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**SOYBEAN PLANT AND SEED CORRESPONDING TO TRANSGENIC EVENT  
MON87701 AND METHODS FOR DETECTION THEREOF**

[0001] This application claims the benefit of priority to U.S. Provisional Application Serial No. 60/988,349, filed November 15, 2007, which is herein incorporated by reference in its entirety.

**FIELD OF THE INVENTION**

[0002] The present invention relates to transgenic soybean event MON87701 and plant parts and seed thereof. The event exhibits resistance to insect infestation from insects in the order of Lepidoptera. The present invention also relates to methods for detecting the presence of said soybean event in a biological sample, and provides nucleotide sequences that are unique to the event.

**BACKGROUND OF THE INVENTION**

[0003] Soybean is an important crop and is a primary food source in many areas of the world. The methods of biotechnology have been applied to soybean for improvement of agronomic traits and the quality of the product. One such agronomic trait is insect resistance.

[0004] It would be advantageous to be able to detect the presence of transgene/genomic DNA of a particular plant in order to determine whether progeny of a sexual cross contain the transgene/genomic DNA of interest. In addition, a method for detecting a particular plant would be helpful when complying with regulations requiring the pre-market approval and labeling of foods derived from the recombinant crop plants.

[0005] Transgenic crops expressing *B. thuringiensis*  $\delta$ -endotoxins enable growers to significantly reduce the time and cost associated with applying chemical insecticides as well as increase crop yields in transgenic plants grown under heavy insect pressure as compared to greatly reduced yields in non-transgenic commercial plant varieties. Despite this success, it is still anticipated that insects may evolve resistance to *B. thuringiensis*  $\delta$ -endotoxins expressed in transgenic plants. Such resistance, should it become widespread, would clearly limit the commercial value of germplasm containing genes encoding some *B. thuringiensis*  $\delta$ -endotoxins.

[0006] One possible way of increasing the effectiveness of the transgenic insecticides against target pests and contemporaneously reducing the development of insecticide-resistant pests would be to ensure that transgenic crops express high levels of *B. thuringiensis*  $\delta$ -endotoxins

(McGaughey and Whalon (1992), *Science* 258:1451-55; Roush Roush (1994), *Biocontrol. Sci. Technol.* 4:501-516). Of the many insecticidal proteins identified from *Bacillus thuringiensis*, relatively few individual insecticidal proteins such as Cry1's, Cry3's, VIP3A, Cry34, Cry35 and Cry2Ab have been tested for expression in plants. In the case of Cry2Ab, in order to achieve high levels of *in planta* expression, this insecticidal protein (Cry2Ab) had to be targeted to the chloroplast to avoid undesirable phytotoxic effects.

[0007] The expression of foreign genes in plants is known to be influenced by their chromosomal position, perhaps due to chromatin structure (*e.g.*, heterochromatin) or the proximity of transcriptional regulation elements (*e.g.*, enhancers) close to the integration site (Weising *et al.* (1988), *Ann. Rev. Genet* 22:421-477). For this reason, it is often necessary to screen a large number of events in order to identify an event characterized by optimal expression of an introduced gene of interest. For example, it has been observed in plants and in other organisms that there may be wide variation in the levels of expression of an introduced gene among events. There may also be differences in spatial or temporal patterns of expression, for example, differences in the relative expression of a transgene in various plant tissues, that may not correspond to the patterns expected from transcriptional regulatory elements present in the introduced gene construct. For this reason, it is common to produce several hundreds to several thousands different events and screen the events for a single event that has the desired transgene expression levels and patterns for commercial purposes. An event that has the desired levels or patterns of transgene expression is useful for introgressing the transgene into other genetic backgrounds by sexual outcrossing using conventional breeding methods. Progeny of such crosses maintain the transgene expression characteristics of the original transformant. This strategy is used to ensure reliable gene expression in a number of varieties that are suitably adapted to specific local growing conditions.

