



US007956246B2

(12) **United States Patent**
Bing et al.(10) **Patent No.:** **US 7,956,246 B2**
(45) **Date of Patent:** ***Jun. 7, 2011**(54) **CORN EVENT DAS-59122-7 AND METHODS FOR DETECTION THEREOF**(75) Inventors: **James Wayne Bing**, Ankeny, IA (US); **Robert F. Cressman, Jr.**, Wilmington, DE (US); **Manju Gupta**, Carmel, IN (US); **Salim M. Hakimi**, Sacramento, CA (US); **David Hondred**, Altoona, IA (US); **Todd L. Krone**, Johnston, IA (US); **Mary E. Hartnett Locke**, Mickleton, NJ (US); **Abigail K. Luckring**, West Chester, PA (US); **Sandra E. Meyer**, Des Moines, IA (US); **Daniel Moellenbeck**, Granger, IA (US); **Kenneth Edwin Narva**, Zionsville, IN (US); **Paul D. Olson**, Kalaheo, HI (US); **Craig D. Sanders**, Bear, DE (US); **Jimei Wang**, Johnston, IA (US); **Jian Zhang**, Urbandale, IA (US); **Gan-Yuan Zhong**, Urbandale, IA (US)(73) Assignees: **Pioneer Hi-Bred International, Inc.**, Johnston, IA (US); **E.I. du Pont de Nemours and Company**, Wilmington, DE (US); **Dow Agrosociences LLC**, Indianapolis, IN (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 344 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **11/938,359**(22) Filed: **Nov. 12, 2007**(65) **Prior Publication Data**

US 2008/0178357 A1 Jul. 24, 2008

Related U.S. Application Data

(62) Division of application No. 11/237,222, filed on Sep. 28, 2005, now Pat. No. 7,323,556.

(60) Provisional application No. 60/614,225, filed on Sep. 29, 2004.

(51) **Int. Cl.****A01H 5/00** (2006.01)**A01H 5/10** (2006.01)(52) **U.S. Cl.** **800/320.1**(58) **Field of Classification Search** None
See application file for complete search history.(56) **References Cited****U.S. PATENT DOCUMENTS**5,474,796 A 12/1995 Brennan
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(57) **ABSTRACT**

The invention provides DNA compositions that relate to transgenic insect resistant maize plants. Also provided are assays for detecting the presence of the maize DAS-59122-7 event based on the DNA sequence of the recombinant construct inserted into the maize genome and the DNA sequences flanking the insertion site. Kits and conditions useful in conducting the assays are provided.

14 Claims, 7 Drawing SheetsInari Exhibit 1088
Inari v. Corteva
IPR2024-01014

FIG. 1 (Sheet 1 of 5)

1 CTGAGCGCAC AACAGCGAGT CGCATGGCAC CGGACGACAT GAGCGAGATT
51 TAGATCGGAG GGTGCGGACA TGGGGCAACC TGCGCAGCTA ACGCAGGGAT
101 CCACACGACC ACCAACGAAG CCAAGCCCGG GCACGTCCCC AGGCAGGTTG
151 GGCCCTGGTT CCACCAGCGG ATGCATGCAG TGAAGCGGGG ACGGAGAGAC
201 AAGCCGAGGG CGCGGGTGGG AATGSCGTCC GGGAGGACGA GTGGAGGAGA
251 AGAATCTAGA GGCATCGAGA TTCGAGAAGC CGACGGAGAC AAGATTCTGT
301 TGGGGGGAGA CAAACCGCGG GGCTGAGCGC CGTTGATATG GGATCAGACG
351 GTGTGGATAA AAAAAGTGAC GTTGATAGAA CGTCTGGCCA GTGAAAAAAC
401 AAAACAACTC CAACAAAATA CTTTAAAAGC TCTTATACCC TAAATGTAGG
451 GGATCAAACA CGTCTCTACA CTATTTAGCA GCGTCCTCTA AATGATCCTC
501 TAAATTTAGA GAACGCTACT AGATTCTCTA TATATAGTTT CTCTAAACGA
551 TCTTTTATCC ATTTAAATAC TTTAAATAAC CGGTTTAAAC AAATAAAAT
601 ATATACAATA CATTGAGAG TATGACAAAT ACGTATGTAT AAAAATAAAA
651 AATAAAATAA TGTATTAGTC TACTTTGAAT CTTCTTTTCT TCATAATATA
701 ATGATGTATA GCTCTCATGT GCGTTGAGAA AAAAGTTAGA GCTAGACGTT
751 TAATGTGTAG TGACAGTCTT CGACGAAATC TCCCTAATGA GATGAATTAC
801 TGGAGGTTCC ATCAGAAAGT CCCCTGAAAA GAGGCATTTA TTTAGTTTAT
851 TCAGCAATTT CTGGGAACAC AAATATTCTT TTGTTATCAC CACTATTAAA
901 AATCTATGGT TATAACTTAT AATAACATGA AAAAATAATT TAGCATCCCA
951 TATATATAAA AACTGAAGGA AGCCATATAT ACTAACATAA GTTAGGAGAA
1001 ACTAAGAAGG TTGTGCAAAG CTTGCACTGC TCCAAAATAC TGCAAACAAC
1051 CACTCTCCTC TACCAACCAA AGAAACTCAT GTACTCCCTC CGTTCTTTT
1101 TATTTGTGCG ATTTTAGTTT AAAAATGAAC TAGCAGTCGA CAAATATTCG
1151 AGAACAGATA TAGTATATAC TAACATAACT TAGGAGATAC TAAGAAAGTT
1201 GCGCAGAGCT TTCACTGTTT CAAATTACTG CAAAGCCTCT CCCCTCTGCC
1251 AGTACATCTA CGAGATGTTT CAGTTAAACA AAGATTGAGA CAAGTGATGA
1301 GCCACTTCTT GTCATAGATT GTGTGGTCAA CCAACCCATT GATGCCACGG
1351 FTTTGTGCA TCCATGCTTT TGTATTAAAA CATCAGTTAT GTTTACCATG
1401 TCCGATATGC TCTACATAAT GACAATCAAC TTGGTGTTC TATATTTAC
1451 AATGTTAGGA ATTTCAATAG CTACGAACAC TTCAATAGAA GTGCCTTTGT
1501 GGGGACCTT TAATGTGTTG TTGATGTAAG GAGAAGAATC TTAATTTACT
1551 CTTGCTAAAT TTGAACATA CAAAACCACT GCACTGAGGA TTGTCTAAT
1601 AAATTACTGC TCATACACGT TAGCATCTGT TCAGATACTG AGCTAATCCC
1651 TAGGATTAAA GGATTTGTAA AAGATATGCC CAATCATTC ATTTAGTTAT
1701 TTATTTCTTA GTTATCCACT TGAAGATTTA CATACATTTG AAATAAATTT
1751 CTTAGAGGTA AAGTGAAAT CAGTTATTTA AATACATTTT AGTTATTTAT
1801 TTTCTTCTTT TTCCTAATTT TTCCTTGTAT TTGAAGTCTG AAAAGATAAC
1851 TTTGCCCTTA TACATATTTT ATCTTCTACG TACGCATCTG AACAACGTCT
1901 CTTTGTCCCC TGATCGTGCA GCAATTAGTG CTATGAATCG CGTTTAAGCG
1951 CTGCAAAATC ATGGCTGGGG CTTGCTCCTC GAGTCGTCTT GCTGCTCGAT
2001 GTCACCTCGA GTCCCGCACC GACCTCAGTG CTTGTTCTTG TTGGAGCCAC
2051 CTCTCTCGGA CGATCGCCAA AGACGGATAA GGCCGAAGCC GTCACCTCAG
2101 ACCGCGCTCA TGCGCCGTAG CAGACTCCTA CATAGCAGGG CCAGGGTATG
2151 TGGACCTTTG CAAGTTTAGG ATTGGAACCA GCGACCAGAA TCCACAAGAT
2201 TGGAGCAAAAC GACCAAAAAT TCACAAGGAT TGGCGGCTGA CATTGCCAGC
2251 GCGGGGATCG ATGCGGCGGC GCGGCGCGGG GCGAGCACGG GAGCAGCGGA
2301 CAGTCGAGCT CCATTGGAAC GTAGAAATAC TTAAGGGCAA GGTCTCCAAA
2351 TACTTGAAAA AATAGGAAAA AGAAGAAAAT ACATGAAATG ATATTGAAAT
2401 CAATTGGAAG ATGTTATGAA TCTTGTTTTT GCAAAGCGAA CGATTGAGAT

FIG. 1 (Sheet 2 of 5)

2451	GGCAAAACTA	TGAATCTTTT	TGTTTGAAGT	CCCAAATATA	AAATTTTCTC
2501	GTACTCACCA	ACATTGGTGC	GCACCTGTGA	TGGCTCATA	AAAATTCTTG
2551	GAGGGACGGA	AGAAAGAGTG	AAGGGATAAG	CAAGTAAAAG	CGCTCAAACA
2601	CTGATAGTTT	AAACTGAAGG	CGGGAAACGA	CAATCTGATC	ATGAGCGGAG
2651	AATTAAGGGA	GTCACGTTAT	GACCCCGGCC	GATGACGCGG	GACAAGCCGT
2701	TTTACGTTTG	GAAC TGACAG	AACCGCAACG	TTGAAGGAGC	CACTCAGCAA
2751	GCTTACTAGT	AGCGCTGTTT	AAACGCTCTT	CAACTGGAAG	AGCGGTTACC
2801	CGGACCGAAG	CTTGCA TGCC	TGCAGTGCA G	CGTGACCGGG	TCGTGCCCCCT
2851	CTCTAGAGAT	AATGAGCATT	GCATGTCTAA	GTTATAAAAA	ATTACCACAT
2901	ATTTTTTTTG	TCACACTTGT	TTGAAGTGCA	GTTTATCTAT	CTTTATACAT
2951	ATATTTAAAC	TTTACTCTAC	GAATAATATA	ATCTATAGTA	CTACAATAAT
3001	ATCAGTGTTT	TAGAGAATCA	TATAAATGAA	CAGTTAGACA	TGGTCTAAAG
3051	GACAATTGAG	TATTTTGACA	ACAGGACTCT	ACAGTTTAT	CTTTTTAGTG
3101	TGCATGTGTT	CTCCTTTTTT	TTTGCAAATA	GCTTCACCTA	TATAATACTT
3151	CATCCATTTT	ATTAGTACAT	CCATTTAGGG	TTTAGGGTTA	ATGGTTTTTA
3201	TAGACTAATT	TTTTTAGTAC	ATCTATTTTA	TTCTATTTTA	GCCTCTAAAT
3251	TAAGAAAAC T	AAAAC TCTAT	TTTAGTTTTT	TTATTTAATA	ATTTAGATAT
3301	AAAATAGAAT	AAAATAAAGT	GACTAAAAAT	TAAACAAATA	CCCTTTAAGA
3351	AATTAAAAAA	ACTAAGGAAA	CATTTTTCTT	GTTTCGAGTA	GATAATGCCA
3401	GCCTGTTAAA	CGCCGTCGAC	GAGTCTAACG	GACACCAACC	AGCGAACCAG
3451	CAGCGTCGCG	TCGGGCCAAG	CGAAGCAGAC	GGCACGGCAT	CTCTGTGCT
3501	GCCTCTGGAC	CCCTCTCGAG	AGTTCCGCTC	CACCGTTGGA	CTTGCTCCGC
3551	TGTCGCGATC	CAGAAATTGC	GTGGCGGAGC	GGCAGACGTG	AGCCGGCACG
3601	GCAGGCGGCC	TCCTCCTCCT	CTCACGGCAC	CGGCAGCTAC	GGGGGATTCC
3651	TTTCCCACCG	CTCCTTCGCT	TTCCCTTCC T	CGCCCGCCGT	AATAAATAGA
3701	CACCCCTCC	ACACCCTCTT	TCCCCAACCT	CGTGTGTTC	GGAGCGCACA
3751	CACACACAAC	CAGATCTCCC	CCAAATCCAC	CCGTCCGCAC	CTCCGCTTCA
3801	AGGTACGCCG	CTCGTCTCC	CCCCCCCCC	CTCTCTACCT	TCTCTAGATC
3851	GGCGTTCCGG	TCCATGGTTA	GGGCCCGGTA	GTTCTACTTC	TGTTCATGTT
3901	TGTGTTAGAT	CCGTGTTTGT	GTTAGATCCG	TGCTGCTAGC	GTTGCTACAC
3951	GGATCGGACC	TGTACGTCAG	ACACGTTCTG	ATTGCTAACT	TGCCAGTGTT
4001	TCTCTTTGGG	GAATCCTGGG	ATGGCTCTAG	CCGTTCCGCA	GACGGGATCG
4051	ATTTTCATGAT	TTTTTTTGTT	TCGTTGCATA	GGGTTTGTT	TGCCCTTTTC
4101	CTTTATTTCA	ATATATGCCG	TGCAC TTGTT	TGTCGGGTCA	TCTTTTCATG
4151	CTTTTTTTTG	TCTTGGTTGT	GATGATGTGG	TCTGGTTGGG	CGGTCGTTCT
4201	AGATCGGAST	AGAATTCTGT	TTCAAAC TAC	CTGGTGGATT	TATTAATTTT
4251	GGATCTGTAT	GTGTGTGCCA	TACATATTCA	TAGTTACGAA	TTGAAGATGA
4301	TGGATGGAAA	TATCGATCTA	GGATAGGTAT	ACATGTTGAT	GCGGGTTTTA
4351	CTGATGCATA	TACAGAGATG	CTTTTTGTTC	GCTTGGTTGT	GATGATGTGG
4401	TGTGGTTGGG	CGGTCGTTCA	TTCGTTCTAG	ATCGGAGTAG	AATACTGTTT
4451	CAAAC TACCT	GGTGTATTTA	TTAATTTTGG	AACTGTATGT	GTGTGTCTATA
4501	CATCTTCATA	GTTACGAGTT	TAAGATGGAT	GGAAATATCG	ATGTAGGATA
4551	GGTATACATG	TTGATGTGGG	TTTTACTGAT	GCATATACAT	GATGGCATAT
4601	GCAGCATCTA	TTCAATATGCT	CTAACCTTGA	GTACCTATCT	ATTATAATAA
4651	ACAAGTATGT	TTTATAATTA	TTTTGATCTT	GATATACTTG	GATGATGGCA
4701	TATGCAGCAG	CTATATGTGG	ATTTTTTTTAG	CCCTGCCTTC	ATACGCTATT
4751	TATTTGCTTG	G TACTGTTTC	TTTTGTGCGAT	GCTCACCTTG	TTGTTTGGTG
4801	TTACTTCTGC	AGGTGCACTC	TAGAGGATCC	ACACGACACC	ATGTCCGCCC
4851	GCGAGGTGCA	CATCGACGTG	AACAACAAGA	CCGGCCACAC	CCTCCAGCTG

FIG. 1 (Sheet 3 of 5)

4901	GAGGACAAGA	CCAAGCTCGA	CGGCGGCAGG	TGGCGCACCT	CCCCGACCAA
4951	CGTGGCCAAC	GACCAGATCA	AGACCTTCGT	GGCCGAATCC	AACGGCTTCA
5001	TGACCGGCAC	CGAGGGCACC	ATCTACTACT	CAATTAATGG	CGAGGCCGAG
5051	ATCAGCCTCT	ACTTCGACAA	CCCGTTCGCC	GGCTCCAACA	AATACGACGG
5101	CCACTCCAAC	AAGTCCCAGT	ACGAGATCAT	CACCCAGGGC	GGCTCCGGCA
5151	ACCAGTCCCA	CGTGACCTAC	ACCATCCAGA	CCACCTCCTC	CCGCTACGGC
5201	CACAAGTCCT	GAGTCATGAG	TCATGAGTCA	GTTAACCTAG	ACTTGTCCAT
5251	CTTCTGGATT	GGCCAACTTA	ATTAATGTAT	GAAATAAAAG	GATGCACACA
5301	TAGTGACATG	CTAATCACTA	TAATGTGGGC	ATCAAAGTTG	TGTGTTATGT
5351	GTAATTACTA	GTTATCTGAA	TAAAAAGAGAA	AGAGATCATC	CATATTTCTT
5401	ATCCTAAATG	AATGTCACGT	GTCTTTATAA	TTCTTTGATG	AACCAGATGC
5451	ATTTTCATTAA	CCAAATCCAT	ATACATATAA	ATATTAATCA	TATATAATTA
5501	ATATCAATTG	GGTTAGCAAA	ACAAATCTAG	TCTAGGTGTG	TTTTGCGAAT
5551	GCGGCCGCGG	ACCGAATTGG	GGATCTGCAT	GAAAGAAACT	GTCGCACTGC
5601	TGAACCGCAC	CTTGTCACCT	TCATCGAACA	CGACCTGTGC	CCAAGATGAC
5651	GGTGCTGCGG	TCTAAGTGAG	GCTGAATTGC	CTTGGACAGA	AGCGGACTCC
5701	CTACAATTAG	TTAGGCCAAA	CGGTGCATCC	ATGTGTAGCT	CCGGGCTCGG
5751	GCTGTATCGC	CATCTGCAAT	AGCATCCATG	GAGCTCGTTC	CATGTAGTTG
5801	GAGATGAACC	AATGATCGGG	CGTGTGGACG	TATGTTCTTG	TGTACTCCGA
5851	TAGTAGAGTA	CGTGTTAGCT	CTTTCATGGT	GCAAGTGAAA	TTTGTGTTGG
5901	TTTAATTACC	CTTACGTTAG	TTGCGGGACA	GGAGACACAT	CATGAATTTA
5951	AAGGCGATGA	TGTCTCTCTC	TGTAATGTTA	TTCTTTTGAT	GTGATGAATC
6001	AAAATGTCAT	ATAAAACATT	TGTTGCTCTT	TAGTTAGGCC	TGATCGTAGA
6051	ACGAAATGCT	CGTGTAGCGG	GGCTACGAGC	CTATGACGCA	ATAACACTGG
6101	TTTGCCGGCC	CGGAGTCGCT	TGACAAAAAA	AAGCATGTTA	AGTTTATTTA
6151	CAATTCAAAA	CCTAACATAT	TATATTCCCT	CAAAGCAGGT	TCACGATCAC
6201	ACCTGTACCT	AAAAAAAACA	TGAAGAATAT	ATTACTCCAT	TAFTATGAGA
6251	TGAACCACTT	GGCAAGAGTG	GTAAGCTATA	TAAAAAAATG	AACATTATTA
6301	CGAGATGTTA	TATGCCATTA	TATTGATTCT	AAGATATATG	TTTCTTTCTC
6351	CCACGGGCAC	CTAACGGATA	CATGATAAGG	CCAAGGCAGA	TCACGGGAAA
6401	TTATTGCAAT	ACATGTTACG	CCCTATTGCC	GGAAAAAAA	TGCAGGGCAG
6451	GTGTTGGCCG	TAGCGATTTA	AGCACTTAAG	CTGGAGGTTG	CCACACTTGG
6501	ATGCAAGCGT	CTGACCCTTC	TAAAAACATCG	GCGGCTTTGT	CCGTATCCGT
6551	ATCCCTATC	CGACATCTAG	CTGCCACAC	GACGGGGCTG	GGCAGATCGT
6601	GGATGCCGGG	TCGACGTCGA	TCGTCAGCCA	TCATAGACCA	ATCGACCATC
6651	TGTTATGGAT	GCTTGCTAGC	TAGACTAGTC	AGACATAAAA	TTTGGATACT
6701	TTCTCCCAAC	TGGGAGACGG	GGACTGATGT	GCAGCTGCAC	GTGAGCTAAA
6751	TTTTTCCCTA	TAAATATGCA	TGAAATACTG	CATTATCTTG	CCACAGCCAC
6801	TGCCACAGCC	AGATAACAAG	TGCAGCTGGT	AGCACGCAAC	GCATAGCTCT
6851	GGACTTGTAG	CTAGGTAGCC	AACCGGATCC	ACACGACACC	ATGCTCGACA
6901	CCAACAAGGT	GTACGAGATC	AGCAACCACG	CCAACGGCCT	CTACGCCGCC
6951	ACCTACCTCT	CCCTCGACGA	CTCCGGCGTG	TCCCTCATGA	ACAAGAACGA
7001	CGACGACATC	GACGACTACA	ACCTCAAGTG	GTTCTCTTTC	CCGATCGACG
7051	ACGACCAGTA	CATCATCACC	TCCTACGCCG	CCAACAACCTG	CAAGGTGTGG
7101	AACGTGAACA	ACGACAAGAT	TAATGTGTCA	ACCTACTCCT	CCACCAACTC
7151	CATCCAGAAG	TGGCAGATCA	AGGCCAACGG	CTCCTCCTAC	GTGATCCAGT
7201	CCGACAACGG	CAAGGTGCTC	ACCGCCGGCA	CCGGCCAGGC	CCTCGGCCTC
7251	ATCCGCCTCA	CCGACGAGTC	CTCCAACAAC	CCGAACCAGC	AATGGAACCT
7301	GACGTCCGTG	CAGACCATCC	AGCTCCCGCA	GAAGCCGATC	ATCGACACCA

