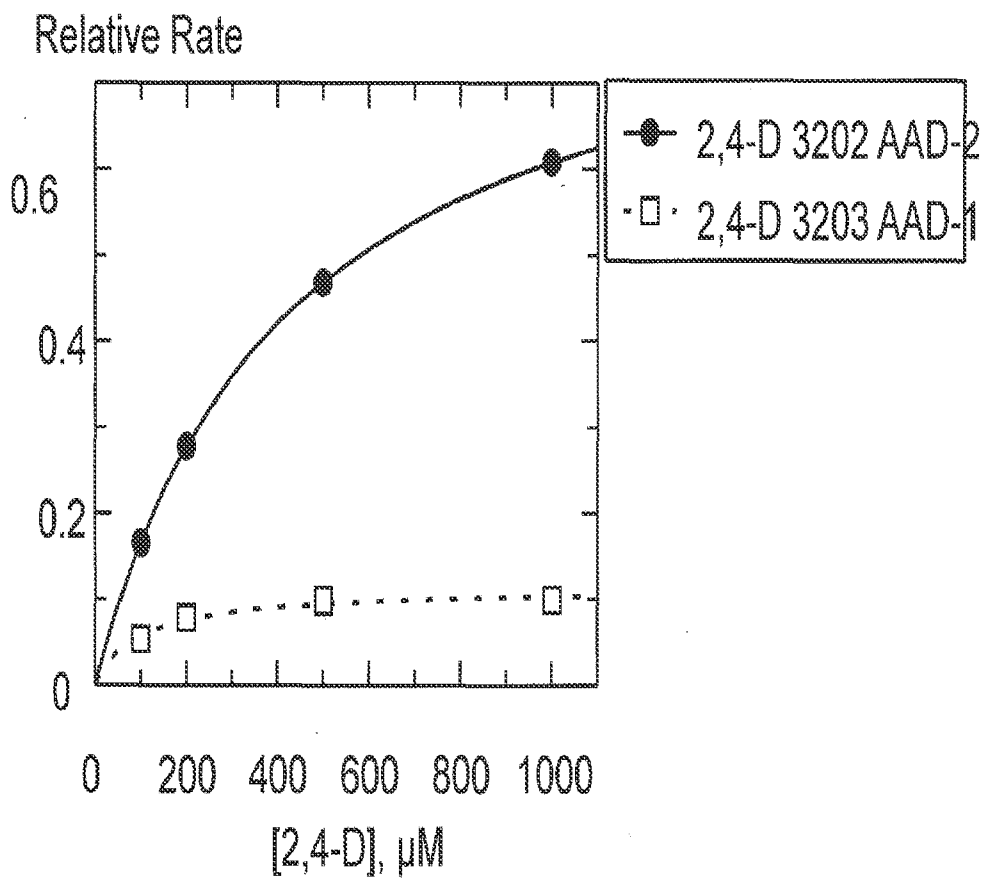

Relative Rate
0.6
0.4
0.2
0
0
200
400
600
800
1000
[2,4-D], μM
2,4-D 3202 AAD-2
2,4-D 3203 AAD-1

Fig. 19

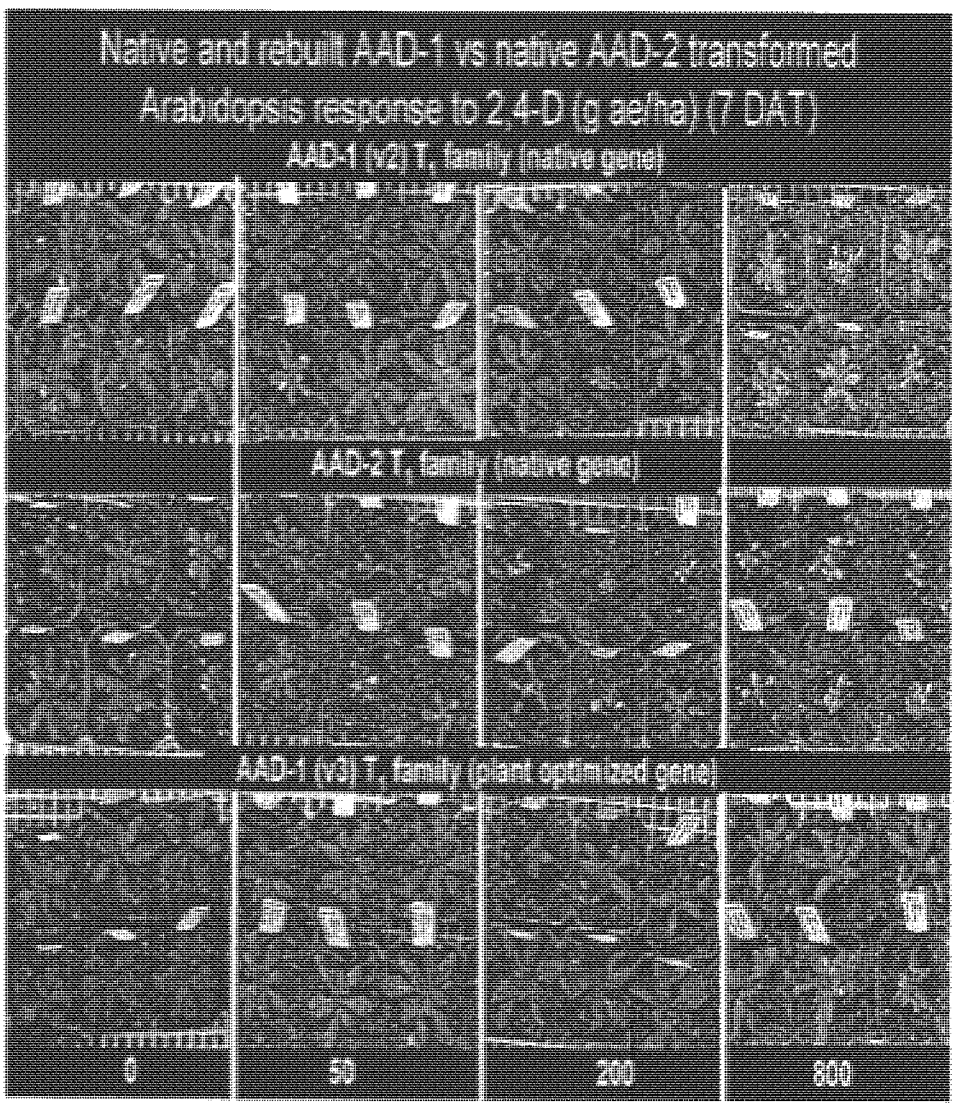

Native and rebuilt AAD-1 vs native AAD-2 transformed
Arabidopsis response to 2,4-D (g ae/ha) (7 DAT)
AAD-1 (v2) T1 family (native gene)
AAD-2 T1 family (native gene)
AAD-1 (v3) T1 family (plant optimized gene)
6
50
200
800

Fig. 20

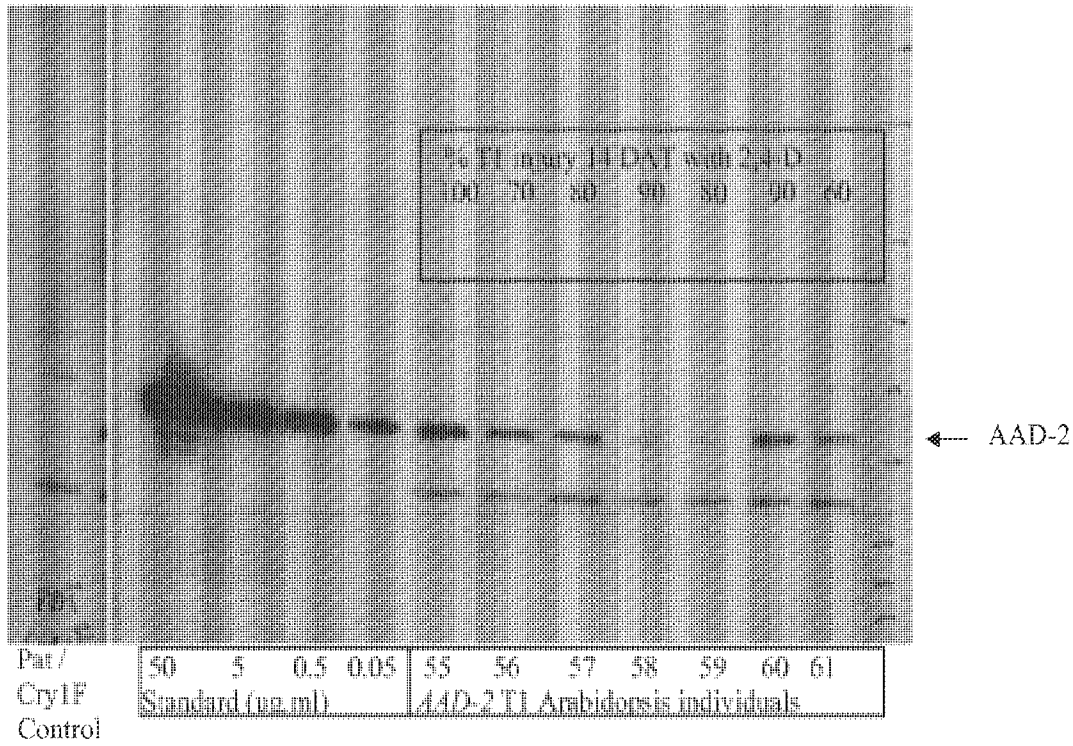


Fig. 21

COR-AAD1-00005288

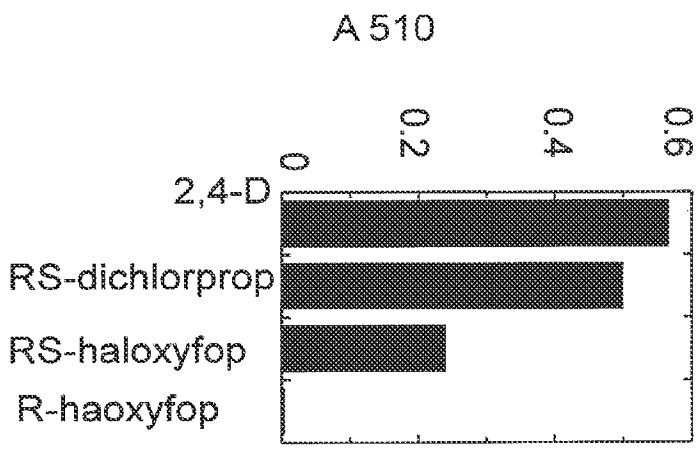


FIG. 22

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Novel Herbicide Resistance Genes

As the below named inventor, I hereby declare that:

This declaration is directed to:
- [ ] The attached application, or
- [x] United States application or PCT international application number 14/820,893 filed on 08/07/2015.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Terry R. Wright Date (Optional): 10/6/15

Signature:

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

PTO/AIA/01 (08-12)
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LEGAL NAME OF INVENTOR

Inventor: Justin M. Lira Date (Optional): 10/8/15

Signature:

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

PTO/AIA/01 (06-12)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Novel Herbicide Resistance Genes

As the below named inventor, I hereby declare that:

This declaration is directed to:
- [ ] The attached application, or
- [x] United States application or PCT international application number 14/820,893 filed on 08/07/2015 .

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Donald J. Merlo Date (Optional): Oct 21, 2015

Signature: Donald J. Merlo

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Novel Herbicide Resistance Genes

As the below named inventor, I hereby declare that:

This declaration is directed to:
- [ ] The attached application, or
- [x] United States application or PCT international application number 14/820,893 filed on 08/07/2015.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Nicole L. Arnold Date (Optional): 10 OCT 2015

Signature: Nicole L Arnold

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

[x] Practitioners associated with Customer Number: 107540

OR

[ ] Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

[x] The address associated with Customer Number: 107540

OR

[ ] Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address: Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be Filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of The practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record
The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	August 28, 2018
Name	Kenneth B. Ludwig	Telephone	317-337-4944
Title	Patent General Counsel		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: DOW AGROSCIENCES LLC

Application No./Patent No.: 17/403476 Filed/Issue Date: August 16, 2021

Titled: NOVEL HERBICIDE RESISTANCE GENES

DOW AGROSCIENCES LLC, a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☑ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 021991, Frame 0527, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/John P. Breen/	February 15, 2021
Signature	Date
John P. Breen	38833
Printed or Typed Name	Title or Registration Number

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Electronic Acknowledgement Receipt

EFS ID:	43522090
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen/Priscilla York
Filer Authorized By:	John P. Breen
Attorney Docket Number:	76751-346146
Receipt Date:	16-AUG-2021
Filing Date:	
Time Stamp:	17:31:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	235958 52d93eabe846a39873ed4db80d069327dc41d524	no	1

Warnings:

Information:					
2	Assignee showing of ownership per 37 CFR 3.73	373c.pdf	423106 9926f1c34a29e61d5094978adb3753ef64d53556	no	3
Warnings:					
Information:					
			Total Files Size (in bytes):	659064	

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Sequence Listing was accepted.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: Zhang, Yizhu (ASRC)

Timestamp: [year=2021; month=8; day=17; hr=22; min=26; sec=10; ms=236;]

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Validated By CRFValidator v 1.0.5

Application No: 17403476 Version No: 1.0

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Output Set:

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Finished: 2021-08-16 17:25:09.616
Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 143 ms
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Total Errors: 0
No. of SeqIDs Defined: 35
Actual SeqID Count: 35

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W	402	Undefined organism found in <213> in SEQ ID (12)
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Input Set:

Output Set:

Started: 2021-08-16 17:25:08.473
Finished: 2021-08-16 17:25:09.616
Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 143 ms
Total Warnings: 60
Total Errors: 0
No. of SeqIDs Defined: 35
Actual SeqID Count: 35

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W	447	n or Xaa used, for: SEQID(33) on line number 1358
W	447	n or Xaa used, for: SEQID(33) on line number 1362
W	447	n or Xaa used, for: SEQID(33) on line number 1366
W	447	n or Xaa used, for: SEQID(33) on line number 1370
W	447	n or Xaa used, for: SEQID(33) on line number 1374
W	447	n or Xaa used, for: SEQID(34) on line number 1409
W	447	n or Xaa used, for: SEQID(34) on line number 1413
W	447	n or Xaa used, for: SEQID(34) on line number 1417
W	447	n or Xaa used, for: SEQID(34) on line number 1421
W	447	n or Xaa used, for: SEQID(34) on line number 1425
W	447	n or Xaa used, for: SEQID(34) on line number 1429
W	447	n or Xaa used, for: SEQID(34) on line number 1433
W	447	n or Xaa used, for: SEQID(34) on line number 1437
W	447	n or Xaa used, for: SEQID(34) on line number 1441
W	447	n or Xaa used, for: SEQID(34) on line number 1445
W	447	n or Xaa used, for: SEQID(34) on line number 1449
W	447	n or Xaa used, for: SEQID(35) on line number 1489
W	447	n or Xaa used, for: SEQID(35) on line number 1493
W	447	n or Xaa used, for: SEQID(35) on line number 1497

Input Set:

Output Set:

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Finished:	2021-08-16 17:25:09.616
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Actual SeqID Count:	35

Error code	Error Description

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ggcggcgaca ccggttttct gagcatgtac accgcgtggg agacgctgtc gcccaccatg 480

caggccacca tcgaagggtt gaacgtagtg cacagcgcca cgcgtgtgtt cggctcgctc 540

taccaggccc agaaccggcg cttcagcaac accagcgtca aggtgatgga cgtcgacgcg 600

ggcgaccgtg aaaccgtgca ccccctggtg gtgacccatc cgggcagcgg ccgcaagggc 660

ctgtacgtga accaggtcta ttgccagcgc atcgagggca tgaccgatgc cgaaagcaaa 720

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acagcacctg gaatgagata ttggatgcct tccacactta ccaagtcatc tactttcctg 180

gccaagcaat caccaatgag cagcacattg cattctcaag aaggtttgga ccagttgatc 240

cagtgcctct tctcaagagc attgaaggct atccagaggt tcagatgatc cgcagagaag 300

ccaatgagtc tggaagggtg attggtgatg actggcacac agactccact ttccttgatg 360

cacctccagc tgctgttgtg atgagggcca tagatgttcc tgagcatggc ggagacactg 420

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aagggctcaa cgttgtgcac tctgccacac gtgtgttcgg ttccctctac caagcacaga 540

accgtcgctt cagcaacacc tcagtcaagg tgatggatgt tgatgctggt gacagagaga 600

cagtccatcc cttggttgtg actcatcctg gctctggaag gaaaggcctt tatgtgaatc 660

aagtctactg tcagagaatt gagggcatga cagatgcaga atcaaagcca ttgcttcagt 720

tcctctatga gcatgccacc agatttgact tcacttgccg tgtgaggtgg aagaaagacc 780

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35 40 45

Phe His Thr Tyr Gln Val Ile Tyr Phe Pro Gly Gln Ala Ile Thr Asn
50 55 60

Glu Gln His Ile Ala Phe Ser Arg Arg Phe Gly Pro Val Asp Pro Val
65 70 75 80

Pro Leu Leu Lys Ser Ile Glu Gly Tyr Pro Glu Val Gln Met Ile Arg
85 90 95

Arg Glu Ala Asn Glu Ser Gly Arg Val Ile Gly Asp Asp Trp His Thr
100 105 110

Asp Ser Thr Phe Leu Asp Ala Pro Pro Ala Ala Val Val Met Arg Ala
115 120 125

Ile Asp Val Pro Glu His Gly Gly Asp Thr Gly Phe Leu Ser Met Tyr
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Thr Ala Trp Glu Thr Leu Ser Pro Thr Met Gln Ala Thr Ile Glu Gly
145 150 155 160

Leu Asn Val Val His Ser Ala Thr Arg Val Phe Gly Ser Leu Tyr Gln
165 170 175

Ala Gln Asn Arg Arg Phe Ser Asn Thr Ser Val Lys Val Met Asp Val
180 185 190

Asp Ala Gly Asp Arg Glu Thr Val His Pro Leu Val Val Thr His Pro
195 200 205

Gly Ser Gly Arg Lys Gly Leu Tyr Val Asn Gln Val Tyr Cys Gln Arg
210 215 220

Ile Glu Gly Met Thr Asp Ala Glu Ser Lys Pro Leu Leu Gln Phe Leu
225 230 235 240

Tyr Glu His Ala Thr Arg Phe Asp Phe Thr Cys Arg Val Arg Trp Lys
245 250 255

Lys Asp Gln Val Leu Val Trp Asp Asn Leu Cys Thr Met His Arg Ala
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Gly Gly Val Arg Pro Ala Arg
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35 40 45

Phe His Thr Tyr Gln Val Ile Tyr Phe Pro Gly Gln Ala Ile Thr Asn
50 55 60

Glu Gln His Ile Ala Phe Ser Arg Arg Phe Gly Pro Val Asp Pro Val
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Arg Glu Ala Asn Glu Ser Gly Arg Val Ile Gly Asp Asp Trp His Thr
100 105 110

Asp Ser Thr Phe Leu Asp Ala Pro Pro Ala Ala Val Val Met Arg Ala
115 120 125

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130 135 140

Thr Ala Trp Glu Thr Leu Ser Pro Thr Met Gln Ala Thr Ile Glu Gly

145 150 155 160

Leu Asn Val Val His Ser Ala Thr Arg Val Phe Gly Ser Leu Tyr Gln
165 170 175

Ala Gln Asn Arg Arg Phe Ser Asn Thr Ser Val Lys Val Met Asp Val
180 185 190

Asp Ala Gly Asp Arg Glu Thr Val His Pro Leu Val Val Thr His Pro
195 200 205

Gly Ser Gly Cys Lys Gly Leu Tyr Val Asn Gln Val Tyr Cys Gln Arg
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Ile Glu Gly Met Thr Asp Ala Glu Ser Lys Pro Leu Leu Gln Phe Leu
225 230 235 240

Tyr Glu His Ala Thr Arg Phe Asp Phe Thr Cys Arg Val Arg Trp Lys
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Lys Asp Gln Val Leu Val Trp Asp Asn Leu Cys Thr Met His Arg Ala
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Gln Ala Gln Asn Arg Arg Phe Ser Asn Thr Ser Val Lys Val Met Asp
180 185 190

Val Asp Ala Gly Asp Arg Glu Thr Val His Pro Leu Val Val Thr His
195 200 205

Pro Gly Ser Gly Arg Lys Gly Leu Tyr Val Asn Gln Val Tyr Cys Gln
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Arg Ile Glu Gly Met Thr Asp Ala Glu Ser Lys Pro Leu Leu Gln Phe
225 230 235 240

Leu Tyr Glu His Ala Thr Arg Phe Asp Phe Thr Cys Arg Val Arg Trp
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Lys Lys Asp Gln Val Leu Val Trp Asp Asn Leu Cys Thr Met His Arg
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Val Gly Gly Val Arg Pro Ala Arg
290 295

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gaaatcgagg acctcgtctg cgagcactcg ctgatgtatt cgcgcggctc gctcggcttc 540

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ccggaattcg tctacgtcca caaatggaag ctgcatgacc tcgtgatgtg ggacaaccgc 780

cagaccatgc accgcgtccg ccgctacgac cagtcccagc cccgcgacat gcgccgcgcg 840

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Val Glu Ser Ala Met Asp Lys Tyr Ala Val Leu Val Phe His Asp Gln
35 40 45

Asp Ile Thr Asp Glu Gln Gln Met Ala Phe Ala Leu Asn Phe Gly Gln
50 55 60

Arg Glu Asp Ala Arg Gly Gly Thr Val Thr Lys Glu Lys Asp Tyr Arg
65 70 75 80

Leu Gln Ser Gly Leu Asn Asp Val Ser Asn Leu Gly Lys Asp Gly Lys
85 90 95

Pro Leu Ala Lys Asp Ser Arg Thr His Leu Phe Asn Leu Gly Asn Cys
100 105 110

Leu Trp His Ser Asp Ser Ser Phe Arg Pro Ile Pro Ala Lys Phe Ser
115 120 125

Leu Leu Ser Ala Arg Val Val Asn Pro Thr Gly Gly Asn Thr Glu Phe
130 135 140

Ala Asp Met Arg Ala Ala Tyr Asp Ala Leu Asp Asp Glu Thr Lys Ala
145 150 155 160

Glu Ile Glu Asp Leu Val Cys Glu His Ser Leu Met Tyr Ser Arg Gly
165 170 175

Ser Leu Gly Phe Thr Glu Tyr Thr Asp Glu Glu Lys Gln Met Phe Lys
180 185 190

Pro Val Leu Gln Arg Leu Val Arg Thr His Pro Val His Arg Arg Lys
195 200 205

Ser Leu Tyr Leu Ser Ser His Ala Gly Lys Ile Ala Ser Met Ser Val

210 215 220

Pro Glu Gly Arg Leu Leu Leu Arg Asp Leu Asn Glu His Ala Thr Gln
225 230 235 240

Pro Glu Phe Val Tyr Val His Lys Trp Lys Leu His Asp Leu Val Met
245 250 255

Trp Asp Asn Arg Gln Thr Met His Arg Val Arg Arg Tyr Asp Gln Ser
260 265 270

Gln Pro Arg Asp Met Arg Arg Ala Thr Val Ala Gly Thr Glu Pro Thr
275 280 285

Electronic Patent Application Fee Transmittal

Application Number:	17403476
Filing Date:	
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Filer:	John P. Breen
Attorney Docket Number:	76751-346146

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	1	100	100
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	43612777
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen
Filer Authorized By:	
Attorney Docket Number:	76751-346146
Receipt Date:	26-AUG-2021
Filing Date:	
Time Stamp:	15:12:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$100
RAM confirmation Number	E20218PF13272445
Deposit Account	100435
Authorized User	John Breen

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Preliminary Amendment	Preliminary_Amendment.pdf	47845 38b827ba85d39a33a3d04e179f22d9ee7b804d09	no	7
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37538 b5ae90921816fd355674d77d931688a3ea29a5c0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	85383		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	107540	}
Group:	Unknown	}
Confirmation No.:	2894	}
Application No.:	17/403,476	}
Invention:	**Novel Herbicide Resistance Genes**	}
Inventor:	Terry Wright et al.	}
Filed:	August 16, 2021	}
Attorney Docket:	76751-346146	}
Examiner:	Unknown	}

FILED ELECTRONICALLY:

August 26, 2021

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Prior to the examination of the above-identified national patent application submitted herewith, Applicants request entry of the following:

Amendments to the Claims begin on page 2 of this paper

Remarks begin on page 7 of this paper

COR-AAD1-00005320

AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions, and listings of claims in the application:

1. (Original) A transgenic soybean plant cell comprising a recombinant polynucleotide that encodes an AAD-1 protein that exhibits aryloxyalkanoate dioxygenase activity wherein said activity enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, which are aryloxyalkanoate herbicides, further wherein said AAD-1 protein comprises:

i) an amino acid sequence having at least 85% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ ID NO: 34), wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114\text{-}137}$ represents a sequence of 24 amino acids;

$(X)_{139\text{-}269}$ represents a sequence of 131 amino acids; and

$(X)_{271\text{-}280}$ represents a sequence of 10 amino acids,

wherein said AAD-1 protein when expressed in a soybean plant cell renders said soybean plant cell tolerant to a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, as compared to an untransformed soybean plant cell.

2. (Original) The plant cell of claim 1 wherein said AAD-1 motif has the general formula of: $HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R(X)_{282\text{-}284}R$ (SEQ ID NO: 35), wherein $(X)_{282\text{-}284}$ represents a sequence of 3 amino acids.

3. (Original) A transgenic soybean plant comprising a plurality of the soybean plant cell of claim 1, wherein expression of said polynucleotide renders said plant tolerant to said aryloxyalkanoate herbicide.

COR-AAD1-00005321

4. (Original) The plant of claim 3 wherein said aryloxyalkanoate herbicide selected from the group consisting of 2,4-dichlorophenoxyacetic acid, MCPA, dichlorprop, and mecoprop.

5. (Original) The plant of claim 3 wherein said aryloxyalkanoate herbicide is an (R)-aryloxyphenoxypropionate.

6. (Original) The plant of claim 3 wherein said aryloxyalkanoate herbicide is selected from the group consisting of (R)-fluazifop, (R)-haloxyfop, (R)-diclofop, (R)-quizalofop, (R)-fenoxaprop, (R)-metamifop, (R)-cyhalofop, and (R)-clodinofop.

7. (Original) The plant of claim 3 wherein said plant further comprises a second herbicide resistance gene.

8. (Original) The plant of claim 7 wherein said second herbicide resistance gene renders said plant resistant to an herbicide selected from the group consisting of glyphosate, glufosinate, acetolactate synthase (ALS) inhibitors, inhibitors of 4-hydroxyphenyl-pyruvate-dioxygenase (HPPD), dicamba, and inhibitors of protoporphyrinogen oxidase (PPO).

9. (Original) A method of controlling at least one weed in a field, wherein said field contains at least one plant of claim 3 wherein said method comprises applying to at least a portion of said field a first herbicide selected from the group consisting of a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide.

10. (Original) The method of claim 9 wherein said phenoxy auxin herbicide is an R-enantiomer of a chiral phenoxy auxin.

11. (Original) The method of claim 9 wherein said phenoxy auxin herbicide is an achiral phenoxy auxin selected from the group consisting of 2,4-D and MCPA.

12. (Original) The method of claim 9 wherein said (R)-aryloxyphenoxypropionate herbicide is selected from the group consisting of (R)-fluazifop, (R)-

COR-AAD1-00005322

haloxyfop, (R)-diclofop, (R)-quizalofop, (R)-fenoxaprop, (R)-metamifop, (R)-cyhalofop, and (R)-clodinofop.

13. (Original) The method of claim 9 wherein said method comprises applying a second herbicide.

14. (Original) The method of claim 13 wherein said first herbicide and said second herbicide are applied sequentially.

15. (Original) The method of claim 13 wherein said first herbicide and said second herbicide are applied concurrently.

16 (Original) The method of claim 13 wherein said first herbicide is a phenoxy auxin and said second herbicide is an (R)-aryloxyphenoxypropionate.

17. (Original) The method of claim 13 wherein said second herbicide is selected from the group consisting of glyphosate, glufosinate, dicamba, acetolactate synthase (ALS) inhibitors, protoporphyrinogen oxidase (PPO) inhibitors, and 4-hydroxyphenyl-pyruvate-dioxygenase (HPPD) inhibitors.

18. (Original) The method of claim 13, wherein said first herbicide is 2,4-D and said second herbicide is glyphosate or glufosinate.

19. (Original) The method of claim 13, wherein said first herbicide is an (R)-aryloxyphenoxypropionate and said second herbicide is glyphosate or glufosinate.

20 (Original) The method of claim 13 wherein said plant further comprises a second herbicide resistance gene that renders said plant resistant to said second herbicide.

21. (Original) The method of claim 20 wherein said second herbicide resistance gene is selected from the group consisting of a modified acetolactate synthase (ALS) gene, a glyphosate resistance gene, a glufosinate resistance gene, and a dicamba-degrading enzyme gene.

COR-AAD1-00005323

22. (Original) The method of claim 13 wherein said method further comprises applying a third herbicide.

23. (Original) The method of claim 22, wherein said third herbicide is selected from the group consisting of glyphosate, glufosinate, HPPD-inhibitors, PPO-inhibitors, ALS inhibitors, and dicamba.

24. (Original) The method of claim 23 wherein said first, second and third herbicides are 2,4-D, quizalofop, and glyphosate.

25. (Original) A seed comprising a plurality of the plant cell of claim 1.

26. (Original) A method of controlling weeds in a field, wherein said method comprises applying an aryloxyalkanoate herbicide to said field and planting a seed of claim 25 in said field within 14 days after applying said aryloxyalkanoate herbicide.

27. (Original) A plant grown from the seed of claim 25, wherein said plant comprises said polynucleotide.

28. (Original) A part, progeny, or asexual propagate of the plant of claim 27, wherein said part, progeny, or sexual propagate comprises said polynucleotide.

29. (Original) An (R)-aryloxyphenoxypropionate herbicide tolerant transgenic soybean plant cell comprising a recombinant polynucleotide that encodes an AAD-1 protein that exhibits aryloxyalkanoate dioxygenase activity wherein said activity enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, further wherein said AAD-1 protein comprises:

i) an amino acid sequence having at least 85% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ DI NO: 34), wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114-137}$ represents a sequence of 24 amino acids;

$(X)_{139-269}$ represents a sequence of 131 amino acids; and

$(X)_{271-280}$ represents a sequence of 10 amino acids, wherein said motif has 90% sequence identity with corresponding amino acids of position 111 to 281 of SEQ ID NO: 9

wherein said AAD-1 protein when expressed in a soybean plant cell renders said soybean plant cell tolerant to a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, as compared to an untransformed soybean plant cell.

30. (New) A nucleic acid encoding a variant AAD-1 protein, wherein said variant AAD-1 protein

enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, further wherein said variant AAD-1 protein comprises:

i) an amino acid sequence having at least 85%, but less than 95% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114-137}T(X)_{139-269}H(X)_{271-280}R$, wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114-137}$ represents a sequence of 24 amino acids;

$(X)_{139-269}$ represents a sequence of 131 amino acids; and

$(X)_{271-280}$ represents a sequence of 10 amino acids.

COR-AAD1-00005325

REMARKS

This Preliminary Amendment is being submitted to add new claim 30. Applicant submits herewith the $100 fee under 37 CFR 1.16(i) for the additional claim in excess of 20. No other fees are believed due for this submission, however the Commissioner is hereby authorized to charge any additional fee necessary to affect this filing, to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our matter 76751-346146.

With the entry of the foregoing amendments, the application is believed to be in condition for examination and allowance. Consideration of the claims, leading to their allowance and passage of the application to issuance, is respectfully requested.

If any further discussion of this matter would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,

/John P. Breen/

John P. Breen
Registration No. 38,833
Attorney for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	107540	
Group:	Unknown	
Confirmation No.:	2894	
Application No.:	17/403,476	
Invention:	**Novel Herbicide Resistance Genes**	**FILED ELECTRONICALLY:** **August 30, 2021**
Applicant:	Terry Wright et al.	
Filed:	August 16, 2021	
Attorney Docket:	76751-334171	
Examiner	Unknown	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Statement is filed in the captioned application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than those listed are available. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b). The listed references were cited during prosecution of grandparent application U.S. Serial No. 15/288,406, to which the captioned application claims priority. Therefore, copies of those references are not being provided herewith pursuant to 37 C.F.R. §§ 1.97 and 1.98.

None of the cited art is believed to disclose or suggest the invention recited in the claims of the captioned application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Applicants believe that no fees are required with this Information Disclosure Statement. If any fees are required, please charge those fees to our Deposit Account No. 10-0435, with reference to our matter 76751-346146.

Respectfully submitted,

/John P. Breen/

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COR-AAD1-00005328

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Issue or Publication Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5135867	August 1992	Payne et al.			
	5273894	December 1993	Strauch et al.			
	5316931	May 1994	Donson et al.			
	5463175	October 1995	Barry et al.			
	5500360	March 1996	Ahlquist et al.			
	5561236	October 1996	Leemans et al.			
	5589367	December 1996	Donson et al.			
	5608147	March 1997	Kaphammer			
	5637489	June 1997	Strauch et al.			
	5646024	July 1997	Leemans et al.			
	5648477	July 1997	Leemans et al.			
	5879903	March 1999	Strauch et al.			
	5910626	June 1999	Haselkorn			
	6087563	July 2000	DellaPenna			
	6107549	August 2000	Feng et al.			
	6153401	November 2000	Streber et al.			
	6268547	July 2001	Weeks			
	6518222	February 2003	Arndt et al.			
	7112665	September 2006	Leemans et al.			
	7250561	July 2007	Pallett et al.			
	7405074	July 2008	Castle et al.			
	7462481	December 2008	Castle et al.			
	7659448	February 2010	Ahrens et al.			
	7838733	November 2010	Wright et al.			