[0008] It is possible to detect the presence of a transgene by any well known nucleic acid detection method such as the polymerase chain reaction (PCR) or DNA hybridization using nucleic acid probes. These detection methods generally focus on frequently used genetic elements, such as promoters, terminators, marker genes, etc. As a result, such methods may not be useful for discriminating between different events, particularly those produced using the same DNA construct unless the sequence of chromosomal DNA adjacent to the inserted DNA

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("flanking DNA") is known. An event-specific PCR assay is discussed, for example, by Taverniers et al. (J. Agric. Food Chem., 53: 3041-3052, 2005) in which an event-specific tracing system for transgenic maize lines Bt11, Bt176, and GA21 and for canola event GT73 is demonstrated. In this study, event-specific primers and probes were designed based upon the sequences of the genome/transgene junctions for each event. Transgenic plant event specific DNA detection methods have also been described in US Patent Nos. 6,893,826; 6,825,400; 6,740,488; 6,733,974; 6,689,880; 6,900,014 and 6,818,807.

### SUMMARY OF THE INVENTION

[0009] The present invention is related to the transgenic soybean plant designated MON87701 having seed deposited with American Type Culture Collection (ATCC) with Accession No. PTA-8194. Another aspect of the invention is the progeny plants, or seeds, or parts of the plants and seeds of the soybean event MON87701. The plant parts include, but are not limited to pollen, ovule, flowers, shoots, roots, stems, leaves, pods, seeds and meristematic tissues. The soybean plant MON87701 is particularly resistant to insects in the Lepidoptera family such as Velvetbean caterpillar (*Anticarsia gemmatalis*), Soybean looper (*Pseudoplusia includens*), Soybean axil borer (*Epinotia aporema*), Yellow Bear Moth (*Spilosoma virginica*), Corn earworm (*Helicoverpa zea*), Fall armyworm (*Spodoptera frugiperda*) and Sunflower looper (*Rachiplusia nu*) amongst others, all of which are agriculturally important insect pests.

[0010] The present invention is also related to the DNA construct of soybean plant MON87701 and the detection of the transgene/genomic insertion region in soybean MON87701 and progeny thereof.

[0011] Novel genetic compositions contained in the genome of MON87701 and products from MON87701 such as meal, flour, food products, protein supplements and biomasses remaining in a field from which soybean plants corresponding to MON87701 have been harvested are further aspects of this invention.

[0012] According to one aspect of the invention, compositions and methods are provided for detecting the presence of the transgene/genomic insertion region from a novel soybean plant designated MON87701. DNA sequences are provided that comprise at least one junction sequence of MON87701 selected from the group consisting of SEQ ID NO:1 ([A] corresponding to positions 5748 through 5767 of SEQ ID NO:6 [F], Figure 2) and SEQ ID NO:2 ([B]

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corresponding to positions 12,174 through 12,193 of SEQ ID NO:6 [F], Figure 2) and compliments thereof. The junction sequence is a nucleotide sequence that spans the point at which heterologous DNA inserted into the genome is linked to the soybean cell genomic DNA. Detection of this sequence in a biological sample containing soybean DNA is diagnostic for the presence of the soybean event MON87701 DNA in said sample. A soybean event MON87701 and soybean seed comprising these DNA molecules is an aspect of this invention.

[0013] DNA sequences that comprise novel transgene/genomic insertion region, SEQ ID NO:3 [C], SEQ ID NO:4 [D] and SEQ ID NO:5 [E] or SEQ ID NO:1 [A], SEQ ID NO:2 [B] and SEQ ID NO:5 [E] (see Figure 2) from soybean event MON87701 are also aspects of this invention. The soybean plant and seed comprising these molecules are further aspects of this invention.

[0014] According to another aspect of the invention, two DNA molecules are provided for use in a DNA detection method. The DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:3 or SEQ ID NO:5 or its complement to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof. For Example, the first DNA molecule comprises 11 or more contiguous polynucleotides of any portion of the transgene region of SEQ ID NO:3 or SEQ ID NO:5, or complement thereof, and a second DNA molecule of similar length of any portion of a 5' flanking soybean genomic DNA region of SEQ ID NO:3 or complement thereof, where these DNA molecules when used together are useful as DNA primers in a DNA amplification method that produces an amplicon. The amplicon produced using these DNA primers in the DNA amplification method is diagnostic for soybean event MON87701 when the amplicon contains SEQ ID NO:1. Any amplicon produced by DNA primers homologous or complementary to any portion of SEQ ID NO:3 and SEQ ID NO:5, and any amplicon that comprises SEQ ID NO:1 is an aspect of the invention.

