PATENT REQUEST: STANDARD PATENT

HOECHST SCHERING AGREVO GMBH, being the person identified below as the Applicant, request the grant of a patent to the person identified below as the Nominated Person, for an invention described in the accompanying standard complete specification.

Full application details follow.

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[54] Invention Title: METHOD OF INCREASING THE YIELD OF HERBICIDE RESISTANT CROP PLANTS

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Attorney Code: WM

BASIC CONVENTION APPLICATION(S) DETAILS

P43 27 056.5 GERMANY DE 12 AUGUST, 1993

Basic Applicant: HOECHST SCHERING AGREVO GMBH

Drawing number recommended to accompany the abstract ...........................................

By Patent Attorneys
WATERMARK PATENT & TRADEMARK ATTORNEYS

Karen J. Sinclair
Registered Patent Attorney

12 November 1998.
NOTICE OF ENTITLEMENT

We, HOECHST SCHERING AGREVO GMBH of Miraustrasse 54, D-13509 Berlin, Germany being the applicant in respect of Application No. 74979/94 state the following:-

The person nominated for the grant of the patent has entitlement from the actual inventor by virtue of German Inventorship Law.

The person nominated for the grant of the patent is the applicant of the application listed in the declaration under Article 8 of the PCT.

The basic application listed in the declaration made under Article 8 of the PCT is the first application made in a Convention country in respect of the invention.

HOECHST SCHERING AGREVO GMBH

By our Patent Attorneys,
WATERMARK PATENT & TRADEMARK ATTORNEYS

Carelyn J. Harris
Title
METHOD OF INCREASING THE YIELD OF HERBICIDE-RESISTANT CROP PLANTS

International Patent Classification(s)
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Prior Art Documents
AU 71673/87
EP 481407
DE 3200486

Claim
1. Glutamine synthetase inhibitors when used to improve upon normal yield levels of crop plants which are resistant to glutamine synthetase inhibitors by applying said glutamine synthetase inhibitors to said plants at application rates which are not harmful to the plants.
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<th>(51) Internationale Patentklassifikation 6</th>
<th>(11) Internationale Veröffentlichungsnummer: WO 95/05082</th>
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<td>12. August 1993 (12.08.93) DE</td>
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(54) Title: METHOD OF INCREASING THE YIELD OF HERBICIDE-RESISTANT CROP PLANTS

(54) Bezeichnung: VERFAHREN ZUR ERTRAGSSTEIGERUNG VON HERBIZIDRESISTENTEN NUTZPFLANZEN

(57) Abstract

The invention concerns a method of increasing the yield of crops which are resistant to glutamine synthetase inhibitors, the method calling for crop plants to be treated with small amounts of glutamine synthetase inhibitors. The invention also concerns the use of glutamine synthetase inhibitors to increase the yield of transgenic crop plants.

(57) Zusammenfassung

Method of improving the yield of herbicide-resistant crop plants

The compound glufosinate (glufosinate-ammonium, ammonium DL-homoalanin-4-yl(methyl)phosphinate, Schwerdtle et al., Z. Pflanzenkr. Pflanzenschutz., 1981, Special Edition IX, page 431) acts as a glutamine synthetase (GS) inhibitor since it is a structural analog of glutamic acid. GS plays a central role in the metabolism of all plants. It is responsible for the detoxification of NH\textsubscript{3} is, and, as a consequence, all terrestrial plants are damaged severely or destroyed after application of glufosinate since the assimilation of ammonia is inhibited.

Plants which are resistant to the herbicidal activity of GS inhibitors were successfully produced by transferring and expressing a glufosinate acetyltransferase gene isolated from strains of Streptomyces which produce bialaphos (phosphinothricin-alanyl-alanine) (EP-B1-0 242 236 and EP-B1-0 257 542). Stands of such transgenic, herbicide-tolerant crop plants can be kept weed-free in an efficient manner by post-emergence treatment with glucosinate.

Unexpectedly, field trials with such transgenic plants showed that the glufosinate-treated plants give a measurably higher yield than untreated plant stands. This higher yield is not a result of the excellent weed control by glufosinate and its complete compatibility with the stands of transgenic crop plants, but a positive effect of the herbicide treatment on growth and yield.