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Issue or Publication Date	Name	Class	Subclass	Filing Date (If Appropriate)
	7863503	January 2011	Castle et al.			
	7998703	August 2011	Castle et al.			
	8222489	July 2012	Castle et al.			
	8598413	December 2013	Cui et al.			
	9074007	July 2015	Danilevskaya et al.			
	9127289	September 2015	Wright			
	10174337	January 2019	Wright			
	2002/0059659	May 2002	Stemmer			
	2003/0041357	February 2003	Jepson			
	2003/0056245	March 2003	Chatterjee et al.			
	2003/0135879	July 2003	Weeks et al.			
	2009/0069182	March 2009	Castle et al.			
	2012/0245339	September 2012	Castle et al.			
	2014/0325713	October 2014	Kovalic et al.			
	2016/0108422	April 2016	Ellis			

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date	Country	Translation Yes	Translation No
	1471533	Jan 2004	CN		
	1025250	May 1999	EP		
	1167531	Jan 2002	EP		
	1740039	Jun 2012	EP		
	EP1695983B1	Dec 2012	EP		
	2005/287415	Oct 2005	JP		
	87/05629	Sep 1987	WO		
	96/33270	Oct 1996	WO		
	97/13402	Apr 1997	WO		
	98/02562	Jan 1998	WO		
	9808963	Mar 1998	WO		
	9820144	May 1998	WO		
	98/20144	May 1998	WO		
	9838294	Sep 1998	WO		
	9838336	Sep 1998	WO		
	9844139	Oct 1998	WO		
	9910513	Mar 1999	WO		
	1999/063092	Dec 1999	WO		
	2000/006757	Feb 2000	WO		
	0009727	Feb 2000	WO		
	0066748	Nov 2000	WO		
	2001/038513	May 2001	WO		
	03/013224	Feb 2003	WO		
	2003/034813	May 2003	WO		
	2003/056904	Jul 2003	WO		

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date	Country	Translation Yes	Translation No
	2005/107437	Nov 2005	WO		

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Kohler, Genbank Accession No. Q8KSC8 first published on Oct. 1, 2002 (Year: 2002).
	Hogan et al, The Journal of Biological Chemistry, 275(17): 12400-12409 (Year: 2000).
	Genbank Accession No. M16730, Apr. 1993.
	Horvath, M. et al., Isolation and characterization of a 2-(2,4-dichlorophenoxy) propionic acid-degrading . . . , Appl. Microbiol Biotechnol., 1990, pp. 33, 213-216, (Abstract only).
	"Kohler, Genbank Accession No. Q8KSC8 first published on Oct. 1, 2002 (Oct. 31, 2006).
	Kohler, Sphingomonas herbicidovorans tnpA gene for transposase and rdpA gene for (R)-2-(2,4-dichlorophenoxy) propionate, 2-oxoglutarate dioxygenase, Database EMBI, Accesion No. AJ628859, Mar. 3, 2004, pp. 1-2.
	Kohler, "Sphinogomonas herbicidovorans MH: A versitle phenoxyalkanoic acid herbicide degrader," J. Industrial Microbiology & Biotechnology, vol. 23, No. 4-5: 336-340 (Oct. 1999). cited by applicant .
	Lyon, B.R., et al., "Cotton plants transformed with a bacterial degradation gene are protected from accidental spray drift damage by the herbicide 2,4-dichlorophenoxyacetic acid," Transgenic Res., 1993, pp. 2: 166-169. cited by applicant .
	Lyon, B.R., et al., Expression of a bacterial gene in transgenic tobacco confers resistance to the herbicide 2,4-dichlorophenoxyacetic acid, Transgenic Res., 1989, pp. 33: 166-169.
	Schleinitz et al., Rhodoferax sp. P230 R-2,4-dichlorophenoxypropionate dioxygenase (rdpA) gene, complete eds., Database EMBL, Accession No. AF516751, Aug. 6, 2002, pp. 1-2. cited by applicant .
	Schleinitz, K.M., et al., Sphingobium hervbicidovorans R-2,4-dichlorphenoxypropionate dioxygenase (rdpA) gene, complete eds., Database EMBI., Accesion No. AF516752, Aug. 6, 2002, pp. 1-2. cited by applicant .
	Schleninitz, K.M., Localization and Characterization of Two Novel Genes Encoding Sterospecific Diosygenases Catalyzing 2(2,4-Dichlrophenoxy) propionate cleavage in Delftia acidovorans MCI, Applied and Environmental Microbiology, Sep. 2004, pp. 5357-5365, vol. 70, No. 9. cited by applicant .
	Smejkal, C.W. et al., "Substrate specificity of chlorophenoxyalkanoic acid-degrading bacteria is not dependent upon phylogenetically related tfdA gene types," Biol. Fertil., 2001, pp. 33:507-513. cited by applicant .
	Spencer et al., Segregation of transgenes in maize, Plant Molecular Biology, Jan. 1992, pp. 201-210, vol. 18, Issue 2. cited by applicant .
	Streber et al., Analysis, cloning, and high-level expression of 2,4-dichlorophenixyacetic monooxygenase gene tfdA of Alcaligenes eutrophus JMP134, J. Bacteriol., 1987, pp. 169: 2950-2955. cited by applicant .
	Streber et al., Transgenic tobacco plants expressing a bacterial detoxifying enzyme are resistant to 2,4-D, Bio/Technology, 1989, pp. 7:811-816 (Abstract only). cited by applicant .
	van der Meer, Genbank Accession No. AJ628859, NCBI-National Library of Medicine USA, Bethesda, Maryland (Mar. 3, 2004). cited by applicant .

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Westendorf et al., The two enantiospecific dichlorprop/.alpha.-ketoglutarate-dioxygenases from Delftia acidovorans MC1--protein and sequence data of RdpA and SdpA, Microbiol. Res., 2002, pp. 157:317-322 (Abstract only). cited by applicant .
	Schleinitz et al., Appl. Env. Microbiol. 70:5357-5365, 2004. cited by applicant .
	Muller et al, Protein Science (2006), 15:1356-1368. cited by applicant .
	Hotopp et al, Biochemistry 2002, 41, 9787-9794. cited by applicant .
	Bayley et al., Engineering 2,4-D resistance into cotton, Theoretical and Applied Genetics (1992), 83(5), 645-9. cited by applicant .
	Bhat et al., Purification of 3,5-dichlorocatechol 1,2-dioxygenase, a nonheme iron dioxygenase and a key enzyme in the biodegradation of a herbicide, 2,4-dichlorophenoxyacetic acid (2,4-D), from Pseudomonas cepacia CSV90, Archives of Biochemistry and Biophysics (1993), 300(2), 738-46.
	Chaudhry and Huang, Isolation and characterization of a new plasmid from a Flavobacterium sp. which carries the genes for degradation of 2,4-dichlorophenoxyacetate, Journal of Bacteriology (1988), 170(9), 3897-902. cited by applicant .
	Chen and Martin, Reasons for the acclimation for 2,4-D biodegradation in lake water, Journal of Environmental Quality (1989), 18(2), 153-6. cited by applicant .
	Cosper et al., X-ray absorption spectroscopic analysis of Fe(II) and Cu(II) forms of a herbicide-degrading ketoglutarate dioxygenase, JBIC, Journal of Biological Inorganic Chemistry (1999), 4(1), 122-129. cited by applicant .
	Daane and Haggblom, Earthworm egg capsules as vectors for the environmental introduction of biodegradative bacteria, Applied and Environmental Microbiology (1999), 65(6), 2376-2381. cited by applicant .
	De Lipthay et al., Enhanced degradation of phenoxyacetic acid in soil by horizontal transfer of the tfdA gene encoding a 2,4-dichlorophenoxyacetic acid dioxygenase, FEMS Microbiology Ecology (2001), 35(1), 75-84.
	De Lipthay et al., Expression of tfdA genes in aquatic microbial communities during acclimation to 2,4-dichlorophenoxyacetic acid, FEMS Microbiology Ecology (2002), 40(3), 205-214. cited by applicant .
	De Lipthay et al., In situ exposure to low herbicide concentrations affects microbial population composition and catabolic gene frequency in an aerobic shallow aquifer, Applied and Environmental Microbiology (2003), 69(1), 461-467. cited by applicant .
	Dunbar et al., Genetic diversity through the looking glass: effect of enrichment bias, Applied and Environmental Microbiology (1997), 63(4), 1326-1331. cited by applicant .
	Feng and Kennedy, Biodegradation and plant protection from the herbicide 2,4-D by plant-microbial associations in cotton production systems, Biotechnology and Bioengineering (1997), 54(6), 513-519. cited by applicant .
	Fuechslin et al., Effect of integration of a GFP reporter gene on fitness of Ralstonia eutropha during growth with 2,4-dichlorophenoxyacetic acid, Environmental Microbiology (2003), 5(10), 878-887.

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Harker et al., Phenoxyacetic acid degradation by the 2,4-dichlorophenoxyacetic acid (TFD) pathway of plasmid pJP4: mapping and characterization of the TFD regulatory gene, tfdR, Journal of Bacteriology (1989), 171(1), 314-20. cited by applicant .
	Hawkins and Harwood, Chemotaxis of Ralstonia eutropha JMP134(pJP4) to the herbicide 2,4-dichlorophenoxyacetate, Applied and Environmental Microbiology (2002), 68(2), 968-972. cited by applicant .
	Hegg et al., Herbicide-Degrading Keto Acid-Dependent Enzyme TfdA: Metal Coordination Environment and Mechanistic Insights, Biochemistry (1999), 38(50), 16714-16726. cited by applicant .
	Hoffmann et al., A transposon encoding the complete 2,4-dichlorophenoxyacetic acid degradation pathway in the alkalitolerant strain Delftia acidovorans P4a, Microbiology (Reading, United Kingdom) (2003), 149(9), 2545-2556. cited by applicant .
	Hogan et al., Distribution of the tfdA gene in soil bacteria that do not degrade 2,4-dichlorophenoxyacetic acid (2,4-D), Microbial Ecology (1997), 34(2), 90-96
	Hogan et al., Site-directed mutagenesis of 2,4-dichlorophenoxyacetic acid/ketoglutarate dioxygenase. Identification of residues involved in metallocenter formation and substrate binding, Journal of Biological Chemistry (2000), 275(17), 12400-12409. cited by applicant .
	Poiger et al., J Agic Food Chem. (63)2583-2590 (2015), Environmental Behavior of the Chiral Herbicide Haloxyfop. 1. Rapid and Preferential Interconversion of the Enantiomers in Soil. cited by applicant .
	Kaneko et al., DNA Research (9)189-197 (2002), Complete Genomic Sequence of Nitrogen-fixing Symbiotic Bacterium Bradyrhizobium japonicum USDA110. cited by applicant .
	Jackman et al., Electrokinetic movement and biodegradation of 2,4-dichlorophenoxyacetic acid in silt soil, Biotechnology and Bioengineering (2001), 74(1), 40-48. cited by applicant .
	Ka and Tiedje, Integration and excision of a 2,4-dichlorophenoxyacetic acid-degradative plasmid in Alcaligenes paradoxus and evidence of its natural intergeneric transfer, Journal of Bacteriology (1994), 176(17), 5284-9.
	Ka et al., Use of gene probes to aid in recovery and identification of functionally dominant 2,4-dichlorophenoxyacetic acid-degrading populations in soil, Applied and Environmental Microbiology (1994), 60(4), 1116-20. cited by applicant .
	Kitagawa et al., Novel 2,4-dichlorophenoxyacetic acid degradation genes from oligotrophic Bradyrhizobium sp. strain HW13 isolated from a pristine environment, Journal of Bacteriology (2002), 184(2), 509-518. cited by applicant .
	Kleinsteuber et al., Expression of the 2,4-D degradative pathway of pJP4 in an alkaliphilic, moderately halophilic soda lake isolate, Halomonas sp. EF43, Extremophiles (2001), 5(6), 375-384. cited by applicant .
	Laemmli et al., Mutation analysis of the different tfd genes for degradation of chloroaromatic compounds in Ralstonia eutropha JMP134, Archives of Microbiology (2004), 181(2), 112-121. (Published online: Dec. 16, 2003). cited by applicant .
	Laurent et al., 2,4-Dichlorophenoxyacetic Acid Metabolism in Transgenic Tolerant Cotton (Gossypium hirsutum), Journal of Agricultural and Food Chemistry (2000), 48(11), 5307-5311

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Letouze and Gasquez, Enhanced activity of several herbicide-degrading enzymes: a suggested mechanism responsible for multiple resistance in blackgrass (Alopecurus myosuroides Huds.), Agronomie (2003), 23(7), 601-608. cited by applicant .
	Lewis et al., Influence of environmental changes on degradation of chiral pollutants in soils, Nature (London) (1999), 401(6756), 898-901. cited by applicant .
	Loos et al., Phenoxyacetate herbicide detoxication by bacterial enzymes, Journal of Agricultural and Food Chemistry (1967), 15(5), 858-60. cited by applicant .
	Ludwig et al., Chromatographic separation of the enantiomers of marine pollutants. Part 5: enantioselective degradation of phenoxycarboxylic acid herbicides by marine microorganisms, Chemosphere (1992), 24(10), 1423-9. cited by applicant .
	Lyon et al., Expression of a bacterial gene in transgenic tobacco plants confers resistance to the herbicide 2,4-dichlorophenoxyacetic acid, Plant Molecular Biology (1989), 13(5), 533-40.
	Lyon et al., Cotton plants transformed with a bacterial degradation gene are protected from accidental spray drift damage by the herbicide 2,4-dichlorophenoxyacetic acid, Transgenic Research (1993), 2(3), 162-9. cited by applicant .
	Mae et al., Characterization of a new 2,4-dichlorophenoxyacetic acid degrading plasmid pEST4011: physical map and localization of catabolic genes, Journal of General Microbiology (1993), 139(12), 3165-70. cited by applicant .
	Maltseva et al., Degradation of 2,4-dichlorophenoxyacetic acid by haloalkaliphilic bacteria, Microbiology (Reading, United Kingdom) (1996), 142(5), 1115-1122. cited by applicant .
	Marriott et al., Biodegradation of mixtures of chlorophenoxyalkanoic acid herbicides by Alcaligenes denitrificans, Journal of Industrial Microbiology & Biotechnology (2000), 25(5), 255-259. cited by applicant .
	Matheson et al., Evidence for acquisition in nature of a chromosomal 2,4-dichlorophenoxyacetic acid/ketoglutarate dioxygenase gene by different Burkholderia spp, Applied and Environmental Microbiology (1996), 62(7), 2457-2463.
	McGowan et al., Evidence for interspecies gene transfer in the evolution of 2,4-dichlorophenoxyacetic acid degraders, Applied and Environmental Microbiology (1998), 64(10), 4089-4092. cited by applicant .
	Mortensen and Jacobsen, Influence of Frozen Storage on Herbicide Degradation Capacity in Surface and Subsurface Sandy Soils, Environ Sci Technol 2004, 38, 6625-6632. cited by applicant .
	Muller and Babel, Pseudo-recalcitrance of chlorophenoxyalkanoate herbicides--correlation to the availability of ketoglutarate, Acta Biotechnologica (2001), 21(3), 227-242. cited by applicant .
	Muller and Babel, Separation of two dichlorprop/ketoglutarate dioxygenases with enantiospecific properties from Comamonas acidovorans MC1, Acta Biotechnologica (1999), 19(4), 349-355. cited by applicant .
	Muller et al., Comamonas acidovorans strain MC1. A new isolate capable of degrading the chiral herbicides dichlorprop and mecoprop and the herbicides 2,4-D and MCPA, Microbiological Research (1999), 154(3), 241-246.

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Nickel et al., Involvement of two ketoglutarate-dependent dioxygenases in enantioselective degradation of (R)- and (S)-mecoprop by Sphingomonas herbicidovorans MH, Journal of Bacteriology (1997), 179(21), 6674-6679. cited by applicant .
	Ohkouchi et al., Cloning and expression of DL-2-haloacid dehalogenase gene from Burkholderia cepacia, Water Science and Technology (2000), 42(7-8, Hazard Assessment and Control of Environmental Contaminants (Ecohazard 99)), 261-268. cited by applicant .
	Parker and Doxtader, Kinetics of microbial decomposition of 2,4-D in soil: effects of herbicide concentration, Journal of Environmental Quality (1982), 11(4), 679-84. cited by applicant .
	Perkins et al., Use of Alcaligenes eutrophus as a source of genes for 2,4-D resistance in plants, Weed Science (1987), 35(Suppl. 1), 12-18. cited by applicant .
	Plumeier et al., Importance of different tfd genes for degradation of chloroaromatics by Ralstonia eutropha JMP134, Journal of Bacteriology (2002), 184(15), 4054-4064.
	Poh et al., Complete characterization of Tn5530 from Burkholderia cepacia strain 2a (pIJB1) and studies of 2,4-dichlorophenoxyacetate uptake by the organism, Plasmid (2002), 48(1), 1-12. cited by applicant .
	Preston et al., Multiple resistance to dissimilar herbicide chemistries in a biotype of Lolium rigidum due to enhanced activity of several herbicide degrading enzymes, Pesticide Biochemistry and Physiology (1996), 54(2), 123-134. cited by applicant .
	Rousseaux et al., Isolation and characterisation of new Gram-negative and Gram-positive atrazine degrading bacteria from different French soils, FEMS Microbiology Ecology (2001), 36(2-3), 211-222. cited by applicant .
	Saari et al., Stereospecific degradation of the phenoxypropionate herbicide dichlorprop, Journal of Molecular Catalysis B: Enzymatic (1999), 6(4), 421-428. cited by applicant .
	Schneiderheinze et al., Plant and soil enantioselective biodegradation of racemic phenoxyalkanoic herbicides, Chirality (1999), 11(4), 330-337.
	Seifert et al., Effect of tillage on microbial characteristics and herbicide degradation in a Sharkey clay soil, Weed Science (2001), 49(5), 685-693. cited by applicant .
	Shaw and Burns, Enhanced mineralization of [U-14C]2,4-dichlorophenoxyacetic acid in soil from the rhizosphere of Trifolium pratense, Applied and Environmental Microbiology (2004), 70(8), 4766-4774. cited by applicant .
	Smejkal et al., Substrate specificity of chlorophenoxyalkanoic acid-degrading bacteria is not dependent upon phylogenetically related tfdA gene types, Biology and Fertility of Soils (2001), 33(6), 507-513. cited by applicant .
	Streber and Willmitzer, Transgenic tobacco plants expressing a bacterial detoxifying enzyme are resistant to 2,4-D, Bio/Technology (1989), 7(8), 811-16. cited by applicant .
	Swiegers et al., Carnitine biosynthesis in Neurospora crassa: identification of a cDNA coding for N-trimethyllysine hydroxylase and its functional expression in Saccharomyces cerevisiae, FEMS Microbiology Letters (2002), 210(1), 19-23.
	Tett et al., Enantioselective degradation of the herbicide mecoprop [2-(2-methyl-4-chlorophenoxy)propionic acid] by mixed and pure bacterial cultures, FEMS Microbiology Ecology (1994), 14(3), 191-200.

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Top and Springael, The role of mobile genetic elements in bacterial adaptation to xenobiotic organic compounds, Current Opinion in Biotechnology (2003), 14(3), 262-269. cited by applicant .
	Top et al., Capture of a catabolic plasmid that encodes only 2,4-dichlorophenoxyacetic acid:ketoglutaric acid dioxygenase (TfdA) by genetic complementation, Applied and Environmental Microbiology (1996), 62(7), 2470-2476. cited by applicant .
	Top et al., Methane oxidation as a method to evaluate the removal of 2,4-dichlorophenoxyacetic acid (2,4-D) from soil by plasmid-mediated bioaugmentation, FEMS Microbiology Ecology (1999), 28(3), 203-213. cited by applicant .
	Travkin et al., Characterization of an intradiol dioxygenase involved in the biodegradation of the chlorophenoxy herbicides 2,4-D and 2,4,5-T, FEBS Letters (1997), 407(1), 69-72. cited by applicant .
	Vallaeys et al., PCR-RFLP analysis of 16S rRNA, tfdA and tfdB genes reveals a diversity of 2,4-D degraders in soil aggregates, FEMS Microbiology Ecology (1997), 24(3), 269-278.
	Vallaeys et al., The metabolic pathway of 2,4-dichlorophenoxyacetic acid degradation involves different families of tfdA and tfdB genes according to PCR-RFLP analysis, FEMS Microbiology Ecology (1996), 20(3), 163-172. cited by applicant .
	Vedler et al., Analysis of the 2,4-dichlorophenoxyacetic acid-degradative plasmid pEST4011 of Achromobacter xylosoxidans subsp. denitrificans strain EST4002, Gene (2000), 255(2), 281-288. cited by applicant .
	Vedler et al., TfdR, the LysR-type transcriptional activator, is responsible for the activation of the tfdCB operon of Pseudomonas putida 2,4-dichlorophenoxyacetic acid degradative plasmid pEST4011, Gene (2000), 245(1), 161-168. cited by applicant .
	Velicer, Pleiotropic effects of adaptation to a single carbon source for growth on alternative substrates, Applied and Environmental Microbiology (1999), 65(1), 264-269. cited by applicant .
	Whiting et al., Metal Coordination Environment of a Cu(II)-Substituted Keto Acid-Dependent Dioxygenase That Degrades the Herbicide 2,4-D, Journal of the American Chemical Society (1997), 119(14), 3413-3414.
	Yi et al., Phylogenetic and phenotypic diversity of 4-chlorobenzoate-degrading bacteria isolated from soils, FEMS Microbiology Ecology (2000), 31(1), 53-60. cited by applicant .
	Zhang et al., In vitro assay for 2,4-D resistance in transgenic cotton, in Vitro Cellular & Developmental Biology: Plant (2001), 37(2), 300-304. cited by applicant .
	Zhang et al., Inheritance and segregation of exogenous genes in transgenic cotton, Journal of Genetics (2000), 79(2), 71-75. cited by applicant .
	Zipper et al., Complete microbial degradation of both enantiomers of the chiral herbicide mecoprop [(RS)-2-(4-chloro-2-methylphenoxy)propionic acid] in an enantioselective manner by Sphingomonas herbicidovorans sp. Nov, Applied and Environmental Microbiology (1996), 62(12), 4318-4322.
	Zipper et al., Enantioselective uptake and degradation of the chiral herbicide dichlorprop [(RS)-2-(2,4-dichlorophenoxy)propanoic acid] by Sphingomonas herbicidovorans MH, Journal of Bacteriology (1998), 180(13), 3368-3374. cited by applicant .

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Cho et al, Agricultural Chemistry and Biotechnology (English Edition) (1999), 42(2), 57-61 , Isolation and characterization of 2-methyl-4-chlorophenoxyacetic acid-degrading bacteria from agricultural soils. cited by applicant .
	Kwon et al J. Kor. Soc. Hort. Sci. (1997), 38(6), 796-799. cited by applicant .
	Lim et al, Journal of Microbiology (Seoul, Republic of Korea) (2004), 42(2), 87-93 Genetic and phenotypic diversity of (R/S)-mecoprop [2-(2-methyl-4-chlorophenoxy)propionic acid]-degrading bacteria isolated from soils. cited by applicant .
	Tamura et al, Nippon Noyaku Gakkaishi (2001), 26(3), 309-314 , Microbial pesticide degradations and evolutionary analysis of degrading enzymes. cited by applicant .
	Vallaeys et al, Biotechnology Letters (1998), 20(11), 1073-1076 , Isolation and characterization of a stable 2,4-dichlorophenoxyacetic acid degrading bacterium, Variovorax paradoxus, using chemostat culture.
	Nakatsu CH, Fukumori F, Fulthorpe R, Hausinger R, Holben W, Kamagata Y, Korona R, Lenski R, Maltseva O, Matheson VG, McGowan C. Genetic diversity of 2, 4-dichlorophenoxyacetic acid (2, 4-D) catabolic genes. Microbial diversity and genetics of biodegradation. Japan Scientific Societies Press, Tokyo, Japan. 1997:197-206.
	Hausinger RP, Fukumori F, Hogan DA, Sassanella TM, Kamagata Y, Takami H, Saari RE, Horikoshi K, Fukuda M, Kudo T. Microbial diversity and genetics of biodegradation. by K. Horikoshi, M. Fukuda and T. Kudo, Japan Science Societies Press, Tokyo. 1997:35-51.
	Fukamori and Hausinger, JBC (268)24311(1993), Purification and characterization of 2,4-Dichlorophenoxyacetate/a-ketogutarate dioxygenase. cited by applicant .
	Fukamori and Hausinger, J Bacterioloogy (175)2083(1993), Alcaligenes eutrophus JMP134 "2,4-Dichlorophenoxyacetate monooxygenase" is an a-Ketoglutarate-dependent dioxygenase. cited by applicant .
	Ehrig et al., Acta Biotechologica (17)351-356(1997), Isolation of phenoxyherbicidedegrading Rhodoferax species from contaminated building material. cited by applicant .
	Hausinger, Critical Reviews in Biochemsitry (39)21-68(2004), Fe(II)/.alpha.-Ketoglutarate-Dependent Hydroxylases and Related Enzymes. cited by applicant .
	Kohler et al., J Ind Microbio biotech (23)336(1999), Sphingomonas herbicidovorans MH: a versatile phenoxyalkanoic acid herbicide degrader.
	Hausinger and Fukamori, Env Health Perspectives (103)37-39(1995), Characterization of the first enzyme in 2,4-Dichlorphenoxyacetic acid metabolism. cited by applicant .
	Don et al., J Bacteriol (161)85(1985), Transposon Mutagenesis and Cloning Analysis of the Pathways for Degradation of 2,4-Dichlorophenoxyacetic Acid and 3-Chlorobenzoate in Alcaligenes eutrophus JMP134(pJP4). cited by applicant .
	Don et al.,J Bacteriol (161)466(1985), Genetic and Physical Map of the 2,4-Dichlorophenoxyacetic Acid-Degradative Plasmid pJP4. cited by applicant .
	Hotopp et al., J. Molec. Catalysis B: Enzymatic (15)155-162(2001), Alternative substrates of 2,4-dichlorophenoxyacetate/-ketoglutarate dioxygenase. cited by applicant .

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Westendorf et al., Microbiol. Res. 157 (4), 317-322 (2002), he two enantiospecific dichlorprop/.alpha.-ketoglutarate-dioxygenases from Delftia acidovorans MC1--protein and sequence data of RdpA and SdpA.
	Park et al, Journal of Microbiology and Biotechnology (2003), 13(2), 243-250 , Isolation and characterization of 4-(2,4-dichlorophenoxy)butyric acid-degrading bacteria from agricultural soils. cited by applicant .
	Mueller RH, Babel W. Degradability and recalcitrance of phenoxyalkanoic acid herbicides--traits of the microbial metabolism. InSecond International Conference on Remediation of Chlorinated and Racalcitrant Compounds 2000 (pp. 229-236). cited by applicant .
	Tett, Biodegradation (1997), 8(1), 43-52 , Biodegradation of the chlorophenoxy herbicide (R)-(+)-mecoprop by Alcaligenes denitrificans. cited by applicant .
	Llewellyn et al, Herbicide-Resistant Crops (1996), 159-74, Genetic engineering of crops for tolerance to 2,4-D. cited by applicant .
	Baelum et al., Appl. Environ. Microbiol. (72)1476-1486 (2006), Degradation of 4-Chloro-2-Methylphenoxyacetic Acid in Top- and Subsoil is Quantitatively Linked to the Class III tfdA Gene
	Baelum et al., Appl. Environ. Microbiol. (75)2969-2972 (2009), TaqMan Probe-Based Real-Time PCR Assay for Detection and Discrimination of Class I, II, and III tfdA Genes in Soils Treated with Phenoxy Acid Herbicides. cited by applicant .
	Griffin et al., J Agric Food Chem (61)6589-6596(2013), Characterization of Aryloxyalkanoate Dioxygenase-12, a Nonheme Fe(II)/.alpha.-Ketoglutarate-Dependent Dioxygenase, Expressed in Transgenic Soybean and Pseudomonas fluorescens. cited by applicant .
	Hausinger, RSC Metallobiology (2015) Chapter 1 of 2-Oxoglutarate-dependent oxygenases, Biochemical diversity of 2-oxoglytarate-dependent oxygenases. cited by applicant .
	Leibeling et al, Eng Life Sci (13)278(2013), Posttranslational oxidative modification of (R)-2-(2,4-dichlorophenoxy) propionate/.alpha.-ketoglutarate-dependent dioxygenases (RdpA) leads to improved degradation of 2,4-dichlorophenoxyacetate (2,4-D). cited by applicant .
	Muller et al., Applied and Environmental Microbiology (72)4853(2006), Purification and Characterization of Two Enantioselective a-Ketoglutarate-Dependent Dioxygenases, RdpA and SdpA, from Sphingomonas herbicidovorans MH. cited by applicant .
	Zaprasis et al, Appl. Environ. Microbiol. (76)119(2010), Abundance of Novel and Diverse tfdA-Like Genes, Encoding Putative Phenoxyalkanoic Acid Herbicide-Degrading Dioxygenases, in Soil. cited by applicant .
	Zhang et al. Journal of Agricultural and Food Chemistry (2020), 68(26), 6967-6976 CODEN: JAFCAU; ISSN: 0021-8561 Enantioselective Catabolism of the Two Enantiomers of the Phenoxyalkanoic Acid Herbicide Dichlorprop by Sphingopyxis sp. DBS4. cited by applicant .
	Krausse et al., 4th biotechnology symposium of the University of Leipzig (abstract) p. 60 (2005), Crystal structure of the 2-oxoglutarate dependent dioxygenase RdpA. cited by applicant .
	Mueller et al., Un Mich ICBIC 2005 abstract, Insights into the enantiospecificities of (R)- and (S)-dichlorprop/a-ketoglutarate dioxygenases. cited by applicant .

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Krausse et al., Freiberg Un Deutschen Gesellschaft fur Kristallographie (2006), (Poster title 72L) Structure of the 2-Oxoglutarate Dependent Dioxygenase RdpA by X-ray Crystallography and Small Angle X-ray Scattering.
	Gazitua et al., Environ Microbiol (12)2411(2010), Novel .alpha.-ketoglutarate dioxygenase tfdA-related genes are found in soil DNA after exposure to phenoxyalkanoic herbicides. cited by applicant .
	Chekan et al., Proceedings of the National Academy of Sciences (116)13299-13304(2019), Molecular basis for enantioselective herbicide degradation imparted by aryloxyalkanoate dioxygenases in transgenic plants. cited by applicant .
	Larue et al, Pest Manag Sci (75)2086(2019), Development of enzymes for robust aryloxyphenoxypropionate and synthetic auxin herbicide tolerance traits in maize and soybean crops. cited by applicant .
	Liu et al., FEMS Microbiol Ecol (86)114-129(2013) , Consumers of 4-chloro-2-methylpheoxyacetic acid from agricultural soil and drilosphere harbor cadA, r/sdpA, and tfdA-like gene encoding oxygenases. cited by applicant .
	Muller et al., Protein Science (15)prot1356(2006), Structural basis for the enantiospecificities of R- and S-specific phenoxypropionate/a-ketoglutarate dioxygenases.
	Muller, Eng Life Sci (7)311-321 (2007), Activity and Reaction Mechanism of the Initial Enzymatic Step Specifying the Microbial Degradation of 2,4-Dichlorophenoxyacetate. cited by applicant .
	Westendorf, Eng Life Sci (6)552-559(2006), Kinetic Traits and Enzyme Form Patterns of (R)-2-(2,4-Dichlorophenoxy) propionate/a-Ketoglutarate Dioxygenase (RdpA) after Expression in Different Bacterial Strains. cited by applicant .
	Wright et al., Proc Natl Acad Sci (107)20240(2010), Robust crop resistance to broadleaf and grass herbicides provided by aryloxyalkanoate dioxygenase transgenes. cited by applicant .
	GenBank accession No. AAA21983.1 tfdA Cupriavidus necator (replaced Ralstonia eutropha), Apr. 23, 1993. cited by applicant .
	GenBank accession No. AAK81681.1 tfdA Burkholderia cepacia, Aug. 24, 2020, Jul. 23, 2016.
	UniProtKB accession No. Q45423.1 tfdA Burkholderia sp. RASC, Nov. 1, 1996. cited by applicant .
	GenBank accession No. AAS49436 tfdA Achromobacter denitrificans, Apr. 3, 2020. cited by applicant .
	GenBank accession No. AAB47567.1 tfdABurkholderia cepacia pIJB, Jul. 26, 2016. cited by applicant .
	GenBank accession No. AAM76772.1 tfdADelftia acidovorans_-_287 aaProtein_-_NCBI Jul. 26, 2016. cited by applicant .
	GenBank accession No. BAB92965.1 tfdA alpha proteobacterium HWK12, Jul. 2, 2002.
	GenBank accession No. BAB92966.1 tfdA alpha proteobacterium HW13, Jul. 2, 2002.