[0015] According to another aspect of the invention, two DNA molecules are provided for use in a DNA detection method. The DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:4 or SEQ ID NO:5 or its complement to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof. For example, the first DNA molecule comprises 11 or more contiguous polynucleotides of any portion of the transgene region of the DNA molecule of SEQ ID NO:4 or SEQ ID NO:5, or complement thereof, and a second DNA molecule of similar length of any portion of a 3' flanking soybean

genomic DNA of SEQ ID NO:4 or complement thereof, where these DNA molecules when used together are useful as DNA primers in a DNA amplification method. The amplicon produced using these DNA primers in the DNA amplification method is diagnostic for soybean event MON87701 when the amplicon contains SEQ ID NO:2. Any amplicons produced by DNA primers homologous or complementary to any portion of SEQ ID NO:4 and SEQ ID NO:5, and any amplicon that comprises SEQ ID NO:2 is an aspect of the invention.

[0016] According to another aspect of the invention, two DNA molecules are provided for use in a DNA detection method. The DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:6 or its complement to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof.. When used together as DNA primers in a DNA amplification method, an amplicon is produced that comprises SEQ ID NO:1 and/or SEQ ID NO:2. The amplicon produced is diagnostic for soybean event MON87701. Any amplicons produced by DNA primers homologous or complementary to any portion of SEQ ID NO:6, and any amplicon that comprises SEQ ID NO:1 and/or SEQ ID NO:2 is an aspect of the invention.

[0017] According to another aspect of the invention, methods of detecting the presence of DNA corresponding to the soybean event MON87701 in a biological sample are provided. Such methods comprise: (a) contacting the biological sample with a primer set that, when used in a nucleic acid amplification reaction with genomic DNA from soybean event MON87701, produces an amplicon that is diagnostic for soybean event MON87701; (b) performing a nucleic acid amplification reaction, thereby producing the amplicon; and (c) detecting the amplicon wherein said amplicon comprises SEQ ID NO:1 and/or SEQ ID NO:2, wherein detection of such amplicon is indicative of presence of the DNA corresponding to the soybean event MON87701.

[0018] According to another aspect of the invention, methods of detecting the presence of a DNA corresponding to the MON87701 event in a biological sample, such methods comprise: (a) contacting the biological sample with a probe that hybridizes under stringent hybridization conditions with genomic DNA from soybean event MON87701 and does not hybridize under the stringent hybridization conditions with a control soybean plant; (b) subjecting the biological sample and probe to stringent hybridization conditions; and (c) detecting hybridization of the probe to the soybean event MON87701 DNA, wherein detection of such hybridization in

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indicative of presence of the DNA corresponding to the MON87701 event. Preferably, the probe is selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2 and complement thereof.

[0019] A biological sample can comprise any organic material derived from soybean cells or tissue, including stems, roots, leaves, flowers or flower parts, seed or seed pods, and the like, that contains a detectable amount of a nucleotide sequence corresponding to such organic material. A biological sample derived from soybean event MON87701 comprises the transgene/genome insertion regions of the present invention, and particularly those as set forth in the Sequence Listing as shown in SEQ ID NO:1 through SEQ ID NO:6, and the complements thereof.

[0020] Kits for the detection of soybean event MON87701 are provided which use primers designed from SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 or SEQ ID NO:6. An amplicon produced using said kit is diagnostic for MON87701 when the amplicon (1) contains either nucleotide sequences set forth as SEQ ID NO:1 or SEQ ID NO:2 or (2) contains both SEQ ID NO:1 and SEQ ID NO:2. The kit can be provided as a means for specifically detecting only the present event MON87701 DNA in a biological sample, or the kit can be provided as a means for detecting a multiplicity of different transgenic events from any number of different biological samples. In the latter case, *i.e.*, a kit for detecting a multiplicity of different transgenic events, the kit may provide probes or primers in the form of a micro array, or any sort of array which provides the user of said kit with the ability to distinguish differences between transgenic and non-transgenic samples, zygosity of transgenic events, and even the presence or absence of events, whether approved or unapproved for commercialization. Detection or scoring of the presence or absence of certain events using such kits can be by fluorometric, colorimetric, isotopic, or luminescent means.

