

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SYNGENTA CROP PROTECTION AG,  
Petitioner,

v.

UPL LTD,  
Patent Owner.

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PGR2023-00017  
U.S. Patent No. 11,445,727

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**PETITIONER'S UPDATED EXHIBIT LIST**

**LIST OF EXHIBITS**

| <b>Ex.<br/>No.</b> | <b>Description</b>                                                                                                                                                                                                                                                        |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1001               | U.S. Patent No. 11,445,727 (“the ’727 Patent”).                                                                                                                                                                                                                           |
| 1002               | Selected Excerpts of the File History of the ’727 Patent                                                                                                                                                                                                                  |
| 1003               | Declaration of Phillip M. Brannen, Ph.D.                                                                                                                                                                                                                                  |
| 1004               | Godoy et al. “Eficiência de fungicidas multissítios no controle da ferrugem-asiática da soja, <i>Phakopsora pachyrhizi</i> , na safra 2015/16: resultados sumarizados dos ensaios cooperativos”, Londrina, PR Agosto 2016 (Embrapa Soja, Circular Técnica, 121) (“Godoy”) |
| 1005               | Certified Translation of Godoy<br>“Efficiency of multisite fungicides in controlling Asian soybean rust, <i>Phakopsora pachyrhizi</i> , in the 2015/16 harvest: summarized results of cooperative trials”, Londrina, PR August 2016 (Embrapa Soja, Circular Técnica, 121) |
| 1006               | U.S. Patent No. 9,314,022 to Tobler et al. of Syngenta (“the ’022 Patent” or Tobler)                                                                                                                                                                                      |
| 1007               | WO Application Pub. No. 2015/079334 to De Oliveira of UPL, Ltd (the “WO’334” or “De Oliveira”)                                                                                                                                                                            |
| 1008               | Wiglesworth et al. “Solatenol™ fungicide – a new SDHI fungicide from Syngenta” <i>Phytopathology</i> (2015) 105(Supl. 2) No. 4, p. S2.11 (“Wiglesworth”)                                                                                                                  |
| 1009               | Elatus EPA Reg. No. 100-1480 dated 8/28/2015 (“Elatus EPA Label”)                                                                                                                                                                                                         |
| 1010               | Gullino et al. “Mancozeb Past, Present, and Future”, <i>Plant Disease</i> (2010) Vol. 94, No. 9, pp. 1076-1087 (“Gullino”)                                                                                                                                                |
| 1011               | The Pesticide Manual, 17 <sup>th</sup> Ed. Turner, J.A. Editor (2015), excerpted monographs                                                                                                                                                                               |

| Ex. No. | Description                                                                                                                                                                                                             |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1012    | Colby, S.R., “Calculating Synergistic and Antagonistic Responses of Herbicide Combinations”, Weeds, Vol. 15, No. 1 (1967) pp. 20-22 (“Colby”)                                                                           |
| 1013    | Gisi et al. “Synergistic Interactions of Fungicides with Different Modes of Action”, Trans. Br. Mycol. Soc. (1985) 85(2), pp. 299-306 (“Gisi”)                                                                          |
| 1014    | Levy et al. “The joint action of fungicides in mixtures: comparison of two methods for synergy calculation”, European and Mediterranean Plant Protection Organization (EPPO) Bulletin (1986) 16(4), pp 651-657 (“Levy”) |
| 1015    | Koller et al. “Evaluation of Tactics for Managing Resistance of <i>Venturia inaequalis</i> to Sterol Demethylation Inhibitors”, Plant Disease (1999) pp 857-863 (“Koller”)                                              |
| 1016    | Emery et al. “Assessment of interactions between components of fungicide mixtures against <i>Monilinia fructicola</i> ”, Crop Protection (2002) 21, pp 41–47 (“Emery”)                                                  |
| 1017    | Moura et al., “Effects of cyproconazole, azoxystrobin and mineral oil on soybean leaf anatomy”, Dourados (2013) v.6, n.20, p.154-160 (“Moura”)                                                                          |
| 1018    | Della Vechia et al., “Physical characteristics of insecticide spraying liquids with mineral oil and droplets formed on citrus leaves”, Citrus Research & Technology, (2016) v. 37, n. 1, pp. 102-107 (“Della Vechia”)   |
| 1019    | Declaration of Sylvia Hall-Ellis, Ph.D.                                                                                                                                                                                 |
| 1020    | Declaration of Caio Prates                                                                                                                                                                                              |
| 1021    | Declaration of Gilson Aparecido Hermenegildo de Oliveira submitted in U.S. Patent App. Ser. No. 15/673,316                                                                                                              |
| 1022    | Supplemental Declaration of Sylvia Hall-Ellis, Ph.D.                                                                                                                                                                    |
| 1023    | Declaration of Ryan Kody Jones                                                                                                                                                                                          |