FIG. 1 (Sheet 4 of 5)

7351	AGCTCAAGGA	CTACCCGAAG	TACTCCCCGA	CCGGCAACAT	CGACAACGGC
7401	ACCTCCCCGC	AGCTCATGGG	CTGGACCCCT	GTGCCGTGCA	TCATGGTGAA
7451	CGACCCGAAC	ATCGACAAGA	ACACCCAGAT	CAAGACCACC	CCGTACTACA
7501	TCCTCAAGAA	GTACCAGTAC	TGGCAGAGGG	CCGTGGGCTC	CAACGTGCGG
7551	CTCCGCCCGC	ACGAGAAGAA	GTCCCTACACC	TACGAGTGGG	GCACCGAGAT
7601	CGACCAGAAG	ACCACCATCA	TCAACACCCCT	CGGCTTCCAG	ATCAACATCG
7651	ACAGCGGCAT	GAAGTTCGAC	ATCCCGGAGG	TGGGCGGCGG	TACCGACGAG
7701	ATCAAGACCC	AGCTCAACGA	GGAGCTCAAG	ATCGAGTATT	CACATGAGAC
7751	GAAGATCATG	GAGAAGTACC	AGGAGCAGTC	CGAGATCGAC	AACCCGACCG
7801	ACCASTCCAT	GAATCCATC	GGCTTCCTCA	CCATCACCTC	CCTGGAGCTC
7851	TACCGCTACA	ACGGCTCCGA	GATCCGCATC	ATGCAGATCC	AGACCTCCGA
7901	CAACGACACC	TACAACGTGA	CCTCCTACCC	GAACCACCAG	CAGGCCCTGC
7951	TGCTGCTGAC	CAACCAC'TCC	TACGAGGAGG	TGGAGGAGAT	CACCAACATC
8001	CCGAAGTCCA	CCCTCAAGAA	GCTCAAGAAG	TACTACTTCT	GAGTCATGAG
8051	TCATGAGTCA	GTTAACCTAG	ACTTGTCCAT	CTTCTGGATT	GGCCAACTTA
8101	ATTAATGTAT	GAAATAAAAG	GATGCACACA	TAGTGACATG	CTAATCACTA
8151	TAATGTGGGC	ATCAAAGTTG	TGTGTTATGT	GTAATTACTA	GTTATCTGAA
8201	TAAAGAGAA	AGAGATCATC	CATATTTCTT	ATCCTAAATG	AATGTCACGT
8251	GCTTTTATAA	TTCTTTGATG	AACAGATGTC	ATTTTCA'TTAA	CCAAATCCAT
8301	ATACATATAA	ATATTAATCA	TATATAATTA	ATATCAATTG	GGTTAGCAAA
8351	ACAAATCTAG	TCTAGGTGTG	TTTTGCGAAT	TCCCATGGAG	TCAAAGATTC
8401	AAATAGAGGA	CCTAACAGAA	CTCGCCGTAA	AGACTGGCGA	ACAGTTCATA
8451	CAGAGTCTCT	TACGACTCAA	TGACAAGAAG	AAAATCTTCG	TCAACATGGT
8501	GGAGCACGAC	ACGCTTGTCT	ACTCCAAAAA	TATCAAAGAT	ACAGTCTCAG
8551	AAGACCAAAG	GGCAATTGAG	ACTTTTCAAC	AAAGGGTAAT	ATCCGGAAAC
8601	CTCCTCGGAT	TCCATTGCCC	AGCTATCTGT	CAC'TTTATTG	TGAAGATAGT
8651	GGAAAAGGAA	GGTGGCTCCT	ACAAATGCCA	TCATTGCGAT	AAAGGAAAGG
8701	CCATCGTTGA	AGATGCCCTCT	GCCGACAGTG	GTCCCAAAGA	TGGACCCCCA
8751	CCCACGAGGA	GCATCGTGGA	AAAAGAAAGAC	GTTCCAACCA	CGTCTTCAAA
8801	GCAAGTGGAT	TGATGTGATA	TCTCCACTGA	CGTAAGGGAT	GACGCACAAT
8851	CCCACATATC	TTCCGCAAGAC	CCTTCCTCTA	TATAAGGAAG	TTCATTTTCAT
8901	TTGGAGAGGA	CAGGGTACCC	GGGGATCCAC	CATGTCTCCG	GAGAGGAGAC
8951	CAGTTGAGAT	TAGGCCAGCT	ACAGCAGCTG	ATATGGCCGC	GGTTTGTGAT
9001	ATCGTTAACC	ATTACATTGA	GACGTCTACA	GTGAACTTTA	GGACAGAGCC
9051	ACAAACACCA	CAAGAGTGGA	TTGATGATCT	AGAGAGGTTG	CAAGATAGAT
9101	ACCTTTGGTT	GGTTGCTGAG	GTTGAGGGTG	TTGTGGCTGG	TATTGCTTAC
9151	GCTGGGCCCT	GGAAGGCTAG	GAACGCTTAC	GATTGGACAG	TTGAGAGTAC
9201	TGTTTACGTG	TCACATAGGC	ATCAAAGGTT	GGGCC'TAGGA	TCCACATTGT
9251	ACACACATTT	GCTTAAGTCT	ATGGAGGCGC	AAGGTTTTTA	GTCTGTGGTT
9301	GCTGTTATAG	GCCTTCCAAA	CGATCCATCT	GTTAGGTTGC	ATGAGGCTTT
9351	GGGATACACA	GCCC'GGGGTA	CATTGCGCGC	AGCTGGATAC	AAGCATGGTG
9401	GATGGCATGA	TGTTGGTTTT	TGGCAAAGGG	ATTTTGAGTT	GCCAGCTCCT
9451	CCAAGGCCAG	TTAGGCCAGT	TACCCAGATC	TGAGTCGACC	TGCAGGCATG
9501	CCCGCTGAAA	TCACCAGTCT	CTCTCTACAA	ATCTATCTCT	CTCTATAATA
9551	ATGTGTGAGT	AGTTCCCAGA	TAAGGGAATT	AGGGTTCTTA	TAGGGTTTCC
9601	CTCATGTGTT	GAGCATATAA	GAAACCC'TTA	GTATGTATTT	GTATTTGTAA
9651	AATACTTCTA	TCAATAAAAT	TTCTAATTCC	TAAAACCAAA	ATCCAGGGCG
9701	AGCTCGGTAC	CCGGGGATCC	TCTAGAGTCG	ACCTGCAGGC	ATGCCCGCGG
9751	ATATCGATGG	GCCCCGGCCG	AAGCTTCGGT	CCGGGCCATC	GTGGCCTCTT

FIG. 1 (Sheet 5 of 5)

9801 GCTCTTCAGG ATGAAGAGCT ATGTTTAAAC GTGCAAGCGC TCAATTGCCC
9851 CTATAGTGAG TCGTATTACA ATCGTACGCA ATTCAGTACA TTAAAAACGT
9901 CCGCAATGTG TTATTAAGTT GTCTAAGCGT CAATT'TTCC CTTCTATGGT
9951 CCCGTTTGT TATCCTCTAA ATTATATAAT CCAGCTTAAA TAAGTTAAGA
10001 GACAAACAAA CAACACAGAT TATTAAATAG ATTATGTAAT CTAGATACCT
10051 AGATTATGTA ATCCATAAGT AGAATATCAG GTGCTTATAT AATCTATGAG
10101 CTCGATTATA TAATCTTAAA AGAAAAACAAA CAGAGCCCCCT ATAAAAAGGG
10151 GTCAAGTGGC CACTTGGTCA CTCATTTAAT CCCTCCCTCT CCTCTTTTAT
10201 CCCTCTTTTT GGTGTATTCA CCAATAGTGG TGTGCACCTG TGATTGGCTC
10251 GTAAAAATTG TTGGACGGAT GGAAGAGTGA AGAGATAAGC AAGTCAAAGA
10301 AAAGTAACAA CGAAGCTTCA TCAGCTACAA ATTTTGGCCC AACTGGTTGC
10351 ACCAGACCA AACTTACGTA TACATGATTA TCTCTGTTTC CCTCATTTTCG
10401 AAGAAAAAAA CGGGTTTCAA AACCCACTGC TTTCAGGAGT AAAAAAAGAT
10451 AATAATCTGA AACATTGCTT CCACCTTGGC CTTTATTGG TTACGTTGCA
10501 ATTACCCCA ATCCACATGT GGATTGAGAT GGATTGCAGT GTAGCTAGAC
10551 AAACCCCTAG GCCCTGTTTG CATAGGAATA CACCAGGAAT TATTCCAGCT
10601 AATCAAATG TATATAAATG AGAGAAACAA TTCGGATAGG AATTGTTCCA
10651 GGACTTCATT CTGCAGTAAC CGAACGGCCC CTTAATCCAC CCCAATACAC
10701 GTGGATTGGA GTGGATTGAG GTACAGCCAA ACAAGGCCTA AGTGCAGATC
10751 AAATAAATCA CCGGTCATAT TCTTCTACCT AAAAAACAG CAATAAACAC
10801 CTGAATGAAG TTCTAATTG CACAGTGTAG GTAGGATGAA AATAGTTACC
10851 TCCTCATGGT CAGTAACCTT TGGCACACAA CTTACATGT AATCGATGA
10901 CCACTTGGCT CTTGCCTGAA ACCCAATACA TCTTTAGCAT AAGAATAATA
10951 TTATGATGGC AAGGCATGAT CACCAGCACT CCTTTATTGT TTAGTAAGTC
11001 TATCACTCCC CAAAACAATT CAAATGAACA GAGATGCATT GCCCCCAATG
11051 AATTCTATTT CAATTAGCCG GAAAATTTCTA CTTCATCAGA AGCATCCAAA
11101 TTGCCAGCAT CCTACTAGA CTGACCATGA CCAGGCTGGC GCAGATGCCT
11151 CTTTTTCTGT CCTCTCCTCT TTGCCTTGAG TTTCTCTTCA AGATCCCTCA
11201 CCCACGTCT CTTATACATC TTAAAGCTAA CATGCTCTTC CTCGCCATC
11251 TTCTTAACCT TCTCAGTAAT CTCAGCAGCA ATCTGACGGT TGTACAACTT
11301 CTTCAGCCCC TTCACTCACT TTGCAAATGT GTCAGGCTGT GGCATCAGTC
11351 CTGCCTCTAG CATGCTTAAG CAATACAGGC AGGCCTCCTT GACATGTTTC
11401 TTCGCAACA GTGCATGAAT CCAGATAGTC CATGCACTCA CATTGAGCTC
11451 ACAGCCTTTG CTCACAATAC ATTTCCAAAC ATCCTTTGCA AGCTCAAGTT
11501 TCTCATCTCT GACCAACGCA TTGAGGAGGT CCTTCAGCAC CCCATATTGC
11551 GGTACCACAA AGAGCCCCCT CCCAACCATG TCTTTAAAAT AACTACATGC
11601 CTCAAATCAGC AAACCTTGCC CAACAAGGCC ACTCACCACG ATAGCAAATG
11651 TATCGACCAC AGGACTGAGC CCAGCACTTT CCATCTCATT CCACAATGTC
11701 ATGGCTTGCT TGGTCTCCCC AAGCCTGCAG GCCAACCAGG TCACCACATT
11751 GTATATCTTG AGATCTGGTG GACACCGGCA CTCCCGCATC CTCTCCATCA
11801 GCTCCAAGCA CTCCTCAAGC TGCTCTTCT TCTCGTGTGC TACAAAGAAA
11851 CCATGGTACA CGGCAGGCTC CACCCGAGG CCATCCCTCG ACATAGCATC
11901 CAAGAACTCG TACCCCTGG AT

Figure 2

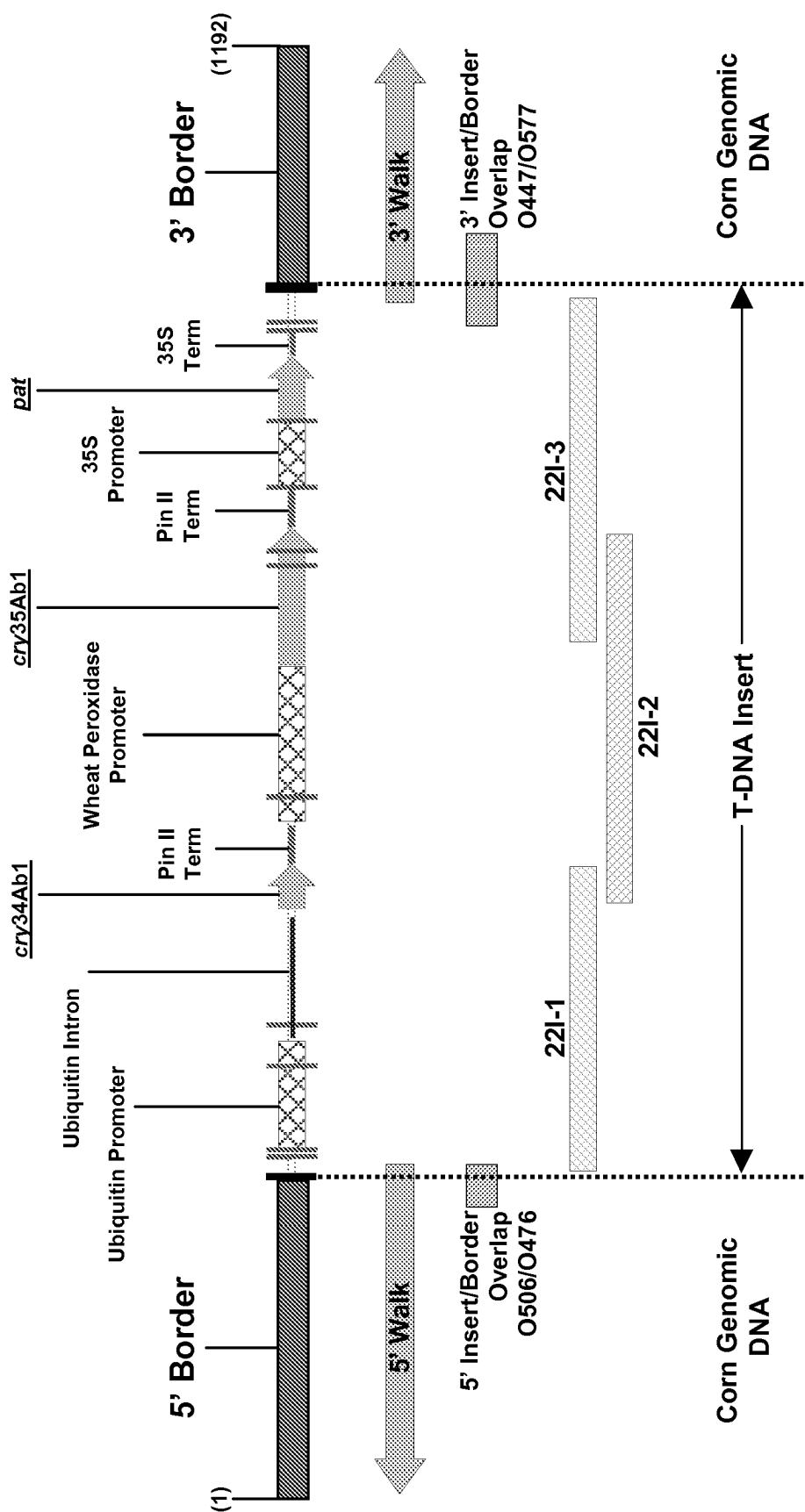
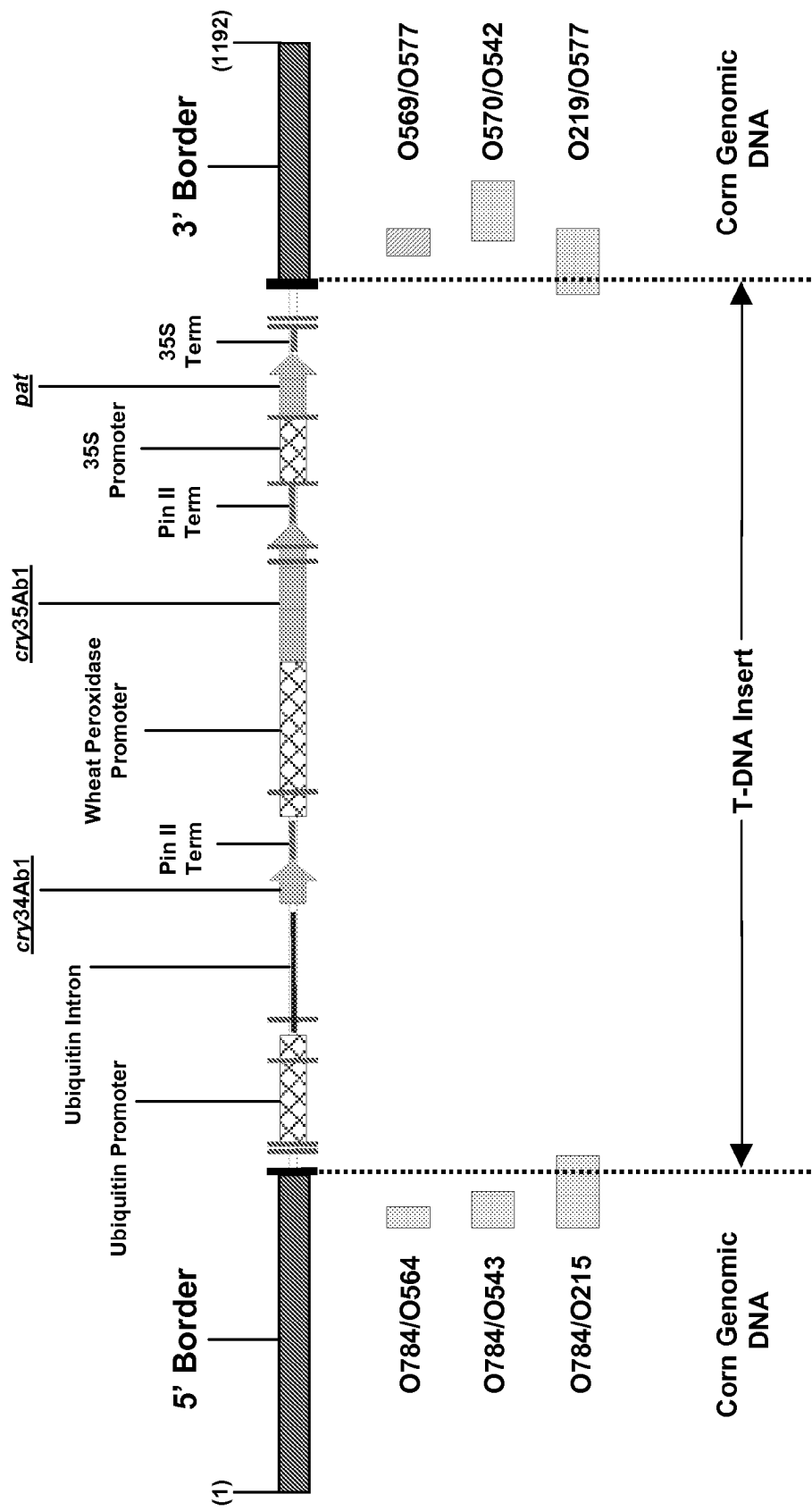


Figure 3



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CORN EVENT DAS-59122-7 AND METHODS FOR DETECTION THEREOF

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a divisional of U.S. Ser. No. 11/237,222 filed Sep. 28, 2005, now U.S. Pat. No. 7,323,556, which claims the benefit of U.S. Provisional Application Ser. No. 60/614,225, filed Sep. 29, 2004, the contents of which are herein incorporated by reference in their entirety.

