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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

PETITION FOR POST-GRANT REVIEW

PURSUANT TO 35 U.S.C. §§ 321-328 AND C.F.R. § 42.200 et seq.

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 [<i>Brassica</i>] plant in the form of triacylglycerides" alone or in combination, recited in claim 4		
 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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 Brassica 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 are not enabled	1.	Legal standard for enablement
 transgenic <i>Brassica</i> plant "wherein said oils, lipids 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 are not enabled	2.	<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
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C.

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