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	NCBI accession No. WP_011084309.1 tfdA Bradyrhizobium diazoefficiens (replaced B. japonicum), Jul. 27, 2019. cited by applicant .
	UniProtKB accession No. P83309.2 sdpA MC1 Delftia aciovorans, Sep. 18, 2019. cited by applicant .
	UniProtKB accession No. Q700X4.1 sdpA MH Shingobium herbicidovorans, Nov. 1, 1996. cited by applicant .
	GenBank accession No. ABD67501.1 sdpA P230 Rhodoferax sp. P230, Mar. 14, 2006.
	UniProtKB accession No. Q8KSC8.2 RdpA Shingobium herbicidovorans, Mar. 1, 2004. cited by applicant .
	Muller, Swiss Federal Institute of Technology thesis (Nov. 2004), Metabolism of phenoxyalkanoic acid herbicides in Sphingomonas herbicidovorans MH cloning and characterization of two enantiospecific .alpha.-ketoglutarate-dependent dioxygenases and degradation pathway analysis. cited by applicant .
	Westendorf Universitat Leipzig thesis-German (2005), Enantioselektive Verwertung von Phenoxyalkanoat-Herbiziden durch Bakterien--Eine Charakterisierung der Dioxygenasen des initialen Abbau-Schrittes. cited by applicant .
	Baelum et al., System Appl Microbiol. (33)67(2010), Supplemental Material to Comparison of 16S rRNA gene phylogeny and functional tfdA gene distribution in thirty-one different 2, 4-dichlorophenoxyacetic acid and 4-chloro-2-methylphenoxyacetic acid degraders. cited by applicant .
	Zhang et al., J. Agric. Food Chem. (66)12217(2018), Two dcm Gene Clusters Essential for the Degradation of Diclofopmethyl in a Microbial Consortium of Rhodococcus sp. JT-3 and Brevundimonas sp. JT-9.
	Jing et al., Ecological indicators (75)126(2017)--Enantioselective toxicity and degradation of chiral herbicidefenoxaprop-ethyl in earthworm Eisenia fetida. cited by applicant .
	Han et al, World Journal of Microbiology & Biotechnology (2014), 30(10)2567-2576 , 16S rRNA gene phylogeny and tfdA gene analysis of 2,4-D-degrading bacteria isolated in China. cited by applicant .
	Zhang et al., J. Agric. Food Chem. (58)12878(2010), Enantioselective Environmental Behavior of the Chiral Herbicide Fenoxaprop-ethyl and Its Chiral MetaboliteFenoxaprop in Soil. cited by applicant .
	Wu et al., J. Agric. Food Chem. (65)3711(2017), Rapid Biodegradation of the Herbicide 2,4-Dichlorophenoxyacetic Acid by Cupriavidus gilardii T-1. cited by applicant .
	Zabaloy et al., Ann Microbiol (64)969(2014), Isolation and characterization of indigenous 2,4-D herbicide degrading bacteria from an agricultural soil in proximity of Sauce Grande River, Argentina.
	Nielsen et al., PLOS One 8(12)e83346(2013), Novel Insight into the Genetic Context of the cadAB Genes from a 4-chloro-2-methylphenoxyacetic Acid-Degrading Sphingomonas. cited by applicant .

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Mierzejewska et al, Bulletin Env Contam Tox (104)200(2020), Biodegradation Potential and Ecotoxicity Assessment in Soil Extracts Amended with Phenoxy Acid Herbicide (2,4-D) and a Structurally-Similar Plant Secondary Metabolite (Ferulic Acid). cited by applicant .
	Shimojo et al., J Biosc Bioengin. (108)56(2009), Analysis of genes encoding the 2,4-dichlorophenoxyacetic acid degrading enzyme from Sphingomonas agrestis 58-1.
	Han et al, World Journal of Microbiology & Biotechnology (2015), 31(7), 1021-1030 , Cloning, expression, characterization and mutational analysis of the tfdA gene from Cupriavidus campinensis BJ71. cited by applicant .
	Paulin et al., Environ Micriobiol (13)1513-1523(2011), (R,S)-dichlorprop herbicide in agricultural soil induces proliferation and expression of multiple dioxygenase-encoding genes in the indigenous. cited by applicant .
	Muller et al., Protein Science (15)prot1356(2006), Supplemental Table and Figures to Structural basis for the enantiospecificities of R- and S-specific phenoxypropionate/a-ketoglutarate dioxygenases. cited by applicant .
	Chekan et al., Proceedings of the National Academy of Sciences (116)13299-13304(2019), Supplemental Molecular basis for enantioselective herbicide degradation imparted by aryloxyalkanoate dioxygenases in transgenic plants. cited by applicant .
	GenBank accession No. BAB92964.1 tfdAa alpha proteobacterium RD5-C2--NCBI. Jul. 2, 2002.
	Streber et al., Analysis, cloning, and high-level expression of 2,4-dichlorophenoxyacetate monooxygenase gene tfda of Alcaligenes eutrophus JMP134, Journal of Bacteriology (1987), 169(7), 2950-5. cited by applicant .
	Poh et al., 2,4-Dichlorophenoxyacetate / .alpha.-ketoglutarate dioxygenases from Burkholderia cepacia 2a and Ralstonia eutropha JMP134, Microbios 105 43-63 2001. cited by applicant .
	Suwa et al., Characterization of a chromosomally encoded 2,4-dichlorophenoxyacetic acid/ketoglutarate dioxygenase from Burkholderia sp. strain RASC, Applied and Environmental Microbiology (1996), 62(7), 2464-2469. cited by applicant .
	Itoh et al., tfdA-like genes in 2,4-dichlorophenoxyacetic acid-degrading bacteria belonging to the Bradyrhizobium-Agromonas-Nitrobacter-Afipia cluster in Proteobacteria, Applied and Environmental Microbiology (2002), 68(7), 3449-3454. cited by applicant .
	Vedler et al. The Completely Sequenced Plasmid pEST4011 Contains a Novel IncP1 Backbone and a Catabolic Transposon Harboring tfd Genes for 2,4-Dichlorophenoxyacetic Acid Degradation, Journal of Bacteriology, vol. 186, No. 21, Nov. 2004, p. 7161-7174.
	Hoffmann et al., Development and application of PCR primers for the detection of the lid genes in Delftia acidovorans P4a involved in the degradation of 2,4-D, Acta Biotechnologica (2001), 21(4), 321-331. cited by applicant .
	Itoh et al.,Root nodule Bradyrhizobium spp. harbor tfdA and cadA, homologous with genes encoding 2,4-dichlorophenoxyacetic acid-degrading proteins, Applied and Environmental Microbiology (2004), 70(4), 2110-2118. cited by applicant .

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Kaneko et al., Complete Genomic Sequence of Nitrogen-fixing Symbiotic Bacterium Bradyrhizobium japonicum USDA110 (Supplement). DNA Research 9,--Supplement, 225-256 (2002). cited by applicant .
	Schleinitz et al., Localization and Characterization of Two Novel Genes Encoding Stereospecific Dioxygenases Catalyzing 2(2,4-Dichlorophenoxy)propionate Cleavage in Delftia acidovorans MC1, Applied and Environmental Microbiology, Sep. 2004, p. 5357-5365. cited by applicant .
	Muller et al., Genetic Analysis of Phenoxyalkanoic Acid Degradation in Sphingomonas herbicidovorans MH; Applied and Environmental Microbiology, Oct. 2004, vol. 70, No. 10, p. 6066-6075.
	Muller et al., Physiological and genetic characteristics of two bacterial strains utilizing phenoxypropionate and phenoxyacetate herbicides, Microbiological Research (2001), 156(2), 121-131. cited by applicant .
	Hulse J D et al: "Carnitine Biosynthesis Beta Hydroxylation of Tri Methyl Lysine by an Alpha Keto Glutarate Dependent Mitochondrial Di Oxygenase", Journal of Biological Chemistry, vol. 253, No. 5, 1978, pp. 1654-1659, ISSN: 0021-9258. cited by applicant .
	Eichhorn Eric et al: "Characterization of alpha-ketoglutarate-dependent taurine dioxygenase from Escherichia coli", Journal of Biological Chemistry, vol. 272, No. 37, 1997, pp. 23031-23036, ISSN: 0021-9258. cited by applicant .
	Bisht Na Veen Chandra et al: "Development of 2,4-O-resistant transgenics in Indian oilseed mustard (Brassica juncea)", Current Science (Bangalore), vol. 87, No. 3, Aug. 10, 2004 (Aug. 10, 2004), pp. 367-370, ISSN: 0011-3891. cited by applicant .
	Prins M: "Broad virus resistance in transgenic plants", Trends in Biotechnology, Elsevier Publications, Cambridge, GB, vol. 21, No. 9, Sep. 1, 2003 (Sep. 1, 2003), pp. 373-375, ISSN: 0167-7799, DOI: 10.1016/S0167-7799(03)00183-5.
	Dellaporta S L et al: "A Plant DNA Minipreparation: Version 11", Plant Molecular Biology Reporter, Springer Science +Business Media B.V, NL, vol. 1, No. 4, Jan. 1, 1983 (Jan. 1, 1983), pp. 19-21, ISSN: 0735-9640. cited by applicant .
	Opposition filed against EP 10012200.1, filed on Dec. 20, 2013. cited by applicant .
	Opposition filed against EP 10012201.9, filed on Dec. 6, 2013. cited by applicant .
	Opposition filed against EP 10012202.7, filed on Dec. 20, 2013. cited by applicant .
	Opposition filed against EP 10012199.5, filed on Jun. 18, 2014.
	Molecular Cloning, a Laboratory Manual, Cold Spring Harbor Laboratory Press, Second Edition., 1989, vol. 2, p. 11.45. cited by applicant .
	Applicant Response to Opposition filed against EP 10012200.1, filed on Aug. 8, 2014. cited by applicant .
	Applicant Response to Opposition filed against EP 10012201.9, filed on Jul. 28, 2014. cited by applicant .
	Applicant Response to Opposition filed against EP 10012202.7, filed on Jul. 28, 2014.

EXAMINER:	DATE CONSIDERED:

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Applicant Response to Opposition filed against EP 10012199.5, filed on Nov. 22, 2014. cited by applicant .
	Final Decision in Opposition filed against EP 10012200.1, filed on Aug. 1, 2016. cited by applicant .
	Final Decision in Opposition filed against EP 10012201.9, filed on Aug. 1, 2016. cited by applicant .
	Final Decision in Opposition filed against EP 10012202.7, filed on Aug. 1, 2016. cited by applicant .
	Final Decision in Opposition filed against EP 10012199.5, dated Feb. 9, 2016.

EXAMINER:	DATE CONSIDERED:

Electronic Acknowledgement Receipt

EFS ID:	43636258
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen
Filer Authorized By:	
Attorney Docket Number:	76751-346146
Receipt Date:	30-AUG-2021
Filing Date:	
Time Stamp:	14:26:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	IDS_NO_REFERENCES.pdf	159188 b98ffa14372965265fba989489c7ee946614 16e4	no	19

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
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New International Application Filed with the USPTO as a Receiving Office
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number
17/403,476

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	320
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	700
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	800
TOTAL CLAIMS (37 CFR 1.16(i))	30 minus 20 =	* 10			OR	x 100 =	1000
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*				x 480 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						840
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	3660

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
AMENDMENT A	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT A	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT A	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)	OR	RATE($)	ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
AMENDMENT B	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT B	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT B	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
17/403,476	08/16/2021		3660	76751-346146	30	3

CONFIRMATION NO. 2894

FILING RECEIPT

107540
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

OC000000128174217

Date Mailed: 09/03/2021

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Terry WRIGHT, Westfield, IN;
Justin LIRA, Zionsville, IN;
Donald MERLO, Carmel, IN;
Nicole ARNOLD, Indianapolis, IN;

Applicant(s)

DOW AGROSCIENCES LLC, Indianapolis, IN;

Power of Attorney: The patent practitioners associated with Customer Number 107540

Domestic Priority data as claimed by applicant

This application is a CON of 17/175,966 02/15/2021
which is a CON of 17/143,824 01/07/2021
which is a CON of 15/288,406 10/07/2016 PAT 10947555
which is a CON of 14/820,893 08/07/2015 PAT 10174337
which is a CON of 12/951,813 11/22/2010 PAT 9127289
which is a CON of 11/587,893 05/22/2008 PAT 7838733
which is a 371 of PCT/US2005/014737 05/02/2005
which claims benefit of 60/567,052 04/30/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 09/02/2021

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 17/403,476**

Projected Publication Date: 12/09/2021

Non-Publication Request: No

Early Publication Request: No
Title

NOVEL HERBICIDE RESISTANCE GENES

Preliminary Class

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Application	Document	Mailroom Date	Attorney Docket No.
17403476	APP.FILE.REC	09/03/2021	76751-346146

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

107540 7590 11/10/2021
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER
CENTRAL, DOCKET

ART UNIT	PAPER NUMBER
OPAP	

NOTIFICATION DATE	DELIVERY MODE
11/10/2021	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Decision Granting Request for Prioritized Examination (Track I)	**Application No.** 17/403,476	**Applicant(s)** WRIGHT et al.	
	Examiner TERRI S JOHNSON	**Art Unit** OPET	**AIA (FITF) Status** No

1. THE REQUEST FILED 16 August 2021 IS **GRANTED** .

   The above-identified application has met the requirements for prioritized examination
   A. ☑ for an original nonprovisional application (Track I).
   B. ☐ for an application undergoing continued examination (RCE).

2. **The above-identified application will undergo prioritized examination**. The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:

   A. filing a **petition for extension of time** to extend the time period for filing a reply;

   B. filing an **amendment to amend the application to contain more than four independent claims, more than thirty total claims** , or a multiple dependent claim;

   C. filing a **request for continued examination** ;

   D. filing a notice of appeal;

   E. filing a request for suspension of action;

   F. mailing of a notice of allowance;

   G. mailing of a final Office action;

   H. completion of examination as defined in 37 CFR 41.102; or

   I. abandonment of the application.

Telephone inquiries with regard to this decision should be directed to TERRI JOHNSON at (571)272 -2991. In his/her absence, calls may be directed to Petition Help Desk at (571) 272-3282.

/TERRI S JOHNSON/ Paralegal Specialist, OPET	

To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
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Nov 11, 2021 04:32:22 AM

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Application	Document	Mailroom Date	Attorney Docket No.
17403476	TRACK1.GRANT	11/10/2021	76751-346146

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

107540 7590 12/17/2021
Barnes & Thornburg LLP (Dow)
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EXAMINER
KRUSE, DAVID H

ART UNIT	PAPER NUMBER
1663	

NOTIFICATION DATE	DELIVERY MODE
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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INDocket@btlaw.com

Office Action Summary	Application No. 17/403,476	Applicant(s) WRIGHT et al.	
	Examiner DAVID H KRUSE	Art Unit 1663	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL.** 2b) ☑ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-30 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-30 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☑ The specification is objected to by the Examiner.

11)☑ The drawing(s) filed on 16 August 2021 is/are: a)☑ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Priority

2. This application repeats a substantial portion of prior Application Nos. 17/175,966, filed 15 February 2021 and ultimately 60/567,052 filed 30 April 2004, and adds disclosure not presented in the prior applications. Because this application names the inventor or at least one joint inventor named in the prior application, it may constitute a continuation-in-part of the prior applications. Should applicant desire to claim the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120, 37 CFR 1.78, and MPEP § 211 *et seq.*

Specifically, the range recited in claim 30 at line 5 is not supported by the written description of the prior Applications. Thus the instant Application appears to be a continuation-in-part.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: If the instant Application has been filed as a continuation-in-part the Specification lacks adequate antecedent basis for the claimed range "at least 85%, but less than 95% sequence identity".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 30 is rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed range "at least 85%, but less than 95% sequence identity" lacks adequate written description in the instant Specification. Hence, it is unclear that Applicant was in possession of the invention as claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 1-29 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jepson *et al* (U.S. Patent Application US 2003/0041357 filed on 23 February 2001) in view of Kohler (Genbank Accession No: Q8KSC8 first published on 1 October 2002).

Jepson *et al* teach a method of controlling at least one weed in an area by applying a phenoxy auxin herbicide said area comprising a transgenic soybean plant comprising a recombinant polynucleotide encoding a protein having aryloxyalkanoate dioxygenase activity (see paragraph 0027 on pages 3-4, especially lines 18-24 on page 4 and claim 15). Jepson *et al* teach said method using a plant transformed with an additional transgene that provides glyphosate, glufosinate, imidazolinone or sulfonylurea herbicide tolerance (page 4, left column, lines 18-27). Jepson *et al* teach applying the phenoxy auxin herbicide 2,4-D (2,4-dichlorophenoxyacetic acid). Jepson *et al* teach said method can be practiced using soybean at claim 15. Jepson *et al* teach said method can be practiced using a plant transformed with a transgene that produces tolerance to a pre-emergence herbicide (claim 12).

Jepson *et al* do not teach a transgenic plant comprising a recombinant polynucleotide that encodes an AAD-1 protein comprising the amino acid sequence of SEQ ID NO: 9.

Kohler teaches a polynucleotide that encodes a protein comprising the amino acid sequence of instant SEQ ID NO: 9. Kohler teaches that said protein has R-2,4-dichlorophenoxypropionate dioxygenase activity (i.e. degrades the phenoxy auxin herbicide (R)-dichlorprop).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Jepson *et al* to substitute the

tfdA herbicide tolerance gene for a gene encoding the R-2,4-dichlorophenoxypropionate dioxygenase taught by Kohler. It would have been obvious to combine a gene encoding the R-2,4-dichlorophenoxypropionate dioxygenase with another gene for tolerance to additional herbicide tolerances as taught by Jepson et al. Jepson *et al* teach that one would apply one (claim 16) or two (claim 17) herbicides in the method of controlling weeds. Jepson *et al* teach that at the time of Applicant's invention it was desirable to produce plants tolerant to a phenoxy auxin herbicide. Given the high level of skill in the instant art at the time of Applicant's invention, one would have had a reasonable expectation of success.

8. Claim 30 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kohler (Genbank Accession No: Q8KSC8 first published on 1 October 2002) in view of Ryle *et al* (2003 Biochemistry 42: 1854-1862).

Kohler teaches a polynucleotide that encodes a protein comprising the amino acid sequence of instant SEQ ID NO: 9. Kohler teaches that said protein has R-2,4-dichlorophenoxypropionate dioxygenase activity (i.e. degrades the phenoxy auxin herbicide (R)-dichlorprop). The presence of the "AAD-1" motif would naturally flow from the teachings of Kohler.

Kohler does not teach a nucleic acid encoding a variant less than 95% identical to instant SEQ ID NO: 9.

Ryle *et al* teaches modification of the TauD α-ketoglutarate dioxygenase on page 1855.

It would have been *prima facie* obvious to one of ordinary skill in the instant art to modify the teachings of Kohler to modify R-2,4-dichlorophenoxypropionate dioxygenase as taught by Ryle *et al* to produce a nucleic acid encoding an R-2,4-dichlorophenoxypropionate dioxygenase protein at least 85% but less than 95% identical to instant SEQ ID NO: 9. At the time of Applicant's invention it would have been routine experimentation to modify an protein of known function. Given the fact that Kohler had taught the function of instant SEQ ID NO: 9, it would have been obvious to identify functional variants that fall within the claimed percentage range having R-2,4-dichlorophenoxypropionate dioxygenase activity. Given the teachings of both Kohler and Ryle *et al*, one of ordinary skill in the art would have had a reasonable expectation of success.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time-wise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based e-Terminal Disclaimer may be filled out completely online using web-screens. An e-Terminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about e-Terminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

10. Claims 1-29 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-62 of U.S. Patent No. 7,939,733. Although the claims at issue are not identical, they are not patentably distinct from each other because the

instantly claimed invention overlaps in scope with the claims of the '733 Patent and are directed to a subgenus already claimed (claim 3) in the '733 Patent.

11. Claims 1-29 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 9,127,289. Although the claims at issue are not identical, they are not patentably distinct from each other because the instant claims are directed to an obvious subgenus of the claimed invention of the '289 Patent.

12. Claims 1-29 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-9, 12 and 13 of U.S. Patent No. 10,174,337. Although the claims at issue are not identical, they are not patentably distinct from each other because the instant claims are directed to a subgenus rendered obvious by said claims of the '337 Patent.

13. Claims 1-30 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 10,947,555. Although the claims at issue are not identical, they are not patentably distinct from each other because they are directed to an obvious subgenus of the claimed invention of the '555 Patent. Instant claim 30 is obvious because it would have been required to practice the invention of claim 1 of the '555 Patent, and there is no evidence on the record that Applicant could not have previously claimed the invention in claim 30.

Conclusion

14. No claims are allowed.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799 and direct fax number (571) 273-0799. The examiner can normally be reached on Monday to Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amjad Abraham can be reached at (571) 270-7058. The central FAX number for official correspondence is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-1600.

/David H Kruse/
Primary Examiner, Art Unit 1663

Notice of References Cited	Application/Control No. 17/403,476	Applicant(s)/Patent Under Reexamination WRIGHT et al.	
	Examiner DAVID H KRUSE	Art Unit 1663	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20030041357-A1	02-2003	Jepson, Ian	C12N9/0012	800/300
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
*	U	Kohler Genbank Accession No. Q8KSC8 23 February 2001 (Year: 2002)
	V	Ryle et al Biochemistry Vol. 42, pp 1854-1862 Published on the web on 31 January 2003 (Year: 2003)
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/403,476	WRIGHT et al.
	Examiner	**Art Unit**
	DAVID H KRUSE	1663

CPC - Searched*		
Symbol	**Date**	**Examiner**
C12N 15/8274	12/13/2021	/DK/

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor Name Search	12/13/2021	/DK/
EAST: USPAT, USPGPUB, EPO, JPO, DERWENT	12/13/2021	/DK/
STN: AGRICOLA, BIOSIS, CAPLUS, EMBASE, CABA, SCISEARCH	12/14/2021	/DK/
Sequence Search of SEQ ID NO:	11/21/2021	/DK/

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**

/DAVID H KRUSE/ Primary Examiner, Art Unit 1663	

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	5	(("11149283") or ("10947555") or ("10174337") or ("9127289") or ("7838733")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2021/12/13 14:40
L2	1,565	aryloxyalkanoate adj dioxygenase	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2021/12/13 15:09
L3	5	l1 and AAD-1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2021/12/13 15:11
L4	185	l2 and Sphingobium	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2021/12/13 15:15

EAST Search History (Interference)

<This search history is empty>

12/13/2021 3:16:08 PM
C:\Users\dkruse\Documents\EAST\Workspaces\17403476.wsp

Bibliographic Data

Application No: 17/403,476

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☐ No ☐ Met After Allowance

Verified and Acknowledged: /DAVID H KRUSE/ [ ]

Examiner's Signature Initials

Title: NOVEL HERBICIDE RESISTANCE GENES

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
08/16/2021	504	1663	76751-346146
RULE			

APPLICANTS

DOW AGROSCIENCES LLC, Indianapolis, IN,

INVENTORS

Terry WRIGHT, Westfield, IN, UNITED STATES

Justin LIRA, Zionsville, IN, UNITED STATES

Donald MERLO, Carmel, IN, UNITED STATES

Nicole ARNOLD, Indianapolis, IN, UNITED STATES

CONTINUING DATA

This application is a CON of 17175966 02/15/2021 PAT 11149283

17175966 is a CON of 17143824 01/07/2021

17143824 is a CON of 15288406 10/07/2016 PAT 10947555

15288406 is a CON of 14820893 08/07/2015 PAT 10174337

14820893 is a CON of 12951813 11/22/2010 PAT 9127289

12951813 is a CON of 11587893 05/22/2008 PAT 7838733

11587893 is a 371 of PCT/US2005/014737 05/02/2005

PCT/US2005/014737 has PRO of 60567052 04/30/2004

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

09/02/2021

STATE OR COUNTRY

UNITED STATES

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FILING FEE RECEIVED

$7,900

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(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	107540	
Group:	Unknown	
Confirmation No.:	2894	
Application No.:	17/403,476	
Invention:	**Novel Herbicide Resistance Genes**	**FILED ELECTRONICALLY:** **August 30, 2021**
Applicant:	Terry Wright et al.	
Filed:	August 16, 2021	
Attorney Docket:	76751-334171	
Examiner	Unknown	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Statement is filed in the captioned application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than those listed are available. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b). The listed references were cited during prosecution of grandparent application U.S. Serial No. 15/288,406, to which the captioned application claims priority. Therefore, copies of those references are not being provided herewith pursuant to 37 C.F.R. §§ 1.97 and 1.98.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

None of the cited art is believed to disclose or suggest the invention recited in the claims of the captioned application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Applicants believe that no fees are required with this Information Disclosure Statement. If any fees are required, please charge those fees to our Deposit Account No. 10-0435, with reference to our matter 76751-346146.

Respectfully submitted,

/John P. Breen/

John P. Breen
Registration No. 38,833
Attorney for Applicants

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Issue or Publication Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5135867	August 1992	Payne et al.			
	5273894	December 1993	Strauch et al.			
	5316931	May 1994	Donson et al.			
	5463175	October 1995	Barry et al.			
	5500360	March 1996	Ahlquist et al.			
	5561236	October 1996	Leemans et al.			
	5589367	December 1996	Donson et al.			
	5608147	March 1997	Kaphammer			
	5637489	June 1997	Strauch et al.			
	5646024	July 1997	Leemans et al.			
	5648477	July 1997	Leemans et al.			
	5879903	March 1999	Strauch et al.			
	5910626	June 1999	Haselkorn			
	6087563	July 2000	DellaPenna			
	6107549	August 2000	Feng et al.			
2000	6153401	November 2000	Streber et al.			
	6268547	July 2001	Weeks			
	6518222	February 2003	Arndt et al.			
2006	7112665	September 2006	Leemans et al.			
	7250561	July 2007	Pallett et al.			
	7405074	July 2008	Castle et al.			
	7462481	December 2008	Castle et al.			
	7659448	February 2010	Ahrens et al.			
2010	7838733	November 2010	Wright et al.			

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Issue or Publication Date	Name	Class	Subclass	Filing Date (If Appropriate)
	7863503	January 2011	Castle et al.			
	7998703	August 2011	Castle et al.			
	8222489	July 2012	Castle et al.			
	8598413	December 2013	Cui et al.			
	9074007	July 2015	Danilevskaya et al.			
2015	9127289	September 2015	Wright			
	10174337	January 2019	Wright			
	2002/0059659	May 2002	Stemmer			
	2003/0041357	February 2003	Jepson			
	2003/0056245	March 2003	Chatterjee et al.			
	2003/0135879	July 2003	Weeks et al.			
	2009/0069182	March 2009	Castle et al.			
2012	2012/0245339	September 2012	Castle et al.			
	2014/0325713	October 2014	Kovalic et al.			
	2016/0108422	April 2016	Ellis			

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date	Country	Translation Yes	Translation No
	1471533	Jan 2004	CN		
	1025250	May 1999	EP		
	1167531	Jan 2002	EP		
	1740039	Jun 2012	EP		
	EP1695983B1	Dec 2012	EP		
	2005/287415	Oct 2005	JP		
	87/05629	Sep 1987	WO		
	96/33270	Oct 1996	WO		
	97/13402	Apr 1997	WO		
	98/02562	Jan 1998	WO		
	9808963	Mar 1998	WO		
	9820144	May 1998	WO		
	98/20144	May 1998	WO		
	9838294	Sep 1998	WO		
	9838336	Sep 1998	WO		
	9844139	Oct 1998	WO		
	9910513	Mar 1999	WO		
	1999/063092	Dec 1999	WO		
	2000/006757	Feb 2000	WO		
	0009727	Feb 2000	WO		
	0066748	Nov 2000	WO		
	2001/038513	May 2001	WO		
	03/013224	Feb 2003	WO		
	2003/034813	May 2003	WO		
	2003/056904	Jul 2003	WO		

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date	Country	Translation Yes	Translation No
	2005/107437	Nov 2005	WO		

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

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INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Kohler, Genbank Accession No. Q8KSC8 first published on Oct. 1, 2002 (Year: 2002).
	Hogan et al, The Journal of Biological Chemistry, 275(17): 12400-12409 (Year: 2000).
	Genbank Accession No. M16730, Apr. 1993.
	Horvath, M. et al., Isolation and characterization of a 2-(2,4-dichlorophenoxy) propionic acid-degrading . . . , Appl. Microbiol Biotechnol., 1990, pp. 33, 213-216, (Abstract only).
	"Kohler, Genbank Accession No. Q8KSC8 first published on Oct. 1, 2002 (Oct. 31, 2006).
	Kohler, Sphingomonas herbicidovorans tnpA gene for transposase and rdpA gene for (R)-2-(2,4-dichlorophenoxy) propionate, 2-oxoglutarate dioxygenase, Database EMBI, Accesion No. AJ628859, Mar. 3, 2004, pp. 1-2.
	Kohler, "Sphinogomonas herbicidovorans MH: A versitle phenoxyalkanoic acid herbicide degrader," J. Industrial Microbiology & Biotechnology, vol. 23, No. 4-5: 336-340 (Oct. 1999). cited by applicant .
	Lyon, B.R., et al., "Cotton plants transformed with a bacterial degradation gene are protected from accidental spray drift damage by the herbicide 2,4-dichlorophenoxyacetic acid," Transgenic Res., 1993, pp. 2: 166-169. cited by applicant .
	Lyon, B.R., et al., Expression of a bacterial gene in transgenic tobacco confers resistance to the herbicide 2,4-dichlorophenoxyacetic acid, Transgenic Res., 1989, pp. 33: 166-169.
	Schleinitz et al., Rhodoferax sp. P230 R-2,4-dichlorophenoxypropionate dioxygenase (rdpA) gene, complete eds., Database EMBL, Accession No. AF516751, Aug. 6, 2002, pp. 1-2. cited by applicant .
	Schleinitz, K.M., et al., Sphingobium hervbicidovorans R-2,4-dichlorphenoxypropionate dioxygenase (rdpA) gene, complete eds., Database EMBI., Accesion No. AF516752, Aug. 6, 2002, pp. 1-2. cited by applicant .
	Schleninitz, K.M., Localization and Characterization of Two Novel Genes Encoding Sterospecific Diosygenases Catalyzing 2(2,4-Dichlrophenoxy) propionate cleavage in Delftia acidovorans MCI, Applied and Environmental Microbiology, Sep. 2004, pp. 5357-5365, vol. 70, No. 9. cited by applicant .
	Smejkal, C.W. et al., "Substrate specificity of chlorophenoxyalkanoic acid-degrading bacteria is not dependent upon phylogenetically related tfdA gene types," Biol. Fertil., 2001, pp. 33:507-513. cited by applicant .
	Spencer et al., Segregation of transgenes in maize, Plant Molecular Biology, Jan. 1992, pp. 201-210, vol. 18, Issue 2. cited by applicant .
	Streber et al., Analysis, cloning, and high-level expression of 2,4-dichlorophenixyacetic monooxygenase gene tfdA of Alcaligenes eutrophus JMP134, J. Bacteriol., 1987, pp. 169: 2950-2955. cited by applicant .
	Streber et al., Transgenic tobacco plants expressing a bacterial detoxifying enzyme are resistant to 2,4-D, Bio/Technology, 1989, pp. 7:811-816 (Abstract only). cited by applicant .
	van der Meer, Genbank Accession No. AJ628859, NCBI-National Library of Medicine USA, Bethesda, Maryland (Mar. 3, 2004). cited by applicant .

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Westendorf et al., The two enantiospecific dichlorprop/.alpha.-ketoglutarate-dioxygenases from Delftia acidovorans MC1--protein and sequence data of RdpA and SdpA, Microbiol. Res., 2002, pp. 157:317-322 (Abstract only). cited by applicant .
	Schleinitz et al., Appl. Env. Microbiol. 70:5357-5365, 2004. cited by applicant .
	Muller et al, Protein Science (2006), 15:1356-1368. cited by applicant .
	Hotopp et al, Biochemistry 2002, 41, 9787-9794. cited by applicant .
	Bayley et al., Engineering 2,4-D resistance into cotton, Theoretical and Applied Genetics (1992), 83(5), 645-9. cited by applicant .
	Bhat et al., Purification of 3,5-dichlorocatechol 1,2-dioxygenase, a nonheme iron dioxygenase and a key enzyme in the biodegradation of a herbicide, 2,4-dichlorophenoxyacetic acid (2,4-D), from Pseudomonas cepacia CSV90, Archives of Biochemistry and Biophysics (1993), 300(2), 738-46.
	Chaudhry and Huang, Isolation and characterization of a new plasmid from a Flavobacterium sp. which carries the genes for degradation of 2,4-dichlorophenoxyacetate, Journal of Bacteriology (1988), 170(9), 3897-902. cited by applicant .
	Chen and Martin, Reasons for the acclimation for 2,4-D biodegradation in lake water, Journal of Environmental Quality (1989), 18(2), 153-6. cited by applicant .
	Cosper et al., X-ray absorption spectroscopic analysis of Fe(II) and Cu(II) forms of a herbicide-degrading ketoglutarate dioxygenase, JBIC, Journal of Biological Inorganic Chemistry (1999), 4(1), 122-129. cited by applicant .
	Daane and Haggblom, Earthworm egg capsules as vectors for the environmental introduction of biodegradative bacteria, Applied and Environmental Microbiology (1999), 65(6), 2376-2381. cited by applicant .
	De Lipthay et al., Enhanced degradation of phenoxyacetic acid in soil by horizontal transfer of the tfdA gene encoding a 2,4-dichlorophenoxyacetic acid dioxygenase, FEMS Microbiology Ecology (2001), 35(1), 75-84.
	De Lipthay et al., Expression of tfdA genes in aquatic microbial communities during acclimation to 2,4-dichlorophenoxyacetic acid, FEMS Microbiology Ecology (2002), 40(3), 205-214. cited by applicant .
	De Lipthay et al., In situ exposure to low herbicide concentrations affects microbial population composition and catabolic gene frequency in an aerobic shallow aquifer, Applied and Environmental Microbiology (2003), 69(1), 461-467. cited by applicant .
	Dunbar et al., Genetic diversity through the looking glass: effect of enrichment bias, Applied and Environmental Microbiology (1997), 63(4), 1326-1331. cited by applicant .
	Feng and Kennedy, Biodegradation and plant protection from the herbicide 2,4-D by plant-microbial associations in cotton production systems, Biotechnology and Bioengineering (1997), 54(6), 513-519. cited by applicant .
	Fuechslin et al., Effect of integration of a GFP reporter gene on fitness of Ralstonia eutropha during growth with 2,4-dichlorophenoxyacetic acid, Environmental Microbiology (2003), 5(10), 878-887.