FIELD OF INVENTION

Embodiments of the present invention relate to the field of plant molecular biology, specifically an embodiment of the invention relates to a DNA construct for conferring insect resistance to a plant. Embodiments of the invention more specifically relate to an insect resistant corn plant DAS-59122-7 and to assays for detecting the presence of corn plant DAS-59122-7 DNA in a sample and compositions thereof.

BACKGROUND OF INVENTION

An embodiment of this invention relates to the insect resistant corn (*Zea mays*) plant DAS-59122-7, also referred to as maize line DAS-59122-7 or maize event DAS-59122-7, and to the DNA plant expression construct of corn plant DAS-59122-7 and the detection of the transgene/flanking insertion region in corn plant DAS-59122-7 and progeny thereof.

Corn is an important crop and is a primary food source in many areas of the world. Damage caused by insect pests is a major factor in the loss of the world's corn crops, despite the use of protective measures such as chemical pesticides. In view of this, insect resistance has been genetically engineered into crops such as corn in order to control insect damage and to reduce the need for traditional chemical pesticides. One group of genes which have been utilized for the production of transgenic insect resistant crops are the delta-endotoxins from *Bacillus thuringiensis* (B.t.). Delta-endotoxins have been successfully expressed in crop plants such as cotton, potatoes, rice, sunflower, as well as corn, and have proven to provide excellent control over insect pests. (Perlak, F. J et al (1990) *Bio/Technology* 8, 939-943; Perlak, F. J. et al. (1993) *Plant Mol. Biol.* 22: 313-321; Fujimoto H. et al. (1993) *Bio/Technology* 11: 1151-1155; Tu et al. (2000) *Nature Biotechnology* 18:1101-1104; PCT publication number WO 01/13731; and Bing J W et al. (2000) Efficacy of Cry1F Transgenic Maize, 14th Biennial International Plant Resistance to Insects Workshop, Fort Collins, Colo.).

The expression of foreign genes in plants is known to be influenced by their location in the plant genome, perhaps due to chromatin structure (e.g., heterochromatin) or the proximity of transcriptional regulatory elements (e.g., enhancers) close to the integration site (Weising et al., *Ann. Rev. Genet* 22:421-477, 1988). At the same time the presence of the transgene at different locations in the genome will influence the overall phenotype of the plant in different ways. For this reason, it is often necessary to screen a large number of events in order to identify an event characterized by optimal expression of an introduced gene of interest. For example, it has been observed in plants and in other organisms that there may be a wide variation in levels of expression of an introduced gene among events. There may also be differences in spatial or temporal patterns of expression, for example, differences in the relative expression of a transgene in various plant tissues, that may not correspond to the patterns expected from

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transcriptional regulatory elements present in the introduced gene construct. For this reason, it is common to produce hundreds to thousands of different events and screen those events for a single event that has desired transgene expression levels and patterns for commercial purposes. An event that has desired levels or patterns of transgene expression is useful for introgressing the transgene into other genetic backgrounds by sexual outcrossing using conventional breeding methods. Progeny of such crosses maintain the transgene expression characteristics of the original transformant. This strategy is used to ensure reliable gene expression in a number of varieties that are well adapted to local growing conditions.

It would be advantageous to be able to detect the presence of a particular event in order to determine whether progeny of a sexual cross contain a transgene of interest. In addition, a method for detecting a particular event would be helpful for complying with regulations requiring the pre-market approval and labeling of foods derived from recombinant crop plants, for example, or for use in environmental monitoring, monitoring traits in crops in the field, or monitoring products derived from a crop harvest, as well as for use in ensuring compliance of parties subject to regulatory or contractual terms.

It is possible to detect the presence of a transgene by any nucleic acid detection method known in the art including, but not limited to, the polymerase chain reaction (PCR) or DNA hybridization using nucleic acid probes. These detection methods generally focus on frequently used genetic elements, such as promoters, terminators, marker genes, etc., because for many DNA constructs, the coding region is interchangeable. As a result, such methods may not be useful for discriminating between different events, particularly those produced using the same DNA construct or very similar constructs unless the DNA sequence of the flanking DNA adjacent to the inserted heterologous DNA is known. For example, an event-specific PCR assay is described in U.S. Pat. No. 6,395,485 for the detection of elite event GAT-ZM1. Accordingly, it would be desirable to have a simple and discriminative method for the identification of event DAS-59122-7.

SUMMARY OF INVENTION

Embodiments of this invention relate to methods for producing and selecting an insect resistant monocot crop plant. More specifically, a DNA construct is provided that when expressed in plant cells and plants confers resistance to insects. According to one aspect of the invention, a DNA construct, capable of introduction into and replication in a host cell, is provided that when expressed in plant cells and plants confers insect resistance to the plant cells and plants. The DNA construct is comprised of a DNA molecule named PHI17662A and it includes three (3) transgene expression cassettes. The first expression cassette comprises a DNA molecule which includes the promoter, 5' untranslated exon, and first intron of the maize ubiquitin (Ubi-1) gene (Christensen et al. (1992) *Plant Mol. Biol.* 18:675-689 and Christensen and Quail (1996) *Transgenic Res.* 5:213-218) operably connected to a DNA molecule encoding a B.t. δ -endotoxin identified as Cry34Ab1 (U.S. Pat. Nos. 6,127,180, 6,624,145 and 6,340,593) operably connected to a DNA molecule comprising a Pin II transcriptional terminator isolated from potato (Gyheung An et al. (1989) *Plant Cell.* 1:115-122). The second transgene expression cassette of the DNA construct comprises a DNA molecule encoding the wheat peroxidase promoter (Hertig et al. (1991) *Plant Mol. Biol.* 16:171-174) operably connected to a DNA molecule encoding a B.t. δ -endotoxin identified as Cry35Ab1 (U.S. Pat. Nos. 6,083,499,

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6,548,291 and 6,340,593) operably connected to a DNA molecule comprising a Pin II transcriptional terminator isolated from potato (Gyheung An et al. (1989) *Plant Cell*. 1:115-122). The third transgene expression cassette of the DNA construct comprises a DNA molecule of the cauliflower mosaic virus (CaMV) 35S promoter (Odell J. T. et al. (1985) *Nature* 313: 810-812; Mitsuhashi et al. (1996) *Plant Cell Physiol.* 37: 49-59) operably connected to a DNA molecule encoding a phosphinothricin acetyltransferase (PAT) gene (Wohlleben W. et al. (1988) *Gene* 70: 25-37) operably connected to a DNA molecule comprising a 3' transcriptional terminator from (CaMV) 35S (see Mitsuhashi et al. (1996) *Plant Cell Physiol.* 37: 49-59). Plants containing the DNA construct are also provided.

According to another embodiment of the invention, compositions and methods are provided for identifying a novel corn plant designated DAS-59122-7, which methods are based on primers or probes which specifically recognize the 5' and/or 3' flanking sequence of DAS-59122-7. DNA molecules are provided that comprise primer sequences that when utilized in a PCR reaction will produce amplicons unique to the transgenic event DAS-59122-7. These molecules may be selected from the group consisting of:

5'-GTGGCTCCTCAACGTTGCGGTTCTGTC-3' (SEQ ID NO: 1);
 5'-CGTGCAAGCGCTCAATTCGCCCTATAGTG-3' (SEQ ID NO: 2);
 5'-AATTGAGCGCTTGCACGTTT-3' (SEQ ID NO: 3);
 5'-ACAACAAGACCGCCACACCCTC-3' (SEQ ID NO: 4);
 5'-GAGGTGGTCTGGATGGTGTAGGTCA-3' (SEQ ID NO: 5);
 5'-TACAACCTCAAGTGGTTCCTCTTCCCGA-3' (SEQ ID NO: 6);
 5'-GAGGTCTGGATCTGCATGATGCGGA-3' (SEQ ID NO: 7);
 5'-AACCCTTAGTATGTATTTGTATT-3' (SEQ ID NO: 8);
 5'-CTCCTTCAACGTTGCGGTTCTGTGTCAG-3' (SEQ ID NO: 9);
 5'-TTTGTCAAAGCGAACGATTCAGATG-3' (SEQ ID NO: 10);
 5'-GCGGGACAAGCCGTTTACGTTT-3' (SEQ ID NO: 11);
 5'-GACGGGTGATTTATTTGATCTGCAC-3' (SEQ ID NO: 12);
 5'-CATCTGAATCGTTTCGCTTTGCAAAA-3' (SEQ ID NO: 13);
 5'-CTACGTTCCAATGGAGCTCGACTGTC-3' (SEQ ID NO: 14);
 5'-GGTCAAGTGGACACTTGGTCACTCA-3' (SEQ ID NO: 15);
 5'-GAGTGAAGAGATAAGCAAGTCAAAG-3' (SEQ ID NO: 16);
 5'-CATGTATACGTAAGTTTGGTGCTGG-3' (SEQ ID NO: 17);
 5'-AATCCACAAGATTGGAGCAAACGAC-3' (SEQ ID NO: 18);
 5'-CGTATTACAATCGTACGCAATTCAG-3' (SEQ ID NO: 36);
 5'-GGATAAACAAACGGGACCATAGAAG-3' (SEQ ID NO: 37) and complements thereof. The corn plant and seed comprising these molecules is an embodiment of this invention. Further, kits utilizing these primer sequences for the identification of the DAS-59122-7 event are provided.

An additional embodiment of the invention relates to the specific flanking sequences of DAS-59122-7 described herein, which can be used to develop specific identification

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methods for DAS-59122-7 in biological samples. More particularly, the invention relates to the 5' and/or 3' flanking regions of DAS-59122-7, SEQ ID NO: 19, 5' flanking and SEQ ID NO: 20, 3' flanking, respectively, which can be used for the development of specific primers and probes. A further embodiment of the invention relates to identification methods for the presence of DAS-59122-7 in biological samples based on the use of such specific primers or probes.

According to another embodiment of the invention, methods of detecting the presence of DNA corresponding to the corn event DAS-59122-7 in a sample are provided. Such methods comprise: (a) contacting the sample comprising DNA with a DNA primer set, that when used in a nucleic acid amplification reaction with genomic DNA extracted from corn event DAS-59122-7 produces an amplicon that is diagnostic for corn event DAS-59122-7; (b) performing a nucleic acid amplification reaction, thereby producing the amplicon; and (c) detecting the amplicon.

DNA molecules that comprise the novel transgene/flanking insertion region, SEQ ID NO: 21, 5' flanking plus 1000 internal and SEQ ID NO: 22, 3' flanking plus 1000 internal and are homologous or complementary to SEQ ID NO: 21 and SEQ ID NO: 22 are an embodiment of this invention.

DNA sequences that comprise the novel transgene/flanking insertion region, SEQ ID NO: 21 are an embodiment of this invention. DNA sequences that comprise a sufficient length of polynucleotides of transgene insert sequence and a sufficient length of polynucleotides of maize genomic and/or flanking sequence from maize plant DAS-59122-7 of SEQ ID NO: 21 that are useful as primer sequences for the production of an amplicon product diagnostic for maize plant DAS-59122-7 are included.

In addition, DNA sequences that comprise the novel transgene/flanking insertion region, SEQ ID NO: 22 are provided. DNA sequences that comprise a sufficient length of polynucleotides of transgene insert sequence and a sufficient length of polynucleotides of maize genomic and/or flanking sequence from maize plant DAS-59122-7 of SEQ ID NO: 22 that are useful as primer sequences for the production of an amplicon product diagnostic for maize plant DAS-59122-7 are included.

According to another embodiment of the invention, the DNA sequences that comprise at least 11 or more nucleotides of the transgene portion of the DNA sequence of SEQ ID NO: 21 or complements thereof, and a similar length of 5' flanking maize DNA sequence of SEQ ID NO: 21 or complements thereof are useful as DNA primers in DNA amplification methods. The amplicons produced using these primers are diagnostic for maize event DAS-59122-7. Therefore, embodiments of the invention also include the amplicons produced by DNA primers homologous or complementary to SEQ ID NO: 21.

According to another embodiment of the invention, the DNA sequences that comprise at least 11 or more nucleotides of the transgene portion of the DNA sequence of SEQ ID NO: 22 or complements thereof, and a similar length of 3' flanking maize DNA sequence of SEQ ID NO: 22 or complements thereof are useful as DNA primers in DNA amplification methods. The amplicons produced using these primers are diagnostic for maize event DAS-59122-7. Therefore, embodiments of the invention also include the amplicons produced by DNA primers homologous or complementary to SEQ ID NO: 22.

More specifically, a pair of DNA molecules comprising a DNA primer set, wherein the DNA molecules are identified as SEQ ID NO: 18 or complements thereof and SEQ ID NO: 1 or complements thereof; SEQ ID NO: 2 or complements

thereof and SEQ ID NO: 17 or complements thereof; SEQ ID NO: 10 or complements thereof and SEQ ID NO: 9 or complements thereof; SEQ ID NO: 8 or complements thereof and SEQ ID NO: 17 or complements thereof; and SEQ ID NO: 36 or complements thereof and SEQ ID NO: 37 or complements thereof are embodiments of the invention.

Further embodiments of the invention include the amplicon comprising the DNA molecules of SEQ ID NO: 18 and SEQ ID NO: 1; the amplicon comprising the DNA molecules of SEQ ID NO: 2 and SEQ ID NO: 17; the amplicon comprising the DNA molecules of SEQ ID NO: 10 and SEQ ID NO: 9; the amplicon comprising the DNA molecules of SEQ ID NO: 8 and SEQ ID NO: 17; and the amplicon comprising the DNA molecules of SEQ ID NO: 36 and SEQ ID NO: 37.

Further embodiments of the invention include the following primers, which are useful in detecting or characterizing event DAS-59122-7: SEQ ID NO: 11 or complements thereof; SEQ ID NO: 5 or complements thereof; SEQ ID NO: 4 or complements thereof; SEQ ID NO: 7 or complements thereof; SEQ ID NO: 6 or complements thereof; SEQ ID NO: 3 or complements thereof; SEQ ID NO: 18 or complements thereof; SEQ ID NO: 14 or complements thereof; SEQ ID NO: 13 or complements thereof; SEQ ID NO: 15 or complements thereof; SEQ ID NO: 17 or complements thereof; SEQ ID NO: 16 or complements thereof; and SEQ ID NO: 12 or complements thereof. Further embodiments also include the amplicons produced by pairing any of the primers listed above.

According to another embodiment of the invention, methods of detecting the presence of a DNA molecule corresponding to the DAS-59122-7 event in a sample, such methods comprising: (a) contacting the sample comprising DNA extracted from a corn plant with a DNA probe, molecule that hybridizes under stringent hybridization conditions with DNA extracted from corn event DAS-59122-7 and does not hybridize under the stringent hybridization conditions with a control corn plant DNA; (b) subjecting the sample and probe to stringent hybridization conditions; and (c) detecting hybridization of the probe to the DNA. More specifically, a method for detecting the presence of a DNA molecule corresponding to the DAS-59122-7 event in a sample, such methods, consisting of (a) contacting the sample comprising DNA extracted from a corn plant with a DNA probe molecule that consists of sequences that are unique to the event, e.g. junction sequences, wherein said DNA probe molecule hybridizes under stringent hybridization conditions with DNA extracted from corn event DAS-59122-7 and does not hybridize under the stringent hybridization conditions with a control corn plant DNA; (b) subjecting the sample and probe to stringent hybridization conditions; and (c) detecting hybridization of the probe to the DNA.

In addition, a kit and methods for identifying event DAS-59122-7 in a biological sample which detects a DAS-59122-7 specific region within SEQ ID NO: 23 are provided.

DNA molecules are provided that comprise at least one junction sequence of DAS-59122-7 selected from the group consisting of SEQ ID NO: 32, 33, 34, and 35 and complements thereof; wherein a junction sequence spans the junction between heterologous DNA inserted into the genome and the DNA from the corn cell flanking the insertion site, i.e. flanking DNA, and is diagnostic for the DAS-59122-7 event.

According to another embodiment of the invention, methods of producing an insect resistant corn plant that comprise the steps of: (a) sexually crossing a first parental corn line comprising the expression cassettes of the invention, which confers resistance to insects, and a second parental corn line that lacks insect resistance, thereby producing a plurality of

progeny plants; and (b) selecting a progeny plant that is insect resistant. Such methods may optionally comprise the further step of back-crossing the progeny plant to the second parental corn line to producing a true-breeding corn plant that is insect resistant.

A further embodiment of the invention provides a method of producing a corn plant that is resistant to insects comprising transforming a corn cell with the DNA construct PHI17662A (SEQ ID NO: 24), growing the transformed corn cell into a corn plant, selecting the corn plant that shows resistance to insects, and further growing the corn plant into a fertile corn plant. The fertile corn plant can be self pollinated or crossed with compatible corn varieties to produce insect resistant progeny.

