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Señor

Jefe de la División de Nuevas Creaciones

Superintendencia de Industria y Comercio

Ministerio de Comercio, Desarrollo, Industria y Turismo

E. S. D.

Re.: Expediente No. 06.001.259

Solicitud del examen de patentabilidad correspondiente a la Patente PCT
Entrada en Fase Nacional, para:

**"PROTEINAS INSECTICIDAS DE BACILLUS THURINGIENSIS Y USOS DE
LAS MISMAS"**

Solicitante: MONSANTO TECHNOLOGY LLC

SOLICITUD EXAMEN DE PATENTABILIDAD

(CAPITULO II)

Yo, **MARGARITA CASTELLANOS ABONDANO**, mayor de edad, identificada y domiciliada como aparece al pie de mi firma, obrando en mi calidad de apoderada de la sociedad solicitante, atentamente me permito solicitar a Ud. que se realice el examen de patentabilidad de la invención arriba citada, para lo cual anexo el comprobante de pago No. 08- 22.679 de **Marzo 14 de 2008**, correspondiente a la tasa establecida para dicha solicitud.

En consecuencia, atentamente solicito a Ud. se anexe este memorial junto con el comprobante de pago al expediente correspondiente a esta solicitud de Patente PCT Entrada en Fase Nacional, y se continúe con su tramitación.

Señor Jefe,


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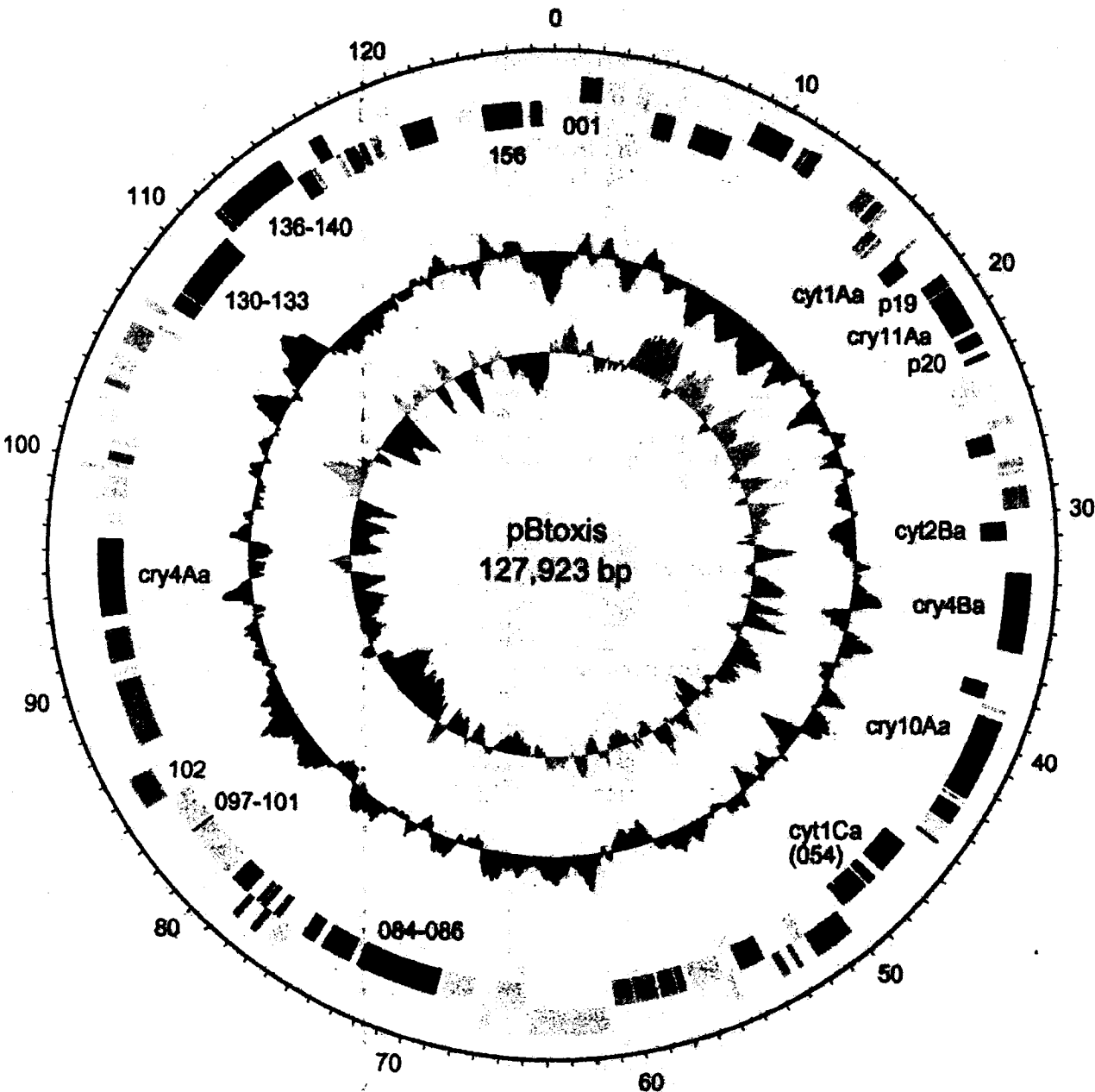


FIG. 1. Circular representation of pBtoxis. The inner circle represents GC bias $[(G - C)/(G + C)]$, with positive values in khaki and negative values in purple; the second circle represents G+C content; and the outer two circles represent predicted genes on the reverse and forward strands (selected CDSs are numbered for reference). Color coding for the genes is as follows: gray, toxin and peptide antibiotic; pink, transposon related; orange, conserved hypothetical; red, DNA metabolism; blue, regulatory; bright green, surface associated; pale green, unknown; yellow, miscellaneous metabolic genes. The outer scale is marked in kilobases.

which is related at its N terminus to the known Cyt toxins of *B. thuringiensis*. Comparison of this region of the CDS to known Cyt proteins indicates that it could represent a new subdivision of this family, Cyt1Ca according to the conventional *B. thuringiensis* toxin nomenclature (10; http://www.biols.susx.ac.uk/Home/Neil_Crickmore/Bt/index.html), although confirmation of this provisional name awaits further experimental evidence of its properties. The pBtoxis CDS is, however, unusual in

TABLE 1. Summary of pBtoxis properties

Property	Value
Total size.....	127,923 bp
G + C content.....	32.42%
Coding sequences.....	125
Pseudogenes.....	8
Coding density.....	63.5%
Average gene length.....	725 bp

another way. Whereas previously recognized members of the Cyt family are proteins of approximately 26 to 28 kDa, pBt054 represents a fusion between the Cyt1Ca-like region at the N terminus and an extra domain at the C terminus. The last 280 amino acids (aa) of this C-terminal domain appear to be tandem beta-trefoil modules like those found in other bacterial toxins, such as ricin, *Clostridium botulinum* neurotoxin, and the mosquito larvicidal Mtx1 toxin from *Bacillus sphaericus* (46). This superfamily of motifs is implicated as likely carbohydrate binding moieties, so one possible function for the C-terminal region of pBt054 could be recognition of carbohydrate groups on toxin receptors.