[0021] Another aspect of the invention is a soybean plant, or seed, or product derived from the plant or seed of MON87701, in which the genomic DNA when isolated from the soybean plant, or seed, or product comprises a DNA molecule incorporating SEQ ID NO:1 and/or SEQ ID NO:2. Preferably, the genomic DNA thereof comprises a DNA molecule consisting essentially of the nucleotide sequence of SEQ ID NO:3 from about positions 1 to 5757, the nucleotide sequence of SEQ ID NO:5 from about positions 1 to 6426 and the nucleotide sequence of SEQ ID NO:4 from about positions 379 to 2611 (the contig of which is presented as SEQ ID NO:6).



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[0022] A further aspect of the invention is a soybean plant, or seed, or product derived from the plant or seed of MON87701, wherein the genomic DNA comprises a DNA molecule consisting essentially of the nucleotide sequence of SEQ ID NO:6 from about positions 1 to 14,416.

[0023] Another aspect of the invention is a soybean plant, or seed, or product derived from the plant or seed of MON87701, in which the genomic DNA when isolated from the soybean plant, or seed, or product produces an amplicon in a DNA amplification method, wherein said amplicon comprises SEQ ID NO:1 and/or SEQ ID NO:2.

[0024] Another aspect of the invention is a method of producing an insect resistant soybean plant. This method comprises: (a) crossing the soybean plant of MON87701 with another soybean plant; (b) obtaining at least one progeny plant derived from the cross of (a); and (c) selecting progeny that comprises nucleotide sequences of SEQ ID NO:1 and SEQ ID NO:2. Said selection includes subjecting the at least one progeny plant obtained from (b) to a nucleic acid amplification reaction, wherein progeny that produces an amplicon comprising at least one nucleotide sequence of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 or SEQ ID NO:6 is selected, or subjecting the at least one progeny plant obtained from (b) to a nucleic acid hybridization reaction, wherein progeny hybridizing to a probe that hybridizes under stringent conditions with one or more DNA sequence selected from SEQ ID NO:1 and SEQ ID NO:2 is selected. The progeny so-selected is an insect resistant soybean plant.

[0025] Another aspect of the invention is a method for protecting a soybean plant from insect infestation. This method comprises providing in the diet of a Lepidopteran pest of soybean an insecticidally effective amount of cell(s) or tissue(s) of the soybean plant MON87701. The Lepidopteran pest is selected from the group consisting of *Anticarsia*, *Pseudoplusia*, *Epinotia*, *Spilosoma*, *Helicoverpa*, *Spodoptera* and *Rachiplusia*.

[0026] Another aspect of the invention is commodity product derived from a soybean plant, or seed, or seed progeny of MON87701. Such commodity products include, but are not limited to, whole or processed soy seeds, animal protein feed, vegetable oil, meal, flour, nontoxic plastics, printing inks, lubricants, waxes, hydraulic fluids, electric transformer fluids, solvents, cosmetics, hair care products, soymilk, soy nut butter, natto, tempeh, soy protein concentrate, soy protein isolates, texturized soy protein concentrate, hydrolyzed soy protein, whipped topping, cooking

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oil, salad oil, shortening, lecithin, edible whole soybeans (raw, roasted, or as edamamé), soymilk, soy yogurt, soy cheese, tofu, yuba and biodiesel.

[0027] Another aspect of the invention is a method of determining zygosity of the progeny of soybean event MON87701. The method comprises (a) contacting a soybean sample with the primer pair SQ3443 (SEQ ID NO:12) and SQ3445 (SEQ ID NO:13), that when used in a nucleic acid amplification reaction with genomic DNA from soybean event MON87701, produces an amplicon from the combination of primers SQ3443 and SQ3445 that is diagnostic for soybean event MON87701; (b) performing a nucleic acid amplification reaction; (c) detecting a first amplicon produced; (d) contacting the same sample with the primer pair SQ3445 (SEQ ID NO:13) and SQ3446 (SEQ ID NO:14), that when used in a nucleic acid amplification reaction with genomic DNA from soybean plants produces an amplicon from the combination of primers SQ3445 and SQ3446 that is diagnostic of the wild-type soybean genomic DNA homologous to the soybean genomic region of a transgene insertion identified as soybean event MON87701; (e) performing a nucleic acid amplification reaction, and (f) detecting a second amplicon produced; wherein detection of both amplicons indicates that the soybean sample is heterozygous for soybean event MON87701 DNA.