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Harker et al., Phenoxyacetic acid degradation by the 2,4-dichlorophenoxyacetic acid (TFD) pathway of plasmid pJP4: mapping and characterization of the TFD regulatory gene, tfdR, Journal of Bacteriology (1989), 171(1), 314-20. cited by applicant .
	Hawkins and Harwood, Chemotaxis of Ralstonia eutropha JMP134(pJP4) to the herbicide 2,4-dichlorophenoxyacetate, Applied and Environmental Microbiology (2002), 68(2), 968-972. cited by applicant .
	Hegg et al., Herbicide-Degrading Keto Acid-Dependent Enzyme TfdA: Metal Coordination Environment and Mechanistic Insights, Biochemistry (1999), 38(50), 16714-16726. cited by applicant .
	Hoffmann et al., A transposon encoding the complete 2,4-dichlorophenoxyacetic acid degradation pathway in the alkalitolerant strain Delftia acidovorans P4a, Microbiology (Reading, United Kingdom) (2003), 149(9), 2545-2556. cited by applicant .
	Hogan et al., Distribution of the tfdA gene in soil bacteria that do not degrade 2,4-dichlorophenoxyacetic acid (2,4-D), Microbial Ecology (1997), 34(2), 90-96
	Hogan et al., Site-directed mutagenesis of 2,4-dichlorophenoxyacetic acid/ketoglutarate dioxygenase. Identification of residues involved in metallocenter formation and substrate binding, Journal of Biological Chemistry (2000), 275(17), 12400-12409. cited by applicant .
	Poiger et al., J Agic Food Chem. (63)2583-2590 (2015), Environmental Behavior of the Chiral Herbicide Haloxyfop. 1. Rapid and Preferential Interconversion of the Enantiomers in Soil. cited by applicant .
	Kaneko et al., DNA Research (9)189-197 (2002), Complete Genomic Sequence of Nitrogen-fixing Symbiotic Bacterium Bradyrhizobium japonicum USDA110. cited by applicant .
	Jackman et al., Electrokinetic movement and biodegradation of 2,4-dichlorophenoxyacetic acid in silt soil, Biotechnology and Bioengineering (2001), 74(1), 40-48. cited by applicant .
	Ka and Tiedje, Integration and excision of a 2,4-dichlorophenoxyacetic acid-degradative plasmid in Alcaligenes paradoxus and evidence of its natural intergeneric transfer, Journal of Bacteriology (1994), 176(17), 5284-9.
	Ka et al., Use of gene probes to aid in recovery and identification of functionally dominant 2,4-dichlorophenoxyacetic acid-degrading populations in soil, Applied and Environmental Microbiology (1994), 60(4), 1116-20. cited by applicant .
	Kitagawa et al., Novel 2,4-dichlorophenoxyacetic acid degradation genes from oligotrophic Bradyrhizobium sp. strain HW13 isolated from a pristine environment, Journal of Bacteriology (2002), 184(2), 509-518. cited by applicant .
	Kleinsteuber et al., Expression of the 2,4-D degradative pathway of pJP4 in an alkaliphilic, moderately halophilic soda lake isolate, Halomonas sp. EF43, Extremophiles (2001), 5(6), 375-384. cited by applicant .
	Laemmli et al., Mutation analysis of the different tfd genes for degradation of chloroaromatic compounds in Ralstonia eutropha JMP134, Archives of Microbiology (2004), 181(2), 112-121. (Published online: Dec. 16, 2003). cited by applicant .
	Laurent et al., 2,4-Dichlorophenoxyacetic Acid Metabolism in Transgenic Tolerant Cotton (Gossypium hirsutum), Journal of Agricultural and Food Chemistry (2000), 48(11), 5307-5311

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Letouze and Gasquez, Enhanced activity of several herbicide-degrading enzymes: a suggested mechanism responsible for multiple resistance in blackgrass (Alopecurus myosuroides Huds.), Agronomie (2003), 23(7), 601-608. cited by applicant .
	Lewis et al., Influence of environmental changes on degradation of chiral pollutants in soils, Nature (London) (1999), 401(6756), 898-901. cited by applicant .
	Loos et al., Phenoxyacetate herbicide detoxication by bacterial enzymes, Journal of Agricultural and Food Chemistry (1967), 15(5), 858-60. cited by applicant .
	Ludwig et al., Chromatographic separation of the enantiomers of marine pollutants. Part 5: enantioselective degradation of phenoxycarboxylic acid herbicides by marine microorganisms, Chemosphere (1992), 24(10), 1423-9. cited by applicant .
	Lyon et al., Expression of a bacterial gene in transgenic tobacco plants confers resistance to the herbicide 2,4-dichlorophenoxyacetic acid, Plant Molecular Biology (1989), 13(5), 533-40.
	Lyon et al., Cotton plants transformed with a bacterial degradation gene are protected from accidental spray drift damage by the herbicide 2,4-dichlorophenoxyacetic acid, Transgenic Research (1993), 2(3), 162-9. cited by applicant .
	Mae et al., Characterization of a new 2,4-dichlorophenoxyacetic acid degrading plasmid pEST4011: physical map and localization of catabolic genes, Journal of General Microbiology (1993), 139(12), 3165-70. cited by applicant .
	Maltseva et al., Degradation of 2,4-dichlorophenoxyacetic acid by haloalkaliphilic bacteria, Microbiology (Reading, United Kingdom) (1996), 142(5), 1115-1122. cited by applicant .
	Marriott et al., Biodegradation of mixtures of chlorophenoxyalkanoic acid herbicides by Alcaligenes denitrificans, Journal of Industrial Microbiology & Biotechnology (2000), 25(5), 255-259. cited by applicant .
	Matheson et al., Evidence for acquisition in nature of a chromosomal 2,4-dichlorophenoxyacetic acid/ketoglutarate dioxygenase gene by different Burkholderia spp, Applied and Environmental Microbiology (1996), 62(7), 2457-2463.
	McGowan et al., Evidence for interspecies gene transfer in the evolution of 2,4-dichlorophenoxyacetic acid degraders, Applied and Environmental Microbiology (1998), 64(10), 4089-4092. cited by applicant .
	Mortensen and Jacobsen, Influence of Frozen Storage on Herbicide Degradation Capacity in Surface and Subsurface Sandy Soils, Environ Sci Technol 2004, 38, 6625-6632. cited by applicant .
	Muller and Babel, Pseudo-recalcitrance of chlorophenoxyalkanoate herbicides--correlation to the availability of ketoglutarate, Acta Biotechnologica (2001), 21(3), 227-242. cited by applicant .
	Muller and Babel, Separation of two dichlorprop/ketoglutarate dioxygenases with enantiospecific properties from Comamonas acidovorans MC1, Acta Biotechnologica (1999), 19(4), 349-355. cited by applicant .
	Muller et al., Comamonas acidovorans strain MC1. A new isolate capable of degrading the chiral herbicides dichlorprop and mecoprop and the herbicides 2,4-D and MCPA, Microbiological Research (1999), 154(3), 241-246.

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Nickel et al., Involvement of two ketoglutarate-dependent dioxygenases in enantioselective degradation of (R)- and (S)-mecoprop by Sphingomonas herbicidovorans MH, Journal of Bacteriology (1997), 179(21), 6674-6679. cited by applicant .
	Ohkouchi et al., Cloning and expression of DL-2-haloacid dehalogenase gene from Burkholderia cepacia, Water Science and Technology (2000), 42(7-8, Hazard Assessment and Control of Environmental Contaminants (Ecohazard 99)), 261-268. cited by applicant .
	Parker and Doxtader, Kinetics of microbial decomposition of 2,4-D in soil: effects of herbicide concentration, Journal of Environmental Quality (1982), 11(4), 679-84. cited by applicant .
	Perkins et al., Use of Alcaligenes eutrophus as a source of genes for 2,4-D resistance in plants, Weed Science (1987), 35(Suppl. 1), 12-18. cited by applicant .
	Plumeier et al., Importance of different tfd genes for degradation of chloroaromatics by Ralstonia eutropha JMP134, Journal of Bacteriology (2002), 184(15), 4054-4064.
	Poh et al., Complete characterization of Tn5530 from Burkholderia cepacia strain 2a (pIJB1) and studies of 2,4-dichlorophenoxyacetate uptake by the organism, Plasmid (2002), 48(1), 1-12. cited by applicant .
	Preston et al., Multiple resistance to dissimilar herbicide chemistries in a biotype of Lolium rigidum due to enhanced activity of several herbicide degrading enzymes, Pesticide Biochemistry and Physiology (1996), 54(2), 123-134. cited by applicant .
	Rousseaux et al., Isolation and characterisation of new Gram-negative and Gram-positive atrazine degrading bacteria from different French soils, FEMS Microbiology Ecology (2001), 36(2-3), 211-222. cited by applicant .
	Saari et al., Stereospecific degradation of the phenoxypropionate herbicide dichlorprop, Journal of Molecular Catalysis B: Enzymatic (1999), 6(4), 421-428. cited by applicant .
	Schneiderheinze et al., Plant and soil enantioselective biodegradation of racemic phenoxyalkanoic herbicides, Chirality (1999), 11(4), 330-337.
	Seifert et al., Effect of tillage on microbial characteristics and herbicide degradation in a Sharkey clay soil, Weed Science (2001), 49(5), 685-693. cited by applicant .
	Shaw and Burns, Enhanced mineralization of [U-14C]2,4-dichlorophenoxyacetic acid in soil from the rhizosphere of Trifolium pratense, Applied and Environmental Microbiology (2004), 70(8), 4766-4774. cited by applicant .
	Smejkal et al., Substrate specificity of chlorophenoxyalkanoic acid-degrading bacteria is not dependent upon phylogenetically related tfdA gene types, Biology and Fertility of Soils (2001), 33(6), 507-513. cited by applicant .
	Streber and Willmitzer, Transgenic tobacco plants expressing a bacterial detoxifying enzyme are resistant to 2,4-D, Bio/Technology (1989), 7(8), 811-16. cited by applicant .
	Swiegers et al., Carnitine biosynthesis in Neurospora crassa: identification of a cDNA coding for N-trimethyllysine hydroxylase and its functional expression in Saccharomyces cerevisiae, FEMS Microbiology Letters (2002), 210(1), 19-23.
	Tett et al., Enantioselective degradation of the herbicide mecoprop [2-(2-methyl-4-chlorophenoxy)propionic acid] by mixed and pure bacterial cultures, FEMS Microbiology Ecology (1994), 14(3), 191-200.

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Top and Springael, The role of mobile genetic elements in bacterial adaptation to xenobiotic organic compounds, Current Opinion in Biotechnology (2003), 14(3), 262-269. cited by applicant .
	Top et al., Capture of a catabolic plasmid that encodes only 2,4-dichlorophenoxyacetic acid:ketoglutaric acid dioxygenase (TfdA) by genetic complementation, Applied and Environmental Microbiology (1996), 62(7), 2470-2476. cited by applicant .
	Top et al., Methane oxidation as a method to evaluate the removal of 2,4-dichlorophenoxyacetic acid (2,4-D) from soil by plasmid-mediated bioaugmentation, FEMS Microbiology Ecology (1999), 28(3), 203-213. cited by applicant .
	Travkin et al., Characterization of an intradiol dioxygenase involved in the biodegradation of the chlorophenoxy herbicides 2,4-D and 2,4,5-T, FEBS Letters (1997), 407(1), 69-72. cited by applicant .
	Vallaeys et al., PCR-RFLP analysis of 16S rRNA, tfdA and tfdB genes reveals a diversity of 2,4-D degraders in soil aggregates, FEMS Microbiology Ecology (1997), 24(3), 269-278.
	Vallaeys et al., The metabolic pathway of 2,4-dichlorophenoxyacetic acid degradation involves different families of tfdA and tfdB genes according to PCR-RFLP analysis, FEMS Microbiology Ecology (1996), 20(3), 163-172. cited by applicant .
	Vedler et al., Analysis of the 2,4-dichlorophenoxyacetic acid-degradative plasmid pEST4011 of Achromobacter xylosoxidans subsp. denitrificans strain EST4002, Gene (2000), 255(2), 281-288. cited by applicant .
	Vedler et al., TfdR, the LysR-type transcriptional activator, is responsible for the activation of the tfdCB operon of Pseudomonas putida 2,4-dichlorophenoxyacetic acid degradative plasmid pEST4011, Gene (2000), 245(1), 161-168. cited by applicant .
	Velicer, Pleiotropic effects of adaptation to a single carbon source for growth on alternative substrates, Applied and Environmental Microbiology (1999), 65(1), 264-269. cited by applicant .
	Whiting et al., Metal Coordination Environment of a Cu(II)-Substituted Keto Acid-Dependent Dioxygenase That Degrades the Herbicide 2,4-D, Journal of the American Chemical Society (1997), 119(14), 3413-3414.
	Yi et al., Phylogenetic and phenotypic diversity of 4-chlorobenzoate-degrading bacteria isolated from soils, FEMS Microbiology Ecology (2000), 31(1), 53-60. cited by applicant .
	Zhang et al., In vitro assay for 2,4-D resistance in transgenic cotton, in Vitro Cellular & Developmental Biology: Plant (2001), 37(2), 300-304. cited by applicant .
	Zhang et al., Inheritance and segregation of exogenous genes in transgenic cotton, Journal of Genetics (2000), 79(2), 71-75. cited by applicant .
	Zipper et al., Complete microbial degradation of both enantiomers of the chiral herbicide mecoprop [(RS)-2-(4-chloro-2-methylphenoxy)propionic acid] in an enantioselective manner by Sphingomonas herbicidovorans sp. Nov, Applied and Environmental Microbiology (1996), 62(12), 4318-4322.
	Zipper et al., Enantioselective uptake and degradation of the chiral herbicide dichlorprop [(RS)-2-(2,4-dichlorophenoxy)propanoic acid] by Sphingomonas herbicidovorans MH, Journal of Bacteriology (1998), 180(13), 3368-3374. cited by applicant .

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Cho et al, Agricultural Chemistry and Biotechnology (English Edition) (1999), 42(2), 57-61 , Isolation and characterization of 2-methyl-4-chlorophenoxyacetic acid-degrading bacteria from agricultural soils. cited by applicant .
	Kwon et al J. Kor. Soc. Hort. Sci. (1997), 38(6), 796-799. cited by applicant .
	Lim et al, Journal of Microbiology (Seoul, Republic of Korea) (2004), 42(2), 87-93 Genetic and phenotypic diversity of (R/S)-mecoprop [2-(2-methyl-4-chlorophenoxy)propionic acid]-degrading bacteria isolated from soils. cited by applicant .
	Tamura et al, Nippon Noyaku Gakkaishi (2001), 26(3), 309-314 , Microbial pesticide degradations and evolutionary analysis of degrading enzymes. cited by applicant .
	Vallaeys et al, Biotechnology Letters (1998), 20(11), 1073-1076 , Isolation and characterization of a stable 2,4-dichlorophenoxyacetic acid degrading bacterium, Variovorax paradoxus, using chemostat culture.
	Nakatsu CH, Fukumori F, Fulthorpe R, Hausinger R, Holben W, Kamagata Y, Korona R, Lenski R, Maltseva O, Matheson VG, McGowan C. Genetic diversity of 2, 4-dichlorophenoxyacetic acid (2, 4-D) catabolic genes. Microbial diversity and genetics of biodegradation. Japan Scientific Societies Press, Tokyo, Japan. 1997:197-206.
	Hausinger RP, Fukumori F, Hogan DA, Sassanella TM, Kamagata Y, Takami H, Saari RE, Horikoshi K, Fukuda M, Kudo T. Microbial diversity and genetics of biodegradation. by K. Horikoshi, M. Fukuda and T. Kudo, Japan Science Societies Press, Tokyo. 1997:35-51.
	Fukamori and Hausinger, JBC (268)24311(1993), Purification and characterization of 2,4-Dichlorophenoxyacetate/a-ketogutarate dioxygenase. cited by applicant .
	Fukamori and Hausinger, J Bacterioloogy (175)2083(1993), Alcaligenes eutrophus JMP134 "2,4-Dichlorophenoxyacetate monooxygenase" is an a-Ketoglutarate-dependent dioxygenase. cited by applicant .
	Ehrig et al., Acta Biotechologica (17)351-356(1997), Isolation of phenoxyherbicidedegrading Rhodoferax species from contaminated building material. cited by applicant .
	Hausinger, Critical Reviews in Biochemsitry (39)21-68(2004), Fe(II)/.alpha.-Ketoglutarate-Dependent Hydroxylases and Related Enzymes. cited by applicant .
	Kohler et al., J Ind Microbio biotech (23)336(1999), Sphingomonas herbicidovorans MH: a versatile phenoxyalkanoic acid herbicide degrader.
	Hausinger and Fukamori, Env Health Perspectives (103)37-39(1995), Characterization of the first enzyme in 2,4-Dichlorphenoxyacetic acid metabolism. cited by applicant .
	Don et al., J Bacteriol (161)85(1985), Transposon Mutagenesis and Cloning Analysis of the Pathways for Degradation of 2,4-Dichlorophenoxyacetic Acid and 3-Chlorobenzoate in Alcaligenes eutrophus JMP134(pJP4). cited by applicant .
	Don et al.,J Bacteriol (161)466(1985), Genetic and Physical Map of the 2,4-Dichlorophenoxyacetic Acid-Degradative Plasmid pJP4. cited by applicant .
	Hotopp et al., J. Molec. Catalysis B: Enzymatic (15)155-162(2001), Alternative substrates of 2,4-dichlorophenoxyacetate/-ketoglutarate dioxygenase. cited by applicant .

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Westendorf et al., Microbiol. Res. 157 (4), 317-322 (2002), he two enantiospecific dichlorprop/.alpha.-ketoglutarate-dioxygenases from Delftia acidovorans MC1--protein and sequence data of RdpA and SdpA.
	Park et al, Journal of Microbiology and Biotechnology (2003), 13(2), 243-250 , Isolation and characterization of 4-(2,4-dichlorophenoxy)butyric acid-degrading bacteria from agricultural soils. cited by applicant .
	Mueller RH, Babel W. Degradability and recalcitrance of phenoxyalkanoic acid herbicides--traits of the microbial metabolism. InSecond International Conference on Remediation of Chlorinated and Racalcitrant Compounds 2000 (pp. 229-236). cited by applicant .
	Tett, Biodegradation (1997), 8(1), 43-52 , Biodegradation of the chlorophenoxy herbicide (R)-(+)-mecoprop by Alcaligenes denitrificans. cited by applicant .
	Llewellyn et al, Herbicide-Resistant Crops (1996), 159-74, Genetic engineering of crops for tolerance to 2,4-D. cited by applicant .
	Baelum et al., Appl. Environ. Microbiol. (72)1476-1486 (2006), Degradation of 4-Chloro-2-Methylphenoxyacetic Acid in Top- and Subsoil is Quantitatively Linked to the Class III tfdA Gene
	Baelum et al., Appl. Environ. Microbiol. (75)2969-2972 (2009), TaqMan Probe-Based Real-Time PCR Assay for Detection and Discrimination of Class I, II, and III tfdA Genes in Soils Treated with Phenoxy Acid Herbicides. cited by applicant .
	Griffin et al., J Agric Food Chem (61)6589-6596(2013), Characterization of Aryloxyalkanoate Dioxygenase-12, a Nonheme Fe(II)/.alpha.-Ketoglutarate-Dependent Dioxygenase, Expressed in Transgenic Soybean and Pseudomonas fluorescens. cited by applicant .
	Hausinger, RSC Metallobiology (2015) Chapter 1 of 2-Oxoglutarate-dependent oxygenases, Biochemical diversity of 2-oxoglytarate-dependent oxygenases. cited by applicant .
	Leibeling et al, Eng Life Sci (13)278(2013), Posttranslational oxidative modification of (R)-2-(2,4-dichlorophenoxy) propionate/.alpha.-ketoglutarate-dependent dioxygenases (RdpA) leads to improved degradation of 2,4-dichlorophenoxyacetate (2,4-D). cited by applicant .
	Muller et al., Applied and Environmental Microbiology (72)4853(2006), Purification and Characterization of Two Enantioselective a-Ketoglutarate-Dependent Dioxygenases, RdpA and SdpA, from Sphingomonas herbicidovorans MH. cited by applicant .
	Zaprasis et al, Appl. Environ. Microbiol. (76)119(2010), Abundance of Novel and Diverse tfdA-Like Genes, Encoding Putative Phenoxyalkanoic Acid Herbicide-Degrading Dioxygenases, in Soil. cited by applicant .
	Zhang et al. Journal of Agricultural and Food Chemistry (2020), 68(26), 6967-6976 CODEN: JAFCAU; ISSN: 0021-8561 Enantioselective Catabolism of the Two Enantiomers of the Phenoxyalkanoic Acid Herbicide Dichlorprop by Sphingopyxis sp. DBS4. cited by applicant .
	Krausse et al., 4th biotechnology symposium of the University of Leipzig (abstract) p. 60 (2005), Crystal structure of the 2-oxoglutarate dependent dioxygenase RdpA. cited by applicant .
	Mueller et al., Un Mich ICBIC 2005 abstract, Insights into the enantiospecificities of (R)- and (S)-dichlorprop/a-ketoglutarate dioxygenases. cited by applicant .

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Krausse et al., Freiberg Un Deutschen Gesellschaft fur Kristallographie (2006), (Poster title 72L) Structure of the 2-Oxoglutarate Dependent Dioxygenase RdpA by X-ray Crystallography and Small Angle X-ray Scattering.
	Gazitua et al., Environ Microbiol (12)2411(2010), Novel .alpha.-ketoglutarate dioxygenase tfdA-related genes are found in soil DNA after exposure to phenoxyalkanoic herbicides. cited by applicant .
	Chekan et al., Proceedings of the National Academy of Sciences (116)13299-13304(2019), Molecular basis for enantioselective herbicide degradation imparted by aryloxyalkanoate dioxygenases in transgenic plants. cited by applicant .
	Larue et al, Pest Manag Sci (75)2086(2019), Development of enzymes for robust aryloxyphenoxypropionate and synthetic auxin herbicide tolerance traits in maize and soybean crops. cited by applicant .
	Liu et al., FEMS Microbiol Ecol (86)114-129(2013) , Consumers of 4-chloro-2-methylpheoxyacetic acid from agricultural soil and drilosphere harbor cadA, r/sdpA, and tfdA-like gene encoding oxygenases. cited by applicant .
	Muller et al., Protein Science (15)prot1356(2006), Structural basis for the enantiospecificities of R- and S-specific phenoxypropionate/a-ketoglutarate dioxygenases.
	Muller, Eng Life Sci (7)311-321 (2007), Activity and Reaction Mechanism of the Initial Enzymatic Step Specifying the Microbial Degradation of 2,4-Dichlorophenoxyacetate. cited by applicant .
	Westendorf, Eng Life Sci (6)552-559(2006), Kinetic Traits and Enzyme Form Patterns of (R)-2-(2,4-Dichlorophenoxy) propionate/a-Ketoglutarate Dioxygenase (RdpA) after Expression in Different Bacterial Strains. cited by applicant .
	Wright et al., Proc Natl Acad Sci (107)20240(2010), Robust crop resistance to broadleaf and grass herbicides provided by aryloxyalkanoate dioxygenase transgenes. cited by applicant .
	GenBank accession No. AAA21983.1 tfdA Cupriavidus necator (replaced Ralstonia eutropha), Apr. 23, 1993. cited by applicant .
	GenBank accession No. AAK81681.1 tfdA Burkholderia cepacia, Aug. 24, 2020, Jul. 23, 2016.
	UniProtKB accession No. Q45423.1 tfdA Burkholderia sp. RASC, Nov. 1, 1996. cited by applicant .
	GenBank accession No. AAS49436 tfdA Achromobacter denitrificans, Apr. 3, 2020. cited by applicant .
	GenBank accession No. AAB47567.1 tfdABurkholderia cepacia pIJB, Jul. 26, 2016. cited by applicant .
	GenBank accession No. AAM76772.1 tfdADelftia acidovorans_-_287 aaProtein_-_NCBI Jul. 26, 2016. cited by applicant .
	GenBank accession No. BAB92965.1 tfdA alpha proteobacterium HWK12, Jul. 2, 2002.
	GenBank accession No. BAB92966.1 tfdA alpha proteobacterium HW13, Jul. 2, 2002.

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	NCBI accession No. WP_011084309.1 tfdA Bradyrhizobium diazoefficiens (replaced B. japonicum), Jul. 27, 2019. cited by applicant .
	UniProtKB accession No. P83309.2 sdpA MC1 Delftia aciovorans, Sep. 18, 2019. cited by applicant .
	UniProtKB accession No. Q700X4.1 sdpA MH Shingobium herbicidovorans, Nov. 1, 1996. cited by applicant .
	GenBank accession No. ABD67501.1 sdpA P230 Rhodoferax sp. P230, Mar. 14, 2006.
	UniProtKB accession No. Q8KSC8.2 RdpA Shingobium herbicidovorans, Mar. 1, 2004. cited by applicant .
	Muller, Swiss Federal Institute of Technology thesis (Nov. 2004), Metabolism of phenoxyalkanoic acid herbicides in Sphingomonas herbicidovorans MH cloning and characterization of two enantiospecific .alpha.-ketoglutarate-dependent dioxygenases and degradation pathway analysis. cited by applicant .
	Westendorf Universitat Leipzig thesis-German (2005), Enantioselektive Verwertung von Phenoxyalkanoat-Herbiziden durch Bakterien--Eine Charakterisierung der Dioxygenasen des initialen Abbau-Schrittes. cited by applicant .
	Baelum et al., System Appl Microbiol. (33)67(2010), Supplemental Material to Comparison of 16S rRNA gene phylogeny and functional tfdA gene distribution in thirty-one different 2, 4-dichlorophenoxyacetic acid and 4-chloro-2-methylphenoxyacetic acid degraders. cited by applicant .
	Zhang et al., J. Agric. Food Chem. (66)12217(2018), Two dcm Gene Clusters Essential for the Degradation of Diclofopmethyl in a Microbial Consortium of Rhodococcus sp. JT-3 and Brevundimonas sp. JT-9.
	Jing et al., Ecological indicators (75)126(2017)--Enantioselective toxicity and degradation of chiral herbicidefenoxaprop-ethyl in earthworm Eisenia fetida. cited by applicant .
	Han et al, World Journal of Microbiology & Biotechnology (2014), 30(10)2567-2576 , 16S rRNA gene phylogeny and tfdA gene analysis of 2,4-D-degrading bacteria isolated in China. cited by applicant .
	Zhang et al., J. Agric. Food Chem. (58)12878(2010), Enantioselective Environmental Behavior of the Chiral Herbicide Fenoxaprop-ethyl and Its Chiral MetaboliteFenoxaprop in Soil. cited by applicant .
	Wu et al., J. Agric. Food Chem. (65)3711(2017), Rapid Biodegradation of the Herbicide 2,4-Dichlorophenoxyacetic Acid by Cupriavidus gilardii T-1. cited by applicant .
	Zabaloy et al., Ann Microbiol (64)969(2014), Isolation and characterization of indigenous 2,4-D herbicide degrading bacteria from an agricultural soil in proximity of Sauce Grande River, Argentina.
	Nielsen et al., PLOS One 8(12)e83346(2013), Novel Insight into the Genetic Context of the cadAB Genes from a 4-chloro-2-methylphenoxyacetic Acid-Degrading Sphingomonas. cited by applicant .

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Mierzejewska et al, Bulletin Env Contam Tox (104)200(2020), Biodegradation Potential and Ecotoxicity Assessment in Soil Extracts Amended with Phenoxy Acid Herbicide (2,4-D) and a Structurally-Similar Plant Secondary Metabolite (Ferulic Acid). cited by applicant .
	Shimojo et al., J Biosc Bioengin. (108)56(2009), Analysis of genes encoding the 2,4-dichlorophenoxyacetic acid degrading enzyme from Sphingomonas agrestis 58-1.
	Han et al, World Journal of Microbiology & Biotechnology (2015), 31(7), 1021-1030 , Cloning, expression, characterization and mutational analysis of the tfdA gene from Cupriavidus campinensis BJ71. cited by applicant .
	Paulin et al., Environ Micriobiol (13)1513-1523(2011), (R,S)-dichlorprop herbicide in agricultural soil induces proliferation and expression of multiple dioxygenase-encoding genes in the indigenous. cited by applicant .
	Muller et al., Protein Science (15)prot1356(2006), Supplemental Table and Figures to Structural basis for the enantiospecificities of R- and S-specific phenoxypropionate/a-ketoglutarate dioxygenases. cited by applicant .
	Chekan et al., Proceedings of the National Academy of Sciences (116)13299-13304(2019), Supplemental Molecular basis for enantioselective herbicide degradation imparted by aryloxyalkanoate dioxygenases in transgenic plants. cited by applicant .
	GenBank accession No. BAB92964.1 tfdAa alpha proteobacterium RD5-C2--NCBI. Jul. 2, 2002.
	Streber et al., Analysis, cloning, and high-level expression of 2,4-dichlorophenoxyacetate monooxygenase gene tfda of Alcaligenes eutrophus JMP134, Journal of Bacteriology (1987), 169(7), 2950-5. cited by applicant .
	Poh et al., 2,4-Dichlorophenoxyacetate / .alpha.-ketoglutarate dioxygenases from Burkholderia cepacia 2a and Ralstonia eutropha JMP134, Microbios 105 43-63 2001. cited by applicant .
	Suwa et al., Characterization of a chromosomally encoded 2,4-dichlorophenoxyacetic acid/ketoglutarate dioxygenase from Burkholderia sp. strain RASC, Applied and Environmental Microbiology (1996), 62(7), 2464-2469. cited by applicant .
	Itoh et al., tfdA-like genes in 2,4-dichlorophenoxyacetic acid-degrading bacteria belonging to the Bradyrhizobium-Agromonas-Nitrobacter-Afipia cluster in Proteobacteria, Applied and Environmental Microbiology (2002), 68(7), 3449-3454. cited by applicant .
	Vedler et al. The Completely Sequenced Plasmid pEST4011 Contains a Novel IncP1 Backbone and a Catabolic Transposon Harboring tfd Genes for 2,4-Dichlorophenoxyacetic Acid Degradation, Journal of Bacteriology, vol. 186, No. 21, Nov. 2004, p. 7161-7174.
	Hoffmann et al., Development and application of PCR primers for the detection of the lid genes in Delftia acidovorans P4a involved in the degradation of 2,4-D, Acta Biotechnologica (2001), 21(4), 321-331. cited by applicant .
	Itoh et al.,Root nodule Bradyrhizobium spp. harbor tfdA and cadA, homologous with genes encoding 2,4-dichlorophenoxyacetic acid-degrading proteins, Applied and Environmental Microbiology (2004), 70(4), 2110-2118. cited by applicant .

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

	OTHER DOCUMENTS
	Kaneko et al., Complete Genomic Sequence of Nitrogen-fixing Symbiotic Bacterium Bradyrhizobium japonicum USDA110 (Supplement). DNA Research 9,--Supplement, 225-256 (2002). cited by applicant .
	Schleinitz et al., Localization and Characterization of Two Novel Genes Encoding Stereospecific Dioxygenases Catalyzing 2(2,4-Dichlorophenoxy)propionate Cleavage in Delftia acidovorans MC1, Applied and Environmental Microbiology, Sep. 2004, p. 5357-5365. cited by applicant .
	Muller et al., Genetic Analysis of Phenoxyalkanoic Acid Degradation in Sphingomonas herbicidovorans MH; Applied and Environmental Microbiology, Oct. 2004, vol. 70, No. 10, p. 6066-6075.
	Muller et al., Physiological and genetic characteristics of two bacterial strains utilizing phenoxypropionate and phenoxyacetate herbicides, Microbiological Research (2001), 156(2), 121-131. cited by applicant .
	Hulse J D et al: "Carnitine Biosynthesis Beta Hydroxylation of Tri Methyl Lysine by an Alpha Keto Glutarate Dependent Mitochondrial Di Oxygenase", Journal of Biological Chemistry, vol. 253, No. 5, 1978, pp. 1654-1659, ISSN: 0021-9258. cited by applicant .
	Eichhorn Eric et al: "Characterization of alpha-ketoglutarate-dependent taurine dioxygenase from Escherichia coli", Journal of Biological Chemistry, vol. 272, No. 37, 1997, pp. 23031-23036, ISSN: 0021-9258. cited by applicant .
	Bisht Na Veen Chandra et al: "Development of 2,4-O-resistant transgenics in Indian oilseed mustard (Brassica juncea)", Current Science (Bangalore), vol. 87, No. 3, Aug. 10, 2004 (Aug. 10, 2004), pp. 367-370, ISSN: 0011-3891. cited by applicant .
	Prins M: "Broad virus resistance in transgenic plants", Trends in Biotechnology, Elsevier Publications, Cambridge, GB, vol. 21, No. 9, Sep. 1, 2003 (Sep. 1, 2003), pp. 373-375, ISSN: 0167-7799, DOI: 10.1016/S0167-7799(03)00183-5.
	Dellaporta S L et al: "A Plant DNA Minipreparation: Version 11", Plant Molecular Biology Reporter, Springer Science +Business Media B.V, NL, vol. 1, No. 4, Jan. 1, 1983 (Jan. 1, 1983), pp. 19-21, ISSN: 0735-9640. cited by applicant .
	Opposition filed against EP 10012200.1, filed on Dec. 20, 2013. cited by applicant .
	Opposition filed against EP 10012201.9, filed on Dec. 6, 2013. cited by applicant .
	Opposition filed against EP 10012202.7, filed on Dec. 20, 2013. cited by applicant .
	Opposition filed against EP 10012199.5, filed on Jun. 18, 2014.
	Molecular Cloning, a Laboratory Manual, Cold Spring Harbor Laboratory Press, Second Edition., 1989, vol. 2, p. 11.45. cited by applicant .
	Applicant Response to Opposition filed against EP 10012200.1, filed on Aug. 8, 2014. cited by applicant .
	Applicant Response to Opposition filed against EP 10012201.9, filed on Jul. 28, 2014. cited by applicant .
	Applicant Response to Opposition filed against EP 10012202.7, filed on Jul. 28, 2014.