Vestigial toxin gene remnants. In addition to the complete toxin CDSs, pBtoxis also contains short sequences encoding fragments of toxins. pBt025 and pBt026 encode two segments with homologies to the center region of a Cry28Aa-like toxin, while pBt053 appears to encode a sequence with homology to the extreme C terminus of a Cry26Aa-like protein (49). In addition, the amino acid sequence encoded by pBt055 is similar at its C terminus to proteins encoded upstream of toxin genes (e.g., a hypothetical 29.1-kDa protein in the *cry2Aa* 5' region of *Bacillus thuringiensis* subsp. *kurstaki*), while its N terminus is similar to that of Cry11Bb. These apparent *cry* toxin gene remnants suggest that during the evolution of pBtoxis, its ancestors have been host to other toxins now lost. This suggests that toxin composition is a dynamic factor and may help to explain the great diversity in toxin composition observed in *B. thuringiensis* isolates. The fact that these remnants are located close to CDSs with possible roles in transposition (pBt052 is similar to IS240-A; pBt027 and pBt028 are similar to IS23/W sequences) implies that transposition is the most likely mechanism for this effect, and this is consistent with previous observations that *B. thuringiensis* toxin genes may be flanked by transposase sequences (26). In total, over 23% of the genes on pBtoxis show similarity to transposon-related genes, indicating that a considerable amount of DNA exchange has occurred in the evolutionary history of pBtoxis. As previously reported (11, 47), the *cry10Aa* gene (pBt047) is similar to the 5' end of other *cry* genes and encodes an ~78-kDa protein that would appear to be truncated compared to related *Cry* proteins. This gene is followed by a second CDS (pBt048) with similarity to the 3' ends of other *cry* genes. The intervening 67 bp contains at least two stop codons in each of the three reading frames and causes disruption of what may once have been a single CDS to produce two CDSs. However, protein derived from *cry10Aa* (pBt047) has been identified in *B. thuringiensis* subsp. *israelensis* inclusions (16), indicating that this CDS is not a pseudogene remnant.

Other factors. In addition to *Cry* and *Cyt* toxins, *B. thuringiensis* strains, like the closely related *Bacillus cereus*, are known to produce other potential virulence factors, including phosphatidyl inositol-specific phospholipase C, that may contribute to the role of the spore in overall toxicity (42). The expression of the genes encoding these factors is activated by the PlcR regulator protein that binds to the palindromic sequence TATGNAN₄TNCATA (2). It appears that the pBtoxis plasmid encodes a separate, extrachromosomal copy of a phosphatidyl inositol-specific phospholipase C (pBt087), although the presence of an in-frame TGA stop codon indicates that this either is a pseudogene or is expressed by translational read-

through. Inspection of the upstream control region for this gene also reveals no PlcR binding site. The PlcR binding palindrome does, however, occur within pBtoxis between two divergent groups of CDSs which appear to be part of the peptide antibiotic production and export system (pBt130-134 and pBt136-140; see below). The significance of this is unclear.

Sporulation and germination. Analysis of the plasmid revealed many other genes that may have significant effects on several aspects of the phenotype of the host organism, the most striking of which are potentially involved in sporulation and germination.

The apparently cotranscribed genes pBt084, pBt085, and pBt086 are similar to several operons encoding germination complex genes. pBt086 is similar to the A integral membrane component (e.g., *gerAA* [14]), pBt085 is similar to the B integral membrane component (e.g., *gerAB* [54]), and pBt084 is similar to the C lipoprotein component (e.g., *gerAC* [54]). These components form membrane-associated complexes that allow the spore to respond to different germination signals (32). The putative plasmid-encoded complex composed of pBt084, pBt085, and pBt086 might enhance the response of the host to known germinants or allow it to recognize a novel germination signal. The *Bacillus anthracis* toxin-encoding pXO1 plasmid also encodes a set of germination proteins, *GerXB*, -A, and -C, and these have been shown to be important for the virulence of the host (19). Of the three, only the pXO1 *gerXA* gene shows significant similarity to the pBtoxis gene pBt086. Intriguingly, the remnants of a second germination complex are also present in the form of two interrupted and truncated pseudogenes, pBt060 and pBt063, representing the A and B components of such a complex. This suggests that, as with the toxin genes themselves, the plasmid may have carried a different repertoire of germination genes in the past.

pBt031 shows significant similarity to many cell wall hydrolases, both phage and chromosomally encoded, and appears to contain a direct-repeat peptidoglycan binding domain at its C terminus. One homologue of this protein, CwlM, is sporulation specific in *B. subtilis*, raising the possibility that pBt031 might also be involved in sporulation. The product of pBt145 is a homologue of CotN, a secreted protein that has been shown to be incorporated into, and potentially be involved in the production of, the *B. subtilis* spore (43, 45).

pBt094 and pBt148 encode homologues of the *B. subtilis* transition state regulatory protein AbrB, which is known to be involved in the regulation of postexponential expression and the early events leading to sporulation (15). The *B. subtilis* genome also includes a second *arbB*-like gene, *abh* (24), suggesting that the putative redundancy or complementarity of these chromosomal regulators may be supplemented by additional plasmid-borne genes in *B. thuringiensis*. Divergently transcribed from the plasmid-borne *arbB*-like gene is pBt095, a homologue of the *ynzD* gene of *B. subtilis* whose product has been identified as an aspartyl phosphatase which has direct effects on sporulation efficiency (39).

Taken together, the presence of these genes indicates that pBtoxis may exert a considerable influence on the sporulation and germination processes of its *B. thuringiensis* host, and this possibility is under experimental analysis.

Regulation. In addition to the putative sporulation-regulatory proteins described above, pBtoxis encodes a number of

other potential transcriptional regulators. pBt108 is a predicted sigma factor that shows homology to sigma E, which is known to be associated with the transcription of *cry4Aa* (51, 52), *cry4Ba* (53), *cry11Aa* (12), and both *cyt* genes (8, 18) in *B. thuringiensis* subsp. *israelensis*. This sigma factor is involved in transcription within the early mother cell (approximately 3 h into sporulation)—the time at which crystal formation is also occurring within the mother cell. pBt091 and pBt149 are members of the ArsR family and show similarity to the pXO1 genes pXO1-109 (PagR), a regulator of transcription of the *B. anthracis* protective antigen (22), and pXO1-138. pBt102 contains a GntR family regulator fused to an aminotransferase domain and has homologues in *B. subtilis* (YdfD) and many other bacterial genomes. Other genes that are predicted to encode regulators include pBt014, a member of the PbsX/Xre family of regulators with some similarity to *B. subtilis* SinR, a global regulator of post-exponential-phase response genes (17, 28); pBt158, a member of the MerR family; and the genes pBt157 and pBt011, which both contain predicted helix-turn-helix domains but have no significant database similarities.

Aside from the genes for these transcriptional regulator proteins, pBtoxis contains two genes, pBt093 and pBt147, with similarity to the bacterial RNA-binding protein Hfq, a regulator of mRNA poly(A) tails (20), and a gene, pBt092, which encodes a member of the bacterial histone-like protein family, HU.

Peptide antibiotic. One of the more surprising determinants carried by the plasmid is pBt136-140, a set of genes that appear to be involved in the production and export of a peptide antibiotic. Several of these are similar in order and orientation to those in an operon from *Enterococcus faecalis* responsible for the production and secretion of the ribosomally synthesized circular peptide antibiotic AS-48 (31). AS-48 is apparently produced by the circularization of a propeptide produced by the removal of a 35-aa signal sequence (30); pBt136 encodes a protein similar in length and sequence to the processed propeptide of AS-48. The next two genes, pBt137 and pBt138, encode predicted integral membrane proteins similar to AS-48B and AS-48C, which have been suggested to be involved in the maturation and secretion of the antibiotic. pBt139 encodes an ABC transporter ATP-binding protein with some similarity to AS48-D, and pBt140 is predicted to encode an integral membrane protein which is presumably part of the same system. Interestingly, there is no homologue of AS-48C1, which is the only gene shown to be indispensable for immunity to AS-48. No other potential immunity proteins could be identified.