The invention therefore relates to a method of improving the yield of crop plants which are resistant to glutamine synthetase inhibitors, which comprises treating the plants with glutamine synthetase inhibitors at application rates which are not harmful to the plants.
In particular, the invention relates to a method in which glutamine synthetase inhibitors are employed for a yield-improving treatment of plants which are protected against the herbicidal activity of the glutamine synthetase inhibitors by expression of an N-acetyltransferase gene.

The invention furthermore relates to the use of a glutamine synthetase inhibitor for improving the yield of crop plants which are resistant to this inhibitor. In particular, it relates to the use of glutamine synthetase inhibitors for improving the yield of transgenic crop plants.

The glutamine synthetase inhibitor used is preferably the compound glufosinate or bialaphos (Tachibana et al., Abstr. 5th Int. Congr. Pestic. Chem., IVa, Abstract 19; Mase, Jpn. Pestic. Inf., 1984, No. 45, p. 27). In this context, the term glufosinate embraces the racemate (DL-homoalanin-4-yl(methyl)phosphinic acid as well as the biologically active L isomer and the corresponding salts. The herbicide can be employed in the commercially available formulations. A further example of a GS inhibitor is the compound phosalacin (Omura et al., J. of Antibiotics, Vol. 37, 8, pages 939-940, 1984).

The yield-improving effect of the treatment with glufosinate is particularly pronounced when the herbicidal treatment is carried out in the 2 to 8-, preferably the 3 to 6-leaf stage of the crop plants before flowering or, in the case of perennial plants, at any desired point in time.

In the method according to the invention, the plants are treated at least once with the herbicide at application rates as they are also employed for weed control, for example 150 g - 1000 g of glufosinate/ha.

However, the application rate required may vary as a function of the plants, their height and the climatic
conditions.

It is particularly advantageous to carry out the process using application rates of 350 - 700 g of glufosinate/ha. Within this range of application rates, the effect achieved is proportional to the application rate of glufosinate, but not based on differences in the level of weed control. It is possible to achieve a weed control effect which is similar to the effect which can be achieved at higher application rates even when the application rate of PTC is low.

It is particularly advantageous to treat the plants repeatedly with low dosages in the lower range of the application concentrations, the treatment interval being a few days, i.e. between 2 and 30 days, preferably between 5 and 20, particularly preferably between 8 and 15 days. It is particularly advantageous to treat the plants with low dosages, the treatment interval being from 9 to 11 days.

The method according to the invention can generally be used for the treatment of plants which are resistant to GS inhibitors. Resistant plants can also be obtained by conventional breeding methods. If the resistance level of plant obtained by conventional selection is similar to that of the transgenic plants, the plants obtained by conventional selection can also be treated by the method according to the invention. However, the method is particularly suitable for the treatment of glufosinate-resistant plants which have been obtained by transferring a gene for resistance to the herbicide. EP-B1-0 242 236 and EP-B1-0 257 542 describe methods for producing such plants.

In this context, the term plants embraces crop plants from the group of the angiosperms and the gymnosperms. The method according to the invention allows individual plants, but also crops of plants, to be treated.
Particularly interesting among the gymnosperms is the class of the conifers.

Particularly interesting among the angiosperms are the plants from the families of the Solanaceae, Cruciferae, Compositae, Liliaceae, Vitaceae, Chenopodiaceae, Rutaceae, Bromeliaceae, Rubiaceae, Theaceae, Musaceae or Gramineae and the order of the Leguminosae. Representatives of the families Solanaceae, Cruciferae and Gramineae are preferably treated.

The method is of particular interest for the treatment of crop plants in which high yields are important, such as, for example, maize, soybeans, spring and winter oil seed rape, sugar beet, lucerne, sunflower, cotton, potatoes, wheat, barley and rice. However, it can also be used advantageously in tomatoes and other vegetables, such as cucumber, and fruits, such as melon, strawberries, raspberries, and kiwi fruit.

The use of the method in herbicide-resistant woody species is also particularly important, for example in plantations and nurseries.

Application of GS inhibitors, such as, for example, PTC and its analogs and derivatives, to young specimens of woody species can accelerate the juvenile development. In this context, mention must be made, in particular, of walnut trees, oil palms, fruit trees, poplars and other cultivated plants which are woody species.