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

Form PTO-1449 (Modified)	Atty. Docket No. 76751-346146	Serial No. 17/403,476
INFORMATION DISCLOSURE STATEMENT	Applicant(s) Terry WRIGHT et al.	
	Filing Date 8/16/2021	Art Unit Unknown

OTHER DOCUMENTS	
	Applicant Response to Opposition filed against EP 10012199.5, filed on Nov. 22, 2014. cited by applicant .
	Final Decision in Opposition filed against EP 10012200.1, filed on Aug. 1, 2016. cited by applicant .
	Final Decision in Opposition filed against EP 10012201.9, filed on Aug. 1, 2016. cited by applicant .
	Final Decision in Opposition filed against EP 10012202.7, filed on Aug. 1, 2016. cited by applicant .
	Final Decision in Opposition filed against EP 10012199.5, dated Feb. 9, 2016.

EXAMINER: /DAVID H KRUSE/	DATE CONSIDERED: 12/13/2021

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H.K/

O_2- and α-Ketoglutarate-Dependent Tyrosyl Radical Formation in TauD, an α-Keto Acid-Dependent Non-Heme Iron Dioxygenase†

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Received September 11, 2002; Revised Manuscript Received December 18, 2002

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ABSTRACT: Taurine/α-ketoglutarate dioxygenase (TauD), a non-heme mononuclear Fe(II) oxygenase, liberates sulfite from taurine in a reaction that requires the oxidative decarboxylation of α-ketoglutarate (αKG). The lilac-colored αKG-Fe(II)TauD complex (λ_{max} = 530 nm; ϵ_{530} = 140 $M^{-1}\cdot cm^{-1}$) reacts with O_2 in the absence of added taurine to generate a transient yellow species (λ_{max} = 408 nm, minimum of 1600 $M^{-1}\cdot cm^{-1}$), with apparent first-order rate constants for formation and decay of ~0.25 s^{-1} and ~0.5 min^{-1}, that transforms to yield a greenish brown chromophore (λ_{max} = 550 nm, 700 $M^{-1}\cdot cm^{-1}$). The latter feature exhibits resonance Raman vibrations consistent with an Fe(III) catecholate species presumed to arise from enzymatic self-hydroxylation of a tyrosine residue. Significantly, ^{18}O labeling studies reveal that the added oxygen atom derives from solvent rather than from O_2. The transient yellow species, identified as a tyrosyl radical on the basis of EPR studies, is formed after αKG decomposition. Substitution of two active site tyrosine residues (Tyr73 and Tyr256) by site-directed mutagenesis identified Tyr73 as the likely site of formation of both the tyrosyl radical and the catechol-associated chromophore. The involvement of the tyrosyl radical in catalysis is excluded on the basis of the observed activity of the enzyme variants. We suggest that the Fe(IV) oxo species generally proposed (but not yet observed) as an intermediate for this family of enzymes reacts with Tyr73 when substrate is absent to generate Fe(III) hydroxide (capable of exchanging with solvent) and the tyrosyl radical, with the latter species participating in a multistep TauD self-hydroxylation reaction.

Enzymes in the α-ketoglutarate (αKG)[1] dioxygenase superfamily contain mononuclear Fe(II) active sites and catalyze a diverse range of chemical transformations that are often, but not always, coupled to the oxidative decarboxylation of αKG (*1*−*3*). Clavaminic acid synthase (CS) typifies the chemical versatility of this enzyme class; it performs hydroxylation, oxidative cyclization, and desaturation reactions during synthesis of the β-lactamase inhibitor clavulanic acid (*4*). More commonly, members of this enzyme family catalyze specific hydroxylations of protein side chains, plant metabolites, or other compounds (*5*). Proposed chemical mechanisms by which these mononuclear sites catalyze their reactions commonly invoke a high-valent iron−oxo species (*6*−*8*) by analogy to the mechanisms associated with heme enzymes, but direct evidence for such a species is not yet available.

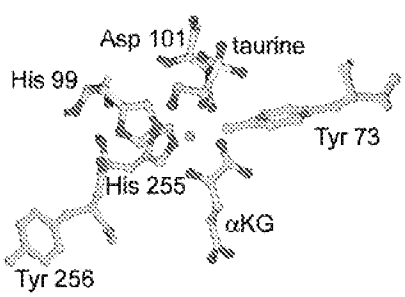

FIGURE 1: TauD active site. The structure of taurine-αKG-Fe(II)-TauD (*10*) reveals the amino acid ligands to the metallocenter (His99, Asp101, and His255), the binding locations of αKG and taurine cosubstrates, and the positions of two tyrosine residues (Tyr73 and Tyr256) found within 10 Å of the metal center.

Here, we focus on one representative of the αKG-dependent dioxygenase superfamily, taurine (2-aminoethanesulfonate)/αKG dioxygenase or TauD. This *Escherichia coli* enzyme is synthesized in response to sulfur starvation and allows cells to utilize this widely available sulfur donor by converting it to sulfite and aminoacetaldehyde (see Scheme 1) (*9*). The initial steps in TauD catalysis are reasonably well understood. Fe(II) binds reversibly to His99, Asp101, and

† These studies were supported by the National Institutes of Health (Postdoctoral Fellowship GM20196 to M.J.R. and Grants GM063584 to R.P.H., GM33162 to L.Q., and GM54065 to J.M.).

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[1] Abbreviations: αKG, α-ketoglutarate; CS, clavaminate synthase; DAOCS, deacetoxycephalosporin C synthase; dopa, dihydroxyphenylalanine; EPR, electron paramagnetic resonance; TauD, taurine/αKG dioxygenase; TfdA, 2,4-dichlorophenoxyacetate/αKG dioxygenase.

10.1021/bi026832m CCC: $25.00 © 2003 American Chemical Society
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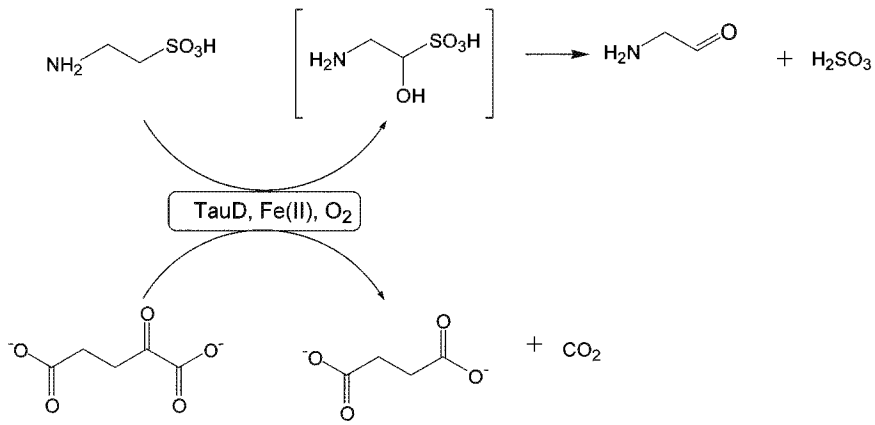
Scheme 1



His255 on the basis of X-ray crystallographic characterization of TauD (Figure 1) (*10*) and site-directed mutagenesis studies of the closely related enzyme TfdA [2,4-dichlorophenoxyacetate (2,4-D)/αKG dioxygenase] (*11*). Three water molecules likely occupy the remaining cis-oriented sites of the substrate-free TauD octahedral center by analogy to the Fe(II)-bound waters observed in the crystal structure of deacetoxycephalosporin C synthase (DAOCS), an enzyme involved in the synthesis of cepham-based antibiotics (*12*). Binding of αKG to Fe(II)TauD results in the bidentate coordination of the C-1 carboxyl and C-2 carbonyl oxygens on the basis of TauD structural analysis (Figure 1) (*10*) as well as on electronic (*13*) and resonance Raman (*14*) characterization of the binary TauD complex, magnetic circular dichroism studies of αKG-Fe(II)CS (*15*), and structures of the αKG-bound forms of Fe(II)CS, Fe(II)-DAOCS, and Fe(II) anthocyanidin synthase (*4*, *12*, *16*). Structural elucidation of taurine-αKG-Fe(II)TauD (Figure 1) (*10*) combined with spectroscopic studies of TauD (*13*, *14*) and CS (*17*, *18*) indicate that substrate does not bind directly to the metal but that its binding to the anaerobic αKG-Fe(II)-enzyme complex displaces the remaining solvent molecule to create an O_2 binding site. Subsequent steps involving reaction of oxygen with the ternary complex remain unclear.

Investigation of αKG-Fe(II)TauD reactivity toward oxygen revealed a novel self-hydroxylation reaction, as presented below. Significantly, evidence for the participation of a tyrosyl radical in this TauD modification was obtained.

EXPERIMENTAL PROCEDURES

Enzyme Purification and Assay. Wild-type TauD apoprotein was purified and assayed as previously described (*13*). Selected variants of TauD, described below, were purified and assayed in the same manner. The activities of wild-type and variant TauD proteins were observed to decrease over the assay time course; thus, progress curves were analyzed by fitting the data to the equation

$$P_t = V_i(1 - e^{-k(\text{inact})t})k(\text{inact})^{-1} \quad (1)$$

where P_t is the accumulated product at time t, V_i is the initial velocity, and k(inact) is the inactivation rate constant (*19*).

Site-Directed Mutants of TauD Lacking Active Site Tyrosines. The Y73I, Y73S, Y256I, and Y256F variants of TauD were created by direct mutation of *tauD* in pME4141 (*9*) by using the Stratagene Quickchange System (Stratagene, La Jolla, CA). The mutagenic primers used were (Y256I) 5′-CGCGTGACCCAGCACATTGCCAATGCCGATTAC-3′, (Y256F) 5′-CGCGTGACCCAGCACTTTGCCAATGC-CGATTAC-3′, (Y73I) 5′-GAATTGATTCACCCTGTTAT-TCCGCATGCCGAAGGG-3′, and (Y73S) 5′-GAATT-GATTCACCCTGTTAGCCCGCATGCCGAAGGG-3′. The mutated plasmids were subcloned into DH5α (Invitrogen, Carlsbad, CA) and purified by using a Wizard Midi-Prep Kit (Promega, Madison, WI), and the identities were confirmed by sequence analysis.

Spectroscopy. Stopped-flow UV/visible spectra were obtained by using a 0.4 cm path length Olis RSM-16 UV/visible stopped-flow spectrophotometer as previously described (*13*). Additional electronic spectra were recorded on a Beckman DU 7500 spectrophotometer in a 1 cm path length cuvette. Resonance Raman spectra were collected on an Acton AM-506 spectrometer (1200-groove grating) using a Kaiser Optical holographic supernotch filter and a Princeton Instruments liquid N_2-cooled (LN-1100PB) CCD detector with 4 cm^{-1} spectral resolution. The 647.1 and 568.2 nm laser excitation lines at 100 mW power were obtained with a Spectra Physics BeamLok 2060-KR-V krypton ion laser. The Raman spectra were obtained at room temperature by 90° scattering in a spinning cell, and Raman frequencies were referenced to indene. For each sample the entire spectral range was obtained by collecting spectra at two different frequency windows, and the resulting spectra were spliced together. Baseline corrections (polynomial fits) and curve fits (Gaussian functions) were carried out by using Grams/32 Spectral Notebase version 4.04 (Galactic). EPR spectra were recorded on a Bruker ESP300E spectrometer equipped with an Oxford liquid He cryostat.

HPLC Methods. Quantitation of the concentration of αKG remaining and succinate produced during O_2 treatment was carried out by using HPLC methods. Samples of Fe(II)TauD (0.5 mM in subunit and metal ions) were adjusted to 1 mM αKG, and the headspace was exchanged to 100% O_2 while the extent of chromophore formation was monitored. Alternatively, sample containing 0.55 mM subunit, 0.5 mM Fe(II), and 2 mM αKG was mixed with an equal volume of O_2-saturated buffer, and the extent of chromophore formation was monitored. Aliquots (100 μL) were removed at selected time points for HPLC determination, and the reactions were quenched by the addition of 5 μL of 6 M H_2SO_4. The samples were centrifuged for 5 min, and 50 μL aliquots were loaded

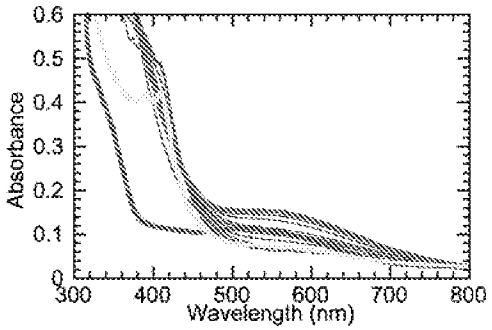


FIGURE 2: Repetitive scan UV/visible spectroscopic analysis of the reaction of αKG-Fe(II)TauD with oxygen-saturated buffer. Spectra were obtained for anaerobic Fe(II)TauD (0.5 mM ferrous ammonium sulfate and 0.55 mM TauD subunit in 25 mM Tris buffer, pH 8.0) containing 2 mM αKG (red trace) and the sample 13 s after adding an equal volume of O_2-saturated buffer (yellow trace) or longer times up to 100 min (gray traces) in a cuvette of 1 cm path length. In addition, a scan was taken after 3 h (blue trace).

onto an Aminex HPX-87H column (Bio-Rad) using a Shimadzu LC-10AD VP pump equipped with a Waters universal LC injector (Model U6K). The organic acids were eluted using 0.013 M H_2SO_4 and detected by a Waters differential refractometer (Model R401). Data were plotted on a HP 3390A integrator and the concentrations determined by comparison to solutions of known concentration.

RESULTS

Reaction of αKG-Fe(II)TauD with O_2. Upon being mixed with buffer equilibrated under 100% O_2, the lilac-colored chromophore associated with anaerobic αKG-Fe(II)TauD (λ_{max} = 530 nm; ϵ_{530} = 140 $M^{-1}\cdot cm^{-1}$) converted initially to a yellow species (λ_{max} = 408 nm; minimum ϵ_{408} = 1600 $M^{-1}\cdot cm^{-1}$) that slowly transformed to a greenish brown chromophore (λ_{max} = 550 nm; ϵ_{550} = 460 $M^{-1}\cdot cm^{-1}$) as shown in Figure 2. Significantly, the 408 nm species was not observed during oxygen exposure of taurine-αKG-Fe(II)-TauD or αKG-free Fe(II)TauD. Furthermore, the presence of αKG and the absence of taurine were required for formation of the 550 nm species. The intensities of the transient and 550 nm chromophores were highly dependent on the concentration of Fe(II). Maximal 408 nm chromophore formation was observed when Fe(II) concentrations were approximately stoichiometric with the subunit concentrations.

The production of the two chromophores in O_2-exposed αKG-Fe(II)TauD is reminiscent of, but distinct from, the generation of a blue species (ϵ_{580} = 1000 $M^{-1}\cdot cm^{-1}$) observed in the uncoupled reaction of O_2 with αKG-Fe(II)-TfdA (*20*). The TfdA-derived spectrum arises from self-hydroxylation of Trp112 (located adjacent to the His113 metal ligand), ligand exchange, and metal oxidation to form an Fe(III)-O-Trp chromophore. The TauD results suggest that a unique self-hydroxylation reaction may take place in this protein. Because resonance Raman spectroscopic characterization was critical to the identification of the TfdA chromophore, analogous spectroscopic studies were carried out with TauD.

Resonance Raman Spectroscopy of O_2-Exposed αKG-Fe(II)TauD. The resonance Raman spectrum of the greenish brown sample derived from exposure of αKG-Fe(II)TauD to O_2 exhibits a set of vibrations not observed in the spectrum of αKG-Fe(II)TauD before exposure to O_2 (Figure 3). This

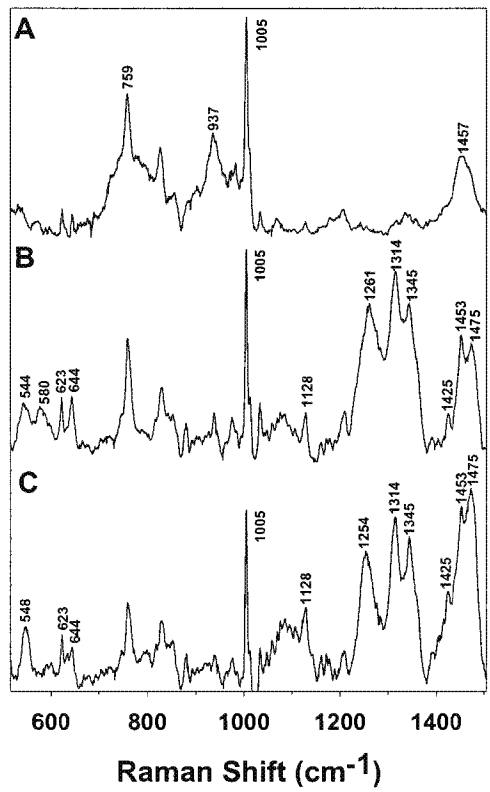


FIGURE 3: Resonance Raman spectrum of αKG-TauD species. Raman spectra were obtained for the (A) lilac-colored αKG-Fe(II)-TauD (568.2 nm excitation), (B) a greenish brown sample formed upon exposure of αKG-Fe(II)TauD to O_2 (647.1 nm excitation), and (C) a greenish brown sample formed upon exposure of αKG-Fe(II)TauD in $H_2{}^{18}O$ to O_2 (647.1 nm excitation).

spectrum resembles those of tyrosine hydroxylase complexed with various catecholamines (*21*, *22*) and those of recombinant phosphomannose isomerase and the R2 protein of ribonucleotide reductase obtained from an F208Y mutation (Table 1), both of which possess dihydroxyphenylalanine (dopa) side chains chelated to the metal center (*23*, *24*). Specifically, the bands in the 1100−1500 cm^{-1} region arise from catecholate ring deformations, while those at 500−650 cm^{-1} can be assigned to metal−ligand vibrations associated with the five-membered iron−catecholate chelate ring. In contrast, the pattern of peak frequencies and intensities in the TauD spectrum is distinctly different from those of protocatechuate 3,4-dioxygenase (*25*), uteroferrin (*26*), and O_2-exposed αKG-Fe(II)TfdA (*20*), respectively ruling out the presence of Fe(III)-O-Tyr and Fe(III)-O-Trp chromophores. Thus it would appear that a tyrosine residue has become hydroxylated to dopa in the course of forming the greenish brown chromophore.

Isotope labeling experiments have been carried out to determine the origin of the oxygen atom that is inserted into the Tyr residue. Samples were prepared from αKG-Fe(II)-TauD in $H_2{}^{16}O$ buffer and exposed to $^{18}O_2$ or from αKG-Fe(II)TauD in $H_2{}^{18}O$ buffer and exposed to $^{16}O_2$ (Figure 3C). The 1261 cm^{-1} band is associated with an aromatic ring deformation involving the catecholate C−O bonds (*22*). No shift is observed in the $^{18}O_2$ experiment, but there is a 7 cm^{-1} downshift in the $H_2{}^{18}O$ experiment. For comparison, a 4 cm^{-1} downshift is reported for the tyrosine hydroxylase-[3-^{18}O]-dopamine complex (*22*), but no shift is observed for [3-^{18}O]-dopa208 R2 (*23*). While the reason for this variability is not

Table 1: Resonance Raman Vibrations of Proteins with Fe(III) Catecholate and Related Chromophores

protein/complex[a]	Raman vibrations (cm^{-1})												ref
αKG-Fe(II)TauD + O_2	544	580	623	644	1128	1261	1314	1345	1425	1453	1475		this work
αKG-Fe(II)TauD + $^{18}O_2$	?	?	623	644		1261	1314	1345	1425	1453	1475		
αKG-Fe(II)TauD + O_2 in $H_2{}^{18}O$	548		623	644	1128	1254	1314	1345	1425	1453	1475		
dopa208 RNR R2	512	592	619		1143	1263	1319	1350			1475	1569	*23*
[3-^{18}O]dopa208 RNR R2	499	584	617		1143	1263	1319	1350			1475	1569	
TH-dopamine	528	592	631			1275	1320		1425		1475		*22*
TH-[3-^{18}O]dopamine	522	580	629			1271	1320		1425		1475		
TH-noradrenaline	530	624	636		1171	1271	1328		1428		1476		*22*
TH-[3-^{18}O,4-^{18}O]noradrenaline	512	552−597	624		1168	1266	1317		1424		1474		
recombinant phosphomannose isomerase		591	631			1266	1330		1428		1482	1650	*24*
protocatechuate 3,4-dioxygenase (Fe-O-Tyr)		592		826 854	1172 1180	1254 1266					1506	1604	*26*
uteroferrin (Fe-O-Tyr)		575		805 872	1168	1285					1503	1603	*27*
αKG-Fe(II)TfdA + O_2 (Fe-O-Trp)		564	750	898 970	1240	1274	1344					1622	*20*

[a] RNR R2 = the R2 protein of ribonucleotide reductase from *E. coli*; TH = tyrosine hydroxylase.

apparent, it is clear that ^{18}O from water, but not from O_2, is incorporated into the newly formed catecholate of TauD.

Unfortunately, interpretation of the isotope effects in the low-frequency region is not as straightforward. The two sharper features at 623 and 644 cm^{-1}, both assigned to the Fe−O4 vibration, are unaffected in the isotope labeling experiments (Table 1). This is not surprising as O4 is the native oxygen atom of the Tyr residue that is converted to dopa. The fact that there are two features associated with Fe−O4 is attributed to the presence of two forms of the enzyme, respectively with and without the bound bicarbonate derived from the oxidative decarboxylation of αKG. Expulsion of the bound bicarbonate by addition of the substrate taurine results in the loss of the 623 cm^{-1} peak.[2] The Fe−O3 stretch is associated with the much broader feature at 580 cm^{-1} in the ^{16}O enzyme. This band disappears upon the incorporation of ^{18}O from water into the catecholate (Figure 3C). In isotope labeling studies of other protein complexes with dopa-like ligands, the vibration associated with the Fe−O3 bond has been observed to downshift upon ^{18}O incorporation into the 3-O atom (Table 1). However, rationalizing the disappearance of the 580 cm^{-1} band in the TauD spectrum would require a rather large downshift of ca. 35 cm^{-1} so that it merges with the 544 cm^{-1} feature. Furthermore, corresponding spectra from the $^{18}O_2$ experiments are difficult to interpret because the features below 600 cm^{-1} appear even broader. Despite the ambiguity of the low-frequency data, the accumulated results nevertheless indicate that the dopa O3 oxygen atom in TauD derives from water, just like the oxygen atom incorporated into the HO-Trp residue formed upon exposure of αKG-Fe(II)TfdA to O_2 (*20*).

Stopped-Flow Spectroscopic Analysis of the 408 nm Intermediate in O_2-Exposed αKG-Fe(II)TauD. To better define the properties of the transient 408 nm species, stopped-flow UV/visible spectroscopic methods were used. This analysis allowed examination of the kinetics of formation of the 408 nm feature (and the accompanying 385 nm shoulder) generated upon mixing αKG-Fe(II)TauD with 100% O_2-saturated buffer (Figure 4). Enzyme, αKG, Fe(II), and oxygen were all required to obtain this yellow species. As summarized in Table 2, the rate constant for 408 nm species formation (~0.25 s^{-1}) was independent of the concentrations of iron and αKG but did appear to depend on oxygen concentration. Not surprisingly, the signal amplitudes were diminished in cases where the αKG or oxygen concentrations were less than that of the enzyme subunit. When measured over the first 20 min, this feature decayed in an apparent first-order process at 0.58 ± 0.10 min^{-1} and then declined an additional ~15% over the next 2 h.

Table 2: Effect of Reactant Concentration on the Rate of 408 nm Chromophore Formation

[αKG] (mM)	[Fe(II)] (mM)	[TauD] (mM)	[O_2] (mM)	obsd rate (s^{-1})[a]	amplitude	ns[b]	np[c]
0.125	0.25	0.275	0.5	0.20 ± 0.03	0.072	12	3
0.25	0.25	0.275	0.5	0.20 ± 0.02	0.113	8	2
0.5	0.25	0.275	0.5	0.22 ± 0.01	0.143	3	1
1.0	0.25	0.275	0.5	0.21 ± 0.01	0.134	6	2
2.0	0.25	0.275	0.5	0.27 ± 0.04	0.114	10	4
4.0	0.25	0.275	0.5	0.22 ± 0.03	0.113	15	3
4.0	0.125	0.275	0.5	0.23 ± 0.04	0.068	11	3
4.0	0.25	0.275	0.1	0.11 ± 0.03	0.052	8	3

[a] Rates were obtained by using a single-wavelength, single-exponential fitting routine provided in the Olis software package. Individual scans were fit from 10 ms to 15 s. [b] Number of stopped-flow traces averaged to obtain the presented rates. [c] Number of independent protein preparations used for comparisons.

EPR Spectroscopic Changes in O_2-Exposed αKG-Fe(II)-TauD. The transient yellow chromophore described above exhibited features reminiscent of those reported previously for tyrosyl radicals (*27, 28*); hence, confirmatory studies were carried out using electron paramagnetic resonance (EPR) spectroscopy to test for such a species. Oxygen exposure of αKG-Fe(II)TauD led to the rapid development of an intense EPR feature at $g = 2$ in addition to a rhombic high-spin Fe(III) signal at $g = 4.3$ (Figure 5A). Comparison to a 1,1-diphenyl-2-picrylhydrazyl standard of known concentration suggested stoichiometric formation (0.9 ± 0.4 spin per mole of subunit) of this radical species, again in a process requiring enzyme, αKG, Fe(II), and oxygen. Expanded spectra of the $g = 2$ feature recorded at 4, 100, and 220 K (Figure 5B) highlight the effect of temperature on the signal line shape. Simulation of the spectrum recorded at 165 K (Figure 5C) was achieved by using g-values and proton hyperfine

[2] M. J. Ryle, K. D. Koehntop, A. Liu, L. Que, Jr., and R. P. Hausinger, unpublished observations.

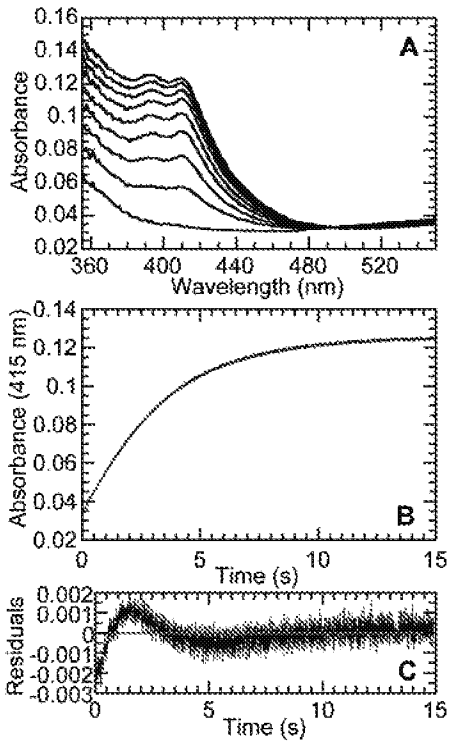


FIGURE 4: Formation of the transient yellow intermediate during reaction of αKG-Fe(II)TauD with oxygen using stopped-flow UV/visible spectroscopy. (A) Stopped-flow spectral changes were analyzed upon mixing equal volumes of 100% O_2-saturated buffer and αKG-Fe(II)TauD (1.0 mM αKG, 0.55 mM TauD subunit, and 0.5 mM ferrous ammonium sulfate) in 25 mM Tris buffer, pH 8.0. The least intense spectrum was recorded at 10 ms, and spectra with increasing intensity were obtained at 1 s intervals (0.4 cm path length). (B) A single-exponential fit of the observed changes in 408 nm absorbance over time yielded a rate constant of chromophore formation of 0.29 ± 0.02 s^{-1}. The plot includes both the data and the overlapping fit. (C) The residuals are shown for the single-exponential fit.

coupling constants consistent with those previously reported for tyrosyl radicals (see figure caption for magnetic resonance parameter values) (*27*–*29*). These proton hyperfine couplings predict an odd-alternate distribution of the unpaired electron spin density about the aromatic ring as well as dihedral angles of 48° and 72° for the orientation of the methylene protons relative to the ring plane (*30*). The EPR signal attributed to the tyrosyl radical decayed over time at room temperature (Figure 5A), coincident with loss of the 408 nm species.

To address the question of proximity of the tyrosyl radical to the high-spin Fe center, inversion recovery experiments using the three-pulse spin–echo sequence ($\pi-T-\pi/2-$tau$-\pi-$tau–echo) were carried out. In these experiments, the amplitude of the spin–echo was monitored as a function of T, keeping tau in the spin–echo sequence constant. Data obtained at 5 K show complex recovery functions that can be fit to a single-exponential decay with a lifetime of 11 μs. This estimate of T_1 is about 1000 times shorter than that measured by Evelo et al. (*31*) for the dark-stable tyrosyl radical of photosystem II at 5 K. In that system, relaxation was enhanced by the Mn cluster of the oxygen-evolving apparatus that is approximately 15–20 Å away (*32*). Because the dipolar contribution to the spin–lattice relaxation varies as $S(S+1)/r^6$, we would expect to gain a factor of 10 in recovery rate based on the higher spin of the Fe center. However, the additional factor of 100 in T_1 enhancement

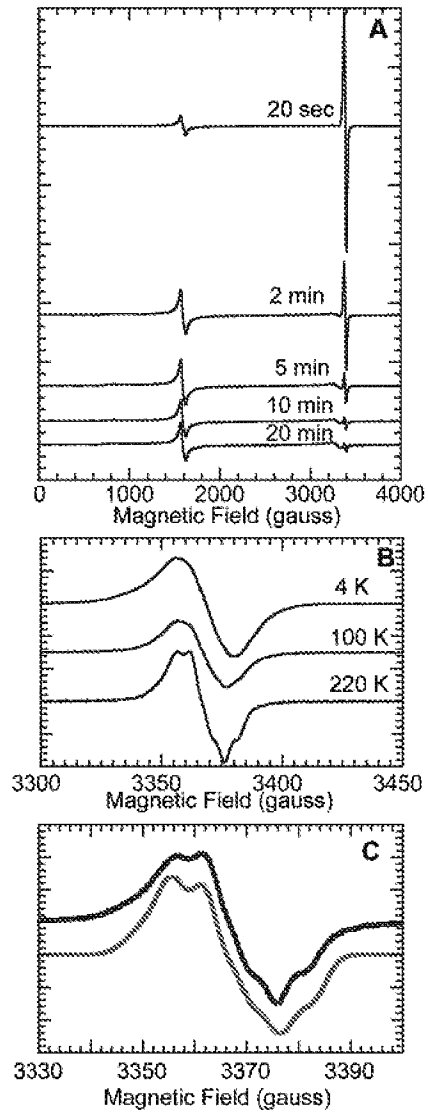


FIGURE 5: EPR spectroscopic evidence for a transient tyrosyl radical in TauD. (A) The EPR spectra recorded at 4 K using 50 μW microwave power for samples frozen at the indicated times after mixing equal volumes of αKG-Fe(II)TauD (2 mM αKG, 0.5 mM ferrous ammonium sulfate, and 0.6 mM protein subunit) and O_2-saturated buffer. A single-exponential fit (not shown) of the change in peak-to-peak intensity of the $g = 2$ signal (using values at 3375.2 and 3398.5 G) versus time resulted in a rate of signal loss of 0.50 ± 0.02 min^{-1}. (B) Expanded spectra of the $g = 2.0$ region recorded at 4, 100, and 200 K for the O_2-exposed (~13 s) sample containing 0.5 mM αKG, 0.25 mM ferrous ammonium sulfate, and 0.28 mM TauD subunit. (C) Simulation (blue trace) and experimental spectrum (black trace) for an analogous sample recorded at 165 K. The simulation provided the following spin Hamiltonian parameters: g_x, 2.0068; g_y, 2.0044; g_z, 2.0023; proton hyperfine coupling constants (in MHz), methylene protons (24.5, 24, 31) and (<6, <6, <6); 2,6 protons (−7.0, −4.4, −1.1); 3,5 protons (−27.3, −8.8, −19.6).

likely results from a dipolar distance that is a factor of 2 shorter. On the basis of these preliminary results, the metal center is likely 7–10 Å from the tyrosyl radical. As shown in Figure 1, both Tyr73 and Tyr256 residues are within this distance of the metal center. Experiments to assess the effects of spectral and spin diffusion on our measured T_1 values are currently underway.