Divergently transcribed from these genes are pBt133 to pBt130, encoding the components of an ABC transport system: an exported solute binding protein (pBt133), an ATP-binding protein (pBt132), a permease protein (pBt131), and a predicted integral membrane protein (pBt130). These resemble many predicted components of ABC transporters from microbial genomes, with little evidence of their specific functions. However, the first three components do show weak similarity to BacG, BacH, and BacI, encoded by genes downstream of the bacteriocin 21 production and secretion genes from *E. faecalis* plasmid pPD1 (which are nearly identical to the AS-48 genes described above [48]). These *bac* genes are necessary for full bacteriocin 21 expression, and the pBt genes, therefore,

may also be involved in the production or secretion of the putative peptide antibiotic.

Amino acid metabolism. The genes pBt096 to pBt101 encode a series of proteins with diverse database similarities and protein motifs. All seem to be involved in some way in amino acid metabolism. The first gene in the cluster, pBt101, encodes a protein with weak similarities to diverse kinase proteins; the second, pBt102, is weakly similar to (although considerably smaller than) a number of alanyl-tRNA synthetases and contains a class II tRNA synthetase PFAM domain. Although it is highly unlikely to be a tRNA synthetase, it could potentially encode some form of amino acid transferase or ligase activity. The third gene encodes a small hydrophobic protein with no database matches, while the fourth, pBt098, is a member of the pyridoxal phosphate-dependent enzymes and has similarities to many *O*-acetyl serine lyases (cysteine synthases); again, this is probably not a cysteine synthase but may be involved in amino acid modification. The product of pBt097 is predicted to be an aminotransferase with similarities to many characterized and predicted aminotransferases in the database, including the *Escherichia coli* MalY protein, a bifunctional protein with cysteine lyase activity, and several aspartate aminotransferases. The last gene in the cluster, pBt096, encodes a predicted integral membrane protein with similarity to many predicted transporters. Divergently transcribed from these proteins is the predicted regulator pBt102, which contains an aminotransferase domain and might be involved in the regulation of these genes.

Two possibilities could be suggested for the functions of these proteins. They may enable the uptake from the environment of an amino acid or an amino acid homologue and its utilization as an energy or carbon source, or they may be responsible for the production and export of an amino acid or amino acid homologue. It is known that amino acids can act as germination signals in bacilli (44), and it is possible, therefore, that these genes are involved in producing a novel sporulation signal. Although this is speculation, it does fit well with the presence of other predicted sporulation and germination determinants on this plasmid.

Plasmid replication and partition. Analysis of the GC skew of the plasmid (25) indicated a potential origin of replication near base 1 of the sequence (Fig. 2). Although no replication proteins could be identified through database comparisons, the CDS to the right of this region (pBt001) showed >78% amino acid identity with pXO1-49, which is located close to a similar putative replication origin of pXO1, which we predict by GC skew analysis may be between bases 60955 and 62192 (36). pXO1-49 is shorter than pBt001, due to the predicted use of a later start codon; however, the upstream start codon equivalent to that predicted for pBt001 is present in pXO1. It is therefore possible that this protein, which has no other similarities in the database, may be involved in plasmid replication. Also close to this putative origin, on the opposite side, is pBt156, which shows weak similarities to FtsZ/tubulin-like proteins from *Pyrococcus* (EMBL number AB031743; 21% identity in 394 aa) and to pXO1-45 (21% identity in 444 aa), which is similarly located in pXO1. Proteins of the FtsZ family are known to be involved in cell division (21), forming a ring structure at the dividing septum, and it is therefore possible that pBt156 may play some role in plasmid partition. Previous

TABLE 2. Predicted genes in pBtoxis

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXO1 homologue (% aa identity)
pBt001		Unknown	No significant matches	pXO1-49 (78.48 in 158 aa)
pBt003		Insertion element IS240 protein	<i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740) (99.57 in 235 aa)	
pBt004		Insertion element IS240 protein	<i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740) (99.14 in 235 aa)	
pBt005		Integrase/recombinase family protein	<i>Bacillus halodurans</i> Bh2364 protein TR:Q9KAC5 (AP001515) (35.45 in 189 aa); <i>Lactobacillus delbrueckii</i> integrase-recombinase TR:Q48538 (Z50864) (28.88 in 90 aa); <i>B. thuringiensis</i> resolvase TnpI SW:TNRI_BACTU (P10020) (23.88 in 180 aa)	pXO1-18 (84.15 in 183 aa; N terminus)
pBt006		Putative integral membrane protein	No significant matches	pXO1-17 (68.08 in 47 aa)
pBt007		Conserved hypothetical protein	<i>B. thuringiensis</i> conserved hypothetical protein TR:CAC50562 (AJ296638) (99.67 in 310 aa)	pXO1-16 (96.13 in 569 aa)
pBt009		Conserved hypothetical protein	<i>B. thuringiensis</i> conserved hypothetical protein TR:CAC50561 (AJ296638) (99.28 in 280 aa)	pXO1-14 (89.71 in 564 aa)
pBt010		Hypothetical protein	No significant matches	
pBt011		Putative DNA-binding protein	<i>B. subtilis</i> plasmid pPOD2000 ORF4 gene TR:Q45507 (U55043) (41.48 in 94 aa); <i>B. subtilis</i> pTA1040 orf2c 40 TR:Q45444 (U32378) (23.07 in 169 aa); contains potential helix-turn-helix motif	
pBt013		Hypothetical protein	No significant matches	
pBt014		Probable transcriptional regulator	<i>B. subtilis</i> probable repressor protein YdcN TR:P96631 (AB001488) (34.61 in 130 aa); <i>B. subtilis</i> SinR protein SW:SINR_BACSU (P06533) (42.02 in 69 aa)	
pBt015		Hypothetical protein	No significant matches	
pBt016		Hypothetical protein	No significant matches	
pBt017		Hypothetical protein	No significant matches	
pBt020		Hypothetical protein	No significant matches	
pBt021	<i>cyt1Aa</i>	Type-1Aa cytolytic delta endotoxin	Previously sequenced as <i>B. thuringiensis</i> (subsp. <i>israelensis</i>) type 1Aa cytolytic delta endotoxin Cyt1Aa SW:CXAA_BACTI (P05069) (100 in 249 aa)	
pBt022	<i>p19</i>	19-kDa accessory protein	Previously sequenced as <i>B. thuringiensis</i> 19-kDa accessory protein p19 TR:Q9R832 (AJ010753) (100 in 179 aa)	
pBt023	<i>cry11Aa</i>	Pesticidal crystal protein Cry11Aa	Previously sequenced as <i>B. thuringiensis</i> pesticidal crystal protein Cry11Aa SW:CBAA_BACTI (P21256) (100 in 643 aa)	
pBt024	<i>p20</i>	20-kDa accessory protein	Previously sequenced as <i>B. thuringiensis</i> 20-kDa accessory protein TR:Q45775 (M22860) (100 in 182 aa)	
pBt025		Pesticidal crystal protein (fragment)	Similar to part of <i>B. thuringiensis</i> pesticidal crystal protein Cry28Aa SW:CSAA_BACTF (Q9X682) (70.96 in 31 aa); may form a deletion remnant with the downstream gene pBt026	
pBt026		Pesticidal crystal protein (fragment)	Similar to <i>B. thuringiensis</i> pesticidal crystal protein Cry28Aa or SW:CSAA_BACTF (Q9X682) (61.53 in 26 aa); may form a deletion remnant with the upstream gene pBt025	
pBt027		IS231/W transposase	Identical to <i>B. thuringiensis</i> IS231/W ORF2 TR:Q45713 (M83546) (100 in 223 aa)	pXO1-35 (58.1 in 217 aa), pXO1-36 (59.4 in 217 aa), pXO1-39 (58.9 in 151 aa)
pBt028		IS231/W transposase	Identical to <i>B. thuringiensis</i> transposase IS231/W ORF1 TR:Q45714 (M83546) (100 in 250 aa)	pXO1-35 (49.8 in 237 aa), pXO1-36 (45.1 in 244 aa), pXO1-39 (53.6 in 168 aa)
pBt029		Putative DNA-binding protein	Similar to fragment of <i>Helicobacter pylori</i> preprotein translocase SecA subunit hp0786 SW:SECA_HELPY (O25475) (48 in 31 aa); contains HMMPFam hit to PF02810; SEC-C motif (the motif is predicted to chelate zinc with the CXC and C[HC] pairs that constitute the most conserved feature of the motif; it is predicted to be a potential nucleic acid binding domain)	

