

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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:  
**BAYER CROPSCIENCE AG,** :  
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:  
**Plaintiff,** :  
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:  
**C.A. No. 10-1045-RMB-JS**  
:  
**v.** :  
:  
:  
**DOW AGROSCIENCES LLC,** :  
:  
:  
**Defendant.** :  
:  
:  
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**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Bayer CropScience AG in the above named case hereby appeals to the United States Court of Appeals for the Federal Circuit from the Court's September 27, 2012 Order, *inter alia*, granting summary judgment of non-infringement, construing certain claim terms and effectively holding that the '401 patent-in-suit does not comply with the written description requirement of 35 U.S.C. §112, notwithstanding the Court's statement that Defendant's motion on that issue was denied as "moot."

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Dated: September 28, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2012, I caused to be served copies of the foregoing document in the manner indicated below and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following counsel of record:

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