Temporal Relationships among αKG Decomposition, Spectroscopic Changes, and Enzyme Inactivation. The head-

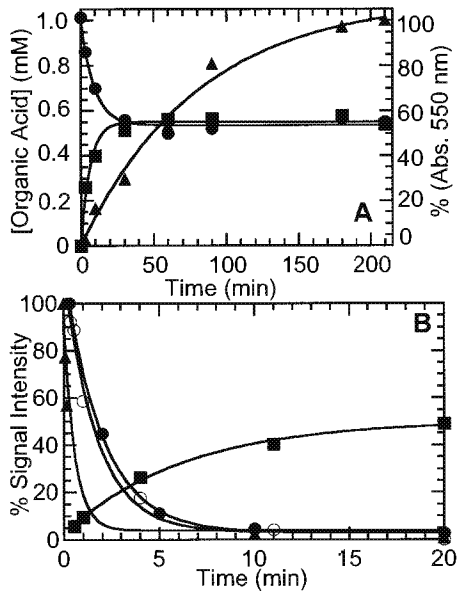


FIGURE 6: Relationships among αKG consumption, succinate formation, and chromophore formation during O_2 treatment of αKG-Fe(II)TauD. (A) Anaerobic samples of Fe(II)TauD (0.5 mM in subunit and metal ions) were adjusted to 1 mM αKG and exposed to 100% O_2 without shaking while the extent of chromophore formation was monitored (triangles). Aliquots were removed for HPLC determination of αKG (circles) and succinate (squares) at the indicated times. (B) An analogous sample was mixed with 100% O_2-saturated buffer. The changes in spectral intensities at 550 nm (squares) and 408 nm (open circles) were each fit to single-exponential processes for data collected between 25 s to 20 min, resulting in rates of 0.18 ± 0.04 min^{-1} and 0.58 ± 0.10 min^{-1}. Also shown is the remaining activity (triangles) and the $g = 2$ EPR signal intensity (closed circles, derived from Figure 7A) fitted to rates of 1.7 ± 0.7 min^{-1} and 0.50 ± 0.02 min^{-1}, respectively.

space of a vial containing anaerobic αKG-Fe(II)TauD was replaced by 100% O_2 while changes in the organic acid concentrations and 550 nm absorption were monitored (Figure 6A). This method of mixing the sample with oxygen resulted in a slow absorption increase at 550 nm compared to that observed by mixing sample with oxygen-saturated buffer (Figure 2 or 6B) but allowed greater ease in monitoring the levels of αKG and succinate. Chromophore formation occurred after the consumption of approximately 1 equiv of αKG and generation of about 1 equiv of succinate per TauD subunit. When the reaction was repeated by mixing the anaerobic sample with an equal volume of O_2-saturated buffer, the chromophore (Figure 6B, squares) formed at a greatly increased rate (0.18 ± 0.04 min^{-1} using data collected up to 20 min), and nearly stoichiometric levels (0.8 per subunit) of the organic acid were converted to succinate and CO_2 within 0.2 min (not shown). Incubation for a total of 100 min led to a doubling of the intensity of the 550 nm absorption (to the 100% value in Figure 6B) and the decomposition of an additional 0.4 αKG per subunit. Significantly, the tyrosyl radical formed rapidly and decayed (monitored by the decrease in 408 nm absorption and by loss of EPR spectral intensity with first-order rate constants of 0.58 ± 0.10 min^{-1} and 0.50 ± 0.02 min^{-1}, respectively) prior to generation of the 550 nm species.

The activity of the αKG-Fe(II)TauD sample was assessed at different times after mixing with oxygen. Anaerobic solutions of αKG-Fe(II)TauD were mixed with equal volumes of O_2-saturated buffer [resulting in final concentrations of 275 μM TauD subunit, 250 μM Fe(II), and 0.5 mM αKG] for varied periods of time, adjusted to 250 μM taurine, further reacted for 1 min, quenched by EDTA addition, and analyzed for sulfite. As shown in Figure 6B (triangles), taurine additions at 5, 10, 60, 600, and 1200 s resulted in the production of 170, 125, 63, 5.4, and 2.0 μM sulfite. For comparison, a control sample with taurine present in the original solution yielded 220 μM sulfite. Thus, as shown in Figure 6B, the enzyme lost activity more rapidly (1.7 min^{-1}) than the observed decay of the tyrosyl radical. This result is not surprising when one considers that, in addition to any irreversible inactivation that may occur from side chain modification, TauD is likely to be reversibly inactivated simply by oxidation of the metal center on the basis of studies carried out with TfdA (*19*). Indeed, ~60% of the original TauD activity was recovered by dithionite reduction, EDTA treatment, dialysis, and reintroduction to the assay conditions.

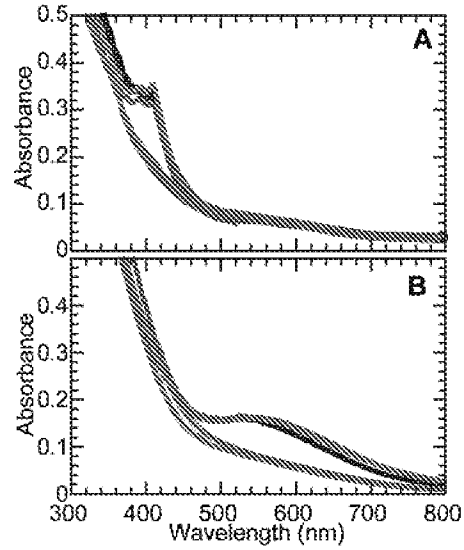


FIGURE 7: UV/visible spectroscopic analysis of the reaction of αKG-bound TauD variants with oxygen. Spectra were obtained ~10 s (A) and 2 h (B) after mixing anaerobic αKG-Fe(II)TauD samples (0.5 mM ferrous ammonium sulfate, 0.55 mM TauD subunit, and 2 mM αKG in 25 mM Tris buffer, pH 8.0) with equal volumes of O_2-saturated buffer. Spectra are presented for wild-type TauD (black trace) and the Y256I (blue trace), Y256F (red trace), Y73I (green trace), and Y73S (purple trace) variants.

Properties of TauD Variants. Enzyme variants were created with substitutions at Tyr73 and Tyr256 (located 6.5 and 9.3 Å from the metallocenter, respectively; Figure 1) to assess the possibility that an active site tyrosine residue is modified in the reaction of αKG-Fe(II)TauD with oxygen. As shown in Figure 7, formation of the tyrosyl radical (observed at 408 nm) required the presence of Tyr73 but not Tyr256. Furthermore, the greenish brown chromophore was clearly formed in the Tyr256 mutant proteins, but the variants lacking Tyr73 exhibited significantly reduced absorbance at 550 nm with no clear maximum. These results suggest that Tyr73 participates in the formation of both of these chromophores. Analysis of TauD variants confirmed that Tyr73 was required to generate the EPR signal signifying radical formation (Figure 8).

To assess the potential importance of Tyr73 and Tyr256 to catalysis, the kinetic properties of the Y73I, Y73S, Y256I, and Y256F TauD variants were compared to the activity of the wild-type enzyme (Figure 9 and Table 3). Significantly,

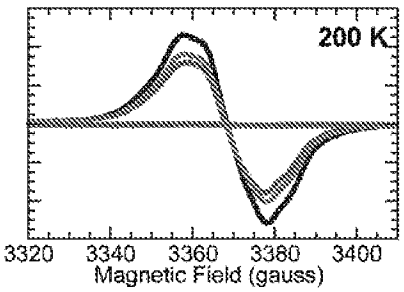


FIGURE 8: EPR spectroscopic analysis of the reaction of αKG-bound TauD variants with oxygen. Anaerobic αKG-Fe(II)TauD (0.5 mM ferrous ammonium sulfate, 0.55 mM TauD subunit, and 2 mM αKG in 25 mM Tris buffer, pH 8.0) was mixed with an equal volume of O_2-saturated buffer. Spectra are presented for wild-type TauD (black trace) and the Y256I (blue trace), Y256F (red trace), Y73I (green trace), and Y73S (purple trace) variants. Samples were frozen at ~13 s, and the EPR spectra were recorded at 200 K using 50 μW microwave power.

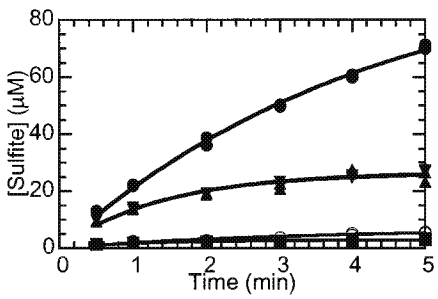


FIGURE 9: Progress curves of wild-type and mutant TauD proteins. The production of sulfite (*9*) was monitored as a function of time using standard assay conditions in the presence of 640 μM taurine. Samples examined included 1 μg of wild-type TauD (closed circles) or 2 μg of the Y73I (inverted closed triangles), Y256F (closed triangles), Y73S (open circles), and Y256 I (closed squares) variants.

Table 3: Summary of Kinetic Parameters for Wild-Type TauD and Selected Variants

enzyme	K_M (taurine) (μM)	k_{cat} (min^{-1})	k_{cat}/K_M ($\mu M^{-1}\ min^{-1}$)	inactivation rate[a] (min^{-1})
wild type	58 ± 6	758 ± 26	13.1 ± 1.8	0.19 ± 0.04
Y73I	243 ± 33	438 ± 35	1.80 ± 0.32	0.76 ± 0.06
Y256F	122 ± 17	371 ± 16	3.04 ± 0.55	0.52 ± 0.07

[a] Calculated for data using 1 mM taurine.

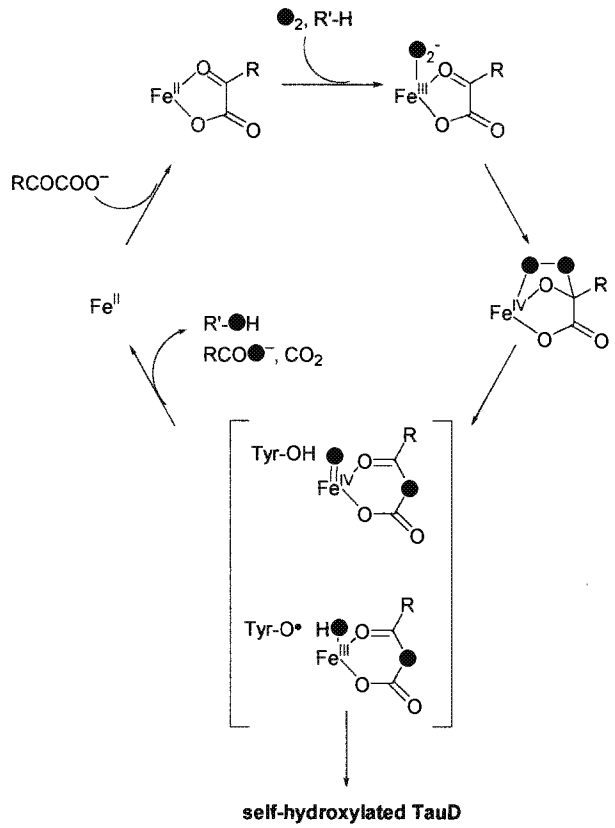
each of these modified proteins was active, thus establishing that neither of these tyrosines is essential for catalysis. Although past studies had assumed linear kinetics over the first few minutes of the assay (*9*, *13*), the TauD variants and, to a lesser extent, the wild-type enzyme exhibited inactivation kinetics within this time frame (Figure 9). This behavior is not surprising since the activities of several αKG-dependent dioxygenases are known to decrease over time in a process that is partially reversed by ascorbic acid. For example, the related enzyme TfdA was shown to undergo a combination of irreversible inactivation (possibly associated with enzyme self-hydroxylation (*20*)) and ascorbate-reversible inactivation (presumably due to metal oxidation) (*19*). TauD was inactivated 35% more rapidly in the absence of ascorbate (k_{inact} 0.25 ± 0.04 min^{-1}) than in its presence (Table 3) when compared at 1 mM taurine. On the basis of the calculated initial rates shown in Table 3, each of the mutant proteins is less active than the wild-type enzyme (detailed kinetics are provided for only two variants since the other two mutant proteins exhibited very little activity). Some loss of activity is not unexpected for cases where active site residues are altered, as demonstrated by prior studies with TfdA (*33*). In particular, Tyr73 has been suggested to participate in binding taurine via a hydrogen-bonding interaction (*10*). Consistent with this assignment, the Y73I mutant protein resulted in a 5-fold increase in K_M of taurine compared to the wild-type enzyme. In contrast, a more modest 2-fold increase in K_M was observed for the Y256F variant.

DISCUSSION

We have obtained evidence demonstrating that αKG-Fe(II)TauD reacts with oxygen in the absence of taurine to generate a transient tyrosyl radical that subsequently gives rise to a catechol. This self-hydroxylation reaction is manifested by the appearance of a greenish brown chromophore that arises from a catecholate-to-iron(III) charge-transfer transition (λ_{max} 550 nm, ϵ 700 $M^{-1}\cdot cm^{-1}$). Compared with other iron(III) catecholate chromophores such as those found in the complexes of tyrosine hydroxylase with dopamine or noradrenaline (*22*), dopa208 R2 (*34*), and recombinant phosphomannose isomerase (*24*), greenish brown TauD has an extinction coefficient that is about one-third as large, suggesting that only ~33% of the enzyme has been modified. This assessment is consistent with the observation that about 60% of enzyme activity can be recovered after treating samples with a reducing agent plus chelator, dialyzing, and examining the enzyme in fresh assay buffer. On the basis of results from site-directed mutagenesis studies, we identified Tyr73 as the site of both radical and catechol formation. Below, we discuss a reasonable chemical mechanism to account for these transformations. In addition, we relate these results to uncoupled reactions observed in the broader family of non-heme oxygenases and speculate on the possible roles of these transformations.

The multistep sequence of reactions described above for oxygen-exposed αKG-Fe(II)TauD appears to be initiated with O_2-dependent αKG decomposition. This reaction is likely to parallel that which occurs during catalysis in the presence of taurine. In the commonly invoked mechanism for this enzyme family (Scheme 2), an iron(IV) oxo species responsible for substrate oxidation is suggested to be derived from O_2 binding to the iron(II) αKG center and attack by the bound superoxide on the α-keto carbon of αKG, followed by decarboxylation and heterolytic O−O bond cleavage (*4*, *6*−*8*). There is currently no direct spectroscopic evidence for this iron(IV) oxo intermediate, although such species have been observed for heme (*35*) and for non-heme diiron enzymes such as methane monooxygenase (*36*) and ribonucleotide reductase (*27*). Perhaps this lack of evidence speaks to the relative instability and greater reactivity of a mononuclear iron(IV) oxo species in a non-heme ligand environment. We propose that when substrate is absent, the TauD iron−oxo species still forms but attacks the nearby (6.5 Å distant) Tyr73 instead, leading to formation of the tyrosyl radical and an Fe(III) OH center. The transient tyrosyl radical in TauD then rebounds with the Fe(III) OH center to form an iron(II) catecholate complex. Subsequent oxidation in the presence of air generates the observed 550 nm chromophore. It is clear from the kinetic data presented above that the Tyr•/Fe(III) OH intermediate must have a sufficient lifetime to allow solvent exchange to occur with the

Scheme 2



kinetically labile high-spin Fe(III) center, thereby providing a mechanism for the incorporation of ^{18}O from $H_2{}^{18}O$ into the resulting dopa residue as detected in the resonance Raman studies. A similar mechanism is proposed for the formation of the dopa residue in dopa208 R2 with the 3-O atom derived from solvent water (*23*). In this case, the Fe to Tyr distance is 5.3 Å (*27*).

The αKG-dependent dioxygenases are known to exhibit low, but detectable, oxygen reactivity in the presence of only αKG and metal ions (e.g., refs *13* and *20*). In contrast, binding of the primary substrate leads to increased oxygen reactivity due to displacement of a water molecule from the six-coordinate αKG-bound active site, thus creating a binding site for O_2 (e.g., refs *13*, *17*, and *18*). It has long been known that the αKG-dependent dioxygenases undergo oxidative inactivation in the presence of poor substrates due to the uncoupling of αKG decomposition and substrate oxidation (e.g., refs *37*–*40*). As observed here with TauD, ascorbate can enhance the activity of these enzymes by reducing the oxidized metallocenter to restore the catalytically active Fe(II) state. In addition to this reversible type of inactivation, irreversible modifications of these proteins also occur (*19*). For example, oxygen exposure of αKG-Fe(II)TfdA results in hydroxylation of an active site Trp residue (*20*), and oxidation of 1-aminocyclopropane-1-carboxylate oxidase leads to enzyme fragmentation (*41*). The results described here provide another example of irreversible modifications due to oxidative reactions involving tyrosine. On the basis of the rapid inactivation of our Tyr73 variants, we speculate that tyrosine hydroxylation may afford protection to TauD by preventing more damaging reactivity (e.g., backbone cleavage) with activated oxygen intermediates. More significantly, these studies provide the first evidence related to the identity of a distinct intermediate, a tyrosyl radical, in the oxidative inactivation of any αKG-dependent dioxygenase. The likely involvement of a tyrosyl radical in TauD self-hydroxylation reactions may relate to the mechanisms of tyrosine or tryptophan amino acid side chain hydroxylation or cross-linking reactions noted in selected other non-heme iron and other metal-containing proteins (*27*). These modifications, including the hydroxy-Trp in TfdA (*20*) and F208Y hydroxylation in the R2 protein of ribonucleotide reductase (*42*), likely form through the participation of aromatic radical intermediates.

In conclusion, we suggest that oxygen-exposed αKG-Fe(II)TauD catalyzes oxidative decomposition of the α-keto acid analogous to that occurring during catalysis when taurine is present, resulting in generation of a putative, formally iron(IV) oxo species. We further suggest that this moiety reacts with the nearby Tyr73 to form an iron(III) amino acid radical species, as depicted in Scheme 2. The TauD radical species then participates in additional reactions resulting in the catechol-containing derivative.

ACKNOWLEDGMENT

This paper is dedicated to the memory of Gerald T. Babcock, a pioneer in investigations of tyrosyl radicals. We thank Will and Joan Broderick for insightful discussions and Greta Monterosso for assistance with selected studies.

REFERENCES

1. Prescott, A. G., and Lloyd, M. D. (2000) The iron(II) and 2-oxoacid-dependent dioxygenases and their role in metabolism, *Nat. Prod. Rep. 17*, 367–383.
2. Schofield, C. J., and Zhang, Z. (1999) Structural and mechanistic studies on 2-oxoglutarate-dependent oxygenases and related enzymes, *Curr. Opin. Struct. Biol. 9*, 722–731.
3. Ryle, M. J., and Hausinger, R. P. (2002) Non-heme iron oxygenases, *Curr. Opin. Chem. Biol. 6*, 193–201.
4. Zhang, Z., Ren, J., Stammers, D. K., Baldwin, J. E., Harlos, K., and Schofield, C. J. (2000) Structural origins of the selectivity of the trifunctional oxygenase clavaminic acid synthase, *Nat. Struct. Biol. 7*, 127–133.
5. Prescott, A. G., and John, P. (1996) Dioxygenases: molecular structure and role in plant metabolism, *Annu. Rev. Plant Physiol. Plant Mol. Biol. 47*, 245–271.
6. Hanauske-Abel, H. M., and Gunzler, V. (1982) A stereochemical concept for the catalytic mechanism of prolylhydroxylase. Applicability to classification and design of inhibitors, *J. Theor. Biol. 94*, 421–455.
7. Que, L., Jr., and Ho, R. Y. N. (1996) Dioxygen activation by enzymes with mononuclear non-heme iron active site, *Chem. Rev. 96*, 2607–2624.
8. Solomon, E. I., Brunold, T. C., Davis, M. I., Kemsley, J. N., Lee, S.-K., Lehnert, N., Neese, F., Skulan, A. J., Yang, Y.-S., and Zhou, J. (2000) Geometric and electronic structure/function correlations in non-heme iron enzymes, *Chem. Rev. 100*, 235–349.
9. Eichhorn, E., van der Ploeg, J. R., Kertesz, M. A., and Leisinger, T. (1997) Characterization of α-ketoglutarate-dependent taurine dioxygenase from *Escherichia coli*, *J. Biol. Chem. 272*, 23031–23036.
10. Elkins, J. M., Ryle, M. J., Clifton, I. J., Dunning Hotopp, J. C., Lloyd, J. S., Burzlaff, N. I., Baldwin, J. E., Hausinger, R. P., and Roach, P. L. (2002) X-ray crystal structure of *Escherichia coli* taurine/α-ketoglutarate dioxygenase complexed to ferrous iron and substrates, *Biochemistry 41*, 5185–5192.
11. Hogan, D. A., Smith, S. R., Saari, E. A., McCracken, J., and Hausinger, R. P. (2000) Site-directed mutagenesis of 2,4-dichlorophenoxyacetic acid/α-ketoglutarate dioxygenase. Identification of residues involved in metallocenter formation and substrate binding, *J. Biol. Chem. 275*, 12400–12409.
12. Valegård, K., Terwisscha van Scheltinga, A. C., Lloyd, M. D., Hara, T., Ramaswamy, S., Perrakis, A., Thompson, A., Lee, W.-J., Baldwin, J. E., Schofield, C. J., Hajdu, J., and Andersson, I.

(1998) Structure of a cephalosporin synthase, *Nature (London) 394*, 805–809.
13. Ryle, M. J., Padmakumar, R., and Hausinger, R. P. (1999) Stopped-flow kinetic analysis of *Escherichia coli* taurine/α-ketoglutarate dioxygenase: interactions with α-ketoglutarate, taurine, and oxygen, *Biochemistry 38*, 15278–15286.
14. Ho, R. Y. N., Mehn, M. P., Hegg, E. L., Liu, A., Ryle, M. A., Hausinger, R. P., and Que, L., Jr. (2001) Resonance Raman studies of the iron(II)-α-keto acid chromophore in model and enzyme complexes, *J. Am. Chem. Soc. 123*, 5022–5029.
15. Pavel, E. G., Zhou, J., Busby, R. W., Gunsior, M., Townsend, C. A., and Solomon, E. I. (1998) Circular dichroism and magnetic circular dichroism spectroscopic studies of the non-heme ferrous active site in clavaminate synthase and its interaction with α-ketoglutarate cosubstrate, *J. Am. Chem. Soc. 120*, 743–753.
16. Wilmouth, R. C., Turnbull, J. J., Welford, R. W. D., Clifton, I. J., and Schofield, C. J. (2002) Structure and mechanism of anthocyanadin synthase from *Arabidopsis thaliana*, *Structure 10*, 93–103.
17. Zhou, J., Gunsior, M., Bachmann, B. O., Townsend, C. A., and Solomon, E. I. (1998) Substrate binding to the α-ketoglutarate-dependent non-heme iron enzyme clavaminate synthase 2: coupling mechanism of oxidative decarboxylation and hydroxylation, *J. Am. Chem. Soc. 120*, 13539–13540.
18. Zhou, J., Kelly, W. L., Bachmann, B. O., Gunsior, M., Townsend, C. A., and Solomon, E. I. (2001) Spectroscopic studies of substrate interactions with clavaminate synthase 2, a multifunctional α-KG-dependent non-heme iron enzyme: correlation with mechanisms and reactivities, *J. Am. Chem. Soc. 123*, 7388–7398.
19. Saari, R. E., and Hausinger, R. P. (1998) Ascorbic acid-dependent turnover and reactivation of 2,4-dichlorophenoxyacetic acid/α-ketoglutarate dioxygenase using thiophenoxyacetic acid, *Biochemistry 37*, 3035–3042.
20. Liu, A., Ho, R. Y. N., Que, L., Jr., Ryle, M. J., Phinney, B. S., and Hausinger, R. P. (2001) Alternative reactivity of an α-ketoglutarate-dependent iron(II) oxygenase: enzyme self-hydroxylation, *J. Am. Chem. Soc. 123*, 5126–5127.
21. Andersson, K. K., Cox, D. D., Que, L., Jr., Flatmark, T., and Haavik, J. (1988) Resonance Raman studies on the blue-green-colored bovine adrenal tyrosine 3-monooxygenase (tyrosine hydroxylase). Evidence that the feedback inhibitors adrenaline and noradrenaline are coordinated to iron, *J. Biol. Chem. 263*, 18621–18626.
22. Michaud-Soret, I., Andersson, K. K., Que, L., Jr., and Haavik, J. (1995) Resonance Raman studies of catecholate and phenolate complexes of recombinant human tyrosine hydroxylase, *Biochemistry 34*, 5504–5510.
23. Ling, J., Sahlin, M., Sjöberg, B.-M., Loehr, T. M., and Sanders-Loehr, J. (1994) Dioxygen is the source of the μ-oxo bridge in iron ribonucleotide reductase, *J. Biol. Chem. 269*, 5595–5601.
24. Smith, J. J., Thomson, A. J., Proudfoot, A. E. I., and Wells, T. N. C. (1997) Identification of an Fe(III)-dihydroxyphenylalanine site in recombinant phosphomannose isomerase from *Candida albicans*, *Eur. J. Biochem. 244*, 325–333.
25. Siu, D. C.-T., Orville, A. M., Lipscomb, J. D., Ohlendorf, D. H., and Que, L., Jr. (1992) Resonance Raman studies of the protocatechuate 3,4-dioxygenase from *Brevibacterium fuscum*, *Biochemistry 31*, 10443–10448.
26. Gaber, B. P., Sheridan, J. P., Bazer, F. W., and Roberts, R. M. (1979) Resonance Raman scattering from uteroferrin, the purple glycoprotein of the porcine uterus, *J. Biol. Chem. 254*, 8340–8342.
27. Stubbe, J., and Van der Donk, W. A. (1998) Protein radicals in enzyme catalysis, *Chem. Rev. 98*, 705–762.
28. Pesavento, R. P., and van der Donk, W. A. (2001) Tyrosyl radical cofactors, *Adv. Protein Chem. 58*, 317–385.
29. Shi, W., Hoganson, C. W., Espe, M., Bender, C. J., Babcock, G. T., Palmer, G., Kulmacz, R. J., and Tsai, A.-l. (2000) Electron paramagnetic resonance and electron nuclear double resonance spectroscopic identification and characterization of the tyrosyl radicals in prostaglandin H synthase I, *Biochemistry 39*, 4112–4121.
30. Liu, A., Pötsch, S., Davydov, A., Barra, A.-L., Rubin, H., and Gräslund, A. (1998) The tyrosyl free radical of recombinant ribonucleotide reductase from *Mycobacterium tuberculosis* is located in a rigid hydrophobic pocket, *Biochemistry 37*, 16369–16377.
31. Evelo, R. G., Styring, S., Rutherford, A. W., and Hoff, A. J. (1989) EPR relaxation measurements of photosystem II. Influence of S-state oxidation and temperature, *Biochim. Biophys. Acta 973*, 428–442.
32. Zouni, A., Witt, H.-T., Kern, J., Fromme, P., Krauss, N., Saenger, W., and Orth, P. (2001) Crystal structure of photosystem II from *Synechococcus elongatus* at 3.8 Å resolution, *Nature 409*, 739–743.
33. Dunning Hotopp, J. C., and Hausinger, R. P. (2002) Probing the 2,4-dichlorophenoxyacetate/α-ketoglutarate dioxygenase substrate binding site by site-directed mutagenesis and mechanism-based inactivation, *Biochemistry 41*, 9787–9794.
34. Ormö, M., deMaré, F., Regnström, K., Aberg, A., Sahlin, M., Ling, J., Loehr, T. M., Sanders-Loehr, J., and Sjöberg, B.-M. (1992) Engineering of the iron site in ribonucleotide reductase to a self-hydroxylating monooxygenase, *J. Biol. Chem. 267*, 8711–8714.
35. Sono, M., Roach, M. P., Coulter, E. D., and Dawson, J. H. (1996) Heme-containing oxygenases, *Chem. Rev. 96*, 2841–2887.
36. Wallar, B. J., and Lipscomb, J. D. (1996) Dioxygen activation by enzymes containing binuclear non-heme iron clusters, *Chem. Rev. 96*, 2625–2657.
37. Counts, D. F., Cardinale, G. J., and Udenfriend, S. (1978) Prolyl hydroxylase half reaction: peptidyl prolyl-independent decarboxylation of α-ketoglutarate, *Proc. Natl. Acad. Sci. U.S.A. 75*, 2145–2149.
38. Rao, N. V., and Adams, E. (1978) Partial reaction of prolyl hydroxylase. $(Gly\text{-}Gly\text{-}Pro)_n$ stimulates α-ketoglutarate decarboxylation without prolyl hydroxylase, *J. Biol. Chem. 253*, 6327–6330.
39. Holme, E., and Lindstedt, S. (1982) Studies on the partial reaction of thymine 7-hydroxylase in the presence of 5-fluorouracil, *Biochim. Biophys. Acta 704*, 278–283.
40. Myllylä, R., Majamaa, K., Günzler, V., Hanauske-Abel, H. N., and Kivirikko, K. I. (1984) Ascorbate is consumed stoichiometrically in the uncoupled reactions catalyzed by prolyl 4-hydroxylase and lysyl hydroxylase, *J. Biol. Chem. 259*, 5403–5405.
41. Zhang, Z., Barlow, J. N., Baldwin, J. E., and Schofield, C. J. (1997) Metal-catalyzed oxidation and mutagenesis studies on the iron(II) binding site of 1-aminocyclopropane-1-carboxylate oxidase, *Biochemistry 36*, 15999–16007.
42. Logan, D. T., deMaré, F., Persson, B. O., Slaby, A., Sjöberg, B.-M., and Nordlund, P. (1998) Crystal structures of two self-hydroxylating ribonucleotide reductase protein R2 mutants: structural basis for the oxygen-insertion step of hydroxylation reactions catalyzed by diiron proteins, *Biochemistry 37*, 10798–10807.

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DN PREV201800643258
TI Safety evaluation of genetically modified DAS-40278-9 maize in a subchronic rodent feeding study.
AU Zou, Shiying; Lang, Tianqi; Liu, Xu; Huang, Kunlun; He, Xiaoyun [Reprint Author]
CS China Agr Univ, Coll Food Sci and Nutr Engn, 17 Tsinghua Donglu, Beijing 100083, Peoples R China
rainninghe@163.com
SO Regulatory Toxicology and Pharmacology, (JUL 2018) Vol. 96, pp. 146-152.
http://www.journals.elsevier.com/regulatory-toxicology-and-pharmacology/#description.
CODEN: RTOPDW. ISSN: 0273-2300. E-ISSN: 1096-0295.
DOI 10.1016/j.yrtph.2018.05.010
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DN 157:597174
TI Plant expression-adapted synthetic genes with polyadenylation signals chosen for mRNA stability in transgenic plants
IN Larrinua, Ignacio Mario; Merlo, Donald J.; Reddy, Avutu S.; Thirumalaiswamysekhar, Arvind Kumar; Woosley, Aaron Todd
PA Dow AgroSciences LLC, USA
SO PCT Int. Appl., 65 pp.
CODEN: PIXXD2
DT Patent
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DN 166:416457
TI Aad-1 event das-40278-9, related transgenic corn lines, and event-specific identification thereof
IN Cui, Yunxing C.; Bryan, Jill R.; Maum, Donald G.; Gilles, Gregory J.; Wright, Terry R.; Hamilton, Jennifer L.; Arnold, Nicole L.; Vanopdorp, Nathan J.; Kaiser, Tina M.; Zhou, Ning
PA Dow AgroSciences LLC, USA
SO U.S. Pat. Appl. Publ., No pp. given
CODEN: USXXCO
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	JP 6113310	B2	20170412		
	JP 2017169563	A	20170928	JP 2017-48019	20170314
	JP 6472474	B2	20190220		
	US 20190233904	A1	20190801	US 2019-16279055	20190219
	US 11098322	B2	20210824		
	AR 114497	A2	20200909	AR 2019-101183	20190503
	AR 117198	A2	20210721	AR 2019-103439	20191125
	AR 117199	A2	20210721	AR 2019-103443	20191125
PRAI	US 2009-61235248	P	20090819		
	WO 2010-US45869	W	20100818		
	US 2010-61237366	P	20100423		
	CA 2010-2771538	A3	20100818		
	CN 2010-80047187	A3	20100818		
	JP 2012-525661	A3	20100818		
	NZ 2010-598599	A3	20100818		
	AR 2010-103043	A3	20100819		
	US 2012-13390969	A1	20120507		
	US 2016-14989787	A1	20160106		
	JP 2016-5979	A3	20160115		

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PATENT NO.	KIND	STATUS	STATUS DATE
US 20120222153	A1	Alive	20201121
US 9402358	B2	Alive	20201120
CA 3038144	A1	Alive	20201121
WO 2011022469	A2	Dead	20201202
WO 2011022469	A3	Dead	20201201
CN 104962522	A	Alive	20201121
CN 104962522	B	Alive	20201120
NZ 625565	A	Alive	20201120
CO 6511214	A2	Dead	20201120
US 20160145586	A1	Alive	20201121
US 10323287	B2	Alive	20201121
JP 2016136941	A	Alive	20201120
JP 6113310	B2	Alive	20201121
JP 2017169563	A	Alive	20201121

JP 6472474	B2	Alive	20201120
US 20190233904	A1	Alive	20201120
US 11098322	B2	Alive	20210902
AR 114497	A2	Alive	20201121
AR 117198	A2	Alive	20210902
AR 117199	A2	Alive	20210902

ASSIGNMENT HISTORY FOR US PATENT AVAILABLE IN LSUS DISPLAY FORMAT

L3 ANSWER 4 OF 9 AGRICOLA COPYRIGHT 2021 NLA on STN. DUPLICATE 2
AN 2015:344476 AGRICOLA Full-text
DN IND601078035
TI Acute and 28-day repeated dose toxicology studies in mice with aryloxyalkanoate dioxygenase (AAD-1) protein expressed in 2,4-D tolerant DAS-40278-9 maize
AU Stagg, Nicola J; Thomas, Johnson; Herman, Rod A; Juberg, Daland R
SO Regulatory toxicology and pharmacology (2012), Volume 62, Number 2, pp. 363-370
ISSN: 0273-2300
Published by: Elsevier Inc.
Source Note: 2012 Mar., v. 62, no. 2
NTE Electronic resource: http://dx.doi.org/10.1016/j.yrtph.2011.10.018
Available from publisher's site (Available from publisher's Web site)
DT Journal; Article
LA English
ED Entered STN: 11 Nov 2015
Last updated on STN: 11 Nov 2015

L3 ANSWER 5 OF 9 CAPLUS COPYRIGHT 2021 ACS on STN
AN 2011:237326 CAPLUS Full-text
DN 154:279473
TI A transgenic maize line expressing a microbial gene for an aryloxyalkanoate dioxygenase with increased resistance to aryloxyphenoxypropionate herbicides
IN Cui, Yunxing Cory; Bryan, Jill; Maum, Donald; Gilles, Greg; Wright, Terry; Hamilton, Jennifer; Arnold, Nicole; Vanopdorp, Nathan; Kaiser, Tina; Zhou, Ning
PA Dow AgroSciences LLC, USA
SO PCT Int. Appl., 109 pp.
CODEN: PIXXD2
DT Patent
LA English
FAN.CNT 8
PI

PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
WO 2011022469	A2	20110224	WO 2010-US45869	20100818
WO 2011022469	A3	20110428		
CA 2771538	A1	20110224	CA 2010-2771538	20100818
CA 2771538	C	20190604		
CA 3038144	A1	20110224	CA 2010-3038144	20100818
AU 2010284284	A1	20120329	AU 2010-284284	20100818
AU 2010284284	A2	20120419		
AU 2010284284	B2	20150917		
EP 2467010	A2	20120627	EP 2010-810537	20100818
EP 2467010	B1	20181128		
CN 102573452	A	20120711	CN 2010-80047187	20100818
CN 102573452	B	20150722		
KR 2012089848	A	20120814	KR 2012-7006869	20100818
KR 1787776	B1	20171018		
IL 218176	A	20130228	IL 2010-218176	20100818
JP 2013526832	T	20130627	JP 2012-525661	20100818
NZ 598599	A	20140627	NZ 2010-598599	20100818
BR 112012003884	A2	20150901	BR 2012-112012003884	20100818
CN 104962522	A	20151007	CN 2015-10407949	20100818
CN 104962522	B	20190719		
NZ 625565	A	20160729	NZ 2010-625565	20100818
RU 2614120	C2	20170322	RU 2012-110230	20100818
PH 12012500341	B1	20170927	PH 2012-12012500341	20100818
ES 2719599	T3	20190711	ES 2010-810537	20100818
PH 12017500594	A1	20200706	PH 2017-12017500594	20100818

	AR 77890	A1	20110928	AR 2010-103043	20100819
	US 20110289620	A1	20111124	US 2011-13032142	20110222
	US 8598413	B2	20131203		
	MX 2012002074	A	20120508	MX 2012-2074	20120217
	ZA 2012001209	A	20121031	ZA 2012-1209	20120217
	CO 6511214	A2	20120831	CO 2012-39002	20120306
	IN 2012DN02294	A	20150821	IN 2012-DN2294	20120316
	US 20120222153	A1	20120830	US 2012-13390969	20120507
	US 9402358	B2	20160802		
	HK 1173041	A1	20160603	HK 2013-100529	20130111
	US 20140256548	A1	20140911	US 2013-14001117	20131230
	AU 2015258298	A1	20151210	AU 2015-258298	20151120
	AU 2015258298	B2	20170615		
	US 20160145586	A1	20160526	US 2016-14989787	20160106
	US 10323287	B2	20190618		
	JP 2016136941	A	20160804	JP 2016-5979	20160115
	JP 6113310	B2	20170412		
	JP 2017169563	A	20170928	JP 2017-48019	20170314
	JP 6472474	B2	20190220		
	US 20190233904	A1	20190801	US 2019-16279055	20190219
	US 11098322	B2	20210824		
	AR 114497	A2	20200909	AR 2019-101183	20190503
	AR 117198	A2	20210721	AR 2019-103439	20191125
	AR 117199	A2	20210721	AR 2019-103443	20191125
PRAI	US 2009-61235248	P	20090819		
	US 2010-61237366	P	20100423		
	AU 2010-284284	A3	20100818		
	CA 2010-2771538	A3	20100818		
	CN 2010-80047187	A3	20100818		
	JP 2012-525661	A3	20100818		
	NZ 2010-598599	A3	20100818		
	PH 2012-12012500341	A3	20100818		
	WO 2010-US45869	W	20100818		
	AR 2010-103043	A3	20100819		
	US 2011-13032142	A1	20110222		
	WO 2012-US25945	W	20120221		
	US 2012-13390969	A1	20120507		
	US 2016-14989787	A1	20160106		
	JP 2016-5979	A3	20160115		

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PATENT NO.	KIND	STATUS	STATUS DATE
WO 2011022469	A2	Dead	20201202
WO 2011022469	A3	Dead	20201201
CA 2771538	A1	Alive	20201121
CA 2771538	C	Alive	20201121
CA 3038144	A1	Alive	20201121
AU 2010284284	A1	Alive	20201121
AU 2010284284	A2	Alive	20201121
AU 2010284284	B2	Alive	20201121
EP 2467010	A2	Indeterminate	20201106
EP 2467010	B1	Indeterminate	20201106
CN 102573452	A	Alive	20201120
CN 102573452	B	Alive	20201120
KR 2012089848	A	Alive	20201121
KR 1787776	B1	Alive	20201120
IL 218176	A	Alive	20201120
NZ 598599	A	Alive	20201121
BR 112012003884	A2	Alive	20201120
CN 104962522	A	Alive	20201121
CN 104962522	B	Alive	20201120
NZ 625565	A	Alive	20201120
RU 2614120	C2	Alive	20201121
ES 2719599	T3	Alive	20201121
PH 12017500594	A1	Alive	20201120
AR 77890	A1	Alive	20201121
US 20110289620	A1	Alive	20201121
US 8598413	B2	Alive	20201120
MX 2012002074	A	Alive	20201120
CO 6511214	A2	Dead	20201120
IN 2012DN02294	A	Alive	20201120
US 20120222153	A1	Alive	20201121

US 9402358	B2	Alive	20201120
HK 1173041	A1	Alive	20201121
US 20140256548	A1	Dead	20201120
AU 2015258298	A1	Alive	20201121
AU 2015258298	B2	Alive	20201120
US 20160145586	A1	Alive	20201121
US 10323287	B2	Alive	20201121
JP 2016136941	A	Alive	20201120
JP 6113310	B2	Alive	20201121
JP 2017169563	A	Alive	20201121
JP 6472474	B2	Alive	20201120
US 20190233904	A1	Alive	20201120
US 11098322	B2	Alive	20210902
AR 114497	A2	Alive	20201121
AR 117198	A2	Alive	20210902
AR 117199	A2	Alive	20210902

ASSIGNMENT HISTORY FOR US PATENT AVAILABLE IN LSUS DISPLAY FORMAT

L3 ANSWER 6 OF 9 CABA COPYRIGHT 2021 CABI on STN. DUPLICATE 3
AN 2011:189193 CABA Full-text
DN 20113195172
TI Compositional safety of event DAS-40278-9 (AAD-1) herbicide-tolerant maize.
AU Herman, R. A.; Phillips, A. M.; Lepping, M. D.; Fast, B. J.; Sabbatini, J.
CS Dow AgroSciences, Indianapolis, Indiana, USA.
EMAIL: raherman@dow.com
SO GM Crops (2010), Volume 1, Number 5, pp. 294-311, 121 refs.
ISSN: 1938-1999
DOI: 10.4161/gmcr.1.5.14285
Published by: Landes Bioscience, Austin
URL (Availability): http://www.landesbioscience.com/journals/gmcrops/HermanGMC1-5.pdf
CY United States of America
DT Journal
LA English
ED Entered STN: 29 Jun 2011
Last updated on STN: 23 Apr 2013

L3 ANSWER 7 OF 9 CAPLUS COPYRIGHT 2021 ACS on STN
AN 2008:1396494 CAPLUS Full-text
DN 149:571656
TI Use of aryloxyalkanoate dioxygenase gene conferring resistance to phenoxy auxin and aryloxyphenoxypropionate herbicides
IN Lira, Justin M.; Snodderley, Erika Megan; Robinson, Andrew E.; Wright, Terry R.; Merlo, Donald J.
PA Dow AgroSciences LLC, USA
SO PCT Int. Appl., 110 pp.
CODEN: PIXXD2
DT Patent
LA English
FAN.CNT 1
PI

PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
WO 2008141154	A2	20081120	WO 2008-US63212	20080509
WO 2008141154	A3	20090205		
AU 2008251445	A1	20081120	AU 2008-251445	20080509
AU 2008251445	B2	20140403		
CA 2686835	A1	20081120	CA 2008-2686835	20080509
CA 2686835	C	20200421		
AR 66520	A1	20090826	AR 2008-101984	20080509
EP 2145007	A2	20100120	EP 2008-780621	20080509
EP 2145007	B1	20170125		
CN 101688219	A	20100331	CN 2008-80023017	20080509
CN 101688219	B	20170630		
JP 2010526535	T	20100805	JP 2010-507690	20080509
JP 5907657	B2	20160426		
NZ 581361	A	20121130	NZ 2008-581361	20080509
BR 2008011294	A2	20141007	BR 2008-11294	20080509

	BR 2008011294	B1	20180529		
	ES 2621919	T3	20170705	ES 2008-780621	20080509
	CN 107177606	A	20170919	CN 2017-10396169	20080509
	MX 2009012120	A	20100212	MX 2009-12120	20091109
	US 20100251432	A1	20100930	US 2009-599385	20091109
	US 8278505	B2	20121002		
	ZA 2009007746	A	20100728	ZA 2009-7746	20091124
	IN 2009DN07723	A	20131220	IN 2009-DN7723	20091126
	CO 6241168	A2	20110120	CO 2009-140880	20091209
	US 20130040815	A1	20130214	US 2012-13633515	20121002
	US 9062284	B2	20150623		
	US 20160002662	A1	20160107	US 2015-14725328	20150529
	US 9624505	B2	20170418		
PRAI	US 2007-60928303	P	20070509		
	CN 2008-80023017	A3	20080509		
	WO 2008-US63212	W	20080509		
	US 2009-599385	A1	20091109		
	US 2012-13633515	A1	20121002		

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PATENT NO.	KIND	STATUS	STATUS DATE
WO 2008141154	A2	Dead	20201202
WO 2008141154	A3	Dead	20201202
AU 2008251445	A1	Alive	20201121
AU 2008251445	B2	Alive	20201120
CA 2686835	A1	Alive	20201121
CA 2686835	C	Alive	20201121
AR 66520	A1	Dead	20201120
EP 2145007	A2	Indeterminate	20201106
EP 2145007	B1	Indeterminate	20201107
CN 101688219	A	Dead	20201121
CN 101688219	B	Dead	20201121
JP 5907657	B2	Dead	20201121
NZ 581361	A	Dead	20201121
BR 2008011294	A2	Alive	20201121
BR 2008011294	B1	Alive	20201120
ES 2621919	T3	Alive	20201121
CN 107177606	A	Alive	20201121
MX 2009012120	A	Alive	20201121
US 20100251432	A1	Alive	20201121
US 8278505	B2	Alive	20201121
CO 6241168	A2	Alive	20201121
US 20130040815	A1	Alive	20201121
US 9062284	B2	Alive	20201121
US 20160002662	A1	Alive	20201121
US 9624505	B2	Alive	20201121

ASSIGNMENT HISTORY FOR US PATENT AVAILABLE IN LSUS DISPLAY FORMAT
OSC.G 7 THERE ARE 7 CAPLUS RECORDS THAT CITE THIS RECORD (7 CITINGS)

L3 ANSWER 8 OF 9 CAPLUS COPYRIGHT 2021 ACS on STN
AN 2007:349230 CAPLUS Full-text
DN 146:332492
TI A bacterial gene for an aryloxyalkanoate dioxygenase conferring resistance to phenoxy auxin and aryloxyphenoxypropionate herbicides
IN Wright, Terry R.; Lira, Justin M.; Merlo, Donald J.; Hopkins, Nicole
PA Dow Agrosciences LLC, USA
SO PCT Int. Appl., 215pp.
CODEN: PIXXD2
DT Patent
LA English
FAN.CNT 2
PI

PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
WO 2005107437	A2	20051117	WO 2005-US14737	20050502
WO 2005107437	A3	20060615		
AU 2005240045	A1	20051117	AU 2005-240045	20050502
AU 2005240045	B2	20110428		
CA 2563206	A1	20051117	CA 2005-2563206	20050502
CA 2563206	C	20151013		
CA 2897475	A1	20051117	CA 2005-2897475	20050502

	CA 2897475	C	20180710		
	AR 48724	A1	20060517	AR 2005-101750	20050502
	EP 1740039	A2	20070110	EP 2005-771746	20050502
	EP 1740039	B1	20120627		
	CN 1984558	A	20070620	CN 2005-80022066	20050502
	CN 1984558	B	20110112		
	BR 2005009460	A	20070904	BR 2005-9460	20050502
	BR 2005009460	B1	20161227		
	JP 2007535327	T	20071206	JP 2007-510994	20050502
	JP 5285906	B2	20130911		
	NZ 550602	A	20091127	NZ 2005-550602	20050502
	EP 2298901	A2	20110323	EP 2010-12201	20050502
	EP 2298901	A3	20110727		
	EP 2298901	B1	20130306		
	EP 2298901	B2	20170426		
	EP 2308976	A2	20110413	EP 2010-12200	20050502
	EP 2308976	A3	20110727		
	EP 2308976	B1	20130327		
	EP 2308976	B2	20170510		
	EP 2308977	A2	20110413	EP 2010-12202	20050502
	EP 2308977	A3	20110727		
	EP 2308977	B1	20130306		
	EP 2308977	B2	20170426		
	EP 2319932	A2	20110511	EP 2010-12199	20050502
	EP 2319932	A3	20110727		
	EP 2319932	B1	20130918		
	EP 2319932	B2	20161019		
	CN 102094032	A	20110615	CN 2010-10552057	20050502
	CN 102094032	B	20140226		
	NZ 580248	A	20120112	NZ 2005-580248	20050502
	PT 1740039	E	20120827	PT 2005-771746	20050502
	ES 2389843	T3	20121102	ES 2005-771746	20050502
	PT 2308977	E	20130513	PT 2010-12202	20050502
	PT 2298901	E	20130515	PT 2010-12201	20050502
	PT 2308976	E	20130517	PT 2010-12200	20050502
	ES 2406809	T3	20130610	ES 2010-12201	20050502
	ES 2407857	T3	20130614	ES 2010-12202	20050502
	ES 2408244	T3	20130619	ES 2010-12200	20050502
	NZ 596949	A	20130628	NZ 2005-596949	20050502
	PT 2319932	E	20131127	PT 2010-12199	20050502
	ES 2435247	T3	20131217	ES 2010-12199	20050502
	ZA 2006008610	A	20080730	ZA 2006-8610	20061016
	IN 2006DN06173	A	20091113	IN 2006-DN6173	20061020
	IN 261915	B	20140725		
	MX 2006012634	A	20070208	MX 2006-12634	20061030
	CO 7141412	A2	20141212	CO 2006-110105	20061030
	HK 1108562	A1	20111125	HK 2007-113764	20071218
	US 20090093366	A1	20090409	US 2008-587893	20080522
	US 7838733	B2	20101123		
	US 20110124503	A1	20110526	US 2010-951813	20101122
	US 9127289	B2	20150908		
	JP 2011200240	A	20111013	JP 2011-109120	20110516
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	AU 2011204956	A1	20110811	AU 2011-204956	20110725
	HK 1156973	A1	20141107	HK 2011-111196	20111019
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	IN 2014DN02891	A	20160831	IN 2014-DN2891	20140411
	AR 97873	A2	20160420	AR 2014-103647	20141001
	AR 97874	A2	20160420	AR 2014-103648	20141001
	AR 97875	A2	20160420	AR 2014-103649	20141001
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	AR 102316	A2	20170222	AR 2015-101209	20150422
	US 20150344903	A1	20151203	US 2015-14820893	20150807
	US 10174337	B2	20190108		
	US 20170088855	A1	20170330	US 2016-15287630	20161006
	US 10450549	B2	20191022		
	US 20170022515	A1	20170126	US 2016-15288406	20161007
	US 10947555	B2	20210316		
	US 20210147867	A1	20210520	US 2021-17143824	20210107
	US 20210254090	A1	20210819	US 2021-17175966	20210215
	US 11149283	B2	20211019		
PRAI	US 2004-60567052	P	20040430		

AR 2005-101750	A3	20050502
AU 2005-240045	A3	20050502
CA 2005-2563206	A3	20050502
CN 2005-80022066	A3	20050502
EP 2005-771746	A3	20050502
JP 2007-510994	A3	20050502
NZ 2005-550602	A3	20050502
WO 2005-US14737	W	20050502
IN 2006-DN6173	A3	20061020
US 2008-587893	A1	20080522
US 2010-951813	A1	20101122
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US 2015-14820893	A2	20150807
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US 2021-17143824	A1	20210107

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PATENT NO.	KIND	STATUS	STATUS DATE
WO 2005107437	A2	Dead	20201203
WO 2005107437	A3	Dead	20201202
AU 2005240045	A1	Alive	20201120
AU 2005240045	B2	Alive	20201121
CA 2563206	A1	Alive	20201121
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CA 2897475	A1	Alive	20201121
CA 2897475	C	Alive	20201121
AR 48724	A1	Alive	20201121
EP 1740039	A2	Indeterminate	20201106
EP 1740039	B1	Indeterminate	20201106
CN 1984558	A	Alive	20201121
CN 1984558	B	Alive	20201121
BR 2005009460	A	Alive	20201121
BR 2005009460	B1	Alive	20201120
JP 5285906	B2	Alive	20201121
NZ 550602	A	Alive	20201120
EP 2298901	A2	Indeterminate	20201106
EP 2298901	A3	Indeterminate	20201107
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EP 2308977	A3	Indeterminate	20201106
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EP 2319932	A2	Indeterminate	20201106
EP 2319932	A3	Indeterminate	20201106
EP 2319932	B1	Indeterminate	20201107
CN 102094032	A	Alive	20201121
CN 102094032	B	Alive	20201121
NZ 580248	A	Alive	20201121
PT 1740039	E	Alive	20201120
ES 2389843	T3	Alive	20201120
PT 2308977	E	Alive	20201120
PT 2298901	E	Alive	20201120
PT 2308976	E	Alive	20201120
ES 2406809	T3	Alive	20201121
ES 2407857	T3	Alive	20201121
ES 2408244	T3	Alive	20201120
NZ 596949	A	Alive	20201121
PT 2319932	E	Alive	20201120
ES 2435247	T3	Alive	20201121
MX 2006012634	A	Alive	20201120
CO 7141412	A2	Alive	20201120
HK 1108562	A1	Dead	20201120
US 20090093366	A1	Alive	20201121
US 7838733	B2	Alive	20201121
US 20110124503	A1	Alive	20201121
US 9127289	B2	Alive	20201121
JP 2011200240	A	Alive	20201121
JP 5409701	B2	Alive	20201121
AU 2011204956	A1	Dead	20201120
HK 1156973	A1	Dead	20201121

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     AR 97873             A2   Alive           20201121
     AR 97874             A2   Alive           20201120
     AR 97875             A2   Alive           20201121
     AU 2014265080        A1   Dead            20201121
     AR 102316            A2   Alive           20201121
     US 20150344903       A1   Alive           20201121
     US 10174337          B2   Alive           20201120
     US 20170088855       A1   Alive           20201121
     US 10450549          B2   Alive           20201121
     US 20170022515       A1   Alive           20201121
     US 10947555          B2   Alive           20210325
     US 20210147867       A1   Alive           20210527
     US 20210254090       A1   Alive           20210826
     US 11149283          B2   Alive           20211028
ASSIGNMENT HISTORY FOR US PATENT AVAILABLE IN LSUS DISPLAY FORMAT
OSC.G   33    THERE ARE 33 CAPLUS RECORDS THAT CITE THIS RECORD (33 CITINGS)


L3   ANSWER 9 OF 9  EMBASE  COPYRIGHT (c) 2021 Elsevier B.V. All rights
     reserved on STN
AN   2012110989  EMBASE   Full-text
DN   51759230
TI   Acute and 28-day repeated dose toxicology studies in mice with
     aryloxyalkanoate dioxygenase (AAD-1) protein expressed in 2,4-D
     tolerant DAS-40278-9 maize.
AU   Stagg, Nicola J. (correspondence); Herman, Rod A.; Juberg, Daland R.
CS   Dow AgroSciences, LLC, Indianapolis, IN 46268, USA. njstagg@dow.com
AU   Thomas, Johnson
CS   Dow Chemical Company, Midland, MI, USA.
SO   Regulatory Toxicology and Pharmacology, .
     ISSN: 0273-2300; E-ISSN: 1096-0295  CODEN: RTOPDW
DOI  10.1016/j.yrtph.2011.10.018
PUI  S 0273-2300(11)00211-X
DT   Journal; Article; (Article in Press)
FS   Intellectual Indexing
LA   English
SL   English
ED   Entered Embase: 12 Mar 2012
     Last Updated on Embase: 12 Mar 2012



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     (FILE 'HOME' ENTERED AT 09:28:22 ON 14 DEC 2021)

     FILE 'AGRICOLA, BIOSIS, CABA, CAPLUS, EMBASE, SCISEARCH' ENTERED AT
     09:28:54 ON 14 DEC 2021
L1          226 S ARYLOXYALKANOATE (A) DIOXYGENASE
L2           17 S L1 AND SPHINGOBIUM
L3            9 DUP REM L2 (8 DUPLICATES REMOVED)

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To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
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Subject: Private PAIR Correspondence Notification for Customer Number 107540

Dec 17, 2021 03:44:48 AM

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Application	Document	Mailroom Date	Attorney Docket No.
17403476	CTNF	12/17/2021	76751-346146
	892	12/17/2021	76751-346146
	1449	12/17/2021	76751-346146

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

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Electronic Petition Request	**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**
Application Number	17403476
Filing Date	16-Aug-2021
First Named Inventor	Terry WRIGHT
Attorney Docket Number	76751-346146
Title of Invention	NOVEL HERBICIDE RESISTANCE GENES

☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
Dow AgroSciences LLC	100%

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

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10947555

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

(●) Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.

( ) I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.

Applicant claims the following fee status:

( ) Small Entity

( ) Micro Entity

(●) Regular Undiscounted

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further 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 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

(●) An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

Registration Number 38833

( ) A sole inventor

( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application

( ) A joint inventor; all of whom are signing this request

Signature	/John Breen/
Name	John Breen

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	17403476
Filing Date:	16-Aug-2021
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Filer:	John P. Breen
Attorney Docket Number:	76751-346146

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	170	170
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**170**

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 17403476

Filing Date: 16-Aug-2021

Applicant/Patent under Reexamination: WRIGHT

Electronic Terminal Disclaimer filed on January 14, 2022

☒ APPROVED

This patent is subject to a terminal disclaimer

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Electronic Acknowledgement Receipt

EFS ID:	44754643
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen
Filer Authorized By:	
Attorney Docket Number:	76751-346146
Receipt Date:	14-JAN-2022
Filing Date:	16-AUG-2021
Time Stamp:	17:50:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$170
RAM confirmation Number	E20221DH50481278
Deposit Account	100435
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37 CFR 1.19 (Document supply fees)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	42568 a4317705cab199c3b8bdb87aa2519f4303e6fa5a	no	3
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37841 d3fdd2d496ed3dd08215baeec21003b615f0d3c0	no	2
Warnings:					
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Electronic Acknowledgement Receipt

EFS ID:	44754719
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen
Filer Authorized By:	
Attorney Docket Number:	76751-346146
Receipt Date:	14-JAN-2022
Filing Date:	16-AUG-2021
Time Stamp:	17:56:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Response_1st_OA.pdf	114125 62998e19dec211cf9d7a4bc1e3c8419a45b2c1d0	no	16

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National Stage of an International Application under 35 U.S.C. 371
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If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

BARNES & THORNBURG

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	107540	
Group:	1663	
Confirmation No.:	2894	
Application No.:	17/403,476	
Invention:	**Novel Herbicide Resistance Genes**	**FILED ELECTRONICALLY:**
Inventor:	Terry Wright et al.	**January 14, 2022**
Filed:	August 16, 2021	
Attorney Docket:	76751-346146	
Examiner:	David Kruse	

AMENDMENT AND RESPONSE UNDER 37 CFR 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the non-final Office Action mailed December 17, 2021, Applicant requests entry of the following amendments and consideration of the accompanying remarks. Applicant does not believe any fees are required for this submission. However, applicant hereby authorizes the Commissioner to charge any fees necessary to effect this filing, to the account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to our file 76751-346146.

Amendments to the Specification are submitted herewith beginning on page 2.

A listing of the pending claims is submitted herewith beginning on page 4.

Remarks begin on page 9 of this paper.

COR-AAD1-00005422

AMENDMENTS TO THE SPECIFICATION:

Please replace paragraph [0001] beginning on page 1 with the following amended paragraph:

This application is a continuation application of U.S. Serial No. 17/175,966, filed February 15, 2021, now patented as US 11,149,283, which is a continuation application of U.S. Serial No. 17/143,824, filed January 7, 2021, which is a continuation application of U.S. Serial No. 15/288,406, filed October 7, 2016, now patented as 10,947,555, which is a continuation application of U.S. Serial No. 14/820,893, filed August 7, 2015, now patented as US 10,174,337, which is a continuation application of U.S. Serial No. 12/951,813, filed November 22, 2010, now patented as US 9,127,289, which is a continuation application of U.S. Serial No. 11/587,893, filed May 22, 2008, now patented as US 7,838,733, which is a national stage entry of PCT/US2005/014737, filed May 2, 2005, which claims the benefit of U.S. Provisional Application Serial No. 60/567,052, filed April 30, 2004, which are hereby incorporated by reference in their entirety, including any figures, tables, nucleic acid sequences, amino acid sequences, or drawings.

Please replace paragraph [0087] on page 22 with the following amended paragraph:

More specifically, the subject invention relates in part to the use of an enzyme that is not only capable of degrading 2,4-D, but also AOPP herbicides. No α-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. Preferred enzymes and genes for use according to the subject invention are referred to herein as *AAD-1* (AryloxyAlkanoate Dioxygenase) genes and proteins. As disclosed herein a peptide of SEQ ID NO: 9 is provided that is capable of degrading 2,4-D, and AOPP herbicides. Mapping the α-ketoglutarate-dependent dioxygenase motif disclosed in the previous paragraph to the sequence of SEQ ID NO: 9 reveals the AAD-1 motif of $HX_{112}D(X)_{114-137}T(X)_{139-269}H(X)_{271-280}R$, wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114-137}$ represents a sequence of 24 amino acids;

$(X)_{139\text{-}269}$ represents a sequence of 131 amino acids; and

$(X)_{271\text{-}280}$ represents a sequence of 10 amino acids.

Please replace paragraph [00143] beginning on page 46 with the following amended paragraph:

Certain proteins of the subject invention have been specifically exemplified herein. As these proteins are merely exemplary of the proteins of the subject invention, it should be readily apparent that the subject invention comprises variant or equivalent proteins (and nucleotide sequences coding for equivalents thereof) having the same or similar activity of the exemplified proteins. Equivalent proteins will have amino acid similarity (and/or homology) with an exemplified protein. The amino acid identity will typically be at least 60%, preferably at least 75%, more preferably at least 80%, even more preferably at least 90%, and can be at least 95%. Preferred proteins of the subject invention can also be defined in terms of more particular identity and/or similarity ranges. For example, the identity and/or similarity can be 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, or 99% as compared to a sequence exemplified or suggested herein. Any number listed above can be used to define the upper and lower limits. For example, in one embodiment an amino acid sequence is provided having at least 85%, but less than 95% sequence identity with SEQ ID NO: 9; and an AAD-1 motif having the general formula of: $HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$, wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114\text{-}137}$ represents a sequence of 24 amino acids;

$(X)_{139\text{-}269}$ represents a sequence of 131 amino acids; and

$(X)_{271\text{-}280}$ represents a sequence of 10 amino acids.

COR-AAD1-00005424

PENDING CLAIMS

This is a listing of the pending claims in the application:

1. (Original) A transgenic soybean plant cell comprising a recombinant polynucleotide that encodes an AAD-1 protein that exhibits aryloxyalkanoate dioxygenase activity wherein said activity enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, which are aryloxyalkanoate herbicides, further wherein said AAD-1 protein comprises:

i) an amino acid sequence having at least 85% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ ID NO: 34), wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114\text{-}137}$ represents a sequence of 24 amino acids;

$(X)_{139\text{-}269}$ represents a sequence of 131 amino acids; and

$(X)_{271\text{-}280}$ represents a sequence of 10 amino acids,

wherein said AAD-1 protein when expressed in a soybean plant cell renders said soybean plant cell tolerant to a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, as compared to an untransformed soybean plant cell.

2. (Original) The plant cell of claim 1 wherein said AAD-1 motif has the general formula of: $HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R(X)_{282\text{-}284}R$ (SEQ ID NO: 35), wherein $(X)_{282\text{-}284}$ represents a sequence of 3 amino acids.

3. (Original) A transgenic soybean plant comprising a plurality of the soybean plant cell of claim 1, wherein expression of said polynucleotide renders said plant tolerant to said aryloxyalkanoate herbicide.

COR-AAD1-00005425

4. (Original) The plant of claim 3 wherein said aryloxyalkanoate herbicide selected from the group consisting of 2,4-dichlorophenoxyacetic acid, MCPA, dichlorprop, and mecoprop.

5. (Original) The plant of claim 3 wherein said aryloxyalkanoate herbicide is an (R)-aryloxyphenoxypropionate.

6. (Original) The plant of claim 3 wherein said aryloxyalkanoate herbicide is selected from the group consisting of (R)-fluazifop, (R)-haloxyfop, (R)-diclofop, (R)-quizalofop, (R)-fenoxaprop, (R)-metamifop, (R)-cyhalofop, and (R)-clodinofop.

7. (Original) The plant of claim 3 wherein said plant further comprises a second herbicide resistance gene.

8. (Original) The plant of claim 7 wherein said second herbicide resistance gene renders said plant resistant to an herbicide selected from the group consisting of glyphosate, glufosinate, acetolactate synthase (ALS) inhibitors, inhibitors of 4-hydroxyphenyl-pyruvate-dioxygenase (HPPD), dicamba, and inhibitors of protoporphyrinogen oxidase (PPO).

9. (Original) A method of controlling at least one weed in a field, wherein said field contains at least one plant of claim 3 wherein said method comprises applying to at least a portion of said field a first herbicide selected from the group consisting of a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide.

10. (Original) The method of claim 9 wherein said phenoxy auxin herbicide is an R-enantiomer of a chiral phenoxy auxin.

11. (Original) The method of claim 9 wherein said phenoxy auxin herbicide is an achiral phenoxy auxin selected from the group consisting of 2,4-D and MCPA.

12. (Original) The method of claim 9 wherein said (R)-aryloxyphenoxypropionate herbicide is selected from the group consisting of (R)-fluazifop, (R)-

COR-AAD1-00005426

haloxyfop, (R)-diclofop, (R)-quizalofop, (R)-fenoxaprop, (R)-metamifop, (R)-cyhalofop, and (R)-clodinofop.

13. (Original) The method of claim 9 wherein said method comprises applying a second herbicide.

14. (Original) The method of claim 13 wherein said first herbicide and said second herbicide are applied sequentially.

15. (Original) The method of claim 13 wherein said first herbicide and said second herbicide are applied concurrently.

16 (Original) The method of claim 13 wherein said first herbicide is a phenoxy auxin and said second herbicide is an (R)-aryloxyphenoxypropionate.

17. (Original) The method of claim 13 wherein said second herbicide is selected from the group consisting of glyphosate, glufosinate, dicamba, acetolactate synthase (ALS) inhibitors, protoporphyrinogen oxidase (PPO) inhibitors, and 4-hydroxyphenyl-pyruvate-dioxygenase (HPPD) inhibitors.

18. (Original) The method of claim 13, wherein said first herbicide is 2,4-D and said second herbicide is glyphosate or glufosinate.

19. (Original) The method of claim 13, wherein said first herbicide is an (R)-aryloxyphenoxypropionate and said second herbicide is glyphosate or glufosinate.

20 (Original) The method of claim 13 wherein said plant further comprises a second herbicide resistance gene that renders said plant resistant to said second herbicide.

21. (Original) The method of claim 20 wherein said second herbicide resistance gene is selected from the group consisting of a modified acetolactate synthase (ALS) gene, a glyphosate resistance gene, a glufosinate resistance gene, and a dicamba-degrading enzyme gene.

COR-AAD1-00005427

22. (Original) The method of claim 13 wherein said method further comprises applying a third herbicide.

23. (Original) The method of claim 22, wherein said third herbicide is selected from the group consisting of glyphosate, glufosinate, HPPD-inhibitors, PPO-inhibitors, ALS inhibitors, and dicamba.

24. (Original) The method of claim 23 wherein said first, second and third herbicides are 2,4-D, quizalofop, and glyphosate.

25. (Original) A seed comprising a plurality of the plant cell of claim 1.

26. (Original) A method of controlling weeds in a field, wherein said method comprises applying an aryloxyalkanoate herbicide to said field and planting a seed of claim 25 in said field within 14 days after applying said aryloxyalkanoate herbicide.

27. (Original) A plant grown from the seed of claim 25, wherein said plant comprises said polynucleotide.

28. (Original) A part, progeny, or asexual propagate of the plant of claim 27, wherein said part, progeny, or sexual propagate comprises said polynucleotide.

29. (Original) An (R)-aryloxyphenoxypropionate herbicide tolerant transgenic soybean plant cell comprising a recombinant polynucleotide that encodes an AAD-1 protein that exhibits aryloxyalkanoate dioxygenase activity wherein said activity enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, further wherein said AAD-1 protein comprises:

i) an amino acid sequence having at least 85% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ DI NO: 34), wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114-137}$ represents a sequence of 24 amino acids;

$(X)_{139-269}$ represents a sequence of 131 amino acids; and

$(X)_{271-280}$ represents a sequence of 10 amino acids, wherein said motif has 90% sequence identity with corresponding amino acids of position 111 to 281 of SEQ ID NO: 9

wherein said AAD-1 protein when expressed in a soybean plant cell renders said soybean plant cell tolerant to a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, as compared to an untransformed soybean plant cell.

30. (Previously Presented) A nucleic acid encoding a variant AAD-1 protein, wherein said variant AAD-1 protein

enzymatically degrades a phenoxy auxin herbicide and an (R)-aryloxyphenoxypropionate herbicide, further wherein said variant AAD-1 protein comprises:

i) an amino acid sequence having at least 85%, but less than 95% sequence identity with SEQ ID NO: 9; and

ii) an AAD-1 motif having the general formula of:

$HX_{112}D(X)_{114-137}T(X)_{139-269}H(X)_{271-280}R$, wherein

X_{112} represents a single amino acid at position 112, relative to the sequence of SEQ ID NO: 9;

$(X)_{114-137}$ represents a sequence of 24 amino acids;

$(X)_{139-269}$ represents a sequence of 131 amino acids; and

$(X)_{271-280}$ represents a sequence of 10 amino acids.