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TABLE 2—Continued

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXO1 homologue (% aa identity)
pBt030 pBt031		Hypothetical protein Putative <i>N</i> -acetylmuramoyl-L-alanine amidase (peptidoglycan hydrolase)	No significant matches Similar to <i>Bacillus</i> phage GA-1 peptidoglycan hydrolase gene 15 TR:Q9FZW0 (X96987) (42.07 in 202 aa) and to <i>Bacillus licheniformis</i> <i>N</i> -acetylmuramoyl-L-alanine amidase CwLM SW:CWLM_BACLI (P37134) (33.2 in 256 aa)	
pBt032 pBt033 pBt034		Hypothetical protein Hypothetical protein Conserved hypothetical protein	No significant matches No significant matches Similar to C terminus of <i>Rickettsia conorii</i> hypothetical protein RC1157 TR:Q92GG6 (AE008664) (37.7 in 77 aa)	pXO1-106 (C-terminal half; 62.68 in 67 aa)
pBt035		Conserved hypothetical protein	Similar to <i>R. conorii</i> hypothetical protein RC1156 TR:AAL03694 (AE008664) (37.5 in 80 aa)	pXO1-71 (36.98 in 73 aa) and pXO1-72 (C terminus; 32.32 in 99 aa)
pBt036	<i>cyt2Ba</i>	Type 2Ba cytolytic delta endotoxin	Previously sequenced as <i>B. thuringiensis</i> type 2Ba cytolytic delta endotoxin SW:CYBA_BACTI (Q45723)	
pBt038	<i>cry4Ba</i>	Pesticidal crystal protein Cry4Ba	Previously sequenced as <i>B. thuringiensis</i> pesticidal crystal protein Cry4Ba SW:C4BA_BACTI (P05519)	
pBt043		Probable Insertion element transposase (pseudogene)	Similar to <i>Lactococcus lactis</i> orf-w2 protein TR:Q48685 (M37396) (56.88 in 225 aa) and to <i>Enterococcus faecium</i> transposase TR:Q47818 (U49512) (56.75 in 222 aa); contains frameshift	
pBt045 pBt047	<i>cry10Aa</i>	Hypothetical protein Pesticidal crystal protein Cry10Aa	No significant matches Previously sequenced as <i>B. thuringiensis</i> pesticidal crystal protein Cry10Aa SW:CAAA_BACTI (P09662) (99.85 in 675 aa)	
pBt048		Putative pesticidal crystal protein	Similar to C terminus of <i>B. thuringiensis</i> pesticidal crystal protein Cry4Ba SW:C4BA_BACTI (P05519) (80.52 in 493 aa) and to C terminus of <i>B. thuringiensis</i> pesticidal crystal protein Cry4Aa SW:C4AA_BACTI (P16480) (79.91 in 493 aa); similar to full-length <i>B. thuringiensis</i> subsp. <i>jegathesan</i> hypothetical 60.1-kDa protein (downstream of Cry19Aa) TR:O32308 (Y07603) (75.81 in 488 aa)	
pBt049 pBt051		Hypothetical protein Transposase for IS231-like element (partial pseudogene)	No significant matches Similar to <i>B. thuringiensis</i> transposase for insertion element IS231D SW:T23D_BACTF (Q05501) (44.32 in 273 aa); contains stop codon and is truncated by IS240 insertion	pXO1-36 (90.74 in 281 aa), pXO-35 (45.8 in 273 aa), pXO39 (45.7 in 197 aa)
pBt052		Insertion element IS240 protein	Similar to <i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740) (99.14 in 235 aa) and to <i>Mycobacterium fortuitum</i> transposase TnpA TR:Q49185 (X53635) (48.05 in 231 aa)	
pBt053		Probable deletion remnant of pesticidal crystal protein	Similar to extreme C terminus of <i>B. thuringiensis</i> pesticidal crystal protein Cry26Aa SW:CQAA_BACTF (Q9X597) (65.85 in 41 aa)	
pBt054	<i>cyt1Ca</i>	Possible two-domain toxin	Possible two-domain toxin; N-terminal half is similar to <i>B. thuringiensis</i> type 1Ab cytolytic delta endotoxin Cyt1Ab SW:CXAB_BACTV (P94594) (52.21 in 226 aa); C-terminal half is similar to several ricin-B lectin domain-containing toxins, e.g., <i>Pieris brassicae</i> pierisin-b TR:Q9GV36 (AB037676) (27.45 in 306 aa), <i>B. sphaericus</i> mosquitocidal toxin protein Mtx1 TR:Q03988 (M60446) (25.7 in 284 aa), and <i>C. botulinum</i> main hemagglutinin component ha-33 SW:HA33_CLOBO (P46084) (27.61 in 268 aa)	

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TABLE 2—Continued

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXOI homologue (% aa identity)
pBt055		Putative deletion pseudogene	Possible deletion pseudogene; C terminus of protein is similar to C termini of products of genes upstream of toxin genes, e.g., <i>B. thuringiensis</i> hypothetical 29.1-kDa protein encoded in <i>cryB1</i> 5' region SW:YCR2_BACTK (P21733) (36.66 in 90 aa); N terminus is similar to N terminus of, e.g., <i>B. thuringiensis</i> pesticidal crystal protein Cry1Bb SW:CBBB_BACTV (Q9ZIU5) (40.47 in 84 aa)	
pBt056		Hypothetical protein (pseudogene)	Potential pseudogene; matches pBt152 with two frameshifts and an in-frame stop	
pBt059		Conserved hypothetical protein	Similar to N-termini of products of genes upstream of <i>B. thuringiensis</i> toxin genes, e.g., <i>B. thuringiensis</i> hypothetical 29.1-kDa protein encoded in <i>cryB1</i> 5' region SW:YCR2_BACTK (P21733) (41.17 in 85 aa) and <i>B. thuringiensis</i> ORF2 TR:Q45742 (X57252) (47.76 in 67 aa)	
pBt060		Putative spore germination protein (pseudogene)	Similar to N terminus of <i>B. cereus</i> spore germination protein GerIA SW:GRIA_BACCE (O85467) (35.54 in 467 aa); contains two potential frameshifts	pXOI-113 (31.3 in 492 aa)
pBt063		Putative spore germination protein (pseudogene)	Similar to N terminus of <i>B. halodurans</i> spore germination protein bh1598 TR:Q9KCH3 (AP001512) (33 in 87 aa) and to <i>B. cereus</i> spore germination protein GerIB TR:O85468 (AF067645) (30.52 in 95 aa); truncated by IS240 insertion	
pBt064		IS240 protein (partial)	Similar to <i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740) (99.31% in 146 aa)	
pBt065		Hypothetical methionine-rich protein	No significant matches	
pBt066		Hypothetical protein	No significant matches	
pBt067		Conserved hypothetical protein	Similar to <i>R. conorii</i> hypothetical protein RC1156 TR:AAL03694 (AE008664) (37.5 in 96 aa) and to <i>R. conorii</i> hypothetical protein RC1157 TR:AAL03695 (AE008664) (48.43 in 64 aa)	pXOI-71 (42.46 in 73 aa), pXOI-72 (32.99 in 97 aa), pXOI-106 (35 in 100 aa)
pBt068		Hypothetical protein	No significant matches	
pBt070		Insertion element transposase	Similar to <i>E. faecium</i> transposase TR:Q47818 (U49512) (58.66 in 225 aa); interrupted by IS231 insertion	
pBt071		Transposase for insertion sequence IS231F	Previously sequenced as <i>B. thuringiensis</i> transposase for insertion element IS231F SW:T23F_BACTI (Q02404)	pXOI-35 (70.5 in 478 aa), pXOI-36 (51.9 in 474 aa), pXOI-39 (68.0 in 325 aa)
pBt072		Conserved hypothetical protein	Similar to part of <i>Streptomyces hygroscopicus</i> subsp. <i>varascoenicus</i> FkbH TR:Q9KTE6 (AF235504) (35.86 in 92 aa)	
pBt073		Hypothetical protein	No significant matches	
pBt074		Hypothetical protein	No significant matches	
pBt075		Hypothetical protein	Weakly similar to <i>Yersinia pestis</i> plasmid hypothetical protein Y1034 or YPMT1.21C TR:Q68737 (AF053947) (22.44 in 303 aa)	
pBt076		Resolvase	Similar to <i>B. sphaericus</i> putative resolvase TnpR TR:Q9REE7 (Y18010) (72.13 in 183 aa) and to <i>Staphylococcus aureus</i> DNA invertase BinR SW:BINR_STAAU (P19241) (65.02 in 183 aa)	pXOI-115 (33 in 183 aa)
pBt077		Transposase	Similar to <i>Shigella flexneri</i> Tn501 transposition transposase TnpA TR:AAK18584 (AF348706) (45.74 in 986 aa)	pXOI-116 (66 in 922 aa)
pBt079		Transposase for insertion sequence IS231F	Previously sequenced as <i>B. thuringiensis</i> transposase for insertion element IS231F SW:T23F_BACTI (Q02404)	pXOI-35 (70.5 in 478 aa), pXOI-36 (51.9 in 474 aa), pXOI-39 (68.0 in 325 aa)
pBt082		Probable transposase (pseudogene)	Similar to <i>Streptococcus pyogenes</i> transposase-IS1562 TR:Q99XV1 (AE006623) (39.13 in 391 aa)	pXOI-120 (97.36 in 190 aa)

