

REMARKS

Applicant respectfully requests reconsideration in light of the amendments and arguments presented herein.

Amendments to the Claims:

Claims 1-16 were pending in this application. By this Amendment, claims 1 and 10 are amended without prejudice or disclaimer. Support for the amended claims can be found in the application as filed, e.g., in the original claims. Claims 3-5 and 11-16 are cancelled without prejudice or disclaimer. Applicant reserves the right to pursue any canceled subject matter in one or more continuing applications. Upon entry of this Amendment, claims 1, 2, 6-10 will be pending. No new matter has been added.

Amendments to the Specification:

The specification is amended to add in the status of the US applications in the priority claim. No new matter has been added.

Objections to the Specification

The Examiner objected to the specification and requested that the status of the US applications be updated. The specification is amended herein to add in the status of the US applications. Accordingly, withdrawal of this objection is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 4, 5 and 13 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Without conceding the correctness of this rejection and solely to advance prosecution, claims 4, 5 and 13 are cancelled. Claim 1 is amended to recite that the antisense strand consists essentially of the RNA nucleotide sequence of SEQ ID NO:10, which Applicant asserts is clear. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-3 and 5-15 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to meet the enablement requirement. Without conceding the correctness of this rejection and solely to advance prosecution, claim 1 is amended to incorporate the features of claim 4. Claim 4 was not rejected for allegedly lacking enablement. All of the other claims depend directly or indirectly from amended claim 1. Applicant believes that this amendment obviates the rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-3 and 5-15 are rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Baum et al. Without conceding the correctness of this rejection and solely to advance prosecution, claim 1 is amended to incorporate the features of claim 4. Claim 4 was not rejected over Baum et al. All of the other claims depend directly or indirectly from amended claim 1. Applicant believes that this amendment obviates the rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Double Patenting Rejections

Claims 1-16 are rejected on the ground of nonstatutory double patenting for allegedly being unpatentable over claims 1-17 of U.S. Patent No. 9,657,293.

Claim 1 is amended, *in alia*, to recite that the dsRNA molecule is comprised within a plant or part thereof. Claim 10 is similarly amended. The claims of U.S. Patent No. 9,657,293 do not mention plants or parts thereof. The subject matter of the amended claims, including the feature that the dsRNA or nucleic acid molecule is in a plant, is not taught or suggested by the claims of U.S. Patent No. 9,657,293 such that the amended claims are patentable over the claims of U.S. Patent No. 9,657,293. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusions:

Applicant believes the foregoing amendments and remarks have placed the instant claims in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is invited to call the undersigned if the instant paper does not place this application in condition for allowance. The Commissioner is hereby authorized to charge any fees deemed necessary, or credit any overpayment, to **Deposit Account No. 501744**. If an extension of time is required, but a request is otherwise absent, Applicant hereby requests an extension of time and authorizes the Commissioner to charge any related extension of time fees to **Deposit Account No. 501744**.

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Respectfully submitted by,

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