| <b>Ex.<br/>No.</b> | <b>Description</b>                                                                                                                                                                                                        |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1024               | Brazilian trademark, Process No.: 007161867, registration for NIMBUS, class 1 registration                                                                                                                                |
| 1025               | Certified translation of Ex. 1024, Brazilian trademark registration of NIMBUS                                                                                                                                             |
| 1026               | Brazilian trademark, Process No.: 200012975, registration for NIMBUS, class 5 registration                                                                                                                                |
| 1027               | Certified translation of Ex. 1026, Brazilian trademark registration of NIMBUS                                                                                                                                             |
| 1028               | NIMBUS material safety and data sheet (MSDS)                                                                                                                                                                              |
| 1029               | Certified translation of Ex. 1028, NIMBUS MSDS                                                                                                                                                                            |
| 1030               | Machado <i>et al.</i> “Is tank mixing site-specific premixes and multi-site fungicides effective and economic for managing soybean rust? a metaanalysis,” Crop Protection, Volume 151, 2022, 105839 (pp. 1-9) (“Machado”) |
| 1031               | Severity Data Related to EX1020 <b>CONFIDENTIAL – ATTORNEY’S EYES ONLY</b>                                                                                                                                                |
| 1032               | Additional Severity Data Related to EX1020 <b>CONFIDENTIAL – ATTORNEY’S EYES ONLY</b>                                                                                                                                     |
| 1033               | Yield, Defoliation, and Phytotoxicity Data Related to EX1020 <b>CONFIDENTIAL – ATTORNEY’S EYES ONLY</b>                                                                                                                   |
| 1034               | Submission by UPL to the European Patent Office in support of a European Patent (EP 3073826) which claims priority to the same Indian application (1336/KOL/2013) as De Oliveira (EX1007)                                 |
| 1035               | Affidavit by De Oliveira dated Aug. 7, 2023 submitted by UPL in the Indian Patent Office in support of the Indian priority application (1336/KOL/2013) to the Oliveira (EX1007)                                           |

| Ex.<br>No. | Description                                                                                                                                                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1036       | Intentionally Omitted                                                                                                                                                                |
| 1037       | Intentionally Omitted                                                                                                                                                                |
| 1038       | Submission and affidavit by Oliveira from UPL dated Oct. 4, 2019, to the Indian Patent Office in support of the Indian priority application (1336/KOL/2013) to the Oliveira (EX1007) |
| 1039       | Intentionally Omitted                                                                                                                                                                |
| 1040       | U.S. Patent No. 9,205,115 B2 to Barry J. Jacobsen                                                                                                                                    |
| 1041       | U.S. Patent Application Pub. No. 2017/0086454 A1                                                                                                                                     |
| 1042       | U.S. Patent Application Pub. No. 2016/0212993 A1                                                                                                                                     |
| 1043       | Transcript of the deposition of Barry J. Jacobsen, Ph.D. (Jan. 10, 2024)                                                                                                             |
| 1044       | Intentionally Omitted                                                                                                                                                                |
| 1045       | Email correspondence exchanged between the parties regarding discovery related to examples in the '727 patent                                                                        |
| 1046       | “association,” Webster’s New Twentieth Century Dictionary (2 <sup>nd</sup> ed. 1975)                                                                                                 |
| 1047       | “association,” Merriam-Webster’s Collegiate® Dictionary (10 <sup>th</sup> ed. 1998)                                                                                                  |
| 1048       | Declaration of James L. Mullins with Attachments <b>SERVED NOT FILED</b>                                                                                                             |
| 1049       | Demonstratives for Oral Argument                                                                                                                                                     |

Date: April 2, 2024

Respectfully submitted,

/Toni-Junell Herbert/

Toni-Junell Herbert

Registration No. 34,348

Lead Counsel for Syngenta Crop Protection AG

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on April 12, 2024, a copy of the foregoing PETITIONER’S UPDATED EXHIBIT LIST was provided via email to the following:

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