Paper No. __

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INARI AGRICULTURE, INC.,
Petitioner,

v.

CORTEVA AGRISCIENCE LLC,
Patent Owner.

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Case No. PGR2023-00022
Patent No. 11,371,055

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PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF ERIC J. RUTT

LISTING OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,371,055 ("'055")
1002	File History of U.S. Patent No. 11,371,055
1003	Declaration of Dr. Aron Silverstone ("Silverstone")
1004	Corteva Agriscience – Technology Use Agreement (8/2022) (https://www.corteva.us/content/dam/dpagco/corteva/na/us/en/files/trait-stewardship/DOC-Corteva-Technology-Use-Agreement-WATERMARK-NONEXECUTABLE-COPY.pdf)
1005	Wright, T.R. et al., Robust crop resistance to broadleaf and grass herbicides provided by aryloxyalkanoate dioxygenase transgenes, PNAS 107 (47) 20240-20245 (11/23/2010) (https://doi.org/10.1073/pnas.1013154107)
1006	*Enlist™ Herbicide Tolerance and Soybean Symptomology - Get the Facts* (https://www.enlist.com/en/News/enlist-tolerance-soybean-symptomology.html) (7/13/2021)
1007	*Director's Blog: the latest from USPTO leadership: Increasing transparency, boosting competition, and supporting innovation can deliver better choices for farmers in the seed marketplace* (https://www.uspto.gov/blog/director/entry/increasing- transparency-boosting-competition-and) (3/7/2023)
1008	*Executive Order on Promoting Competition in the American Economy* (https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in- the-american-economy/) (7/9/2021)
1009	U.S. Department of Agriculture: *More and Better Choices for Farmers: Promoting Fair Competition and Innovation in Seeds and Other Agricultural Inputs, A report directed by President Biden'sExecutive Order Number 14036: "Promoting Competition in America's Economy"* (https://www.ams.usda.gov/sites/default/files/media/SeedsReport.p df) (3/2023)
1010	Declaration Under 37 C.F.R. §1.132 of Dr. Terry R. Wright (7/29/2021)
1011	Corteva Agriscience: Enlist 1 Herbicide Label (https://www.corteva.ca/content/dam/dpagco/corteva/na/ca/en/files/products/label/DF-Enlist-1-Herbicide-Label-English.pdf)

Exhibit	Description
1012	Corteva Agriscience: Enlist Duo Herbicide Label (https://www.corteva.ca/content/dam/dpagco/corteva/na/ca/en/files/products/label/DF-Enlist-Duo-Herbicide-Label-English.pdf)
1013	Anjanappa, R.B. and Gruissem, W., 2021. Current progress and challenges in crop genetic transformation. Journal of Plant Physiology, 261, 153411.
1014	Herman, P.L., Behrens, M., Chakraborty, S., Chrastil, B.M., Barycki, J. and Weeks, D.P., 2005. A three-component dicamba O- demethylase from Pseudomonas maltophilia, strain DI-6: gene isolation, characterization, and heterologous expression. *Journal of Biological Chemistry*, *280*(26), pp.24759-24767
1015	Chekan, Jonathan R, et al. "Molecular basis for enantioselective herbicide degradation imparted by aryloxyalkanoate dioxygenases in transgenic plants." Proceedings of the National Academy of Sciences 116.27 (2019): 13299-13304.
1016	Englander, S.W. and Mayne, L., 2014. The nature of protein folding pathways. Proceedings of the National Academy of Sciences, 111(45), pp.15873-15880.
1017	Gao SS, Naowarojna N, Cheng R, Liu X, Liu P. Recent Examples of α-Ketoglutarate-Dependent Mononuclear Non-Haem Iron Enzymes in Natural Product Biosyntheses. Nat Prod Rep. 2018 Aug. 15; 35(8): 792–837.
1018	Peach C, Velten J. Transgene expression variability (position effect) of CAT and GUS reporter genes driven by linked divergent T-DNA promoters. Plant Mol Biol. 1991;17(1):49-60.
1019	Hogan, D.A., Smith, S.R., Saari, E.A., McCracken, J. and Hausinger, R.P., 2000. Site-directed Mutagenesis of 2, 4- Dichlorophenoxyacetic Acid/α-Ketoglutarate Dioxygenase: IDENTIFICATION OF RESIDUES INVOLVED IN METALLOCENTER FORMATION AND SUBSTRATE BINDING. Journal of Biological Chemistry, 275(17), pp.12400- 12409.
1020	Müller, T.A., Zavodszky, M.I., Feig, M., Kuhn, L.A. and Hausinger, R.P., 2006. Structural basis for the enantiospecificities of R- and S-specific phenoxypropionate/α-ketoglutarate dioxygenases. Protein Science, 15(6), pp.1356-1368.