The method according to the invention is therefore important both in agriculture and horticulture since application of the herbicidal glutamine synthetase inhibitor allows a clearly measurable increase in yield to be achieved without an additional application of fertilizer and plant growth regulators. The term increase in yield means in this context that the plant yield up to 50% more. Herbicides having different mechanisms of
action either do not show such an effect or, frequently, have an adverse effect on yield.

The growth-enhancing activity of the glufosinate treatment can be measured in field trials and pot trials, by comparing yields of stands of plants which are treated with conventional herbicides or which were kept free from weeds by non-chemical methods.

The examples which follow are intended to illustrate the invention without thereby imposing any restriction.

Example 1

Transgenic glufosinate-tolerant maize or soybean plants were planted in plots (10 m²) and, in the 3 - 5 leaf stage, treated with various amounts of glufosinate. The weed control level was scored 42 days after the application. When the crops were ripe, the plots were harvested, and the seed yield was determined by weighing the kernels obtained.

When the maize plants were examined, Laddock® (a mixture of atrazine and bentazon) was employed as comparison product. Two products were employed for the treatment of the soya bean plants. Comparison product 1 contained a mixture of 134 g of fenoxaprop-P-ethyl/ha and 425 g of fomesafen/ha; comparison product 2 contained 2240 g of metolachlor/ha and 840 g of Storm® (a mixture of bentazon and acifluorfen)/ha. The comparison products are known from "The Pesticide Manual", 9th Edition, Brit. Crop Prot. Council, 1991.

The treatment described in Table 2, in which two low glufosinate dosage rates were used, was carried out at a 10 day interval.
Table 1

<table>
<thead>
<tr>
<th>Application rates of Comparison glufosinate (g of active substance/ha)</th>
<th>Comparison product</th>
</tr>
</thead>
<tbody>
<tr>
<td>150 150 150</td>
<td></td>
</tr>
<tr>
<td>450 450 450</td>
<td></td>
</tr>
<tr>
<td>650 650 650</td>
<td></td>
</tr>
<tr>
<td>Weed control level in %</td>
<td>92 97 98 78</td>
</tr>
<tr>
<td>Yield in % of the plot with the comparison product</td>
<td>118 121 125 100</td>
</tr>
</tbody>
</table>
Table 2

Grain yield of glufosinate-tolerant soybean plants after application of glufosinate

<table>
<thead>
<tr>
<th>Application rates of glufosinate: g of active substance/ha</th>
<th>Comparison product</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>450</td>
</tr>
<tr>
<td>+150</td>
<td>+250</td>
</tr>
<tr>
<td>Weed control level in %</td>
<td>85</td>
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<tr>
<td>Yield in % (based on plot with comparison product 1)</td>
<td>88</td>
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THE CLAIMS DEFINING THE INVENTION ARE AS FOLLOWS:

1. Glutamine synthetase inhibitors when used to improve upon normal yield levels of crop plants which are resistant to glutamine synthetase inhibitors by applying said glutamine synthetase inhibitors to said plants in application rates which are not harmful to the plants.

2. Glutamine synthetase inhibitors as claimed in claim 1 which are glufosinate and salts thereof and are used to treat crop plants protected against the herbicidal property of glutamine synthetase inhibitors by expression of a n-acetyl-transferase gene.

3. Glutamine synthetase inhibitors as claimed in claim 1 or 2 when applied to plants to be treated at least once in rates equivalent to those employed in weed control.

4. Glutamine synthetase inhibitors as claimed in any one of claims 1 to 3 when applied at least once to the plants to be treated using 150-1000g of glufosinate /ha.

5. Glutamine synthetase inhibitors as claimed in any one of claims 1 to 4 when applied at least once to the plants to be treated using 350-700g of glufosinate /ha.

6. Glutamine synthetase inhibitors as claimed in claim 1 which are glufosinate and salts thereof when applied to transgenic plants.

DATED this 13th day of November, 1998

HOECHST SCHERING AGREVO GMBH

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KJS:DM doc 23 AU7497994.WPC
Abstract of the Disclosure

Method of improving the yield of herbicide-resistant crop plants

Method of improving the yield of crop plants which are resistant to glutamine synthetase inhibitors, in which plants are treated with glutamine synthetase inhibitors at low application rates, and to the use of glutamine synthetase inhibitors for improving the yield of transgenic crop plants.