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TABLE 2—Continued

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXO1 homologue (% aa identity)
pBt084		Putative spore germination protein	Similar to <i>B. subtilis</i> spore germination protein A3 precursor GerAC SW:GRAC_BACSU (P07870) (23.51 in 387 aa) and to <i>B. subtilis</i> spore germination protein B3 precursor GerBC SW:GRBC_BACSU (P39571) (21.83 in 371 aa)	
pBt085		Putative spore germination protein	Similar to <i>B. cereus</i> spore germination protein GerIB TR:O85468 (AF067645) (25.56 in 352 aa) and to <i>B. subtilis</i> spore germination protein B2 GerBB SW:GRBB_BACSU (P39570) (22.19 in 365 aa)	
pBt086		Putative spore germination protein	Similar to <i>B. subtilis</i> spore germination protein GerKA SW:GRKA_BACSU (P49939) (38.21 in 458 aa) and to <i>B. cereus</i> spore germination protein GerIA SW:GRIA_BACCE (O85467) (35.81 in 483 aa)	pXO1-113 (29 in 439 aa)
pBt087		Putative 1-phosphatidylinositol phosphodiesterase precursor	Similar to <i>Listeria monocytogenes</i> 1-phosphatidylinositol phosphodiesterase precursor PlcA or LMO0201 SW:PLC_LISMO (P34024) (34.02 in 288 aa) and to <i>B. thuringiensis</i> 1-phosphatidylinositol phosphodiesterase precursor SW:PLC_BACTU (P08954) (27.69 in 325 aa); contains an in-frame TGA stop after aa 86	
pBt089		Putative exported protein	No significant matches	
pBt090		Insertion element transposase	Similar to <i>E. faecium</i> transposase TR:Q47818 (U49512) (58.22 in 225 aa)	
pBt091		Putative transcriptional regulator; ArsR family	Similar to <i>Vibrio cholerae</i> transcriptional activator HlyU or VC0678 SW:HLUY_VIBCH (P52695) (32.6 in 92 aa)	pXO1-109 (PagR or TcrA) (51.8 in 83 aa) and pXO1-138 (46.06 in 89 aa)
pBt092		Small DNA-binding protein (bacterial histone-like family)	Similar to <i>B. subtilis</i> DNA-binding protein HU 1 (<i>hupA</i>) SW:DBH1_BACSU (P08821) (63.04 in 92 aa) and to <i>Streptococcus thermophilus</i> DNA-binding protein HU SW:DBH_STRTR (P96045) (61.36 in 88 aa)	
pBt093		Hfq protein (RNA-binding protein)	Similar to <i>B. subtilis</i> Hfq protein SW:HFO_BACSU (O31796) (46.55 in 58 aa) and to <i>E. coli</i> Hfq protein SW:HFO_ECOLI (P25521) (36.2 in 58 aa)	pXO1-137 (40.7 in 59 aa)
pBt094		Putative transcriptional regulator	Similar to <i>B. subtilis</i> transition state regulatory protein AbrB or CpsX SW:ABRB_BACSU (P08874) (62.06 in 87 aa), to <i>B. subtilis</i> putative transition state regulator Abh SW:ABH_BACSU (P39758) (56.32 in 87 aa), and to <i>B. subtilis</i> stage V sporulation protein T SpoVT SW:SPST_BACSU (P37554) (70 in 50 aa)	pXO1-105 (45.9 in 61 aa)
pBt095		Conserved hypothetical membrane protein	Similar to <i>B. subtilis</i> YnzD protein TR:O31819 (Z99113) (41.86 in 43 aa)	
pBt096		Conserved hypothetical integral membrane protein	Similar to <i>Rhizobium meliloti</i> hypothetical transmembrane protein SMC01970 TR:CAC47083 (AL591790) (37.35 in 273 aa) and to <i>Pseudomonas carboxydovorans</i> CsxK protein TR:Q9KX21 (X82447) (34.71 in 265 aa)	
pBt097		Putative class II aminotransferase	Similar to <i>B. subtilis</i> putative aminotransferase PatB SW:PATB_BACSU (Q08432) (43.52 in 386 aa)	
pBt098		Pyridoxal phosphate-dependent enzyme	Similar to <i>Mycobacterium tuberculosis</i> hypothetical protein CysM3 or Rv0848 TR:O53860 (AL022004) (38.62 in 334 aa), to <i>Clostridium sticklandii</i> O-acetylserine sulphydrylase CysK TR:Q9LAR2 (AJ130879) (33.22 in 310 aa), and to <i>Spinacia oleracea</i> cysteine synthase chloroplast precursor CysK SW:CYSL_SPIOL (P32260) (29.96 in 317 aa)	