Another embodiment of the invention further relates to a DNA detection kit for identifying maize event DAS-59122-7 in biological samples. The kit comprises a first primer which specifically recognizes the 5' or 3' flanking region of DAS-59122-7, and a second primer which specifically recognizes a sequence within the foreign DNA of DAS-59122-7, or within the flanking DNA, for use in a PCR identification protocol. A further embodiment of the invention relates to a kit for identifying event DAS-59122-7 in biological samples, which kit comprises a specific probe having a sequence which corresponds or is complementary to, a sequence having between 80% and 100% sequence identity with a specific region of event DAS-59122-7. The sequence of the probe corresponds to a specific region comprising part of the 5' or 3' flanking region of event DAS-59122-7.

The methods and kits encompassed by the embodiments of the present invention can be used for different purposes such as, but not limited to the following: to identify event DAS-59122-7 in plants, plant material or in products such as, but not limited to, food or feed products (fresh or processed) comprising, or derived from plant material; additionally or alternatively, the methods and kits can be used to identify transgenic plant material for purposes of segregation between transgenic and non-transgenic material; additionally or alternatively, the methods and kits can be used to determine the quality of plant material comprising maize event DAS-59122-7. The kits may also contain the reagents and materials necessary for the performance of the detection method.

A further embodiment of this invention relates to the DAS-59122-7 corn plant or its parts, including, but not limited to, pollen, ovules, vegetative cells, the nuclei of pollen cells, and the nuclei of egg cells of the corn plant DAS-59122-7 and the progeny derived thereof. The corn plant and seed DAS-59122-7 from which the DNA primer molecules provide a specific amplicon product is an embodiment of the invention.

The foregoing and other aspects of the invention will become more apparent from the following detailed description and accompanying drawing.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1. DNA sequence (SEQ ID NO: 23) showing the transgenic insert PHI17662A, as well as the sequences flanking the transgenic insert. The 5' and 3' border regions, bp 1 to bp2593 and bp 9937 to bp 11922, respectively, are underlined. Two nucleotide differences (bp 6526 and bp 6562) based on comparison to the transforming plasmid PHP17662 are noted in bold and underlined.

FIG. 2. Schematic diagram of the B.t. Cry34/35Ab1 event DAS-59122-7 insert region is divided into three separate sections; the 5' border region with corn genomic DNA, the intact T-DNA insert, and the 3' border region with corn genomic DNA. The two arrows beneath the diagram of the

insert indicate the start and end points of the sequence derived from 5' and 3' genome walking fragments. Other boxes beneath the diagram of the insert represent PCR fragments that were amplified from genomic DNA of event DAS-59122-7 and sequenced to cover the intact T-DNA insert and the 5' and 3' insert/border junction regions.

FIG. 3. Schematic diagram of the B.t. Cry34/35Ab1 event DAS-59122-7 insert region is divided into three separate sections; the 5' border region with corn genomic DNA, the intact T-DNA insert, and the 3' border region with corn genomic DNA. Boxes beneath the diagram of the insert represent PCR fragments located in either the genomic border regions or across the 5' and 3' junction regions of the T-DNA insert with corn genomic DNA that were amplified from genomic DNA from event DAS-59122-7.

DETAILED DESCRIPTION

The following definitions and methods are provided to better define the present invention and to guide those of ordinary skill in the art in the practice of the present invention. Unless otherwise noted, terms are to be understood according to conventional usage by those of ordinary skill in the relevant art. Definitions of common terms in molecular biology may also be found in Rieger et al., *Glossary of Genetics: Classical and Molecular*, 5th edition, Springer-Verlag; New York, 1991; and Lewin, Genes V, Oxford University Press: New York, 1994. The nomenclature for DNA bases as set forth at 37 CFR §1.822 is used.

As used herein, the term "comprising" means "including but not limited to".

As used herein, the term "corn" means *Zea mays* or maize and includes all plant varieties that can be bred with corn, including wild maize species.

As used herein, the term "DAS-59122-7 specific" refers to a nucleotide sequence which is suitable for discriminatively identifying event DAS-59122-7 in plants, plant material, or in products such as, but not limited to, food or feed products (fresh or processed) comprising, or derived from plant material.

As used herein, the terms "insect resistant" and "impacting insect pests" refers to effecting changes in insect feeding, growth, and/or behavior at any stage of development, including but not limited to: killing the insect; retarding growth; preventing reproductive capability; inhibiting feeding; and the like.

As used herein, the terms "pesticidal activity" and "insecticidal activity" are used synonymously to refer to activity of an organism or a substance (such as, for example, a protein) that can be measured by numerous parameters including, but not limited to, pest mortality, pest weight loss, pest attraction, pest repellency, and other behavioral and physical changes of a pest after feeding on and/or exposure to the organism or substance for an appropriate length of time. For example "pesticidal proteins" are proteins that display pesticidal activity by themselves or in combination with other proteins.

"Coding sequence" refers to a nucleotide sequence that codes for a specific amino acid sequence. As used herein, the terms "encoding" or "encoded" when used in the context of a specified nucleic acid mean that the nucleic acid comprises the requisite information to guide translation of the nucleotide sequence into a specified protein. The information by which a protein is encoded is specified by the use of codons. A nucleic acid encoding a protein may comprise non-translated sequences (e.g., introns) within translated regions of the nucleic acid or may lack such intervening non-translated sequences (e.g., as in cDNA).

"Gene" refers to a nucleic acid fragment that expresses a specific protein, including regulatory sequences preceding (5' non-coding sequences) and following (3' non-coding sequences) the coding sequence. "Native gene" refers to a gene as found in nature with its own regulatory sequences. "Chimeric gene" refers any gene that is not a native gene, comprising regulatory and coding sequences that are not found together in nature. Accordingly, a chimeric gene may comprise regulatory sequences and coding sequences that are derived from different sources, or regulatory sequences and coding sequences derived from the same source, but arranged in a manner different than that found in nature. "Endogenous gene" refers to a native gene in its natural location in the genome of an organism. "Foreign" refers to material not normally found in the location of interest. Thus "foreign DNA" may comprise both recombinant DNA as well as newly introduced, rearranged DNA of the plant. A "foreign" gene refers to a gene not normally found in the host organism, but that is introduced into the host organism by gene transfer. Foreign genes can comprise native genes inserted into a non-native organism, or chimeric genes. A "transgene" is a gene that has been introduced into the genome by a transformation procedure. The site in the plant genome where a recombinant DNA has been inserted may be referred to as the "insertion site" or "target site".

As used herein, "insert DNA" refers to the heterologous DNA within the expression cassettes used to transform the plant material while "flanking DNA" can exist of either genomic DNA naturally present in an organism such as a plant, or foreign (heterologous) DNA introduced via the transformation process which is extraneous to the original insert DNA molecule, e.g. fragments associated with the transformation event. A "flanking region" or "flanking sequence" as used herein refers to a sequence of at least twenty (20) base pair, preferably at least fifty (50) base pair, and up to five thousand (5000) base pair which is located either immediately upstream of and contiguous with or immediately downstream of and contiguous with the original foreign insert DNA molecule. Transformation procedures leading to random integration of the foreign DNA will result in transformants containing different flanking regions characteristic and unique for each transformant. When recombinant DNA is introduced into a plant through traditional crossing, its flanking regions will generally not be changed. Transformants will also contain unique junctions between a piece of heterologous insert DNA and genomic DNA, or two (2) pieces of genomic DNA, or two (2) pieces of heterologous DNA. A "junction" is a point where two (2) specific DNA fragments join. For example, a junction exists where insert DNA joins flanking DNA. A junction point also exists in a transformed organism where two (2) DNA fragments join together in a manner that is modified from that found in the native organism. "Junction DNA" refers to DNA that comprises a junction point.

As used herein, "heterologous" in reference to a nucleic acid is a nucleic acid that originates from a foreign species, or, if from the same species, is substantially modified from its native form in composition and/or genomic locus by deliberate human intervention. For example, a promoter operably linked to a heterologous nucleotide sequence can be from a species different from that from which the nucleotide sequence was derived, or, if from the same species, the promoter is not naturally found operably linked to the nucleotide sequence. A heterologous protein may originate from a foreign species, or, if from the same species, is substantially modified from its original form by deliberate human intervention.

“Regulatory sequences” refer to nucleotide sequences located upstream (5' non-coding sequences), within, or downstream (3' non-coding sequences) of a coding sequence, and which influence the transcription, RNA processing or stability, or translation of the associated coding sequence. Regulatory sequences may include promoters, translation leader sequences, introns, and polyadenylation recognition sequences.

“Promoter” refers to a nucleotide sequence capable of controlling the expression of a coding sequence or functional RNA. In general, a coding sequence is located 3' to a promoter sequence. The promoter sequence consists of proximal and more distal upstream elements, the latter elements are often referred to as enhancers. Accordingly, an “enhancer” is a nucleotide sequence that can stimulate promoter activity and may be an innate element of the promoter or a heterologous element inserted to enhance the level or tissue-specificity of a promoter. Promoters may be derived in their entirety from a native gene, or be composed of different elements derived from different promoters found in nature, or even comprise synthetic nucleotide segments. It is understood by those skilled in the art that different promoters may direct the expression of a gene in different tissues or cell types, or at different stages of development, or in response to different environmental conditions. Promoters that cause a nucleic acid fragment to be expressed in most cell types at most times are commonly referred to as “constitutive promoters”. New promoters of various types useful in plant cells are constantly being discovered; numerous examples may be found in the compilation by Okumuro and Goldberg (1989) *Biochemistry of Plants* 15:1-82. It is further recognized that since in most cases the exact boundaries of regulatory sequences have not been completely defined, nucleic acid fragments of different lengths may have identical promoter activity.

The “translation leader sequence” refers to a nucleotide sequence located between the promoter sequence of a gene and the coding sequence. The translation leader sequence is present in the fully processed mRNA upstream of the translation start sequence. The translation leader sequence may affect numerous parameters including, processing of the primary transcript to mRNA, mRNA stability and/or translation efficiency. Examples of translation leader sequences have been described (Turner and Foster (1995) *Mol. Biotechnol.* 3:225-236).

The “3' non-coding sequences” refer to nucleotide sequences located downstream of a coding sequence and include polyadenylation recognition sequences and other sequences encoding regulatory signals capable of affecting mRNA processing or gene expression. The polyadenylation signal is usually characterized by affecting the addition of polyadenylic acid tracts to the 3' end of the mRNA precursor. The use of different 3' non-coding sequences is exemplified by Ingelbrecht et al. (1989) *Plant Cell* 1:671-680.

A “protein” or “polypeptide” is a chain of amino acids arranged in a specific order determined by the coding sequence in a polynucleotide encoding the polypeptide.

A DNA construct is an assembly of DNA molecules linked together that provide one or more expression cassettes. The DNA construct may be a plasmid that is enabled for self replication in a bacterial cell and contains various endonuclease enzyme restriction sites that are useful for introducing DNA molecules that provide functional genetic elements, i.e., promoters, introns, leaders, coding sequences, 3' termination regions, among others; or a DNA construct may be a linear assembly of DNA molecules, such as an expression cassette. The expression cassette contained within a DNA construct comprise the necessary genetic elements to provide transcrip-

tion of a messenger RNA. The expression cassette can be designed to express in prokaryote cells or eukaryotic cells. Expression cassettes of the embodiments of the present invention are designed to express in plant cells.

The DNA molecules of embodiments of the invention are provided in expression cassettes for expression in an organism of interest. The cassette will include 5' and 3' regulatory sequences operably linked to a coding sequence. “Operably linked” means that the nucleic acid sequences being linked are contiguous and, where necessary to join two protein coding regions, contiguous and in the same reading frame. Operably linked is intended to indicate a functional linkage between a promoter and a second sequence, wherein the promoter sequence initiates and mediates transcription of the DNA sequence corresponding to the second sequence. The cassette may additionally contain at least one additional gene to be cotransformed into the organism. Alternatively, the additional gene(s) can be provided on multiple expression cassettes or multiple DNA constructs.

The expression cassette will include in the 5' to 3' direction of transcription: a transcriptional and translational initiation region, a coding region, and a transcriptional and translational termination region functional in the organism serving as a host. The transcriptional initiation region (i.e., the promoter) may be native or analogous, or foreign or heterologous to the host organism. Additionally, the promoter may be the natural sequence or alternatively a synthetic sequence. The expression cassettes may additionally contain 5' leader sequences in the expression cassette construct. Such leader sequences can act to enhance translation.

It is to be understood that as used herein the term “transgenic” includes any cell, cell line, callus, tissue, plant part, or plant, the genotype of which has been altered by the presence of a heterologous nucleic acid including those transgenics initially so altered as well as those created by sexual crosses or asexual propagation from the initial transgenic. The term “transgenic” as used herein does not encompass the alteration of the genome (chromosomal or extra-chromosomal) by conventional plant breeding methods or by naturally occurring events such as random cross-fertilization, non-recombinant viral infection, non-recombinant bacterial transformation, non-recombinant transposition, or spontaneous mutation.

A transgenic “event” is produced by transformation of plant cells with a heterologous DNA construct(s), including a nucleic acid expression cassette that comprises a transgene of interest, the regeneration of a population of plants resulting from the insertion of the transgene into the genome of the plant, and selection of a particular plant characterized by insertion into a particular genome location. An event is characterized phenotypically by the expression of the transgene. At the genetic level, an event is part of the genetic makeup of a plant. The term “event” also refers to progeny produced by a sexual outcross between the transformant and another variety that include the heterologous DNA. Even after repeated back-crossing to a recurrent parent, the inserted DNA and flanking DNA from the transformed parent is present in the progeny of the cross at the same chromosomal location. The term “event” also refers to DNA from the original transformant comprising the inserted DNA and flanking sequence immediately adjacent to the inserted DNA that would be expected to be transferred to a progeny that receives inserted DNA including the transgene of interest as the result of a sexual cross of one parental line that includes the inserted DNA (e.g., the original transformant and progeny resulting from selfing) and a parental line that does not contain the inserted DNA.

An insect resistant DAS-59122-7 corn plant can be bred by first sexually crossing a first parental corn plant consisting of a corn plant grown from the transgenic DAS-59122-7 corn plant and progeny thereof derived from transformation with the expression cassettes of the embodiments of the present invention that confers insect resistance, and a second parental corn plant that lacks insect resistance, thereby producing a plurality of first progeny plants; and then selecting a first progeny plant that is resistant to insects; and selling the first progeny plant, thereby producing a plurality of second progeny plants; and then selecting from the second progeny plants an insect resistant plant. These steps can further include the back-crossing of the first insect resistant progeny plant or the second insect resistant progeny plant to the second parental corn plant or a third parental corn plant, thereby producing a corn plant that is resistant to insects.

As used herein, the term "plant" includes reference to whole plants, plant organs (e.g., leaves, stems, roots, etc.), seeds, plant cells, and progeny of same. Parts of transgenic plants understood to be within the scope of the invention comprise, for example, plant cells, protoplasts, tissues, callus, embryos as well as flowers, stems, fruits, leaves, and roots originating in transgenic plants or their progeny previously transformed with a DNA molecule of the invention and therefore consisting at least in part of transgenic cells, are also an embodiment of the present invention.

As used herein, the term "plant cell" includes, without limitation, seeds, suspension cultures, embryos, meristematic regions, callus tissue, leaves, roots, shoots, gametophytes, sporophytes, pollen, and microspores. The class of plants that can be used in the methods of the invention is generally as broad as the class of higher plants amenable to transformation techniques, including both monocotyledonous and dicotyledonous plants.

"Transformation" refers to the transfer of a nucleic acid fragment into the genome of a host organism, resulting in genetically stable inheritance. Host organisms containing the transformed nucleic acid fragments are referred to as "transgenic" organisms. Examples of methods of plant transformation include *Agrobacterium*-mediated transformation (De Blaere et al. (1987) *Meth. Enzymol.* 143:277) and particle-accelerated or "gene gun" transformation technology (Klein et al. (1987) *Nature* (London) 327:70-73; U.S. Pat. No. 4,945,050, incorporated herein by reference). Additional transformation methods are disclosed below.

Thus, isolated polynucleotides of the invention can be incorporated into recombinant constructs, typically DNA constructs, which are capable of introduction into and replication in a host cell. Such a construct can be a vector that includes a replication system and sequences that are capable of transcription and translation of a polypeptide-encoding sequence in a given host cell. A number of vectors suitable for stable transfection of plant cells or for the establishment of transgenic plants have been described in, e.g., Pouwels et al., (1985; Supp. 1987) *Cloning Vectors: A Laboratory Manual*, Weissbach and Weissbach (1989) *Methods for Plant Molecular Biology*, (Academic Press, New York); and Flevin et al., (1990) *Plant Molecular Biology Manual*, (Kluwer Academic Publishers). Typically, plant expression vectors include, for example, one or more cloned plant genes under the transcriptional control of 5' and 3' regulatory sequences and a dominant selectable marker. Such plant expression vectors also can contain a promoter regulatory region (e.g., a regulatory region controlling inducible or constitutive, environmentally- or developmentally-regulated, or cell- or tissue-specific expression), a transcription initiation start site, a ribosome

binding site, an RNA processing signal, a transcription termination site, and/or a polyadenylation signal.

It is also to be understood that two different transgenic plants can also be mated to produce offspring that contain two independently segregating added, exogenous genes. Selfing of appropriate progeny can produce plants that are homozygous for both added, exogenous genes. Back-crossing to a parental plant and out-crossing with a non-transgenic plant are also contemplated, as is vegetative propagation. Descriptions of other breeding methods that are commonly used for different traits and crops can be found in one of several references, e.g., Fehr, in *Breeding Methods for Cultivar Development*, Wilcos J. ed., American Society of Agronomy, Madison Wis. (1987).

A "probe" is an isolated nucleic acid to which is attached a conventional detectable label or reporter molecule, e.g., a radioactive isotope, ligand, chemiluminescent agent, or enzyme. Such a probe is complementary to a strand of a target nucleic acid, in the case of the present invention, to a strand of isolated DNA from corn event DAS-59122-7 whether from a corn plant or from a sample that includes DNA from the event. Probes according to the present invention include not only deoxyribonucleic or ribonucleic acids but also polyamides and other probe materials that bind specifically to a target DNA sequence and can be used to detect the presence of that target DNA sequence.

"Primers" are isolated nucleic acids that are annealed to a complementary target DNA strand by nucleic acid hybridization to form a hybrid between the primer and the target DNA strand, then extended along the target DNA strand by a polymerase, e.g., a DNA polymerase. Primer pairs of the invention refer to their use for amplification of a target nucleic acid sequence, e.g., by the polymerase chain reaction (PCR) or other conventional nucleic-acid amplification methods. "PCR" or "polymerase chain reaction" is a technique used for the amplification of specific DNA segments (see, U.S. Pat. Nos. 4,683,195 and 4,800,159; herein incorporated by reference).