COR-AAD1-00005429

REMARKS

Objections to Specification

Priority

The Examiner has questioned whether the current application has added subject matter relative to the earlier filed priority applications, and suggests that the present application should be identified as a continuation in part application. Specifically, The Examiner contends the range of 85-95% sequence identity recited in claim 30 lacks written descriptive support.

Applicant respectfully submits they are entitled to the earliest claimed priority date and that no new matter has been added to the present application relative to prior applications of the priority chain. The specification of the parent applications clearly envisioned that variants of the disclosed peptides could be prepared (see paragraphs [00136] and [00143]). In one embodiment, the specification describes the subject invention as including variant or equivalent proteins having the same or similar activity of the exemplified proteins and defined in terms of identity and/or similarity ranges. More particularly, applicant notes the last three sentences of original paragraph [00143] disclose that:

> Preferred proteins of the subject invention can also be defined in terms of more particular identity and/or similarity ranges. For example, the identity and/or similarity can be 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, or 99% as compared to a sequence exemplified or suggested herein. **Any number listed above can be used to define the upper and lower limits.** (emphasis added)

Sequence identity values of 85% and 95% are explicitly recited in paragraph [00143], and accordingly, the specification provides written descriptive support for a protein defined by a sequence identity range having 85% as the lower limit and 95% as the upper limit in relation to a preferred protein of the subject invention (e.g., SEQ ID NO: 9).

Applicant respectfully submits this application is properly designated as a continuation of U.S. Serial No. 17/175,966.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, and more particularly for the failure to provide antecedent support for the range of sequence identity recited in current claim 30. Applicant has amended the specification in accordance with 37 CFR 1.75(d)(1) and MPEP § 608.01 (o) to render the objection moot.

Applicant has amended to the specification to provide a proper antecedent basis for the range recited in claim 30 as well as provide antecedent basis for the term "AAD-1 motif". The amendment of the specification introduces no new matter. The amendments merely provide an explicit recitation of the specific sequence identity range of 85% to 95% as supported in original paragraph [00147], and a recitation of the structure already present in SEQ ID NO: 9 as a specific example of the AAD-1 motif correlating to the generalized α-ketoglutarate-dependent dioxygenase motif disclosed in paragraph [0086].

More particularly, applicant has described the complete amino acid sequence of AryloxyAlkanoate Dioxygenase (AAD-1) proteins (SEQ ID NOs: 9, 10 and 11) that have been found to exhibit activity in degrading 2,4-D as well as AOPP herbicides. Applicant further recognized at the time of the invention that variant peptides of these exemplified species could be prepared that retain the desired dual mode of action (MOA) activity. In analyzing the structure of the identified AAD proteins in light of the known α-ketoglutarate-dependent dioxygenase motif (disclosed in paragraph [0086]), applicant has derived a specific "AAD-1 motif", wherein the first histidine residue of the α-ketoglutarate-dependent dioxygenase motif corresponds to the histidine found at position 111 of SEQ ID NO:9, the (T/S) residue of the α-ketoglutarate-dependent dioxygenase motif corresponds to the threonine residue at position 138 of SEQ ID NO:9, the second histidine residue of the α-ketoglutarate-dependent dioxygenase motif corresponds to the histidine residue at position 270 of SEQ ID NO:9, and the arginine residue of the α-ketoglutarate-dependent dioxygenase motif corresponds to the arginine residue at position 281 of SEQ ID NO:9, thus generating the AAD-1 motif of: $HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$.

The spacing found in the AAD-1 motif between the tripeptide $HX_{112}D$ and the threonine at position 138 (24 amino acids); between the threonine at position 138 and the second histidine at position 279 (131 amino acids) and between the second histidine and the arginine at position

COR-AAD1-00005431

281 (10 amino acids) is entirely consistent with the spacing provided in the α-ketoglutarate-dependent dioxygenase motif on page 22, paragraph [0086].

Accordingly, mapping the α-ketoglutarate-dependent dioxygenase motif (as provided in paragraph [0086]) onto the sequence of SEQ ID NO: 9, 10 or 11 provides the sequence listed as the AAD-1 motif in current claims 1, 29 and 30.

Furthermore, as noted above, original paragraph [143] provides written descriptive support for the sequence identity range recited in claim 30. However, to provide antecedent basis for the claimed subject matter of claim 30, the specification has been amended in accordance with MPEP 608.01(o) to explicitly recite the range recited in claim 30.

Withdrawal of the objections to the specification is respectfully requested.

Claim Rejections

Claim 30 is rejected under 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. More particularly, the Examiner asserts that the claimed range of "at least 85%, but less than 95% sequence identity" recited in claim 30 lacks adequate written description in the instant specification. Applicant respectfully traverses this rejection.

As noted above, original paragraph [00143] describes that variants of the disclosed peptides as defined by sequence identity are encompassed by the disclosed invention. In particular, the specification provides a number of sequence identity values, including 85% and 95%, and states variants can be defined in terms of more particular sequence identity ranges based on any of the listed sequence identity values used to define the upper and lower limits.

Therefore, the description in paragraph [00143] provides full written descriptive support for the range recited in claim 30. Applicant respectfully requests the withdrawal of rejection of claim 30 under 35 USC 112, first paragraph.

Claims 1-29 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jepson et al (U.S. Patent Application US 2003/0041357 filed on 23 February 2001) in view of Kohler (Genbank Accession No: Q8KSC8 first published on 1 October 2002).). Jepson is cited as teaching plants that comprise a *tfdA* gene for conferring aryloxyalkanoate dioxygenase activity to those plants, and the use of such plants in methods of weed control using 2,4-D. The Examiner concedes that Jepson does not teach AAD-1 (SEQ ID N0:9). Kohler is cited as teaching *Spingomonas herbicidovorans rdpA*, a bacterial gene that encodes the peptide of SEQ

ID N0:9 of the instant application. The Examiner states that it would have been *prima facie* obvious to substitute the gene of Kohler for the gene of Jepson. Applicants respectfully traverse this rejection.

First of all, applicant respectfully submits that the Examiner fails to provide any rationale for why one of ordinary skill would specifically select a gene encoding a peptide of SEQ ID NO: 9, or a derivative thereof having at least 85% sequence identity to a peptide of SEQ ID NO: 9, to substitute for the *tfdA* gene disclosed in Jepson. Applicant notes there are many other known sequences that share sequence identity with the *tfdA* gene and serve as possible candidates for providing aryloxyalkanoate dioxygenase activity. At the time of applicant's invention it cannot be reasonably said that one would have turned to the specific gene disclosed in Kohler with the expectation that it would be expressed in plants, particularly to convey herbicide tolerance to the plants.

At the time of the invention there was simply no motivation to select a bacterial gene having the specific sequence of SEQ ID NO: 9, (or a peptide having at least 85% sequence identity with SEQ ID NO: 9) for combination with a heterologous promoter that is functional in a plant cell for use in producing transgenic plants that are tolerant to damage by an aryloxyalkanoate herbicide.

Example 17 of the subject specification provides data comparing the subject AAD-1 enzyme to another enzyme referred to as AAD-2, wherein AAD-2 has a <u>higher</u> percentage sequence identity with tfdA relative to AAD-1. Accordingly, AAD-2 is a protein that falls outside the scope of the current claims, as AAD-2 does not have at least 85% sequence identity with SEQ ID NO: 9, yet is one with a sequence identity closer to tfdA. Significantly, AAD2 also does not comprise the AAD-1 motif that is present in AAD-1.

AAD-2 was one of several genes identified from BLAST search results using tfdA as the reference sequence. The subject application states in Example 17.1:

> Another gene was identified from the NCBI database (see the ncbi.nlm.nih.gov website; accession #AP005940) as a homologue with only 44% amino acid identity to tfdA. This gene is referred to herein as AAD-2 (v1) for consistency. Percent identity was determined by first translating both the AAD-2 and tfdA DNA sequences (SEQ ID NO: 12 and GENBANK Accession No. M16730, respectively) to proteins (SEQ ID N0:13 and GENBANK Accession No.

COR-AAD1-00005433

M16730, respectively), then using ClustalW in the VectorNTI software package to perform the multiple sequence alignment.

AAD-2 was obtained from *Bradyhizobium japonicum*. Again, AAD-2 is more closely related (about 44%) at the sequence level to tfdA than is AAD-1 (about 27%). However, AAD-2 was surprisingly inactive in plants, while AAD-1 was very active.

Moreover, the subject AAD-1 enzyme was a choice of one of over 100 other possible genes. The first paragraph of Example 1 of the subject application states (emphasis added):

> As a way to identify genes which possess herbicide degrading activities *in planta*, it is possible to mine current public databases such as NCBI (National Center for Biotechnology Information). To begin the process, it is necessary to have a functional gene sequence already identified that encodes a protein with the desired characteristics (i.e., α-ketoglutarate dioxygenase activity). This protein sequence is then used as the input for the BLAST (Basic Local Alignment Search Tool) (Altschul et al., 1997) algorithm to compare against available NCBI protein sequences deposited. <u>Using default settings, this search returns upwards of 100 homologous protein sequences at varying levels. These range from highly identical (85-98%) to very low identity (23-32%) at the amino acid level. Traditionally only sequences with high homology would be expected to retain similar properties to the input sequence</u>. In this case we chose only those sequences with ≤ 50% homology. We go on to exemplify that cloning and recombinantly expressing homologues <u>with as little as 27% amino acid conservation</u> can be used to impart commercial levels of resistance not only to the intended herbicide, but also to <u>substrates never previously tested with these enzymes</u>.

Thus, the subject AAD-1 enzyme was only 1 of over 100 BLAST search results having some degree of identity with tfdA. As discussed above, there were great numbers of other possible choices that could have been selected.

Furthermore, the subject invention offers surprising advantages that neither Jepson nor Kohler taught. As illustrated by the subject specification, particularly by Table 1 and Table 2, mecoprop and dichlorprop have phenoxy auxin chemistries, while the aryloxyphenoxypropionates or "AOPPs" are in a different class of chemistries. Thus, it is not seen how Kohler would support the reasonable expectation of success to produce a plant that is resistant to aryloxyphenoxypropionates and thus protecting a crop plant from damage by an aryloxyalkanoate herbicide.

COR-AAD1-00005434

The AOPP class of herbicides, too, served as excellent substrates for AAD-1 (vl) as shown by near complete degradation of graminicidal activity using the bentgrass plate bioassay (Figure 3 and Table 7). **These data are significant in that this is the first reported observation for any members of this class of enzyme to be active on herbicides outside the phenoxy auxins**. The implications are that this enzyme is promiscuous enough to utilize chemicals with similar phenoxyalkanoate substructures even though they have completely different modes of action as herbicides.

The above paragraph shows that AAD-1 has surprising advantages that are not contemplated by Kohler, i.e. it acts on two completely different categories of herbicides. This is not taught or suggested by either Jepson or Kohler.

The subject invention relates in part to the identification of an enzyme AAD-1 that is not only able to degrade 2,4-D, but also aryloxyphenoxypropionate (AOPP) herbicides, thus distinguishing the enzyme of the subject invention from previously known tfdA proteins. No alpha-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. Accordingly, there was no reason to select the nucleic acid of SEQ ID NO: 9, or derivative thereof, to be operably linked to a plant specific promoter, as there was no reasonable expectation that such a construct would produce the desired effect when transfected into plant cells. In light of this, the withdrawal of the obviousness rejection is respectfully requested.

Claim 30 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kohler (Genbank Accession No: Q8KSC8 first published on 1 October 2002) in view of Ryle *et al* (2003 Biochemistry 42: 1854-1862). Ryle is cited for its teaching that modifications of the TauD α-ketoglutarate dioxygenase were known. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Examiner fails to provide any rationale for why one of ordinary skill would specifically select a gene encoding a peptide having at least 85% but less than 95% sequence identity to a peptide of SEQ ID NO: 9, as a substitute for the tfdA gene disclosed in Jepson. Applicant notes there are many other known sequences that share sequence identity with the tfdA gene and serve as possible candidates for providing aryloxyalkanoate dioxygenase activity.

The subject invention relates in part to the identification of an enzyme AAD-1 that is not only able to degrade 2,4-D, but also aryloxyphenoxypropionate (AOPP) herbicides, thus distinguishing the enzyme of the subject invention from previously known tfdA proteins. No alpha-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action.

At the time of applicant's invention it cannot be reasonably said that one would have turned to the specific gene disclosed in Kohler with the expectation that it would be expressed in plants, particularly to convey 2,4-D, and aryloxyphenoxypropionate (AOPP) herbicide tolerance to the plants.

The subject invention relates in part to the identification of an enzyme AAD-1 that is not only able to degrade 2,4-D, but also aryloxyphenoxypropionate (AOPP) herbicides, thus distinguishing the enzyme of the subject invention from previously known tfdA proteins. No alpha-ketoglutarate-dependent dioxygenase enzyme has previously been reported to have the ability to degrade herbicides of different chemical classes and modes of action. The secondary reference (Ryle et al) fails to supplement the inadequacies of the Kohler teaching and fails to provide any guidance on how to prepare a protein exhibiting the activity of the claimed AAD-1 enzyme. Accordingly, there was no reason to prepare a nucleic acid encoding a polypeptide having 85% to 95% sequence identity to SEQ ID NO: 9 and retains the specified AAD-1 motif, nor was there any reasonable expectation that such a construct would produce the desired effect when transfected into plant cells. In light of this, the withdrawal of the obviousness rejection is respectfully requested.

Claims 1-29 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-62 of U.S. Patent No. 7,939,733; Claims 1-29 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 9,127,289; Claims 1-29 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-9, 12 and 13 of U.S. Patent No. 10,174,337; and Claims 1-30 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 10,947,555. Applicant has filed a terminal disclaimer for each of US Patent nos. 7,939,733, 9,127,289, 10,174,337 and 10,947,555, thus rendering the rejections for double patenting moot.

With the entry of the foregoing amendments, the application is believed to be in condition for examination and allowance. Consideration of the claims, leading to their allowance and passage of the application to issuance, is respectfully requested.

If any further discussion of this matter would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,

/John P. Breen/

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COR-AAD1-00005437

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 17/403,476	Filing Date 08/16/2021	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $480 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	01/14/2022							
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0		x $480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/RAMONA D WILSON/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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NOTICE OF ALLOWANCE AND FEE(S) DUE

107540 7590 02/15/2022
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER
KRUSE, DAVID H

ART UNIT	PAPER NUMBER
1663	

DATE MAILED: 02/15/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

TITLE OF INVENTION: NOVEL HERBICIDE RESISTANCE GENES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$0.00	$1200	05/16/2022

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

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PTOL-85 (Rev. 02/11)

COR-AAD1-00005439

PART B - FEE(S) TRANSMITTAL

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

TITLE OF INVENTION: NOVEL HERBICIDE RESISTANCE GENES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$0.00	$1200	05/16/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
KRUSE, DAVID H	1663	504-128000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
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1_____
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. Fees submitted: ❑Issue Fee ❑Publication Fee (if required) ❑Advance Order - # of Copies _____

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5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
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Typed or printed name _____ Registration No. _____

PTOL-85 Part B (08-18) Approved for use through 01/31/2020 OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

COR-AAD1-00005440

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

107540 7590 02/15/2022
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER
KRUSE, DAVID H

ART UNIT	PAPER NUMBER
1663	

DATE MAILED: 02/15/2022

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 17/403,476	Applicant(s) WRIGHT et al.	
	Examiner DAVID H KRUSE	Art Unit 1663	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☑ This communication is responsive to the Amendment and Remarks filed 14 January 2022.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☑ The allowed claim(s) is/are 1-29 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☑ Interview Summary (PTO-413), Paper No./Mail Date. same.
5. ☑ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/DAVID H KRUSE/
Primary Examiner, Art Unit 1663

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with John P. Breen on 31 January 2022.

The application has been amended as follows:

Claim 30 has been cancelled.

Terminal Disclaimer

2. The terminal disclaimer filed on 14 January 2022 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patents 7,939,733 and 9,127,289 and 10,174,337 and 10,947,555 has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799 and direct fax number (571) 273-0799. The examiner can normally be reached on Monday to Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amjad Abraham can be reached at (571) 270-7058. The central FAX number for official correspondence is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-1600.

/David H Kruse/
Primary Examiner, Art Unit 1663

Examiner-Initiated Interview Summary	Application No. 17/403,476	Applicant(s) WRIGHT et al.		
	Examiner DAVID H KRUSE	Art Unit 1663	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
DAVID H KRUSE	Primary Examiner	Telephonic
John P. Breen	Attorney of Record	

Date of Interview: 31 January 2022

Issues Discussed:

Proposed Amendment(s)

Examiner proposed canceling claim 30 to expedite allowance of the remaining claims. Applicant's attorney approved cancellation of claim 30.

/DAVID H KRUSE/ Primary Examiner, Art Unit 1663	

Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04
Please further see:
MPEP 713.04
Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b)
37 CFR § 1.2 Business to be transacted in writing

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/403,476	WRIGHT et al.
	Examiner	**Art Unit**
	DAVID H KRUSE	1663

CPC - Searched*		
Symbol	**Date**	**Examiner**
C12N 15/8274	12/13/2021	/DK/

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor Name Search	12/13/2021	/DK/
EAST: USPAT, USPGPUB, EPO, JPO, DERWENT	12/13/2021	/DK/
STN: AGRICOLA, BIOSIS, CAPLUS, EMBASE, CABA, SCISEARCH	12/14/2021	/DK/
Sequence Search of SEQ ID NO:	11/21/2021	/DK/
Update EAST	01/31/2022	/DK/

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
EAST	EAST	01/31/2022	/DK/

/DAVID H KRUSE/ Primary Examiner, Art Unit 1663	

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/403,476	WRIGHT et al.
	Examiner	**Art Unit**
	DAVID H KRUSE	1663

CPC						
Symbol					**Type**	**Version**
C12N	/	15	/	8274	F	2013-01-01
C12N	/	9	/	0069	I	2013-01-01
C12N	/	9	/	0071	I	2013-01-01
C12N	/	15	/	8209	I	2013-01-01

CPC Combination Sets								
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 29	
/DAVID H KRUSE/ Primary Examiner, Art Unit 1663 (Primary Examiner)	01 February 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure NONE

U.S. Patent and Trademark Office

Part of Paper No.: 20220201

COR-AAD1-00005448

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/403,476	WRIGHT et al.
	Examiner	**Art Unit**
	DAVID H KRUSE	1663

INTERNATIONAL CLASSIFICATION				
CLAIMED				
C12N	/	15	/	82

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 29	
/DAVID H KRUSE/ Primary Examiner, Art Unit 1663 (Primary Examiner)	01 February 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure NONE

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/403,476	WRIGHT et al.
	Examiner	**Art Unit**
	DAVID H KRUSE	1663

☑ Claims renumbered in the same order as presented by applicant ☐ CPA ☑ T.D. ☐ R.1.47

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	10	10	19	19	28	28								
2	2	11	11	20	20	29	29								
3	3	12	12	21	21		30								
4	4	13	13	22	22										
5	5	14	14	23	23										
6	6	15	15	24	24										
7	7	16	16	25	25										
8	8	17	17	26	26										
9	9	18	18	27	27										

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 29	
/DAVID H KRUSE/ Primary Examiner, Art Unit 1663 (Primary Examiner)	01 February 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure NONE

U.S. Patent and Trademark Office

Part of Paper No.: 20220201

COR-AAD1-00005450

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	5	(("11149283") or ("10947555") or ("10174337") or ("9127289") or ("7838733")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2022/01/31 15:01
L2	5	L1 and AAD-1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2022/01/31 15:01
L3	1,597	aryloxyalkanoate adj dioxygenase	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2022/01/31 15:01
L4	196	L3 and Sphingobium	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2022/01/31 15:01
L5	551	(L3 or L4) and diclofop	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2022/01/31 15:02
L6	353	l5 and aryloxyphenoxypropionate	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2022/01/31 15:02

EAST Search History (Interference)

<This search history is empty>

1/31/2022 3:02:58 PM
C:\Users\dkruse\Documents\EAST\Workspaces\17403476.wsp

To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 107540

Feb 15, 2022 04:32:29 AM

Dear PAIR Customer:

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11 South Meridian Street
Indianapolis, IN 46204
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 107540 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
17403476	NOA	02/15/2022	76751-346146
	EXIN	02/15/2022	76751-346146

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

107540 7590 02/15/2022
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

TITLE OF INVENTION: NOVEL HERBICIDE RESISTANCE GENES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$0.00	$1200	05/16/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
KRUSE, DAVID H	1663	504-128000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 BARNES & THORNBURG LLP
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: DOW AGROSCIENCES LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): INDIANAPOLIS, IN

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 10-0435

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /John P. Breen/ Date February 22, 2022

Typed or printed name John P. Breen Registration No. 38833

Electronic Patent Application Fee Transmittal

Application Number:	17403476
Filing Date:	16-Aug-2021
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Filer:	John P. Breen/Priscilla York
Attorney Docket Number:	76751-346146

Filed as Large Entity

Filing Fees for **Utility under 35 USC 111(a)**

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1200	1200

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1200**

Electronic Acknowledgement Receipt

EFS ID:	45055025
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen/Priscilla York
Filer Authorized By:	John P. Breen
Attorney Docket Number:	76751-346146
Receipt Date:	22-FEB-2022
Filing Date:	16-AUG-2021
Time Stamp:	16:19:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1200
RAM confirmation Number	E20222LG19573837
Deposit Account	100435
Authorized User	Priscilla York

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.21 (Miscellaneous fees and charges)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.16 (National application filing, search, and examination fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	346146_Issue_Fee_Payment.pdf	189984 a9683a237177178f42c97f591db1e228fb4e688e	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37769 e778598604a21a817c19f52cac4a877a280f121b	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	227753	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	04/12/2022	11299745	76751-346146	2894

107540 7590 03/23/2022

Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

INVENTOR(s) (Please see PAIR WEB site http://pair.uspto.gov for additional inventors):

Terry WRIGHT, Westfield, IN;
Justin LIRA, Zionsville, IN;
Donald MERLO, Carmel, IN;
Nicole ARNOLD, Indianapolis, IN;

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

DOW AGROSCIENCES LLC, Indianapolis, IN;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 107540

Mar 24, 2022 05:15:34 AM

Dear PAIR Customer:

Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 107540 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
17403476	ISSUE.NTF	03/23/2022	76751-346146

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/403,476	08/16/2021	Terry WRIGHT	76751-346146

CONFIRMATION NO. 2894

107540
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

PUBLICATION NOTICE

OC000000132849484

Title:NOVEL HERBICIDE RESISTANCE GENES

Publication No.US-2022-0098610-A1
Publication Date:03/31/2022

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently https://portal.uspto.gov/pair/PublicPair. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

COR-AAD1-00005460

To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 107540

Apr 01, 2022 05:40:22 AM

Dear PAIR Customer:

Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 107540 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

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Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
17403476	NTC.PUB	03/31/2022	76751-346146

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	107540	
Confirmation No.:	2894	
Patent No.:	11,299,745	
Invention:	**NOVEL HERBICIDE RESISTANCE GENES**	**ELECTRONICALLY FILED: April 14, 2022**
Inventor:	WRIGHT et al.	
Issued:	April 12, 2022	
Attorney Docket:	76751-346146	

REQUEST FOR CERTIFICATE OF CORRECTION

CERTIFICATE OF CORRECTION BRANCH
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Patentee requests that Letters Patent No. 11,299,745 be corrected as noted on the certificate submitted herewith. The error is believed to be of sufficient importance to justify a Certificate of Correction.

Because the mistake being corrected by the accompanying Certificate of Correction is the fault of the U.S. Patent and Trademark Office, it is believed that no fee is due in connection with this request. However, if necessary, the Director is hereby authorized to charge any fees which may be required or credit any overpayments, to Deposit Account 10-0435 with reference to our matter 76751-346146. Please send the Certificate of Correction to the undersigned.

Respectfully submitted,

/John P. Breen/
John P. Breen
Attorney Reg. No. 38,833

Indianapolis, Indiana 46204
317-261-7940

PTO/SB/44 (09-07)
Approved for use through 03/31/2023. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,299,745

APPLICATION NO.: 17/403,476

ISSUE DATE : April 12, 2022

INVENTOR(S) : Terry WRIGHT, et al

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Title

The title should read --NOVEL HERBICIDE RESISTANCE GENES--

In the Claims

In claim 1, column 167, lines 20-21 should be a single line reading as follows:
--$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ ID NO: 34)--.

In claim 1, column 167, line 22, "X112" should read --X_{112}--.

In claim 29, column 169, lines 7-8 should be a single line reading as follows:
--$HX_{112}D(X)_{114\text{-}137}T(X)_{139\text{-}269}H(X)_{271\text{-}280}R$ (SEQ ID NO: 34)--.

In claim 29, column 169, line 9, "X112" should read --X_{112}--;

MAILING ADDRESS OF SENDER (Please do not use Customer Number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	45474936
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen
Filer Authorized By:	
Attorney Docket Number:	76751-346146
Receipt Date:	14-APR-2022
Filing Date:	16-AUG-2021
Time Stamp:	13:24:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	CERTIFICATE_OF_CORRECTION _1.pdf	25115 89d35b229471e968e2bc228ed9dd7e373459bf20	no	1

Warnings:

Information:					
2	Request for Certificate of Correction	sb0044_Cert1.pdf	29210 ba0320183fc94243a2b28d35d6208fe3a9903205	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	54325	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/44 (09-07)
Approved for use through 03/31/2023. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,299,745

APPLICATION NO.: 17/403,476

ISSUE DATE : April 12, 2022

INVENTOR(S) : Terry WRIGHT, et al

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

In claim 4, column 167, line 43, please insert --is-- between "herbicide" and "selected".

MAILING ADDRESS OF SENDER (Please do not use Customer Number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	107540	
Confirmation No.:	2894	
Patent No.:	11,299,745	
Invention:	**NOVEL HERBICIDE RESISTANCE GENES**	**ELECTRONICALLY FILED: April 14, 2022**
Inventor:	WRIGHT et al.	
Issued:	April 12, 2022	
Attorney Docket:	76751-346146	

REQUEST FOR CERTIFICATE OF CORRECTION

CERTIFICATE OF CORRECTION BRANCH
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Patentee requests a Certificate of Correction of applicant's mistake under 37 CFR 1.323 to be issued for Letters Patent No. 11,299,745 in accordance with the certificate submitted herewith. The error is believed to be of sufficient importance to justify a Certificate of Correction.

Patentee notes that claim 4 as submitted to the USPTO by applicant contains a typographical error. Specifically, claim 4 was mistakenly submitted missing the verb "is" between the recited claim element and the Markush grouping. The mistake being corrected is an obvious typographical error that does not constitute new matter or require reexamination.

Patentee transmits herewith the necessary fee of $160.00 under 37 CFR 1.20(a) and hereby authorize the Commissioner to charge any additional fees necessary to affect this filing to Deposit Account 10-0435 with reference to our matter 76751-346146. Please send the Certificate of Correction to the undersigned.

Respectfully submitted,

/John P. Breen/
John P. Breen
Attorney Reg. No. 38,833

Indianapolis, Indiana 46204
317-261-7940

Electronic Patent Application Fee Transmittal

Application Number:	17403476
Filing Date:	16-Aug-2021
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Filer:	John P. Breen
Attorney Docket Number:	76751-346146

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
CERTIFICATE OF CORRECTION	1811	1	160	160

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**160**

Electronic Acknowledgement Receipt

EFS ID:	45475157
Application Number:	17403476
International Application Number:	
Confirmation Number:	2894
Title of Invention:	NOVEL HERBICIDE RESISTANCE GENES
First Named Inventor/Applicant Name:	Terry WRIGHT
Customer Number:	107540
Filer:	John P. Breen
Filer Authorized By:	
Attorney Docket Number:	76751-346146
Receipt Date:	14-APR-2022
Filing Date:	16-AUG-2021
Time Stamp:	13:37:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$160
RAM confirmation Number	E20224DD38570563
Deposit Account	100435
Authorized User	John Breen

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	sb0044_cert2.pdf	206107 e8a5164269489ed6955d9acabb68f646136 92947	no	2
Warnings:					
Information:					
2	Request for Certificate of Correction	CERTIFICATE_OF_CORRECTION _2.pdf	25960 f19fdefb844943c196cfb475a22c8e748c7eb 4d9	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	37686 91d935028277690ad6a21fed5bf1652fe79e 8daf	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	269753	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

107540 7590 05/26/2022
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER
KRUSE, DAVID H

ART UNIT	PAPER NUMBER
1663	

NOTIFICATION DATE	DELIVERY MODE
05/26/2022	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INDocket@btlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No.: 11299745
Issue Date: 04/12/2022
Appl. No.: 17/403,476
Filed: 08/16/2021

PART (A) RESPONSE FOR CERTIFICATES OF CORRECTION

This is a decision on the Certificate of Correction request filed 14 April 2022.

The request for issuance of Certificate of Correction for the above-identified correction(s) under the provisions of 37 CFR 1.322 and/or 1.323 is hereby:

(Check one)
☑ Approved ☐ Approved in Part ☐ Denied

Comments: For both of the certificate of corrections filed on 4/14/22

PART (B) PETITION UNDER 37 CFR 1.324 OR 37 CFR 1.48

☐ This is a decision on the petition filed ____ to correct inventorship under 37 CFR 1.324.

☐ This is a decision on the request under 37 CFR 1.48, petition filed ____. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is hereby: ☐ Granted ☐ Dismissed

Comment: ____

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Amjad Abraham/
Supervisory Patent Examiner, Art Unit 1663
Technology Center 1600
Phone: (571)270-7058

Certificates of Correction Branch email: CustomerServiceCoC@uspto.gov CoC Central Phone Number: (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/403,476	08/16/2021	Terry WRIGHT	76751-346146	2894

107540 7590 05/31/2022
Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER
KRUSE, DAVID H

ART UNIT	PAPER NUMBER
1663	

NOTIFICATION DATE	DELIVERY MODE
05/31/2022	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INDocket@btlaw.com

Response to the Request for Certificate of Correction	Patent No. 11299745	Applicant(s) WRIGHT et al.
	Issue Date 04/12/2022	Docket No. 76751-346146

This is in response to the request for a Certificate of Correction filed 14 April 2022

☑ **Request Approval- In- Part** - Consideration has been given to your request for the issuance of a Certificate of Correction under the provisions of 37 CFR 1.322 and/or 37 CFR 1.323. The Request is improper and approved in part for the reason(s) below:

☐ **Supersede/Vacate** - The Certificate of Correction issued in error, in that error(s) was made in identifying the patent number and/or keying text/corrections. See Other Comments below:

1. ☐ Assignees' names and addresses (assignment data) printed in a patent, are based solely on information supplied in the appropriate space for identifying the assignment data on the Issue Fee Transmittal Form (PTOL-85b). Any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in in 37 CFR 3.11 before issuance of the patent. Petition under 3.81 is to be filed for consideration of correction to assignee. The petition fee set forth in 37 CFR 1.17(i)(1) (currently $140, $70, $35 for large, small and micro entities, respectively.

2. ☐The alleged error in _____, is in fact an Amendment and/or Change made by the examiner and considered to be in accordance with the permissible amendments enumerated in the Manual of Patent Examining Procedure (MPEP) Section 1302.04. Applicant did not file objection or amendment under 37 CFR 1.312 prior to payment of the issue fee.

3. ☐ A petition under CFR 1.182 is required to correct the alleged errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Application Data Sheet (ADS). The required fee currently under rule 1.17(f) (small entity $200, large entity $400, micro entity fee $100).

4. ☐ With respect to the alleged error in changing the inventor name on the patent due to clerical error in ADS/OATH of related patents. The inventors name is printed in accordance with the OATH/ADS submitted at the time of filing the application. However, your attention is directed to C.F.R. 1.324, wherein a request is being made to change, add or delete inventor(s), after issuance of the patent.

5. ☐ With respect to the alleged error in _____, comparison of the printed patent with the corresponding location in the application file reveals that there is no discrepancy.

6. ☑ With respect to 37 CFR 1.72, the title should be brief but technically accurate and descriptive and should contain fewer than 500 characters. Inasmuch as the words new, improved, improvement of, and improvement in are not considered as part of the title of an invention, these words should not be included at the beginning of the title of the invention and will be deleted when the Office enters the title into the Offices computer records, and when any patent issues.

7. ☐ The fee for correction under 37 CFR 1.323 is set forth in 37 CFR 1.20(a). ☐Partial fee ☐No fee was received with your request. Full fee payment is required before further action is taken on this request.

8. ☐ With respect to the request for corrected Letters Patent (Grant), corrections to the original Letters Patent are made under the provisions of Rule 1.322(b), not Rule1.323, unless a petition is granted.

9. ☑ Other Comments: See Continuation Sheet

Further correspondence concerning this matter should be filed and directed to the Certificates of Correction Branch.

Legal Instrument Examiner: /ENNIS L YOUNG/ LIE, ODM

Phone: (571)272-3435

Certificates of Correction Branch email:CustomerServiceCoC@uspto.gov

CoC Central Phone Number: (703)756-1814

If applicable, information regarding a petition under 37 CFR 1.183 should be directed to the attention of the Commissioner for Patents using the FAX number (571) 273-8300

Continuation of Other Comments:
A
An
The
Improved
Improvements in
New
Novel
Related to
Design
Design for/of (a)
Ornamental design
Ornamental

To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 107540

May 27, 2022 05:41:58 AM

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Barnes & Thornburg LLP (Dow)
11 South Meridian Street
Indianapolis, IN 46204
UNITED STATES

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Application	Document	Mailroom Date	Attorney Docket No.
17403476	COCX	05/26/2022	76751-346146

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

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Thank you for prompt attention to this notice,

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

To: INDocket@btlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
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Subject: Private PAIR Correspondence Notification for Customer Number 107540

May 31, 2022 04:33:18 AM

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17403476	COCOUT	05/31/2022	76751-346146

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