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TABLE 2—Continued

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXO1 homologue (% aa identity)
pBt099		Hypothetical hydrophobic protein	No significant matches	
pBt100		tRNA synthetase-related protein	Similar to part of <i>Pseudomonas aeruginosa</i> hypothetical protein PA2106 TR:Q91209 (AE004638) (30.95 in 252 aa) and <i>Homo sapiens</i> alanyl-tRNA synthetase AarS SW:SYA_HUMAN (P49588) (29.44 in 163 aa)	
pBt101		Possible kinase	Similar to <i>Streptomyces rishirensis</i> gene in coumermycin A1 biosynthetic gene cluster CouR3 TR:Q9F8T5 (AF235050) (35.29 in 272 aa), to <i>Salmonella enterica</i> serovar Typhimurium gene in propanediol utilization (<i>pdu</i>) operon PduX TR:Q9XDM4 (AF026270) (23.82 in 277 aa), and to <i>Hyphomicrobium chloromethanicum</i> monophosphate kinase TR:Q9APK3 (AF281259) (28.57 in 133 aa)	
pBt102		GntR family transcriptional regulator containing aminotransferase domain	Similar to <i>B. halodurans</i> transcriptional regulator BH0432 TR:Q9KFF6 (AP001508) (36.4 in 478 aa) and to <i>Thermococcus profundus</i> multiple substrate aminotransferase TR:Q9V2W5 (AB027131) (29.41 in 391 aa)	
pBt103		Insertion sequence IS240 protein	Previously sequenced as <i>B. thuringiensis</i> insertion element IS240-B protein TR:Q45767 (M23741)	
pBt104		Transposase (pseudogene)	Similar to <i>Pseudomonas putida</i> Tn4652 transposase TnpA TR:P72226 (X83686) (36.28 in 1,028 aa) and to <i>E. faecium</i> transposase for transposon Tn1546 SW:TNP6_ENTFC (Q06238) (25.18 in 973 aa); contains an in-frame stop codon after aa 394	pXO1-116 (22.8 in 960 aa)
pBt106		Resolvase	Similar to <i>E. faecium</i> transposon Tn1546 resolvase SW:TNR6_ENTFC (Q06237) (76.72 in 189 aa)	pXO1-115 (41.6 in 185 aa)
pBt107		Conserved hypothetical protein	Weakly similar in N terminus to <i>B. halodurans</i> BH0264 protein TR:Q9KG49 (AP001507) (22.88 in 201 aa)	
pBt108		Putative sigma factor; ECF family	Similar to <i>B. subtilis</i> RNA polymerase sigma factor SigY SW:SIGY_BACSU (P94370) (23.07 in 169 aa) and to <i>B. subtilis</i> RNA polymerase sigma factor SigX SW:SIGX_BACSU (P35165) (23.81 in 168 aa)	
pBt110	<i>cry4Aa</i>	Pesticidal crystal protein Cry4Aa	Previously sequenced as <i>B. thuringiensis</i> pesticidal crystal protein Cry4Aa SW:C4AA_BACTI (P16480)	
pBt111		Insertion sequence IS240 protein	Previously sequenced as <i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740)	
pBt112		Hypothetical protein	No significant matches	
pBt113		Hypothetical protein	No significant matches	
pBt114		Hypothetical protein	No significant matches	
pBt115		Hypothetical protein	No significant matches	
pBt116		Hypothetical exported protein	No significant matches	
pBt119		Hypothetical protein	No significant matches	
pBt120		Putative DNA-binding protein	Similar to fragment of <i>Helicobacter pylori</i> preprotein translocase SecA subunit SW:SECA_HELPY (O25475) (48.38 in 31 aa); contains HMMfam hit to PF02810; SEC-C motif (the motif is predicted to chelate zinc with CXC and C[HC] pairs it is predicted to be a potential nucleic acid binding domain)	
pBt121		IS231 transposase	Similar to <i>B. thuringiensis</i> IS231/W transposase TR:Q45714 (M83546) (99.18 in 245 aa)	pXO1-35 (49.0 in 241 aa), pXO1-36 (45.7 in 243 aa), pXO1-39 (52.3 in 172 aa)
pBt122		IS231 transposase	Identical to <i>B. thuringiensis</i> IS231/W transposase TR:Q45713 (M83546)	pXO1-35 (58.1 in 217 aa), pXO1-36 (59.4 in 217 aa), pXO1-39 (58.9 in 151 aa)
pBt123		Hypothetical membrane protein	No significant matches	

Continued on following page

TABLE 2—Continued

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXOI homologue (% aa identity)
pBt124		Hypothetical protein	No significant matches	
pBt125		Hypothetical protein	No significant matches	
pBt126		Hypothetical protein	No significant matches	
pBt127		Conserved hypothetical protein	Similar to <i>R. conorii</i> hypothetical protein RC1156 TR:AAL03694 (AE008664) (40.96 in 83 aa) and to <i>R. conorii</i> hypothetical protein RC1157 TR:AAL03695 (AE008664) (32.81 in 64 aa)	pXOI-106 (80.76 in 78 aa), pXOI-71 (36.98 in 73 aa), pXOI-72 (38.77 in 98 aa)
pBt128		Hypothetical protein	No significant matches	
pBt129		Hypothetical protein	No significant matches	
pBt130		Conserved hypothetical integral membrane protein	Similar to <i>B. subtilis</i> YknW protein TR:O31709 (Z99111) (34.23 in 222 aa)	
pBt131		Putative ABC transporter permease protein	Similar to <i>B. subtilis</i> hypothetical protein encoded in <i>moaD-fruR</i> intergenic region YknZ SW:YKNZ_BACSU (O31712) (52.36 in 401 aa) and to <i>Rhizobium loti</i> predicted permease protein of ABC transporter MLRL397 TR:Q98KN3 (AP002997) (34.15 in 404 aa)	
pBt132		Putative ABC transporter ATP-binding protein	Similar to <i>B. subtilis</i> putative ABC transporter YvrO TR:O52857 (AJ223978) (63.22 in 223 aa) and to <i>S. pyogenes</i> putative ABC transporter SPY0837 TR:Q9A0C4 (AE006534) (57.33 in 225 aa)	
pBt133		Putative ABC transporter-exported solute-binding protein	Similar to <i>B. subtilis</i> YknX protein TR:O31710 (Z99111) (29.35 in 385 aa) and to <i>Streptococcus cristatus</i> ATP-binding cassette transporter-like protein TptB TR:O54498 (U96166) (24.93 in 397 aa)	
pBt136		Possible peptide antibiotic precursor?	Very weak similarity to <i>E. faecalis</i> peptide antibiotic AS-48 TR:Q47765 (X79542) (27.14 in 70 aa) (also called <i>E. faecalis</i> BacA protein TR:O52963 [D85752]).	
pBt137		Integral membrane protein (possible peptide antibiotic maturation and biosynthesis protein)	Similar to <i>E. faecalis</i> BacB protein TR:O52964 (D85752) (22.16 in 537 aa) (also called AS-48-B TR:O53024 [Y12234]) AS-48 maturation and biosynthesis protein)	
pBt138		Integral membrane protein (possible accessory factor in peptide antibiotic secretion)	Similar to <i>E. faecalis</i> AS-48C protein (putative accessory factor in AS-48 secretion) TR:O53025 (Y12234) (23.56 in 157 aa)	
pBt139		Putative ABC transporter ATP-binding protein	Similar to <i>Thermotoga maritima</i> ABC transporter ATP-binding protein TM0793 TR:Q9WZQ0 (AE001747) (32.64 in 193 aa) and to <i>S. pyogenes</i> putative ABC transporter SPY1674 TR:Q99YJ5 (AE006597) (28.77 in 212 aa)	
pBt140		Integral membrane protein	No significant matches	
pBt142		Putative DNA recombinase	Similar to <i>E. faecalis</i> recombinase EP0007 TR:Q9F1I8 (AE002565) (37.01 in 208 aa) and to <i>S. thermophilus</i> putative resolvase TR:Q9X9M6 (AJ242479) (31.7 in 205 aa) and to <i>S. aureus</i> potential DNA invertase Bin3 SW:BIN3_STAAU (P20384) (32.51 in 203 aa)	
pBt143		Hypothetical protein	No significant matches	
pBt145		Putative spore coat-associated protein	Similar to <i>B. subtilis</i> spore coat-associated protein N (CotN) SW:COTN_BACSU (P54507) (35.44 in 237 aa)	
pBt146		Hypothetical protein	No significant matches	
pBt147		Hfq protein (RNA-binding protein)	Similar to <i>B. subtilis</i> Hfq protein SW:HFQ_BACSU (O31796) (45.45 in 55 aa)	pXOI-137 (38.98 in 59 aa)
pBt148		Putative transcriptional regulator	Similar to <i>B. subtilis</i> transition state regulatory protein AbrB or CpaX SW:ABRB_BACSU (P08874) (55.05 in 89 aa) and to <i>B. subtilis</i> putative transition state regulator Abh SW:ABH_BACSU (P39758) (55.17 in 87 aa)	
pBt149		Putative transcriptional regulator; ArsR family	Similar to <i>Streptomyces verticillus</i> metal-dependent regulatory protein TR:Q9FB31 (AF210249) (36.47 in 85 aa) and to <i>Xylella fastidiosa</i> transcriptional regulator XF0767 TR:Q9PFB1 (AE003917) (32.58 in 89 aa)	pXOI-109 PagR or TcrA (39.13 in 92 aa), pXOI-138 (43.2 in 74 aa)