Probes and primers are of sufficient nucleotide length to bind to the target DNA sequence specifically in the hybridization conditions or reaction conditions determined by the operator. This length may be of any length that is of sufficient length to be useful in a detection method of choice. Generally, eleven (11) nucleotides or more in length, eighteen (18) nucleotides or more, and twenty-two (22) nucleotides or more, are used. Such probes and primers hybridize specifically to a target sequence under high stringency hybridization conditions. Probes and primers according to embodiments of the present invention may have complete DNA sequence similarity of contiguous nucleotides with the target sequence, although probes differing from the target DNA sequence and that retain the ability to hybridize to target DNA sequences may be designed by conventional methods. Probes can be used as primers, but are generally designed to bind to the target DNA or RNA and are not used in an amplification process.

Specific primers can be used to amplify an integration fragment to produce an amplicon that can be used as a "specific probe" for identifying event DAS-59122-7 in biological samples. When the probe is hybridized with the nucleic acids of a biological sample under conditions which allow for the binding of the probe to the sample, this binding can be detected and thus allow for an indication of the presence of event DAS-59122-7 in the biological sample. Such identification of a bound probe has been described in the art. In an embodiment of the invention the specific probe is a sequence which, under optimized conditions, hybridizes specifically to

a region within the 5' or 3' flanking region of the event and also comprises a part of the foreign DNA contiguous therewith. The specific probe may comprise a sequence of at least 80%, between 80 and 85%, between 85 and 90%, between 90 and 95%, and between 95 and 100% identical (or complementary) to a specific region of the event.

Methods for preparing and using probes and primers are described, for example, in *Molecular Cloning: A Laboratory Manual*, 2nd ed., vol. 1-3, ed. Sambrook et al, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, N.Y. 1989 (hereinafter, "Sambrook et al, 1989"); *Current Protocols in Molecular Biology*, ed. Ausubel et al, Greene Publishing and Wiley-Interscience, New York, 1992 (with periodic updates) (hereinafter, "Ausubel et al., 1992"); and Innis et al., *PCR Protocols: A Guide to Methods and Applications*, Academic Press: San Diego, 1990. PCR primer pairs can be derived from a known sequence, for example, by using computer programs intended for that purpose such as the PCR primer analysis tool in Vector NTI version 6 (Informax Inc., Bethesda Md.); PrimerSelect (DNASTAR Inc., Madison, Wis.); and Primer (Version 0.5©, 1991, Whitehead Institute for Biomedical Research, Cambridge, Mass.). Additionally, the sequence can be visually scanned and primers manually identified using guidelines known to one of skill in the art.

A "kit" as used herein refers to a set of reagents for the purpose of performing the method embodiments of the invention, more particularly, the identification of the event DAS-59122-7 in biological samples. The kit of the invention can be used, and its components can be specifically adjusted, for purposes of quality control (e.g. purity of seed lots), detection of event DAS-59122-7 in plant material, or material comprising or derived from plant material, such as but not limited to food or feed products. "Plant material" as used herein refers to material which is obtained or derived from a plant.

Primers and probes based on the flanking DNA and insert sequences disclosed herein can be used to confirm (and, if necessary, to correct) the disclosed sequences by conventional methods, e.g., by re-cloning and sequencing such sequences. The nucleic acid probes and primers of the present invention hybridize under stringent conditions to a target DNA sequence. Any conventional nucleic acid hybridization or amplification method can be used to identify the presence of DNA from a transgenic event in a sample. Nucleic acid molecules or fragments thereof are capable of specifically hybridizing to other nucleic acid molecules under certain circumstances. As used herein, two nucleic acid molecules are said to be capable of specifically hybridizing to one another if the two molecules are capable of forming an anti-parallel, double-stranded nucleic acid structure.

A nucleic acid molecule is said to be the "complement" of another nucleic acid molecule if they exhibit complete complementarity. As used herein, molecules are said to exhibit "complete complementarity" when every nucleotide of one of the molecules is complementary to a nucleotide of the other. Two molecules are said to be "minimally complementary" if they can hybridize to one another with sufficient stability to permit them to remain annealed to one another under at least conventional "low-stringency" conditions. Similarly, the molecules are said to be "complementary" if they can hybridize to one another with sufficient stability to permit them to remain annealed to one another under conventional "high-stringency" conditions. Conventional stringency conditions are described by Sambrook et al., 1989, and by Haymes et al., In: *Nucleic Acid Hybridization, a Practical Approach*, IRL Press, Washington, D.C. (1985), departures from complete complementarity are therefore permissible, as long as such departures do not completely preclude the capac-

ity of the molecules to form a double-stranded structure. In order for a nucleic acid molecule to serve as a primer or probe it need only be sufficiently complementary in sequence to be able to form a stable double-stranded structure under the particular solvent and salt concentrations employed.

In hybridization reactions, specificity is typically the function of post-hybridization washes, the critical factors being the ionic strength and temperature of the final wash solution. The thermal melting point (T_m) is the temperature (under defined ionic strength and pH) at which 50% of a complementary target sequence hybridizes to a perfectly matched probe. For DNA-DNA hybrids, the T_m can be approximated from the equation of Meinkoth and Wahl (1984) *Anal. Biochem.* 138:267-284: $T_m = 81.5^\circ \text{C} + 16.6 (\log M) + 0.41 (\% \text{GC}) - 0.61 (\% \text{form}) - 500/L$; where M is the molarity of monovalent cations, % GC is the percentage of guanosine and cytosine nucleotides in the DNA, % form is the percentage of formamide in the hybridization solution, and L is the length of the hybrid in base pairs. T_m is reduced by about 1°C . for each 1% of mismatching; thus, T_m , hybridization, and/or wash conditions can be adjusted to hybridize to sequences of the desired identity. For example, if sequences with >90% identity are sought, the T_m can be decreased 10°C . Generally, stringent conditions are selected to be about 5°C . lower than the T_m for the specific sequence and its complement at a defined ionic strength and pH. However, severely stringent conditions can utilize a hybridization and/or wash at 1, 2, 3, or 4°C . lower than the T_m ; moderately stringent conditions can utilize a hybridization and/or wash at 6, 7, 8, 9, or 10°C . lower than the T_m ; low stringency conditions can utilize a hybridization and/or wash at 11, 12, 13, 14, 15, or 20°C . lower than the T_m .

Using the equation, hybridization and wash compositions, and desired T_m , those of ordinary skill will understand that variations in the stringency of hybridization and/or wash solutions are inherently described. If the desired degree of mismatching results in a T_m of less than 45°C . (aqueous solution) or 32°C . (formamide solution), it is preferred to increase the SSC concentration so that a higher temperature can be used. An extensive guide to the hybridization of nucleic acids is found in Tijssen (1993) *Laboratory Techniques in Biochemistry and Molecular Biology-Hybridization with Nucleic Acid Probes*, Part I, Chapter 2 (Elsevier, N.Y.); and Ausubel et al., eds. (1995) *Current Protocols in Molecular Biology*, Chapter 2 (Greene Publishing and Wiley-Interscience, New York). See Sambrook et al. (1989) *Molecular Cloning: A Laboratory Manual* (2d ed., Cold Spring Harbor Laboratory Press, Plainview, N.Y.).

As used herein, a substantially homologous sequence is a nucleic acid molecule that will specifically hybridize to the complement of the nucleic acid molecule to which it is being compared under high stringency conditions. Appropriate stringency conditions which promote DNA hybridization, for example, 6x sodium chloride/sodium citrate (SSC) at about 45°C ., followed by a wash of 2xSSC at 50°C ., are known to those skilled in the art or can be found in *Current Protocols in Molecular Biology*, John Wiley & Sons, N.Y. (1989), 6.3.1-6.3.6. Typically, stringent conditions will be those in which the salt concentration is less than about 1.5 M Na ion, typically about 0.01 to 1.0 M Na ion concentration (or other salts) at pH 7.0 to 8.3 and the temperature is at least about 30°C . for short probes (e.g., 10 to 50 nucleotides) and at least about 60°C . for long probes (e.g., greater than 50 nucleotides). Stringent conditions may also be achieved with the addition of a destabilizing agent such as formamide. Exemplary low stringency conditions include hybridization with a buffer solution of 30 to 35% formamide, 1 M NaCl, 1% SDS (sodium dode-

cyl sulphate) at 37° C., and a wash in 1× to 2×SSC (20× SSC=3.0 M NaCl/0.3 M trisodium citrate) at 50 to 55° C. Exemplary moderate stringency conditions include hybridization in 40 to 45% formamide, 1 M NaCl, 1% SDS at 37° C., and a wash in 0.5× to 1×SSC at 55 to 60° C. Exemplary high stringency conditions include hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37° C., and a wash in 0.1×SSC at 60 to 65° C. A nucleic acid of the invention may specifically hybridize to one or more of the nucleic acid molecules unique to the DAS-59122-7 event or complements thereof or fragments of either under moderately stringent conditions.

Methods of alignment of sequences for comparison are well known in the art. Thus, the determination of percent identity between any two sequences can be accomplished using a mathematical algorithm. Non-limiting examples of such mathematical algorithms are the algorithm of Myers and Miller (1988) *CABIOS* 4:11-17; the local homology algorithm of Smith et al. (1981) *Adv. Appl. Math.* 2:482; the homology alignment algorithm of Needleman and Wunsch (1970) *J. Mol. Biol.* 48:443-453; the search-for-similarity-method of Pearson and Lipman (1988) *Proc. Natl. Acad. Sci.* 85:2444-2448; the algorithm of Karlin and Altschul (1990) *Proc. Natl. Acad. Sci. USA* 87:2264, modified as in Karlin and Altschul (1993) *Proc. Natl. Acad. Sci. USA* 90:5873-5877.

Computer implementations of these mathematical algorithms can be utilized for comparison of sequences to determine sequence identity. Such implementations include, but are not limited to: CLUSTAL in the PC/Gene program (available from Intelligenetics, Mountain View, Calif.); the ALIGN program (Version 2.0); the ALIGN PLUS program (version 3.0, copyright 1997); and GAP, BESTFIT, BLAST, FASTA, and TFASTA in the Wisconsin Genetics Software Package, Version 10 (available from Accelrys, 9685 Scranton Road, San Diego, Calif. 92121, USA). Alignments using these programs can be performed using the default parameters.

The CLUSTAL program is well described by Higgins and Sharp, *Gene* 73: 237-244 (1988); Higgins and Sharp, *CABIOS* 5: 151-153 (1989); Corpet, et al., *Nucleic Acids Research* 16: 10881-90 (1988); Huang, et al., *Computer Applications in the Biosciences* 8: 155-65 (1992), and Pearson, et al., *Methods in Molecular Biology* 24: 307-331 (1994). The ALIGN and the ALIGN PLUS programs are based on the algorithm of Myers and Miller (1988) *supra*. The BLAST programs of Altschul et al. (1990) *J. Mol. Biol.* 215:403 are based on the algorithm of Karlin and Altschul (1990) *supra*. The BLAST family of programs which can be used for database similarity searches includes: BLASTN for nucleotide query sequences against nucleotide database sequences; BLASTX for nucleotide query sequences against protein database sequences; BLASTP for protein query sequences against protein database sequences; TBLASTN for protein query sequences against nucleotide database sequences; and TBLASTX for nucleotide query sequences against nucleotide database sequences. See, *Current Protocols in Molecular Biology*, Chapter 19, Ausubel, et al., Eds., Greene Publishing and Wiley-Interscience, New York (1995). Alignment may also be performed manually by visual inspection.

To obtain gapped alignments for comparison purposes, Gapped BLAST (in BLAST 2.0) can be utilized as described in Altschul et al. (1997) *Nucleic Acids Res.* 25:3389. Alternatively, PSI-BLAST (in BLAST 2.0) can be used to perform an iterated search that detects distant relationships between molecules. See Altschul et al. (1997) *supra*. When utilizing BLAST, Gapped BLAST, PSI-BLAST, the default parameters of the respective programs (e.g., BLASTN for nucleotide sequences, BLASTX for proteins) can be used. See www.ncbi.nlm.nih.gov.

As used herein, "sequence identity" or "identity" in the context of two nucleic acid or polypeptide sequences makes reference to the residues in the two sequences that are the same when aligned for maximum correspondence over a specified comparison window. When percentage of sequence identity is used in reference to proteins it is recognized that residue positions which are not identical often differ by conservative amino acid substitutions, where amino acid residues are substituted for other amino acid residues with similar chemical properties (e.g., charge or hydrophobicity) and therefore do not change the functional properties of the molecule. When sequences differ in conservative substitutions, the percent sequence identity may be adjusted upwards to correct for the conservative nature of the substitution. Sequences that differ by such conservative substitutions are said to have "sequence similarity" or "similarity". Means for making this adjustment are well known to those of skill in the art. Typically this involves scoring a conservative substitution as a partial rather than a full mismatch, thereby increasing the percentage sequence identity. Thus, for example, where an identical amino acid is given a score of 1 and a non-conservative substitution is given a score of zero, a conservative substitution is given a score between zero and 1. The scoring of conservative substitutions is calculated, e.g., as implemented in the program PC/GENE (Intelligenetics, Mountain View, Calif.).

As used herein, "percentage of sequence identity" means the value determined by comparing two optimally aligned sequences over a comparison window, wherein the portion of the polynucleotide sequence in the comparison window may comprise additions or deletions (i.e., gaps) as compared to the reference sequence (which does not comprise additions or deletions) for optimal alignment of the two sequences. The percentage is calculated by determining the number of positions at which the identical nucleic acid base or amino acid residue occurs in both sequences to yield the number of matched positions, dividing the number of matched positions by the total number of positions in the window of comparison, and multiplying the result by 100 to yield the percentage of sequence identity.

Regarding the amplification of a target nucleic acid sequence (e.g., by PCR) using a particular amplification primer pair, "stringent conditions" are conditions that permit the primer pair to hybridize only to the target nucleic-acid sequence to which a primer having the corresponding wild-type sequence (or its complement) would bind and preferably to produce a unique amplification product, the amplicon, in a DNA thermal amplification reaction.

The term "specific for (a target sequence)" indicates that a probe or primer hybridizes under stringent hybridization conditions only to the target sequence in a sample comprising the target sequence.

As used herein, "amplified DNA" or "amplicon" refers to the product of nucleic acid amplification of a target nucleic acid sequence that is part of a nucleic acid template. For example, to determine whether a corn plant resulting from a sexual cross contains transgenic event genomic DNA from the corn plant of the invention, DNA extracted from the corn plant tissue sample may be subjected to a nucleic acid amplification method using a DNA primer pair that includes a first primer derived from flanking sequence adjacent to the insertion site of inserted heterologous DNA, and a second primer derived from the inserted heterologous DNA to produce an amplicon that is diagnostic for the presence of the event DNA. Alternatively, the second primer may be derived from the flanking sequence. The amplicon is of a length and has a sequence that is also diagnostic for the event. The amplicon

may range in length from the combined length of the primer pairs plus one nucleotide base pair to any length of amplicon producible by a DNA amplification protocol. Alternatively, primer pairs can be derived from flanking sequence on both sides of the inserted DNA so as to produce an amplicon that includes the entire insert nucleotide sequence of the PH117662A expression construct as well as the sequence flanking the transgenic insert, see FIG. 1 (SEQ ID NO: 23), approximately twelve (12) Kb in size. A member of a primer pair derived from the flanking sequence may be located a distance from the inserted DNA sequence, this distance can range from one nucleotide base pair up to the limits of the amplification reaction, or about twenty thousand nucleotide base pairs. The use of the term "amplicon" specifically excludes primer dimers that may be formed in the DNA thermal amplification reaction.

Nucleic acid amplification can be accomplished by any of the various nucleic acid amplification methods known in the art, including the polymerase chain reaction (PCR). A variety of amplification methods are known in the art and are described, inter alia, in U.S. Pat. Nos. 4,683,195 and 4,683,202 and in *PCR Protocols: A Guide to Methods and Applications*, ed. Innis et al., Academic press, San Diego, 1990. PCR amplification methods have been developed to amplify up to 22 Kb of genomic DNA and up to 42 Kb of bacteriophage DNA (Cheng et al., *Proc. Natl. Acad. Sci. USA* 91:5695-5699, 1994). These methods as well as other methods known in the art of DNA amplification may be used in the practice of the embodiments of the present invention. It is understood that a number of parameters in a specific PCR protocol may need to be adjusted to specific laboratory conditions and may be slightly modified and yet allow for the collection of similar results. These adjustments will be apparent to a person skilled in the art.

The amplicon produced by these methods may be detected by a plurality of techniques, including, but not limited to, Genetic Bit Analysis (Nikiforov, et al. *Nucleic Acid Res.* 22:4167-4175, 1994) where a DNA oligonucleotide is designed which overlaps both the adjacent flanking DNA sequence and the inserted DNA sequence. The oligonucleotide is immobilized in wells of a microwell plate. Following PCR of the region of interest (using one primer in the inserted sequence and one in the adjacent flanking sequence) a single-stranded PCR product can be hybridized to the immobilized oligonucleotide and serve as a template for a single base extension reaction using a DNA polymerase and labeled ddNTPs specific for the expected next base. Readout may be fluorescent or ELISA-based. A signal indicates presence of the insert/flanking sequence due to successful amplification, hybridization, and single base extension.

Another detection method is the Pyrosequencing technique as described by Winge (*Innov. Pharma. Tech.* 00:18-24, 2000). In this method an oligonucleotide is designed that overlaps the adjacent DNA and insert DNA junction. The oligonucleotide is hybridized to a single-stranded PCR product from the region of interest (one primer in the inserted sequence and one in the flanking sequence) and incubated in the presence of a DNA polymerase, ATP, sulfurylase, luciferase, apyrase, adenosine 5' phosphosulfate and luciferin. dNTPs are added individually and the incorporation results in a light signal which is measured. A light signal indicates the presence of the transgene insert/flanking sequence due to successful amplification, hybridization, and single or multi-base extension.

Fluorescence Polarization as described by Chen et al., (*Genome Res.* 9:492-498, 1999) is also a method that can be used to detect an amplicon of the invention. Using this method an

oligonucleotide is designed which overlaps the flanking and inserted DNA junction. The oligonucleotide is hybridized to a single-stranded PCR product from the region of interest (one primer in the inserted DNA and one in the flanking DNA sequence) and incubated in the presence of a DNA polymerase and a fluorescent-labeled ddNTP. Single base extension results in incorporation of the ddNTP. Incorporation can be measured as a change in polarization using a fluorometer. A change in polarization indicates the presence of the transgene insert/flanking sequence due to successful amplification, hybridization, and single base extension.

Taqman® (PE Applied Biosystems, Foster City, Calif.) is described as a method of detecting and quantifying the presence of a DNA sequence and is fully understood in the instructions provided by the manufacturer. Briefly, a FRET oligonucleotide probe is designed which overlaps the flanking and insert DNA junction. The FRET probe and PCR primers (one primer in the insert DNA sequence and one in the flanking genomic sequence) are cycled in the presence of a thermostable polymerase and dNTPs. Hybridization of the FRET probe results in cleavage and release of the fluorescent moiety away from the quenching moiety on the FRET probe. A fluorescent signal indicates the presence of the flanking/transgene insert sequence due to successful amplification and hybridization.