[0028] Another aspect of the invention is a method of determining zygosity of the progeny of soybean event MON87701 further using probes labeled with fluorophore(s). Such method comprises (a) contacting a soybean sample with the primer pair SQ3443 (SEQ ID NO:12), SQ3445 (SEQ ID NO:13), and the probe 6FAM<sup>TM</sup>-labeled PB1111 (SEQ ID NO:15), that when used in a nucleic acid amplification reaction with genomic DNA from soybean event MON87701, produces an amplicon that is diagnostic for soybean event MON87701, releasing a fluorescent signal from the combination of primers SQ3443 and SQ3445 and probe 6FAM<sup>TM</sup>-labeled PB1111; (b) performing a nucleic acid amplification reaction; (c) detecting a first amplicon produced; (d) contacting the same sample with the primer pair SQ3445 (SEQ ID NO:13) and SQ3446 (SEQ ID NO:14) and a VIC<sup>TM</sup>-labeled PB1112 (SEQ ID NO:16), that when used in a nucleic acid amplification reaction with genomic DNA from soybean plants, produces an amplicon that is diagnostic for wild-type soybean genomic DNA homologous to the soybean genomic region of a transgene insertion identified as soybean event MON87701, releasing a fluorescent signal from the combination of primers SQ3445 and SQ3446 and probe VIC<sup>TM</sup>-

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labeled PB1112; (e) performing a nucleic acid amplification reaction; and (f) detecting a second amplicon produced; wherein detection of both amplicons indicates that the soybean sample comprising DNA that is heterozygous for the transgene insertion identified as soybean event MON87701.

[0029] The foregoing and other aspects of the invention will become more apparent from the following detailed description.

### **BRIEF DESCRIPTION OF THE DRAWINGS**

[0030] Figure 1 illustrates the map of binary transformation vector, pMON53570 that was used to generate soybean plant MON87701.

[0031] Figure 2 illustrates organization of the transgenic insert in the genome of soybean event MON87701: [A] corresponds to the relative position of SEQ ID NO:1 which forms the junction between SEQ ID NO:3 and SEQ ID NO:5; [B] corresponds to the relative position of SEQ ID NO:2 which forms the junction between SEQ ID NO:4 and SEQ ID NO:5; [C] corresponds to the relative position of SEQ ID NO:3, the soybean genome sequence flanking the arbitrarily assigned/designated 5' end of the expression cassette integrated into the genome in event MON87701; [D] corresponds to the relative position of SEQ ID NO:4, the soybean genome sequence flanking the arbitrarily assigned/designated 3' end of the expression cassette integrated into the genome in event MON87701; [E] represents the various elements comprising SEQ ID NO:5 and is the sequence of the expression cassette inserted into the genome of the event MON87701; and [F] represents the contiguous sequence comprising, as represented in the figure from left to right, SEQ ID NO:3, SEQ ID NO:5 and SEQ ID NO:4, in which SEQ ID NO:1 and SEQ ID NO:2 are incorporated as set forth above, as these sequences are present in the genome in event MON87701.

### **BRIEF DESCRIPTION OF THE SEQUENCES**

[0032] SEQ ID NO:1 – A 20 nucleotide sequence representing the junction between the soybean genomic DNA and the integrated expression cassette (see Figure 2). This sequence corresponds to positions 5748 to 5767 of SEQ ID NO:6. In addition, SEQ ID NO:1 ([A]) is a nucleotide sequence corresponding to positions 5748 through 5757 of SEQ ID NO:3 ([C]) and the integrated right border of the TIC107 expression cassette corresponding to positions 1 through

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10 of SEQ ID NO:5 ([E]). SEQ ID NO:1 also corresponds to positions 5748 to 5767 of the 5' flanking sequence, SEQ ID NO:3 ([C]).