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TABLE 2—Continued

Name	Gene	Predicted product	Database similarity (EMBL no.) (% aa identity)	pXO1 homologue (% aa identity)
pBt150		Hypothetical protein	No significant matches	
pBt151		Insertion sequence IS240 protein	Similar to <i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740) (99.57 in 235 aa)	
pBt152		Hemagglutinin-related protein	Similar to <i>C. botulinum</i> hemagglutinin Ha-33 protein TR:Q45868 (X79103) (32.35 in 136 aa) and to <i>C. botulinum</i> Ha-33 protein TR:Q45871 (X79104) (25.54 in 231 aa)	
pBt154		Insertion sequence IS240 protein	Similar to <i>B. thuringiensis</i> insertion element IS240-A protein TR:Q45766 (M23740) (99.14 in 235 aa)	
pBt156		FtsZ/tubulin-related protein	Weakly similar to <i>Pyrococcus kodakaraensis</i> Tuba protein TR:Q9HHD0 (AB031743) (21 in 394 aa) and to <i>Pyrococcus horikoshii</i> cell division protein FtsZ homologue 3 FtsZ3 SW:FTZ3_PYRHO (O59060) (23 in 304 aa)	pXO1-45 (21 in 444 aa)
pBt157		Putative DNA-binding protein	No significant matches; contains predicted helix-turn-helix motif score 1,099 (+2.93 SD) at aa 41–62	
pBt158		Putative transcriptional regulator	Similar to <i>Clostridium acetobutylicum</i> transcriptional regulator; MerR family CAP0178 TR:AAK76923 (AE001438) (30 in 110 aa)	

studies have suggested that the pXO1 origin might lie between bp 86249 and 97209 (36, 40); the large majority of this region shows no similarities with pBtoxis, except in the first CDS, pXO1-72, a conserved hypothetical CDS which shows partial matches to pBt035, pBt067, and pBt127.

Similarities with other plasmids. Possible similarities between pBtoxis and other *B. thuringiensis* plasmid sequences in the database were analyzed by BLAST comparisons. The only significant match was between pBtoxis pBt010 and an unannotated CDS of unknown function in pTX14-3 from *B. thuringiensis* subsp. *israelensis* (4) (44% identity in 84 aa). No other database matches for these sequences exist, so the physiological functions, if any, of the sequences cannot presently be judged. No significant matches were found between pBtoxis and pBMB9741, pBMB2062, pTX14-1, pHD2, or the miniplasmid submitted under accession number S49203, and similarity with plasmid pGI2 was limited to a transposase gene.

Overall, 29 of 125 predicted pBtoxis proteins show detectable similarity to predicted proteins from pXO1 (Table 2) (36). Excluding the transposon- or insertion sequence-related proteins, only 17 of the predicted pBtoxis proteins are similar to predicted proteins from pXO1. This corresponds to the results of a previous study looking at conservation of pXO1 genes in a variety of *Bacillus* species (37): between 1 and 53 pXO1 genes were found to be present in different *B. thuringiensis* strains by hybridization and PCR experiments.

Most isolates of *B. thuringiensis*, like *B. thuringiensis* subsp. *israelensis*, encode their insecticidal toxins on extrachromosomal elements. Since pBt007 was found to be conserved between pBtoxis and pXO1-16 (96% identity in 569 aa), its distribution in other *B. thuringiensis* strains was also investigated by PCR, as described in Materials and Methods. As expected, no amplicons were produced from the primers when the negative control *B. thuringiensis* subsp. *israelensis* strain 4Q7, a strain cured of pBtoxis, was used. PCR also produced no prod-

uct from the following *B. thuringiensis* isolates: *Bacillus thuringiensis* subsp. *dakota* [Oats43(4R1)], *Bacillus thuringiensis* subsp. *kyushuensis* [HD541(4U1)], *Bacillus thuringiensis* subsp. *morrisoni* [HD12(4K1)], *Bacillus thuringiensis* subsp. *tenebriosis*, and *Bacillus thuringiensis* subsp. *tohokuensis* [78-FS-29-17(4V1)]. This may reflect the absence of homologous sequences in these strains, or it could be the result of an alteration in nucleotide sequence in the regions corresponding to one or both of the test primers. However, the existence of pBt007-homologous sequences was revealed by the production of ~600-bp amplicons (results not shown) in the following *B. thuringiensis* isolates: *Bacillus thuringiensis* subsp. *aegypti* (from commercial Agerin powder), *Bacillus thuringiensis* subsp. *aizawai* [HD133(J3)], *Bacillus thuringiensis* subsp. *galleriae* (HD155), *Bacillus thuringiensis* subsp. *indiana* [HD521(4S2)], *B. thuringiensis* subsp. *israelensis* [IPS70(4Q3)], *B. thuringiensis* subsp. *israelensis* [HD500(4Q2)], *B. thuringiensis* subsp. *israelensis* [HD567(4Q1)], *Bacillus thuringiensis* subsp. *jegathesan*, *Bacillus thuringiensis* subsp. *japonensis* [T23001(4AT1)], *Bacillus thuringiensis* subsp. *kenyae* [HD136(4F1)], *Bacillus thuringiensis* subsp. *kumamotoensis* [HD867(4W1)], *B. thuringiensis* subsp. *kurstaki* [HD1(4D1)], *B. thuringiensis* subsp. *kurstaki* [HD73(4D4)], *Bacillus thuringiensis* subsp. *medellin*, *Bacillus thuringiensis* subsp. *thuringiensis* [HD2(4A3)], *Bacillus thuringiensis* subsp. *tochingsiensis* [HD868(4Y1)], *Bacillus thuringiensis* subsp. *tolworthy* [HD125(4L1)], and *Bacillus thuringiensis* subsp. *wuhanensis* [HD525(4T1)]. This indicates that the pBt007/pXO1-16-like sequence is widespread in *B. thuringiensis* isolates, and we speculate that it is likely to be associated with the virulence plasmids in all of these strains. In addition, an amplicon of the same size was also produced from the house fly-toxic *Bacillus cereus* subsp. *moritai* (originally named *Bacillus moritai* [1]), perhaps indicating that this isolate should again be reclassified as *B. thuringiensis* subsp. *moritai*.