Molecular Beacons have been described for use in sequence detection as described in Tyangi et al. (*Nature Biotech.* 14:303-308, 1996). Briefly, a FRET oligonucleotide probe is designed that overlaps the flanking and insert DNA junction. The unique structure of the FRET probe results in it containing secondary structure that keeps the fluorescent and quenching moieties in close proximity. The FRET probe and PCR primers (one primer in the insert DNA sequence and one in the flanking sequence) are cycled in the presence of a thermostable polymerase and dNTPs. Following successful PCR amplification, hybridization of the FRET probe to the target sequence results in the removal of the probe secondary structure and spatial separation of the fluorescent and quenching moieties. A fluorescent signal results. A fluorescent signal indicates the presence of the flanking/transgene insert sequence due to successful amplification and hybridization.

A hybridization reaction using a probe specific to a sequence found within the amplicon is yet another method used to detect the amplicon produced by a PCR reaction.

Embodiments of the present invention are further defined in the following Examples. It should be understood that these Examples are given by way of illustration only. From the above discussion and these Examples, one skilled in the art can ascertain the essential characteristics of this invention, and without departing from the spirit and scope thereof, can make various changes and modifications of the embodiments of the invention to adapt it to various usages and conditions. Thus, various modifications of the embodiments of the invention, in addition to those shown and described herein, will be apparent to those skilled in the art from the foregoing description. Such modifications are also intended to fall within the scope of the appended claims.

Applicants made a deposit of at least 2500 seeds of hybrid corn (maize) seed comprising event DAS-59122-7 on Oct. 4, 2010 with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA. The deposit was assigned ATCC Patent Deposit Designation PTA-11384. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon the grant of a patent from the present application, Applicants will make the deposit avail-

able to the public pursuant to 37 C.F.R. § 1.808. This deposit of hybrid corn (maize) seed comprising event DAS-59122-7 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has or will satisfy all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample upon deposit. Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of their rights granted under this patent or under the Plant Variety Protection Act (7 U.S.C § 2321 et seq.).

The disclosure of each reference set forth herein is incorporated herein by reference in its entirety.

EXAMPLES

Example 1

Transformation of Maize by *Agrobacterium* Transformation and Regeneration of Transgenic Plants Containing the Cry34Ab1 and Cry35Ab1 (Cry34/35Ab1) Genes

A DNA molecule of approximately 7.4 Kb, designated PH117662A (SEQ ID NO: 24), which includes a first transgene expression cassette comprising a DNA molecule which includes the promoter, 5' untranslated exon, and first intron of the maize ubiquitin (Ubi-1) gene (Christensen et al. (1992) *Plant Mol. Biol.* 18:675-689 and Christensen and Quail (1996) *Transgenic Res.* 5:213-218) operably connected to a DNA molecule encoding a B.t. δ -endotoxin identified as Cry34Ab1 (U.S. Pat. Nos. 6,127,180, 6,624,145 and 6,340,593) operably connected to a DNA molecule comprising a Pin II transcriptional terminator isolated from potato (Gyheung An et al. (1989) *Plant Cell.* 1:115-122). The second transgene expression cassette of the DNA construct comprises a DNA molecule encoding the wheat peroxidase promoter (Hertig et al. (1991) *Plant Mol. Biol.* 16:171-174) operably connected to a DNA molecule encoding a B.t. δ -endotoxin identified as Cry35Ab1 (U.S. Pat. Nos. 6,083,499, 6,548,291 and 6,340,593) operably connected to a DNA molecule comprising a Pin II transcriptional terminator isolated from potato (Gyheung An et al. (1989) *Plant Cell.* 1:115-122). The third transgene expression cassette of the DNA construct comprises a DNA molecule of the cauliflower mosaic virus (CaMV) 35S promoter (Odell J. T. et al. (1985) *Nature* 313: 810-812; Mitsuhashi et al. (1996) *Plant Cell Physiol.* 37: 49-59) operably connected to a DNA molecule encoding a phosphinothricin acetyltransferase (PAT) gene (Wohlleben W. et al. (1988) *Gene* 70: 25-37) operably connected to a DNA molecule comprising a 3' transcriptional terminator from (CaMV) 35S (see Mitsuhashi et al. (1996) *Plant Cell Physiol.* 37: 49-59) was used to transform maize embryo tissue.

B.t. Cry34/35 Ab1 maize plants were obtained by *Agrobacterium* transformation, the method of Zhao was employed (U.S. Pat. No. 5,981,840, and PCT patent publication WO98/32326; the contents of which are hereby incorporated by reference). Briefly, immature embryos were isolated from maize and the embryos contacted with a suspension of *Agrobacterium*, where the bacteria was capable of transferring PH117662 DNA (SEQ ID NO:24) to at least one cell of at least one of the immature embryos (step 1: the infection step). Specifically, in this step the immature embryos were

immersed in an *Agrobacterium* suspension for the initiation of inoculation. The embryos were co-cultured for a time with the *Agrobacterium* (step 2: the co-cultivation step). Specifically, the immature embryos were cultured on solid medium following the infection step. Following this co-cultivation period a "resting" step was provided. In this resting step, the embryos were incubated in the presence of at least one antibiotic known to inhibit the growth of *Agrobacterium* without the addition of a selective agent for plant transformants (step 3: resting step). In particular, the immature embryos are cultured on solid medium with antibiotic, but without a selecting agent, for elimination of *Agrobacterium* and for a resting phase for the infected cells. Next, inoculated embryos were cultured on medium containing a selective agent and growing transformed callus was recovered (step 4: the selection step). Specifically, the immature embryos were cultured on solid medium with a selective agent resulting in the selective growth of transformed cells. The callus was then regenerated into plants (step 5: the regeneration step), and, specifically, calli grown on selective medium were cultured on solid medium to regenerate the plants. Individual embryos were kept physically separate during culture, and the majority of explants died on the selective medium.

Those embryos that survived and produced healthy, glufosinate-resistant callus tissue were assigned unique identification codes representing putative transformation events, and continually transferred to fresh selection medium. Plants were regenerated from tissue derived from each unique event and transferred to the greenhouse. Leaf samples were taken for molecular analysis to verify the presence of the transgene by PCR and to confirm expression of the Cry34/35Ab1 protein by ELISA. Plants were then subjected to a whole plant bioassay using western corn rootworm insects. Positive plants were crossed with inbred lines to obtain seed from the initial transformed plants. A number of lines were evaluated in the field. The DAS-59122-7 event was selected from a population of independent transgenic events based on a superior combination of characteristics, including insect resistance and agronomic performance.

Example 2

Identification of *Bacillus thuringiensis* Cry34/35Ab1 Maize Line DAS-59122-7

Seed from event DAS-59122-7 was evaluated. The T1S2 seed represents transformation into the Hi-II background, followed by a cross with inbred line PH09B and two rounds of self-crossing. All seed were obtained from Pioneer Hi-Bred (Johnston, Iowa). Primary characterization was conducted on plant leaf tissue during the study by confirmation of phosphinothricin acetyltransferase (PAT) activity via herbicide leaf painting and Cry34Ab1 expression using lateral flow devices.

Control substances in this study were defined as unmodified seed representative of the test substance background. Control seeds of Hi-II and PH09B backgrounds were used as negative controls. These unmodified seed do not contain the plant transcription units for the cry34Ab1, cry35Ab1, and pat genes. All seed were obtained from Pioneer Hi-Bred (Johnston, Iowa).

DNA samples from two additional B.t. Cry34/35Ab1 events, event DAS-45214-4 and event DAS-45216-6, were used as negative controls for event specific PCR analysis. The two events were produced through *Agrobacterium* transformation using the same vector used to produce event DAS-59122-7 and therefore contained the plant transcription units for the cry34Ab1, cry35Ab1, and pat genes. However, the

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insertions sites of the T-DNA in events DAS-45214-4 and DAS-45216-6, including genomic DNA border regions, were different from that in event DAS-59122-7. DNA samples from event DAS-45214-4 and event DAS-45216-6 were isolated and characterized by Southern blot analysis. (Data not shown.)

Corn seed for event DAS-59122-7 and unmodified control seed (Hi-II and PH09B) were planted in growth chambers at the DuPont Experimental Station (Wilmington, Del.) to produce sufficient numbers of plants for DNA analysis. For characterization of event DAS-59122-7, ten (10) T1S2 seeds were planted. Ten (10) seeds were also planted for each unmodified control line. One (1) seed was planted per pot, and the pot was uniquely identified. Planting and growing conditions were conducive to healthy plant growth including regulated light and water.

Leaf samples were collected for each of the control and event DAS-59122-7 plants. For each sample, sufficient leaf material from above the growing point was collected and placed in a pre-labeled sample bag. The samples were placed

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to confirm the identity of the test substance plants prior to molecular analysis as shown in Table 1.

To confirm the expression of phosphinothricin acetyltransferase (PAT) in event DAS-59122-7 plants, herbicide leaf painting was conducted. All plants used in this study were leaf painted to confirm plant identity. Plants were assayed prior to the R1 growth stage. Assays were conducted following a standard procedure known in the art for herbicide leaf painting for the identification of PAT-expressing transgenic plants. Specifically, a portion of one leaf of each plant was treated with approximately 2% solution of glufosinate herbicide, Basta® (Bayer CropScience) in water and visually checked for brown or necrotic tissue in the painted leaf area 4-12 days after application. Results for each plant were recorded and used to determine expression of PAT in each test plant as shown in Table 1. As shown in Table 1, of the ten (10) plants tested for event DAS-59122-7 T1S2 generation, six (6) plants expressed both Cry34Ab1 and PAT, while four (4) plants did not express either protein. All unmodified controls tested negative for both CryAb1 And PAT assays (data not shown).

TABLE 1

Cry34Ab1 and PAT Protein Expression and Southern Hybridization Data for B.t. Cry34/35Ab1 Event DAS-59122-7					
Plant ID	Sample ID	Cry34Ab1 and PAT Expression ¹	Southern Blot cry34Ab1 Probe ²	Southern Blot cry35Ab1 Probe ²	Southern Blot pat Probe ²
02-122C 1	DAS59122-7 T1S2 1	positive	+	+	+
02-122C 2	DAS59122-7 T1S2 2	positive	+	+	+
02-122C 3	DAS59122-7 T1S2 3	positive	+	+	+
02-122C 4	DAS59122-7 T1S2 4	negative	-	-	-
02-122C 5	DAS59122-7 T1S2 5	positive	+	+	+
02-122C 6	DAS59122-7 T1S2 6	negative	-	-	-
02-122C 7	DAS59122-7 T1S2 7	positive	+	+	+
02-122C 8	DAS59122-7 T1S2 8	negative	-	-	-
02-122C 9	DAS59122-7 T1S2 9	negative	-	-	-
02-122C 10	DAS59122-7 T1S2 10	positive	+	+	+

¹Positive Cry34Ab1 expression indicates detection of protein expression as determined by the immunoassay-based lateral flow device specific for Cry34Ab1 protein detection. Negative indicates no detection of the Cry34Ab1 protein. Positive PAT expression indicates plants that were tolerant to the herbicide treatment and negative indicates plants that were sensitive to the herbicide.

²+ indicates hybridization signal on Southern blot; - indicates no hybridization signal on Southern blot. The cry34Ab1 gene probe hybridized to the expected internal T-DNA fragment of 1.915 kb, the cry35Ab1 gene probe hybridized to the expected internal T-DNA fragment of 2.607 kb, and the pat gene probe hybridized to a 3.4 kb border fragment consistent with a single intact T-DNA insertion as determined by Southern blot analysis.

on dry ice and were transferred to an ultralow freezer following collection. All samples were maintained frozen until processing. All leaf samples were uniquely labeled with the plant identifier and the date of harvest.

To confirm the expression of the Cry34Ab1 protein in event DAS-59122-7 and the absence of expression in the controls, leaf samples were collected from all event DAS-59122-7 and control plants, and screened for transgenic protein using lateral flow devices specific for Cry34Ab1 (Strategic Diagnostics, Inc., Newark, Del.). Leaf punches were taken from each plant and ground in a phosphate buffered saline solution with Tween 20 to crudely extract the protein. A strip device was dipped into the extract to determine the presence or absence of the Cry34Ab1 protein. The immunoassay results were used

Example 3

Southern Blot Analysis of *Bacillus thuringiensis*
Cry34/35Ab1 Maize Line DAS-59122-7

One gram quantities of leaf samples were ground under liquid nitrogen, and the genomic DNA was isolated using DNeasy® Plant Mini Kit (Qiagen, Valencia, Calif.) or using a standard Urea Extraction Buffer procedure. Following extraction, the DNA was visualized on an agarose gel to determine the DNA quality, and was quantified using Pico Green® reagent (Molecular Probes, Inc., Eugene, Oreg.) and spectrofluorometric analysis.

The 1 Kb DNA Ladder (Invitrogen, Carlsbad, Calif.) was used to estimate DNA fragment sizes on agarose gels.

Genomic DNA isolated from event DAS-59122-7 plants was digested with Nco I and electrophoretically separated, transferred to nylon membranes, and hybridized to the cry34Ab1, cry35Ab1 and pat gene probes using standard procedures known in the art. Blots were exposed to X-ray film for one or more time periods to detect hybridizing fragments and to visualize molecular weight standards. Images were then digitally captured by photographing X-ray films and/or by detection with a Lumi-Imager™ instrument (Roche, Indianapolis, Ind.). The sizes of detected bands were documented for each probe. Southern blot analysis was used as a means of verifying the presence of the insertion in the test plants and confirming that all plants from event DAS-59122-7 contained the same insertion as shown in Table 1. (Southern blots not shown.) Southern blot analysis indicated that event DAS-59122-7 contained a single insertion consisting of an intact copy of the T-DNA region from plasmid PHP17662, while the null segregants, as determined by the protein expression analysis did not hybridize to the gene probes. Further, event DAS-59122-7 plants expressing the two proteins exhibited identical hybridization patterns on Southern blots (data not shown). Specifically, the cry34Ab1 gene probe hybridized to the expected internal T-DNA fragment of 1.915 kb, the cry35Ab1 gene probe hybridized to the expected internal T-DNA fragment of 2.607 kb, and the pat gene probe hybridized to a 3.4 kb border fragment consistent with a single intact T-DNA insertion as determined by Southern blot results.

Example 4

T-DNA Insert and Flanking Border Region Sequencing of *Bacillus thuringiensis* Cry34/35Ab1 Maize Line DAS-59122-7

The T-DNA insert and flanking border regions were cloned from B.t. Cry34/35Ab1 event DAS59122-7 using PCR based methods as diagramed in FIGS. 2 and 3. Specifically, sequences bordering the 5' and 3' ends of the insert in event DAS-59122-7 were obtained using two genome walking techniques. The first walking method was essentially the method as described for the Universal Genome Walker Kit (BD Biosciences Clontech, Palo Alto, Calif.), and the second method was conducted according to the splinkerette protocol outlined in Devon et al., (1995) *Nucleic Acids Research* 23 (9):1644-1645, with modifications as described by Stover (2001), U. C. Irvine (personal communication).

Briefly, genomic DNA was digested with various restriction enzymes (Dra I, EcoR V, Pvu II, Sma I and Stu I for the Universal Genome Walker method and BamH I, EcoR I, Hind III, and Xba I for the splinkerette method) and then ligated to blunt-end adaptors for the Genome Walker method and to adaptors specific for the restriction enzyme used for the splinkerette method. The adaptors for both genome walking methods were designed to prevent extension of the 3' end of the adaptor during PCR and thus reduce or eliminate nonspecific amplification. The adaptor-ligated genomic DNA fragments were then referred to as genome walker libraries or splinkerette libraries, one library for each restriction enzyme. Libraries were prepared from genomic DNA isolated from three individual T1S2 plants of B.t. Cry34/35Ab1 event DAS-59122-7; plants DAS-59122-7 T1S2 1, DAS-59122-7 T1S2 2 and DAS-59122-7 T1S2 10, and from one Hi-II and one PH09B control plant.

Following construction of the libraries, nested PCR amplifications were completed to amplify the target sequence using Advantage™-GC Genomic PCR kit (BD Biosciences Clontech, Palo Alto, Calif.). The primary PCR amplification used one primer with identity to the adaptor and one gene specific primer. The adaptor primer will not amplify a product in the first cycle of the primary PCR and only products from the gene specific primer will be produced. Annealing and amplification from the adaptor primer only occurs after the complementary strand has been produced from the gene specific primer. Following primary PCR amplification, a secondary nested PCR reaction was performed to increase the specificity of the genomic PCR reactions. The nested primers consisted of gene-specific and adaptor-specific sequences internal to the respective primers used in the primary PCR.

For 5' flanking border sequences, nested PCR was initiated using primers specific to the 5' end of the inserted T-DNA along with primers complementary to the adaptor sequence ligated onto the digested DNA. Similarly, cloning of the 3' flanking border sequence started with a primer specific for the 3' end of the inserted T-DNA and a primer complementary to the adaptor sequence. DNA sequences internal to the T-DNA Right Border and Left Border sequences within the T-DNA region were used as the starting points for "walking out" to the maize genomic sequence, because they represented unique sequence (not homologous to endogenous maize genomic sequences) from which to anchor the genome walking primers.

The products produced by the nested PCR were analyzed by agarose gel electrophoresis (data not shown). Fragments visible in libraries prepared from one or more of the event DAS-59122-7 DNA samples and absent in libraries prepared from the Hi-II and PH09B genomic DNA samples were identified for further characterization. The identified PCR amplified fragments were separated by preparatory gel electrophoresis, isolated using a QIAquick Gel Extraction Kit (Qiagen), and sent directly for sequencing or cloned into a pGEM-T Easy plasmid vector using the pGEM-T Easy Vector System I (Promega Corp., Madison, Wis.) prior to DNA sequencing. Sequencing reactions were carried out with primers used for the nested PCR amplification or with primers specific for use with the pGEM-T Easy vector. The sequence obtained was used to design additional gene specific primers to continue "walking out" into the unknown maize genomic sequence. Multiple rounds of genome walking were performed until at least 500 bp of border sequence from the ends of the T-DNA insert were obtained.

To ensure validity of the flanking border sequences, additional event-specific PCR amplifications on genomic DNA from event DAS-59122-7 were performed. The amplified fragments were sequenced in order to further extend the region of sequence overlap from the T-DNA insert region into the 5' and 3' bordering genomic DNA. Primers, shown in Table 2, were designed based on the sequence obtained from the genome walking experiments to amplify a fragment spanning the unique junction of the T-DNA with the corn genomic DNA. Primer set 03-O-506/02-O-476 (SEQ ID NO: 10/SEQ ID NO:9) spanned the 5' junction and amplified a 313 bp fragment (from bp 2427 to bp 2739, see FIG. 1), and primer set 02-O-447/03-O-577 (SEQ ID NO: 8/SEQ ID NO:17) spanned the 3' junction and amplified a 754 bp fragment (from bp 9623 to bp 10376, see FIG. 1).