[0033] SEQ ID NO:2 – A 20 nucleotide sequence representing the junction between the integrated expression cassette and the soybean genomic DNA (see Figure 2). This sequence corresponds to positions 12174 to 12193 of SEQ ID NO:6 ([F]). In addition, SEQ ID NO:2 ([B]) is a nucleotide sequence corresponding positions 6417 through 6426 of SEQ ID NO:5 ([E]) and the 3' flanking sequence corresponding to positions 379 through 388 of SEQ ID NO:4 ([D]). SEQ ID NO:2 ([B]) also corresponds to positions 369 to 388 of the 3' flanking sequence, SEQ ID NO:4 ([D]).

[0034] SEQ ID NO:3 ([C] of Figure 2) – The 5' sequence flanking the inserted DNA of MON87701 up to and including a region of transformation DNA (T-DNA) insertion.

[0035] SEQ ID NO:4 ([D] of Figure 2) – The 3' sequence flanking the inserted DNA of MON87701 up to and including a region of T-DNA insertion.

[0036] SEQ ID NO:5 ([E] of Figure 2) – The sequence of the integrated TIC107 expression cassette, including right and left border sequence after integration.

[0037] SEQ ID NO:6 ([F] of Figure 2) – A 14,416 bp nucleotide sequence representing the contig of the 5' sequence flanking the inserted DNA of MON87701 (SEQ ID NO:3), the sequence of the integrated expression cassette (SEQ ID NO:5) and the 3' sequence flanking the inserted DNA of MON87701 (SEQ ID NO: 4).

[0038] SEQ ID NO:7 – The TIC107 expression cassette of pMON53570.

[0039] SEQ ID NO:8 – The sequence of the TIC107 encoding DNA, including nucleotides encoding the chloroplast transit peptide.

[0040] SEQ ID NO:9 – Primer SQ1135 used to identify MON87701 events. Primer SQ1135 is complimentary to the 5' region of the inserted expression cassette, close to the right T-DNA insertion border corresponding to positions 5790 to 5766 of SEQ ID NO:6 and positions 33 to 9 of SEQ ID NO:5.

[0041] SEQ ID NO:10 – Primer SQ1136 used to identify MON87701 events. Primer SQ1136 corresponds to a 5' region flanking the inserted expression cassette close to the right T-DNA insertion border corresponding to positions 5705 to 5732 of SEQ ID NO:6 and positions 5705 to

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5732 of SEQ ID NO:3. A PCR amplicon of about 86 bp produced using the combination of primers SQ1135 and SQ1136 is positive for the presence of the event MON87701.

[0042] SEQ ID NO:11 – Probe PB63 used to identify MON87701 events. This probe is a 6FAM<sup>TM</sup>-labeled synthetic oligonucleotide whose sequence is complimentary to positions 5763 to 5748 of SEQ ID NO:6. Release of a fluorescent signal in an amplification reaction using primers SQ1135 and SQ1136 in combination with 6FAM<sup>TM</sup>-labeled probe PB63 is diagnostic of event MON87701.

[0043] SEQ ID NO:12 – Primer SQ3443 used to determine zygosity of MON87701 events. Primer SQ3443 corresponds to a region of the inserted expression cassette, close to the left T-DNA border, corresponding to positions 12145 to 12168 of SEQ ID NO:6 and to positions 6388 to 6411 of SEQ ID NO:5.

[0044] SEQ ID NO:13 – Primer SQ3445 used to determine zygosity of MON87701 events. Primer SQ3445 is complimentary to the 3' region flanking the inserted expression cassette, close to the left T-DNA corresponding to positions 12215 to 12188 of SEQ ID NO:6 and to positions 410 to 383 SEQ ID NO:4. Detection of a PCR amplicon using primers SQ3443 and SQ3445 with or without 6FAM<sup>TM</sup>-labeled Probe PB1111 is positive for presence of event MON87701 in a zygosity assay.

[0045] SEQ ID NO:14 – Primer SQ3446 used to determine zygosity of MON87701 events. Primer SQ3446 corresponds to a region of the wild-type genomic DNA wherein insertion of the expression cassette for MON87701 occurred. Detection of a PCR amplicon using primer SQ3445 and SQ3446 with or without VIC<sup>TM</sup>-labeled probe PB1112 is positive for the presence of the wild-type allele.

