UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION,
Petitioner,

v.

BASF PLANT SCIENCE GMBH,
Patent Owner.

U.S. Patent No. 10,533,183

Issued: January 14, 2020

DECLARATION OF NARENDRA YADAV, Ph.D., IN SUPPORT OF PETITION FOR POST-GRANT REVIEW OF U.S. PATENT NO. 10,533,183

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	2.	Lack of Written Description for oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant "wherein said oils, lipid and/or fatty acids comprise in the sn-2 position 40% to 60% by weight of docosapentaenoic acid (DPA) based on the total DPA recited in claim 2	
	3.	Lack of Written Description for oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant "wherein said oils, lipid and/or fatty acids comprise in the sn-2 position 15% to 35% by weight of docosahexanoic acid (DHA) based on the total DHA recited in claim 3	,
	4.	Lack of Written Description for "at least 20% by weight of EPA least 2% by weight of docosapentaenoic acid (DPA), and at least 4% by weight of docosahexaenoic acid (DHA) based on the totatty acids in the transgenic [Brassica] plant in the form of triacylglycerides," recited in 1-8, and 17-23	st al
	5.	Lack of Written Description for "at least 20% long chain polyunsaturated fatty acids (LCPUFAs) based on the total fatty acids in the transgenic [<i>Brassica</i>] plant" recited in claim 5	



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	6.	Lack of Written Description for "at least about 25% by weight of EPA in the form of triacylglycerides based on the total fatty acids in the transgenic [<i>Brassica</i>] plant" recited in claim 6
	7.	Lack of Written Description for "about 30% by weight of EPA and DHA in the form of triacylglycerides based on the total fatty acids in the transgenic [<i>Brassica</i>] plant" recited in claim 7
	8.	Lack of Written Description for oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant comprising "at least 54% by weight of polyunsaturated ω3-fatty acids" recited in claim 856
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	1.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant "wherein said oils, lipids and/or fatty acids comprise in the sn-2 position 25% to 40% by weight of eicosapentaenoic (EPA) based on the total EPA" recited in claim 1
	2.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant "wherein said oils, lipids and/or fatty acids comprise in the sn-2 position 25% to 40% by weight of eicosapentaenoic (EPA) based on the total EPA" recited in claim 1
	3.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant "wherein said oils, lipids and/or fatty acids comprise in the sn-2 position 25% to 40% by weight of eicosapentaenoic (EPA) based on the total EPA" recited in claim 1
	4.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant comprising "at least 20% by weight of EPA", "at least 2% by weight of DPA", or "at least 4% by weight of DHA", "based on the total fatty acids in the transgenic [<i>Brassica</i>] plant in the form of triacylglycerides" recited in claim 4
	5.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant comprising "at least 20% long chain



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		1.	Claims 1-3 and 5-9 are Anticipated by Wu et al. (2005) Nat. Biotech. 1013-1017	7 ⊿
		1.	Claims 1-3 and 5-9 are Anticipated by Wu et al. (2005) Nat.	
	E.	Ant	icipation of the claims	
		8.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant comprising "at least 54% by weight of polyunsaturated ω3-fatty acids", recited in claim 8	
		7.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant comprising "at about 30% by weight of EPA and DHA in the form of triacylglycerides based on the total fatty acids in the transgenic [<i>Brassica</i>] plant", recited in claim 77	
		6.	Lack of Enablement of oils, lipids and/or fatty acids produced by a transgenic <i>Brassica</i> plant comprising "at least about 25% by weight of EPA in the form of triacylglycerides based on the total fatty acids in the transgenic [<i>Brassica</i>] plant", recited in claim 6	ht
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