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TABLE 2

Primer Sequences		
Primer Name	Sequence (5'-3')	Target Sequence Location (bp to bp) ¹
02-O-215	(SEQ ID NO: 1) GTGGCTCCTTCAACGTTGCGGTTCTGTC	2743-2716
02-O-219	(SEQ ID NO: 2) CGTGCAAGCGCTCAATTGCGCCCTATAGTG	9830-9858
02-O-227	(SEQ ID NO: 3) AATTGAGCGCTTGCACGTTT	9846-9827
02-O-370	(SEQ ID NO: 4) AACACAAGACCGGCCACACCTTC	4871-4894
02-O-371	(SEQ ID NO: 5) GAGGTGGTCTGGATGGTGTAGGTCA	5187-5163
02-O-372	(SEQ ID NO: 6) TACAACCTCAAGTGGTTCCTCTTCCCGA	7017-7044
02-O-373	(SEQ ID NO: 7) GAGGTCTGGATCTGCATGATGCGGA	7897-7873
02-O-447	(SEQ ID NO: 8) AACCCTTAGTATGTATTGTATT	9623-9645
02-O-476	(SEQ ID NO: 9) CTCCTTCAACGTTGCGGTTCTGTCAG	2739-2714
03-O-506	(SEQ ID NO: 10) TTTTGCAAGCGAAGCATTAGATG	2427-2451
03-O-514	(SEQ ID NO: 11) GCGGGACAAGCCGTTTACGTTT	2687-2709
03-O-542	(SEQ ID NO: 12) GACGGGTGATTATTTGATCTGCAC	1076-10742
03-O-543	(SEQ ID NO: 13) CATCTGAATCGTTCGCTTTGCAAAA	2451-2427
03-O-564	(SEQ ID NO: 14) CTACGTTCCAATGGAGCTCGACTGTC	2324-2299
03-O-569	(SEQ ID NO: 15) GGTCAAGTGGACACTTGGTCACTCA	10150-10174
03-O-570	(SEQ ID NO: 16) GAGTGAAGAGATAAGCAAGTCAAAG	10275-10299
03-O-577	(SEQ ID NO: 17) CATGTATACGTAAGTTTGGTCTGG	10376-10352
03-O-784	(SEQ ID NO: 18) AATCCACAAGATTGGAGCAAACGAC	2189-2213
67609	(SEQ ID NO: 36) CGTATTACAATCGTACGCAATTGAG	9862-9886
69240	(SEQ ID NO: 37) GGATAAACAAACGGGACCATAGAAG	9941-9965

¹Location in sequence of Event DAS-59122-7 (see FIG. 1). Bases 1 - 2593 = 5' border, bases 2594 - 9936 = T-DNA insert, bases 9937 - 11922 = 3' border.

For verification of the DNA sequence that inserted into the maize genome, PCR was performed to amplify, clone, and sequence the inserted T-DNA from event DAS-59122-7. PCR primer sets, (SEQ ID NO: 11/SEQ ID NO:5); (SEQ ID NO: 4/SEQ ID NO:7); and (SEQ ID NO: 6/SEQ ID NO:3) shown in Table 3 were used to amplify three overlapping fragments labeled 22I-1 (SEQ ID NO: 25), 22I-2 (SEQ ID NO: 26), and 22I-3 (SEQ ID NO: 27) representing sequence from the 5' region of the T-DNA running through to the 3' region of the

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T-DNA insert from bp 2687 to bp 9846 for event DAS-59122-7 (see FIG. 1). PCR amplicon information is reported in Table 3 and primer sequences are listed in Table 2.

TABLE 3

PCR Primer and Amplicon Descriptions						
PCR Amplicon	Size (bp)	Target Sequence	Forward Primer	Reverse Primer	Location of PCR Amplicon (bp to bp) ¹	
22I-1 (SEQ ID NO: 25)	2501	T-DNA insert	03-O-514 (SEQ ID NO: 11)	02-O-371 (SEQ ID NO: 5)	2687-5187	
22I-2 (SEQ ID NO: 26)	3027	T-DNA insert	02-O-370 (SEQ ID NO: 4)	02-O-373 (SEQ ID NO: 7)	4871-7897	
22I-3 (SEQ ID NO: 27)	2830	T-DNA insert	02-O-372 (SEQ ID NO: 6)	02-O-227 (SEQ ID NO: 3)	7017-9846	
O784/O564 (SEQ ID NO: 28)	136	5' genomic border	03-O-784 (SEQ ID NO: 18)	03-O-564 (SEQ ID NO: 14)	2189-2324	
O784/O543 (SEQ ID NO: 29)	263	5' genomic border	03-O-784 (SEQ ID NO: 18)	03-O-543 (SEQ ID NO: 13)	2189-2451	
O569/O577 (SEQ ID NO: 30)	227	3' genomic border	03-O-569 (SEQ ID NO: 15)	03-O-577 (SEQ ID NO: 17)	10150-10376	
O570/O542 (SEQ ID NO: 31)	492	3' genomic border	03-O-570 (SEQ ID NO: 16)	03-O-542 (SEQ ID NO: 12)	10275-10766	
O784/O215 (SEQ ID NO: 32)	555	5' junction	03-O-784 (SEQ ID NO: 18)	02-O-215 (SEQ ID NO: 1)	2189-2743	
O219/O577 (SEQ ID NO: 33)	547	3' junction	02-O-219 (SEQ ID NO: 2)	03-O-577 (SEQ ID NO: 17)	9830-10376	
O506/O476 (SEQ ID NO: 34)	313	5' junction	03-O-506 (SEQ ID NO: 10)	02-O-476 (SEQ ID NO: 9)	2427-2739	
O447/O577 (SEQ ID NO: 35)	754	3' junction	02-O-447 (SEQ ID NO: 8)	03-O-577 (SEQ ID NO: 17)	9623-10376	
67609/69240 (SEQ ID NO: 38)	104	3' junction	67609 (SEQ ID NO: 36)	69240 (SEQ ID NO: 37)	9862-9965	

¹Location in sequence of Event DAS-59122-7 (see FIG. 1). Bases 1-2593 = 5' border, bases 2594-9936 = T-DNA insert, bases 9937-11922 = 3' border.

PCR GC2 Advantage™ Polymerase kit (BD Biosciences Clontech, Inc.) was used according to manufacturer's instructions to amplify the insert fragments (22I-1 (SEQ ID NO: 25), 22I-2 (SEQ ID NO: 26), and 22I-3 (SEQ ID NO: 27)). Briefly, a 50 L reaction contained 5' and 3' primers at a final concentration of 0.2 μM and 40 ng of genomic DNA. PCR reactions were set up in duplicate using genomic DNA preparation from plants DAS-59122-7 T1S2 1 and DAS-59122-7 T1S2 2. PCR conditions were as follows: initial denaturation at 95° C. for 1 min, followed by 35 cycles of 94°/95° C. for 30 sec, 55° C. for 30 sec, and 68° C. for 5 min, with final extension at 68° C. for 6 min. PCR amplification products were visualized under UV light, following electrophoresis through a 1% agarose gel in 1×TBE (89 mM Tris-Borate, 2 mM EDTA, pH 8.3) stained with ethidium bromide.

PCR fragments 22I-1 (SEQ ID NO: 25), 22I-2 (SEQ ID NO: 26), and 22I-3 (SEQ ID NO: 27) were purified by excising the fragments from 0.8% agarose gel in 1×TBE stained with ethidium bromide, and purifying the fragment from the agarose using a QIAquick Gel Extraction Kit (Qiagen). PCR fragments were cloned into a pGEM-T Easy plasmid vector using the pGEM-T Easy Vector System I (Promega Corp.). Cloned fragments were verified by miniprep of the plasmid DNA (QIAprep Spin Miniprep Kit, Qiagen) and

restriction digestion with Not I. Plasmid clones and/or purified PCR insert fragments were then sent for sequencing of the complete insert. Sequencing reactions were carried with primers designed to be specific for known T-DNA sequences or with primers specific for use with the pGEM-T Easy vector. Sigma-Genosys, Inc. (The Woodlands, Tex.) synthesized all PCR primers, which were used at a final concentration of 0.2-0.4 μ M in the PCR reactions.

PCR reactions with genomic DNA isolated from B.t. Cry34/35Ab1 events DAS-59122-7, DAS-45214-4, and DAS-45216-6, and unmodified control lines Hi-II and PH09B were used to confirm (1) the presence of maize genomic DNA in the sequenced border regions of event DAS-59122-7, and (2) event specific amplification across the junctions of the T-DNA insert and genomic DNA borders in event DAS-59122-7.

PCR primers designed to amplify the border sequence flanking the insert in event DAS-59122-7 were used to confirm the presence of those regions in unmodified control lines as well as in event DAS-59122-7. Two (2) sets of primers each, for the 5' and 3' borders (four (4) sets total) were tested. Primer sets 03-O-784/03-O-564 (SEQ ID NO: 18/SEQ ID NO:14) and 03-O-784/03-O-543 (SEQ ID NO: 18/SEQ ID NO: 13) were used to amplify 136 bp and 263 bp fragments, respectively, from border sequence 5' to the T-DNA insert in event DAS-59122-7 (FIGS. 2 and 3). Similarly, primer sets 03-O-569/03-O-577 (SEQ ID NO: 15/SEQ ID NO: 17) and 03-O-570/03-O-542 (SEQ ID NO: 16/SEQ ID NO: 12) were used to amplify 227 bp and 492 bp fragments, respectively, from the 3' genomic border (FIGS. 2 and 3).

Primers designed to amplify fragments across the junction of the border sequence and T-DNA insert were used to establish event-specific PCR fragments for event DAS-59122-7. One primer set was selected for each of the two junctions. Primer set 03-O-784/02-O-215 (SEQ ID NO: 18/SEQ ID NO:1) was designed to amplify a 555 bp fragment across the 5' junction, and primer set 02-O-219/03-O-577 (SEQ ID NO: 2/SEQ ID NO: 17) was designed for amplification of a 547 bp fragment at the 3' junction. A set of primers, IVR1(O197) (SEQ ID NO: 39) 5'-CCGCTGTATCACAAGGGCTGGTACC-3' and IVR2(O198) (SEQ ID NO: 40) 5'-GGAGC-CCGTGTAGAGCATGACGATC-3', based on the endogenous maize invertase gene (Hurst et al., (1999) *Molecular Breeding* 5 (6):579-586), was used to generate a 226 bp amplification product as an internal positive control for all maize genomic DNA samples.

All PCR primers were synthesized by Sigma-Genosys, Inc. and used at a final concentration of 0.2-0.4 μ M in the PCR reactions. PCR primer sequences are listed in the Table 2. For PCR amplifications, AdvantageTM-GC 2 PCR kit (BD Biosciences) was used according to manufacturer's instructions. Approximately 10-100 ng of genomic DNA template was used per 50 μ L PCR reaction. PCR conditions were as follows: initial template denaturation at 94° C. for 5 min, followed by 35 cycles of 95° C. for 1 minute, 60° C. for 2 minutes, and 72° C. for 3 min, with final extension at 72° C. for 7 min. The PCR amplification products were visualized under UV light following electrophoresis through a 1% agarose gel with 1 $\times$ TBE and ethidium bromide.

Sequence data obtained for the T-DNA insert and border regions of event DAS-59122-7 was reviewed and assembled using Seqman IITM software Version 4.0.5 (DNASTar, Inc., Madison, Wis.). The 5' and 3' border sequences flanking the insert present in event DAS-59122-7 were used for homology searching against the GenBank public databases in order to further characterize the site of insertion in the maize genome. Analysis to identify open reading frames in the junction

regions between the flanking borders and T-DNA insert in event DAS-59122-7 was conducted using Vector NTI 8.0 (InforMaxTM, Inc., Frederick, Md.).

In total, 11922 bp of sequence from genomic DNA of event DAS-59122-7 was confirmed (see FIG. 1). At the 5' end of the T-DNA insert, 2593 bp of flanking border sequence was identified, and 1986 bp of flanking border sequence was obtained on the 3' end from fragments derived from genome walking experiments. A total of 7160 bp of the T-DNA insert was cloned and sequenced using PCR primer sets designed to amplify three overlapping fragments labeled 22I-1 (2501 bp) (SEQ ID NO:25), 22I-2 (3027 bp) (SEQ ID NO:26), and 22I-3 (2830 bp) (SEQ ID NO:27) representing sequence from the 5' region of the T-DNA running through to the 3' region of the T-DNA insert for event DAS-59122-7 from bp 2687 to bp 9846 (see FIG. 1). The remainder of the T-DNA insert region was sequenced from two PCR fragments, O506/O476 (SEQ ID NO: 10/SEQ ID NO:9) and O447/O577 (SEQ ID NO: 8/SEQ ID NO: 17) that spanned the 5' and 3' junctions, respectively, of the T-DNA insert with corn genomic DNA. Primers used were designed based on the sequence obtained from the genome walking experiments to amplify a fragment spanning the unique junction of the T-DNA with the corn genomic DNA. Primer set 03-O-506/03-O-476 (SEQ ID NO: 10/SEQ ID NO:9) spanned the 5' junction and amplified a 313 bp fragment (from bp 2427 to bp 2739) and primer set 03-O-447/03-O-577 (SEQ ID NO: 8/SEQ ID NO: 17) spanned the 3' junction and amplified a 754 bp fragment (from bp 9623 to bp 10376). Combined, a total of 7343 bp of the T-DNA insert in event DAS-59122-7 was cloned and sequenced (from bp 2594 to bp 9936, see FIG. 1) and compared to the sequence of the transforming plasmid, PHP17662. Two nucleotide differences at bp 6526 and bp 6562 were observed in the non-translated wheat peroxidase promoter region of the T-DNA insert (see FIG. 1). Neither of the observed base changes affected the open reading frame composition of the T-DNA insert. Both the 3' and 5' end regions of the T-DNA insert were found to be intact, except for deletion of the last 22 bp at the 5' end and 25 bp at the 3' end encompassing the Right and Left T-DNA Border regions, respectively. While T-DNA border sequences are known to play a critical role in T-DNA insertion into the genome, this result is not unexpected since insertions are often imperfect, particularly at the Left T-DNA Border (Tinland (1996) *Trends in Plant Science* 1(6): 178-184).

BLAST (Basic Local Alignment Search Tool) analysis of the genomic border regions of event DAS-59122-7 showed limited homology with publicly available sequences (Release 138.0 GenBank, Oct. 25, 2003). Analysis of the 5' border region found two areas with significant homology to maize genomic and EST (Expressed Sequence Tag) sequences. The first area encompasses 179 bp (bp 477 to bp 655 of the border sequence) and displays similarity to several molecular markers, chromosomal sequences, and consensus sequences obtained by alignment of various ESTs. The second area occurs at bp 1080 to bp 1153 (74 bp) of the 5' border sequence, and shows similarity to a number of different maize ESTs and genomic sequences. The 3' border region also had two small non-contiguous regions of similarity to plant DNA sequences. The inner 3' region of 162 bp (bp 9954 to bp 10115) showed similarity to the 3' untranslated end of two genomic *Zea mays* alcohol dehydrogenase (adh1) genes as well as to several EST consensus sequences. A smaller region (57 bp) in the middle of the 3' border (bp 10593 to bp 10649) showed similarity to non-coding regions from multiple maize genomic sequences.

Overall, no homologous regions greater than 179 base pairs were identified in either of the genomic border

sequences, nor was more than one homologous region from the same known sequence found. Individual accessions displaying similarity to the event DAS-59122-7 border sequences were examined to determine if the insertion in event DAS-59122-7 occurred in a characterized protein coding sequence. None of the regions of similarity occurred within any known protein coding sequences. Local alignment of the entire transformation plasmid sequence, PHP17662, with the event DAS-59122-7 border sequences showed no significant homologies, indicating that the border regions flanking the T-DNA insert did not contain fragments of the transforming plasmid. Therefore, identification and characterization of the genomic sequence flanking the insertion site in event DAS-59122-7 was limited due to the absence of significant regions of homology to known sequences.

The 5' and 3' junction regions between the maize genomic border sequence and the T-DNA insert in event DAS-59122-7 were analyzed for the presence of novel open reading frames. No open reading frames of significant size (>100 amino acids) were identified in the 5' or 3' border junction regions, indicating that no novel open reading frames were generated as a result of the T-DNA insertion. Additionally, the homology searches did not indicate the presence of endogenous maize open reading frames in the border regions that might have been interrupted by the T-DNA insertion in B.t. Cry34/35Ab1 event DAS-59122-7.

Example 5

PCR Primers

DNA event specific primer pairs were used to produce an amplicon diagnostic for DAS-59122-7. These event primer pairs include, but are not limited to, SEQ ID NO: 18 and SEQ ID NO: 1; SEQ ID NO: 2 and SEQ ID NO: 17; SEQ ID NO: 10 and SEQ ID NO: 9; and SEQ ID NO: 8 and SEQ ID NO: 17; and SEQ ID NO: 36 and SEQ ID NO: 37. In addition to these primer pairs, any primer pair derived from SEQ ID NO: 21 and SEQ ID NO: 22 that when used in a DNA amplification reaction produces a DNA amplicon diagnostic for DAS-59122-7 is an embodiment of the present invention. Any modification of these methods that use DNA primers or complements thereof to produce an amplicon DNA molecule diagnostic for DAS-59122-7 is within the ordinary skill of the art. In addition, control primer pairs, which include IVR1

(O197)/IVR2(O198) (SEQ ID NO: 39/SEQ ID NO: 40) for amplification of an endogenous corn gene are included as internal standards for the reaction conditions.

The analysis of plant tissue DNA extracts to test for the presence of the DAS-59122-7 event should include a positive tissue DNA extract control (a DNA sample known to contain the transgenic sequences). A successful amplification of the positive control demonstrates that the PCR was run under conditions that allow for the amplification of target sequences. A negative, or wild-type, DNA extract control in which the template DNA provided is either genomic DNA prepared from a non-transgenic plant, or is a non-DAS-59122-7 transgenic plant, should also be included. Additionally a negative control that contains no template corn DNA extract will be a useful gauge of the reagents and conditions used in the PCR protocol.

Additional DNA primer molecules of sufficient length can be selected from SEQ ID NO: 21 and SEQ ID NO: 22 by those skilled in the art of DNA amplification methods, and conditions optimized for the production of an amplicon diagnostic for event DAS-59122-7. The use of these DNA primer sequences with modifications to the methods shown in these Examples are within the scope of the invention. The amplicon wherein at least one DNA primer molecule of sufficient length derived from SEQ ID NO: 21 and SEQ ID NO: 22 that is diagnostic for event DAS-59122-7 is an embodiment of the invention. The amplicon wherein at least one DNA primer of sufficient length derived from any of the genetic elements of PHI17662A that is diagnostic for event DAS-59122-7 is an embodiment of the invention. The assay for the DAS-59122-7 amplicon can be performed by using a Stratagene Robocycler, MJ Engine, Perkin-Elmer 9700, or Eppendorf Mastercycler Gradient thermocycler, or by methods and apparatus known to those skilled in the art.

Having illustrated and described the principles of the present invention, it should be apparent to persons skilled in the art that the invention can be modified in arrangement and detail without departing from such principles. We claim all modifications that are within the spirit and scope of the appended claims.

All publications and published patent documents cited in this specification are incorporated herein by reference to the same extent as if each individual publication or patent application was specifically and individually indicated to be incorporated by reference.

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<220> FEATURE:
<223> OTHER INFORMATION: Oligonucleotide primer

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<220> FEATURE:
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<223> OTHER INFORMATION: 3' flanking sequence of DAS 59122-7.