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**SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIRECCIÓN DE NUEVAS CREACIONES**

2020
Bogotá, D.C.

Abogado
MARGARITA CASTELLANOS ABONDANO

ASUNTO	Radicación	06-1259
	Trámite	0011
	Evento	379
	Actuación	430
	Oficio	001
	Folios	001

06452

Como resultado del examen de búsqueda de anterioridades y con fundamento en el artículo 46 de la Decisión 486 de la Comisión de la Comunidad Andina, se le comunica:

SOLICITUD DE SUMINISTRO DE INFORMACIÓN

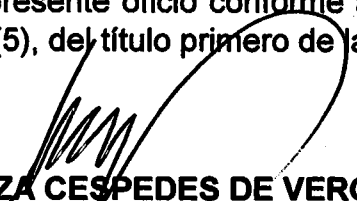
Como consecuencia de la búsqueda de anterioridades de materia relacionada con la de la presente invención, se determinó que existen en el estado de la técnica los siguientes documentos, que eventualmente afectarían los requisitos de patentabilidad de esta solicitud:

- ° HWANG S-H; et al. "A novel class of mosquitocidal delta-endotoxin, cry 19B, encoded by a *Bacillus thuringiensis* serovar higo gene" *Systematic and applied microbiology*, 21, 179 – 184; ISSN: 0723-2020, 1998, XP008063276.

Siendo que la publicación referenciada hace parte del resultado del examen de búsqueda realizado para la solicitud WO equivalente a esta solicitud colombiana, y no siendo viable la consecución de dichos artículos por este despacho, se requiere que el solicitante, en virtud de lo establecido en el artículo 46 de la Decisión 486 de la Comisión de la Comunidad Andina, proporcione las publicaciones completas, con lo que podrá realizarse un análisis absoluto de la patentabilidad de la invención correspondiente a la presente solicitud.

En cumplimiento del artículo 46 de la Decisión 486 de la Comisión de la Comunidad Andina, se le indica que debe dar respuesta dentro del plazo que no exceda los tres meses contados a partir de la fecha de notificación de la presente comunicación.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e), del capítulo quinto (5), del título primero de la circular única N° 10 de 2001.


ALIX CARMENZA CESPEDES DE VERGEL
Directora de Nuevas Creaciones (C)

El anterior requerimiento fue notificado por fijación en lista, de fecha 14 MAYO 2010

CONCEPTO TÉCNICO
No. 1394

EXAMINADOR TÉCNICO
Código No. 202089

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIRECCIÓN DE NUEVAS CREACIONES

2020
Bogotá, D.C.,

Abogado
MARGARITA CASTELLANOS DE ABONDANO
(Apoderado)

ASUNTO Radicación 06-1259
 Trámite 0011
 Evento 379
 Actuación 430
 Oficio 106451
 Folios 05

Patente de Invención ☒ Patente de Modelo de Utilidad ☐
Vía Nacional ☐
Vía PCT (fase nacional) ☒ Cap.I ☐ Cap. II ☒
No. Sol. Internacional PCT/US2004/021692
Fecha de Presentación Internal. 06 de julio de 2004

Como resultado del examen de fondo, realizado con fundamento en el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le comunica:

1. Documentos estudiados

<u>Descripción:</u>	Folios: 124 a 268	como se radicó inicialmente
<u>Reivindicaciones:</u>	Folios: 269 a 276 Folios: 352 a 358	como se radicó inicialmente como se modificó el 08/06/06
<u>Secuencias:</u>	Folios: 278 a 310	como se radicó inicialmente
<u>Prioridad:</u>	Folio: 1 País: US Número 05-96475 06-1173 Fecha: 20/12/2005 05/01/2006	

2. Objeto de la invención

- Título de la solicitud (folio 1): "Proteínas insecticidas secretadas de *Bacillus thuringiensis* y uso de las mismas".
- La presente solicitud se refiere a una familia de secuencias de nucleótidos que codifican proteínas insecticidas y fragmentos insecticidas de las mismas.
- El problema planteado en esta solicitud es la necesidad de proporcionar nuevas secuencias para la formación de proteínas o péptidos a partir de *Bacillus thuringiensis* con alta actividad insecticida.
- Para solucionar este problema técnico la solicitud en estudio proporciona un polinucleótido aislado que codifica una toxina insecticida de *Bacillus thuringiensis* o un fragmento insecticida de la misma donde dicho polinucleótido se hibridiza, bajo condiciones de hibridación severas con una o más de las secuencias de nucleótidos seleccionadas del grupo formado por las SEQ ID No. 2, SEQ ID No. 3, SEQ ID No.5, SEQ ID No. 7, SEQ ID No.9.
- La Clasificación Internacional de Patentes (IPC) es: C12N 15/32, CO7 K14/325, C12P 21/02, A01N 63/02, A01H 37/18.

3. De la solicitud de Patente

Reivindicaciones (artículo 30 D 486)

El capítulo reivindicatorio de la solicitud en estudio presenta los siguientes defectos:

- El capítulo reivindicatorio en general presenta una caracterización imprecisa al incluir fragmentos de polinucleótidos no definidos y sobre los cuales no se ha hecho referencia en la solicitud.
- Existe un elevado numero de reivindicaciones donde algunas de ellas no precisan claramente el alcance de lo reivindicado. Se caracteriza por resultados a alcanzar (reiv. 2), falla en términos técnicos de grupos taxonómicos (reiv. 3, 4), métodos de control de plagas (reiv. 10, 11), reivindicaciones que no aportan a la concisión del capítulo (18 – 20, 29 – 30, 32, 34), amplitud a lo desarrollado (reiv. 21, 25, 27), material biológico caracterizado de forma que no se evidencian las características técnicas esenciales (reiv. 38 – 41).

Por lo anterior, el capítulo reivindicatorio NO cumple con el requisito de definición, claridad, concisión o sustento por la descripción de acuerdo al art. 30 de la Decisión 486.y/o art.22 Tratado PCT.

4. Unidad de invención (artículo 25 D 486)

La presente solicitud no tiene unidad de invención, dado que contempla diferentes conceptos inventivos relacionados así:

- Polinucleótidos aislados que codifican para una toxina insecticida de *Bacillus thuringiensis*, los vectores y células transformadas por estos, así como las proteínas que codifican.
- Un método para detectar una primera secuencia de nucleótidos que codifica una proteína insecticida (reiv 16 – 20).

Entre ellos no existe una relación dado que los métodos para detectar secuencias de nucleótidos que codifican proteínas insecticidas tienen una estrecha relación con su función, y la de los sitios activos, al variar determinados aminoácidos en un péptido, su función puede resultar diferente a la inicialmente determinada, por lo que el método puede producir nucleótidos muy diferentes en sus características técnicas estructurales o funcionales.

Por lo anterior, se puede concluir que la presente solicitud no cumple con el requisito de unidad de invención.

5. No es una invención (artículo 15 D 486 literal a)-f))

El artículo 15 en su literal b) señala que:

No se consideran invenciones el todo o parte de los seres vivos tal como se encuentran en la naturaleza, los procesos biológicos naturales, el material biológico existente en la naturaleza o aquel que pueda ser aislado inclusive genoma o germoplasma de cualquier ser vivo natural.

- Las reivindicaciones 10 y 11 enseñan un método para controlar una plaga de insectos que comprende poner dicha plaga en contacto con una cantidad plaguicida de una proteína toxina de *Bacillus thuringiensis*.

Este despacho considera que dichas reivindicaciones no son una invención debido a que el control de una plaga mediante una toxina de *Bacillus thuringiensis* obedece a un proceso natural.

- La reivindicación 12 enseña una proteína insecticida aislada derivada de *Bacillus thuringiensis* que está codificada o que se hibridiza bajo condiciones severas con, una secuencia de nucleótidos como se observa en la reivindicación. Las reivindicaciones 21 – 24 obedecen a moléculas aisladas que se hibridizan con las secuencias descritas bajo condiciones de hibridación severas igualmente.

Se considera que dichas reivindicaciones obedecen a una excepción por cuanto la proteína insecticida puede haber sido aislada sin naturalmente.

Por tal razón las reivindicaciones 10 – 12 y 21 - 24 no pueden ser consideradas invenciones.