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.

——————

Case PGR2023-00017
Patent 11,445,727

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**DECLARATION OF CAIO PRATES OF
SYNGENTA CROP PROTECTION AG**

I, Caio Prates, hereby declare as follows:

1.   My name is Caio Prates and I am an employee of Syngenta Crop

Protection AG, where I have worked for almost 12 years. My current position is

Fungicides Technical Manager at Syngenta Crop Protection AG, São Paulo, Brazil.

2.   I make this declaration based upon personal knowledge. I am over the age

of 21 and otherwise competent to make this declaration.

3.   My responsibilities at Syngenta Corp Protection AG ("Syngenta") are

management of the fungicide team and also being responsible for new fungicides

development. This involves a lot trials and methods involved in testing chemical

compounds to determine if they exhibit relevant fungicidal activity.

4.   Syngenta attempted to duplicate the tests in U.S. Patent 11,445,727, as

well as other combinations claimed in the '727 Patent. The protocol was as

follows.

Field Test – 1 (2020/2021)

5.   A field test was prepared with the following materials and methods:

Varieties:
M8372 IPRO, NS7667 IPRO, NA5909 RR

Trial Design:
Compl. rand. Blocks in 4 reps; plot size 18 m²

Equipment:
Backpack: 150L/ha, flat nozzle, 30 lbs.

Application Timing:
     A – Canopy pre closure (42 DAE of average)
     B – 14 days after application A
     C – 14 days after application B

Assessment:
     % Severity – at 0, 7, 14, 21, 28, 35, 42 and 49 DAA<u>A</u>
     % Phytotoxicity – 7, 14 Days after all applications
     % Defoliation
     Yield (kg/ha)

6.   The trial program is summarized in Table 1.

<u>Table 1</u>

#	Place (Brazil)	Variety	Planting Date	Target
1	Area 1	M 8372 IPRO	Dec-08-2020	*P. pachyrhizi*
2	Area 2	NS7667 IPRO	Nov-25-2020	*P. pachyrhizi*
3	Area 3	NA 5909 RR	Dec-21-2020	*P. pachyrhizi*
4	Area 4	M 8372 IPRO	Dec-05-2020	*P. Pachyrhizi*

** Trial 4 contained *E. Piffusa* as an additional target.

7.   Treatments were applied as described in Table 2, below. Solo applications

(A1-A3 and A5-A7) were used to calculated synergy.

Table 2

#	Active Ingredient	Rate (g a.i./ha)	% Control
A1	Benzovindiflupyr	30	36
A2	Prothioconazole	70	65
A3	Mancozeb	900	48
A4	Benzovindiflupyr	30	74
	Prothioconazole	70	
	Mancozeb	900	
A5	Benzovindiflupyr	200	55
A6	Prothioconazole	150	71
A7	Mancozeb	1500	55
A8	Benzovindiflupyr	200	79
	Prothioconazole	150	
	Mancozeb	1500	
A9	Benzovindiflupyr +	33.8 +	75
	Prothioconazole	67.5	
	Mancozeb	900	
A10	Benzovindiflupyr +	30 +	74
	Prothioconazole +	70 +	
	Mancozeb	900	

8.   Table 3 summarizes results of the testing.

Table 3

#	Active Ingredient	Rate g a.i /ha	Isolated A.I. % Control for Expected Action Calculation	Expected Action (by Colby)	Rust (%Control Observed)	Difference Between Observed and Expected
A4	Benzovindiflupyr + Prothioconazole + Mancozeb	30 + 70 + 900	36 64 48	89	74	-15
A9	Benzovindiflupyr + Prothioconazole + Mancozeb	33.8 + 67.5 + 900	36 64 48	89	75	-14
A10	Benzovindiflupyr + Prothioconazole + Mancozeb	30 + 70 + 900	36 64 48	89	74	-15
A8	Benzovindiflupyr + Prothioconazole + Mancozeb	200 + 150 + 1500	55 71 55	94	79	-15

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