Exhibit	Description
1021	Jumper J, Evans R, Pritzel A, Green T, Figurnov M, Ronneberger O, Tunyasuvunakool K, Bates R, Žídek A, Potapenko A, Bridgland A, Meyer C, Kohl SAA, Ballard AJ, Cowie A, Romera-Paredes B, Nikolov S, Jain R, Adler J, Back T, Petersen S, Reiman D, Clancy E, Zielinski M, Steinegger M, Pacholska M, Berghammer T, Bodenstein S, Silver D, Vinyals O, Senior AW, Kavukcuoglu K, Kohli P, Hassabis D. Highly accurate protein structure prediction with AlphaFold. Nature. 2021 Aug.;596(7873):583-589.
1022	Bagdonas, H., Fogarty, C.A., Fadda, E. and Agirre, J., 2021. The case for post-predictional modifications in the AlphaFold Protein Structure Database. Nature Structural & Molecular Biology, 28(11), pp.869-870.
1023	Müller, TA, Fleischmann, T, van der Meer, JR and Kohler, HPE, Purification and characterization of two enantioselective α-ketoglutarate-dependent dioxygenases, RdpA and SdpA, from Sphingomonas herbicidovorans MH. Applied and environmental microbiology, 2006. 72(7), pp.4853-4861.
1024	Prabakaran, S., Lippens, G., Steen, H. and Gunawardena, J., 2012. Post-translational modification: nature's escape from genetic imprisonment and the basis for dynamic information encoding. Wiley Interdisciplinary Reviews: Systems Biology and Medicine, 4(6), pp.565-583.
1025	Streber, W.R., Timmis, K.N. and Zenk, M.H., 1987. Analysis, cloning, and high-level expression of 2, 4-dichlorophenoxyacetate monooxygenase gene tfdA of Alcaligenes eutrophus JMP134. Journal of Bacteriology, 169(7), pp.2950-2955.
1026	Brannigan, J.A. and Wilkinson, A.J., 2002. Protein engineering 20 years on. Nature Reviews Molecular Cell Biology, 3(12), pp.964- 970.
1027	Westendorf, A, Müller, RH, Babel, W, Purification and characterisation of the enantiospecific dioxygenases from Delftia acidovorans MC1 initiating the degradation of phenoxypropionate and phenoxyacetate herbicides. Acta biotechnologica, 2003. 23(1), pp.3-17.
1028	Levels of Protein Organization (https://comis.med.uvm.edu/VIC/coursefiles/MD540/MD540-Protein_Organization_10400_574581210/Protein-org/index.html)

Exhibit	Description
1029	Corteva Agriscience Enlist Weed Control System 2020 Product Use Guide (https://www.enlist.com/content/dam/hdas/enlist/pdfs/Enlist_Product_Use_Guide_2020.pdf)
1030	NASA JPL, Genesis – Search for Origins, A Public Outreach Module: Atoms, Elements, and Isotopes (https://solarsystem.nasa.gov/genesismission/science/mod2_aei/index.html)
1031	Oxford University Press, Oxford Education Blog, Number of Atoms in the Universe (https://educationblog.oup.com/secondary/maths/numbers-of- atoms-in-the-universe)
1032	Declaration of Jonathan Bradford
1033	Nelson, D.L, and Cox, M.M., 2005. Lehninger Principles of Biochemistry, 4th edition, pp.116-156.
1034	Mall, T., Gupta, M., Dhadialla, T.S. and Rodrigo, S., 2019. Overview of biotechnology-derived herbicide tolerance and insect resistance traits in plant agriculture. Transgenic plants: methods and protocols, pp.313-342.
1035	Scan of Physical Copy of Exhibit 1034 [**SUPPLEMENTAL EVIDENCE – NOT FILED**]
1036	Scan of Physical Copy of Exhibit 1033 [**SUPPLEMENTAL EVIDENCE – NOT FILED**]
1037	Certified Copy of File History of U.S. Patent No. 11,371,055 [**SUPPLEMENTAL EVIDENCE – NOT FILED**]
1038	Declaration of Eric J. Rutt in support of Motion for Admission *pro hac vice*

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 3, Petitioner Inari Agriculture, Inc. respectfully requests that the Board admit Eric J. Rutt *pro hac vice* in this proceeding, PGR2023-00022. Patent Owner has been consulted and has indicated it does not object to Mr. Rutt being admitted *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL PRO HAC VICE DURING THE PROCEEDING

37 C.F.R. § 42.10(c) provides:

> The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The facts here establish good cause for the Board to recognize Mr. Rutt *pro hac vice* in this proceeding.

First, as set forth in Mr. Rutt's declaration (Ex. 1038), Mr. Rutt has an established familiarity with the subject matter at issue in these proceedings. He has worked on preparing and reviewing the materials submitted in this proceeding.

Second, Mr. Rutt has extensive patent litigation experience and is expected to use his experience to support Lead Counsel during the proceeding, including during depositions. Good cause exists to have Petitioner appoint as counsel Mr. Rutt, as a litigator, to assist Lead Counsel.

Furthermore, as set forth in his declaration, Mr. Rutt attests to all of the representations set forth in part 2(b) of Paper No. 7 from *Unified Patents v. Parallel Iron*, Case IPR2013-00639 (PTAB Oct. 15, 2013).

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Eric J. Rutt *pro hac vice* in this proceeding.

Respectfully submitted,
Inari Agriculture, Inc.

Date: November 22, 2023

/Scott A. McKeown/

Scott A. McKeown, Reg. No. 42,866
Jonathan B. Roses, Reg. No. 61,115
WOLF, GREENFIELD & SACKS, P.C.
601 Massachusetts Avenue NW
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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (E)(4)

I certify that on November 22, 2023, I will cause a copy of the foregoing document, including any exhibits filed therewith, to be served via electronic mail, as previously consented to by Patent Owner, upon the following:

Pier D. DeRoo	pier.deroo@finnegan.com
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Date: November 22, 2023

/MacAulay Rush/
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