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tgaatctttt tgtttgaagt cccaaatata aaattttctc gtactacca acattggtgc	2520
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agcgtgtttt aaacgtctct caactggaag agcggttacc cggaccgaag cttgcatgcc	2820
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gagtcctaac gacaccaacc agcgaaccag cagcgctcgc tggggccaag cgaagcagac 3480
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<210> SEQ ID NO 22

<211> LENGTH: 2987

<212> TYPE: DNA

<213> ORGANISM: Artificial Sequence

<220> FEATURE:

<223> OTHER INFORMATION: Sequence that represents part of the
 PH117662A insert as well as flanking sequence 3' to the
 insert.

<400> SEQUENCE: 22

```

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caccacaaga gtggattgat gatctagaga ggttgcaaga tagataccct tggttggttg 180
ctgaggttga ggggtgtgtg gctggtattg cttacgctgg gccctggaag gctaggaacg 240
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taggatccac attgtacaca catttgctta agtctatgga ggcgcaaggt ttaagtctg 360
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gtttttggca aagggatttt gagttgccag ctctccaag gccagttagg ccagttaccc 540
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tctctctcta taataatgtg tgagtagttc ccagataagg gaattagggt tcttataggg 660
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gatcctctag agtcgacctg caggcatgcc cgggatatc gatgggccc gccggaagct 840
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gattatctct gtttccctca tttcgaagaa aaaaacgggt ttcaaaaccc actgctttca 1500
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<210> SEQ ID NO 23

<211> LENGTH: 11922

<212> TYPE: DNA

<213> ORGANISM: Artificial Sequence

<220> FEATURE:

<223> OTHER INFORMATION: The sequence represents the complete sequence of the insert and flanking regions of event DAS 59122-7.

<400> SEQUENCE: 23

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ccaagcccg gcacgtcccc aggcagggtt ggccctggtt ccaccagcgg atgcatgcag 180
tgaagcgggg acggagagac aagccgaggg cgcgggtggg aatggcgtcc gggaggacga 240
gtggaggaga agaatttaga ggcattcaga ttgcagaagc cgacggagac aagattcgtg 300
tggtgggaga caaacccggg ggtgagcgc cgttgatatg ggatcagacg gtgtggataa 360

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gcgtcctcta aatgatcctc taaatttaga gaacgctact agattctcta tatatagttt	540
ctctaaacga tcttttatcc atttaaatac tttaaataac cggtttaaca aaactaaat	600
atatacaata catttgagag tatgacaaat acgtatgtat aaaaataaaa aataaaataa	660
tgtatttagc tactttgaat cttcttttct tcataatata atgatgtata gctctcatgt	720
gcgttgagaa aaaagttaga gctagacgtt taatgtgtag tgacagtcct cgacgaaatc	780
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atcaagacct tcgtggccga atccaacggc ttcattgaccg gcaccgaggg caccatctac 2340
tactcaatta atggcgaggc cgagatcagc ctctacttcg acaaccggtt cgccggtccc 2400
aacaatacgc acggccactc caacaagtcc cagtacgaga tcatcaccca gggcggtccc 2460
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<210> SEQ ID NO 26

<211> LENGTH: 3027

<212> TYPE: DNA

<213> ORGANISM: Artificial Sequence

<220> FEATURE:

<223> OTHER INFORMATION: PCR Amplicon 22I-2.

<400> SEQUENCE: 26

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aacggcttca tgaccggcac cgagggcacc atctactact caattaatgg cgaggccgag 180
atcagcctct acttcgacaa ccggttcgcc ggctccaaca aatacgcagg ccaactccaa 240
aagtcccatg acgagatcat caccagggc ggctccggca accagtccca cgtgacctac 300
accatccaga ccacctctc cgcctacggc cacaagtcct gagtcagtag tcatgagtca 360
gttaacctag acttgtccat cttctggatt ggccaactta attaatgtat gaaataaaag 420
gatgcacaca tagtgacatg ctaatcacta taatgtgggc atcaaagttg tgtgttatgt 480
gtaattacta gttatctgaa taaaagagaa agagatcatc catatttctt atcctaaatg 540
aatgtcacgt gtctttataa ttctttgatg aaccagatgc atttcattaa ccaaatecat 600
atacatataa atattaatca tatataatta atatcaattg ggtagcaaa acaaatctag 660
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tcacgatcac	acctgtacct	aaaaaaaaaca	tgaagaatat	attactccat	tattatgaga	1380
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tatgccatta	tattgattcg	aagatatatg	tttctttctc	ccacgggcac	ctaacggata	1500
catgataagg	ccaaggcaga	tcacgggaaa	ttattcgaat	acatgttacg	ccctattgcc	1560
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tagactagtc	agacataaaa	tttgataact	ttctcccaac	tgggagacgg	ggactgatgt	1860
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cggcttccag	atcaacatcg	acagcggcat	gaagtctgac	atcccgagg	tgggcgcgcg	2820
taccgacgag	atcaagaccc	agctcaacga	ggagctcaag	atcgagtatt	catatgagac	2880
gaagatcatg	gagaagtacc	aggagcagtc	cgagatcgac	aaccggaccg	accagtccat	2940
gaactccatc	ggcttctca	ccatcacctc	cctggagctc	taccgtaca	acggctccga	3000
gatccgcatc	atgcagatcc	agacctc				3027

<210> SEQ ID NO 27

<211> LENGTH: 2830

<212> TYPE: DNA

<213> ORGANISM: Artificial Sequence

<220> FEATURE:

<223> OTHER INFORMATION: PCR Amplicon 22I-3.

<400> SEQUENCE: 27

tacaacctca	agtggttctc	cttcccgatc	gacgacgacc	agtaacatcat	cacctctac	60
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tcctccacca	actccatcca	gaagtggcag	atcaaggcca	acggctcctc	ctacgtgatc	180
cagtcggaca	acggcaagg	gtctaccgcc	ggcaccggcc	aggccctcgg	cctcatccgc	240
ctcaccgacg	agtcctccaa	caaccggaac	cagcaatgga	acctgacgtc	cgtgcagacc	300
atccagctcc	cgcagaagcc	gatcatcgac	accaagctca	aggactaccc	gaagtactcc	360

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ccgaccggca	acatcgacaa	cggcacctcc	ccgcagctca	tgggctggac	cctcgtgccg	420
tgcacatg	tgaacgaccc	gaacatcgac	aagaacaccc	agatcaagac	caccccgtag	480
tacatcctca	agaagtacca	gtactggcag	agggccgtgg	gctccaacgt	cgcgctccgc	540
ccgcacgaga	agaagtcccta	cacctacgag	tggggcaccg	agatcgacca	gaagaccacc	600
atcatcaaca	ccctcggett	ccagatcaac	atcgacagcg	gcatgaagtt	cgacatcccg	660
gagggtggcg	gcgttacga	cgagatcaag	accagctca	acgaggagct	caagatcgag	720
tattcacatg	agacgaagat	catggagaag	taccaggagc	agtcgagat	cgacaacccg	780
accgaccagt	ccatgaactc	catcggett	ctcaccatca	cctccctgga	gctctaccgc	840
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gtgacctcct	acccgaacca	ccagcaggcc	ctgctgtgc	tgaccaacca	ctctacgag	960
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cttaattaat	gtatgaaata	aaaggatgca	cacatagtga	catgctaate	actataatgt	1140
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catccatatt	tcttatccta	aatgaatgtc	acgtgtcttt	ataattcttt	gatgaaccag	1260
atgcatttca	ttaacaaat	ccatatacat	ataaatatta	atcatatata	attaatatca	1320
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gatatctcca	ctgacgtaag	ggatgacgca	caatcccat	atccttcgca	agacccttcc	1860
tctatataag	gaagttcatt	tcatttgag	aggacagggt	acccggggat	ccaccatgtc	1920
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gatctgagtc	gacctgcagg	catgcccgct	gaaatcacca	gtctctctct	acaaatctat	2520
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cgggtccgggc catcgtggcc tcttgetctt caggatgaag agctatgttt aaacgtgcaa 2820
gcgctcaatt 2830

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<210> SEQ ID NO 28
<211> LENGTH: 136
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: PCR Amplicon 0784/0564

```

```

<400> SEQUENCE: 28

```

```

aatccacaag attggagcaa acgacaaaa attcacaagg attggcggct gacattgcca 60
gcgcgggcatc gcctgcggcg gcggcggccg gggcgagcac gggagcaggc gacagtcgag 120
ctccattgga acgtag 136

```

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<210> SEQ ID NO 29
<211> LENGTH: 263
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: PCR Amplicon 0784/0543

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```

<400> SEQUENCE: 29

```

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aatccacaag attggagcaa acgacaaaa attcacaagg attggcggct gacattgcca 60
gcgcgggcatc gcctgcggcg gcggcggccg gggcgagcac gggagcaggc gacagtcgag 120
ctccattgga acgtagaaat acttaaggcg aaggtctcca aatacttgaa aaaataggaa 180
aaagaagaaa atacatgaaa tgatattgaa atcaattgga agatgttatg aatcttgttt 240
ttgcaaagcg aacgattcag atg 263

```

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<210> SEQ ID NO 30
<211> LENGTH: 227
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: PCR Amplicon 0569/0577

```

```

<400> SEQUENCE: 30

```

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gggtcaagtgg acacttggtc actcatttaa tccctccctc tccctcttta tccctctttt 60
tggtgtattc accaatagtg gtgtgcacct gtgattggct cgtaaaaatt cttggacgga 120
tggaagagtg aagagataag caagtcaaag aaaagtaaca acgaagcttc atcagctaca 180
aattttgccc caactggttg caccagcacc aaacttacgt atacatg 227

```

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<210> SEQ ID NO 31
<211> LENGTH: 492
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: PCR Amplicon 0570/0542

```

```

<400> SEQUENCE: 31

```

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gagtgaagag ataagcaagt caaagaaaag taacaacgaa gttcatcag ctacaaattt 60
tggcccaact gggtgcacca gcaccaaact tacgtataca tgattatctc tgtttccctc 120
atttcgaaga aaaaaacggg tttcaaaacc cactgcttcc aggagtaaaa aaagataata 180
atctgaaaca ttgcttccac cttggccctt atttggttac gttgcaatc accccaatcc 240
acatgtggat tgagatggat tgcagtgtag ctagacaaac ccttaggccc tgtttgcata 300
ggaatacacc aggaattatt ccagctaata aaaatttata taaatgagag aaacaattcg 360

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gataggaatt gttccaggac ttcattctgc agtaaccgaa cggccccctta atccacccca	420
atacacgtgg attggagtgg attgaggtac agccaaacaa ggcctaagtg cagatcaaat	480
aaatcacccg tc	492

<210> SEQ ID NO 32
 <211> LENGTH: 555
 <212> TYPE: DNA
 <213> ORGANISM: Artificial Sequence
 <220> FEATURE:
 <223> OTHER INFORMATION: PCR Amplicon 0784/0215

<400> SEQUENCE: 32

aatccacaag attggagcaa acgacaaaa attcacaagg attggcggct gacattgcc	60
gcgcgggac gcattcggcg gcggcgccg ggcgagcac gggagcaggc gacagtcgag	120
ctccattgga acgtagaaat acttaaggcg aaggtctcca aatacttgaa aaaataggaa	180
aaagaagaaa atacatgaaa tgatattgaa atcaattgga agatgttatg aatcttggtt	240
ttgcaaacgc aacgattcag atggcaaac tatgaatctt tttgtttgaa gtcccaata	300
taaaatttct tcgtactcac caacattggt gcgcacctgt gattggctca taaaattct	360
tggagggacg gaagaaagag tgaaggata agcaagtaa agcgtcaaa cactgatagt	420
ttaaactgaa ggcgggaaac gacaatctga tcatgagcgg agaattaagg gagtcacgtt	480
atgacccccg ccgatgacgc gggacaagcc gttttacgtt tggaactgac agaaccgcaa	540
cgttgaagga gccac	555

<210> SEQ ID NO 33
 <211> LENGTH: 547
 <212> TYPE: DNA
 <213> ORGANISM: Artificial Sequence
 <220> FEATURE:
 <223> OTHER INFORMATION: PCR Amplicon 0219/0577

<400> SEQUENCE: 33

cgtgcaagcg ctcaattcgc cctatagtga gtctgattac aatcgtacgc aattcagtag	60
attaaaaacg tccgcaatgt gttattaagt tgtctaagcg tcaatttttc ctttctatgg	120
tcccgtttgt ttatcctcta aattatataa tccagcttaa ataagttaag agacaaacaa	180
acaacacaga ttattaaata gattatgtaa tctagatacc tagattatgt aatccataag	240
tagaatatca ggtgcttata taatctatga gctcgattat ataactctaa aagaaaacaa	300
acagagcccc tataaaaagg ggtcaagtgg acacttggtc actcatttaa tccctccctc	360
tcctctttta tccctctttt tgggtgattc accaatagtg gtgtgcacct gtgattggct	420
cgtaaaaatt cttggacgga tgggaagagt aagagataag caagtcaaag aaaagtaaca	480
acgaagcttc atcagctaca aattttggcc caactggttg caccagcacc aaacttacgt	540
atacatg	547

<210> SEQ ID NO 34
 <211> LENGTH: 243
 <212> TYPE: DNA
 <213> ORGANISM: Artificial Sequence
 <220> FEATURE:
 <223> OTHER INFORMATION: PCR Amplicon 0506/0476

<400> SEQUENCE: 34

tctcgtactc accaacattg gtgcgcacct gtgattggct cataaaaaatt cttggaggga	60
cggagaagag agtgaaggga taagcaagta aaagcgctca aacctgata gtttaaaactg	120

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aaggcgggaa acgacaatct gatcatgagc ggagaattaa gggagtcacg ttatgacccc 180
cgccgatgac gcgggacaag ccgttttacg ttggaactg acagaaccgc aacgttgaag 240
gag 243

```

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<210> SEQ ID NO 35
<211> LENGTH: 754
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: PCR Amplicon 0447/0577

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<400> SEQUENCE: 35

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aacccttagt atgtatttgt atttgtaaaa tacttctatc aataaaatct ctaattccta 60
aaaccaaagt ccaggcgag ctccgtaccc ggggacccc tagagtcgac ctgcaggcat 120
gcccgcggat atcgatgggc cccggccgaa gcttcgggtc gggccatcgt ggccctcttg 180
tcttcaggat gaagagctat gtttaaacgt gcaagcgctc aattcgccct atagtgagtc 240
gtattacaat cgtacgcaat tcagtagcatt aaaaacgtcc gcaatgtgtt attaagttgt 300
ctaagcgtca atttttcctc tctatggtcc cgtttgttta tctctaaat tatataatcc 360
agcttaataa agttaagaga caaacaaca acacagatta ttaaatagat tatgtaatct 420
agatacctag attatgtaat ccataagtag aatatcaggt gcttatataa tctatgagct 480
cgattatata atcttaaaag aaaacaaca gagccctat aaaaaggggt caagtggaca 540
cttggtcact catttaatcc ctccctctcc tcttttatcc ctctttttgg tgtattcacc 600
aatagtgtgt tgcacctgtg attggctcgt aaaaattctt ggacggatgg aagagtgaag 660
agataagcaa gtcaaagaaa agtaacaacg aagcttcac agctacaaat tttggcccaa 720
ctggttgac cagcaccaaa cttacgtata catg 754

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<210> SEQ ID NO 36
<211> LENGTH: 25
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: Oligonucleotide primer

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<400> SEQUENCE: 36

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cgtattacaa tcgtacgcaa ttcag 25

```

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<210> SEQ ID NO 37
<211> LENGTH: 25
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: Oligonucleotide primer

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```

<400> SEQUENCE: 37

```

```

ggataaaca acgggacat agaag 25

```

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<210> SEQ ID NO 38
<211> LENGTH: 104
<212> TYPE: DNA
<213> ORGANISM: Artificial Sequence
<220> FEATURE:
<223> OTHER INFORMATION: Amplicon of SEQ ID NOs: 36 and 37

```

```

<400> SEQUENCE: 38

```

```

cgtattacaa tcgtacgcaa ttcagtacat taaaaacgtc cgcaatgtgt tattaagttg 60
tctaagcgtc aatttttccc ttctatggtc ccgtttgttt atcc 104

```

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<210> SEQ ID NO 39
 <211> LENGTH: 25
 <212> TYPE: DNA
 <213> ORGANISM: Artificial Sequence
 <220> FEATURE:
 <223> OTHER INFORMATION: IVR1 (0197) Primer used to generate a 226 bp
 amplicon as an internal positive control

<400> SEQUENCE: 39

ccgctgtatc acaagggctg gtacc

25

<210> SEQ ID NO 40
 <211> LENGTH: 25
 <212> TYPE: DNA
 <213> ORGANISM: Artificial Sequence
 <220> FEATURE:
 <223> OTHER INFORMATION: IVR2 (0198) Primer used to generate a 226 bp
 amplicon as an internal positive control

<400> SEQUENCE: 40

ggagcccgctg tagagcatga cgatc

25

What is claimed is:

1. A corn plant comprising in its genome a DNA construct linked to at least one flanking region, wherein:

- (a) said flanking region comprises a nucleotide sequence selected from the group consisting of the nucleotide sequence set forth in SEQ ID NO: 19 and the nucleotide sequence set forth in SEQ ID NO: 20;
- (b) said DNA construct comprises a first, a second, and a third expression cassette;
- (c) said first expression cassette comprises in operable linkage
 - (i) a maize ubiquitin promoter,
 - (ii) a 5' untranslated exon of a maize ubiquitin gene,
 - (iii) a maize ubiquitin first intron,
 - (iv) a Cry34Abl encoding DNA molecule, and
 - (v) a PinII transcriptional terminator;
- (d) said second expression cassette comprises in operable linkage
 - (vi) a wheat peroxidase promoter,
 - (vii) a Cry35Abl encoding DNA molecule, and
 - (viii) a PinII transcriptional terminator; and
- (e) said third expression cassette comprises in operable linkage
 - (ix) a cauliflower mosaic virus (CaMV) 35S promoter;
 - (x) a pat encoding DNA molecule; and
 - (xi) a 3' transcriptional terminator from CaMV 35S.

25

2. The plant of claim 1, wherein said DNA construct comprises the nucleotide sequence set forth in SEQ ID NO: 24.

3. The plant of claim 1, wherein said DNA construct is linked to a first and a second flanking region.

30 4. The plant of claim 3, wherein said first flanking region comprises the nucleotide sequence set forth in SEQ ID NO: 19 and said second flanking region comprises the nucleotide sequence set forth in SEQ ID NO: 20.

35 5. The plant of claim 4, wherein said DNA construct comprises the nucleotide sequence set forth in SEQ ID NO: 24.

6. The plant of claim 1, wherein said plant is a seed.

7. The plant of claim 2, wherein said plant is a seed.

8. The plant of claim 4, wherein said plant is a seed.

9. The plant of claim 5, wherein said plant is a seed.

40 10. A plant comprising in its genome the nucleotide sequence set forth in SEQ ID NO: 23.

11. The plant of claim 10, wherein said plant is a corn plant.

45 12. A seed comprising in its genome the nucleotide sequence set forth in SEQ ID NO: 23.

13. The seed of claim 12, wherein said seed is a corn seed.

14. The plant of claim 3, wherein said plant is a seed.

* * * * *