[0046] SEQ ID NO:15 – Probe PB1111 used to determine zygosity of MON87701 events. This probe is a 6FAM<sup>TM</sup>-labeled synthetic oligonucleotide whose sequence corresponds to positions 12172 to 12187 of SEQ ID NO:6. A PCR amplicon produced using primers SQ3443 and SQ3445 causes the release of a fluorescent signal using probe PB1111, which is positive for the presence of event MON87701 in a zygosity assay for MON87701 event.

[0047] SEQ ID NO:16 – Probe PB1112 used to determine zygosity of MON87701 events. This probe is a VIC<sup>TM</sup>-labeled synthetic oligonucleotide whose sequence corresponds to a region of the wild-type genomic DNA immediately following the region of homology to primer SQ3446 at

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the point of insertion of the expression cassette for event MON87701. A PCR amplicon produced using primers SQ3445 and SQ3446 causes the release of a fluorescent signal using probe PB1112, which is positive for the presence of the wild-type allele in a zygosity assay for MON87701 event. Heterozygosity of the MON87701 event is demonstrated by the fluorescent detection of two different amplicons using probes PB1111 and PB1112 in an amplification reaction using primers SQ3443, SQ3445 and SQ3446.

#### **DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS**

[0048] The following definitions and methods are provided to better define the present invention and to guide those of ordinary skill in the art in the practice of the present invention. Unless otherwise noted, terms are to be understood according to conventional usage by those of ordinary skill in the relevant art. Definitions of common terms in molecular biology may also be found in Rieger *et al.*, *Glossary of Genetics: Classical and Molecular*, 5th edition, Springer-Verlag: New York, 1991; and Lewin, *Genes V*, Oxford University Press: New York, 1994.

[0049] As used herein, the term “soybean” means *Glycine max* and includes all plant varieties that can be bred with soybean, including wild soybean species as well as those plants belonging to *Glycine soja* that permit breeding between species.

[0050] As used herein, the term “comprising” means “including but not limited to”.

[0051] The term “glyphosate” refers to N-phosphonomethylglycine and its salts. N-phosphonomethylglycine is a well-known herbicide that has activity on a broad spectrum of plant species.

[0052] A “commodity product” refers to any product which is comprised of material derived from soybean or soybean oil and is sold to consumers. Processed soybeans are the largest source of protein feed and vegetable oil in the world. The soybean plant MON87701 can be used to manufacture commodities typically acquired from soy. Soybeans of MON87701 can be processed into meal, flour, as well as be used as a protein source in animal feeds for both terrestrial and aquatic animals. Soybeans and soybean oils from MON87701 can be used in the manufacture of many different products, not limited to, nontoxic plastics, printing inks, lubricants, waxes, hydraulic fluids, electric transformer fluids, solvents, cosmetics, and hair care products. Soybeans and soybean oils of MON87701 are suitable for use in a variety of soyfoods made from whole soybeans, such as soymilk, soy nut butter, natto, and tempeh, and soyfoods

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made from processed soybeans and soybean oil, including soybean meal, soy flour, soy protein concentrate, soy protein isolates, texturized soy protein concentrate, hydrolyzed soy protein, whipped topping, cooking oil, salad oil, shortening, and lecithin. Whole soybeans are also edible, and are typically sold to consumers raw, roasted, or as edamamé. Soymilk, which is typically produced by soaking and grinding whole soybeans, may be consumed without other processing, spray-dried, or processed to form soy yogurt, soy cheese, tofu, or yuba.

[0053] Soybean Oils of MON87701 can be used to make biodiesel. The use of biodiesel in conventional diesel engines results in substantial reductions of pollutants such as sulfates, carbon monoxide, and particulates compared to petroleum diesel fuel, and use in school buses can greatly reduce exposure to toxic diesel exhaust. Biodiesel is typically obtained by extracting, filtering and refining soybean oil to remove free fats and phospholipids, and then transesterifying the oil with methanol to form methyl esters of the fatty acids (see for example US Patent No. 5,891,203). The resultant soy methyl esters are commonly referred to as "biodiesel." The oil derived from MON87701 may also be used as a diesel fuel without the formation of methyl esters, such as, for example, by mixing acetals with the oil (see for example US Patent No. 6,013,114). The seeds of MON87701 used to make said oils can be identified by the methods of the present invention. It is expected that purified oil from MON87701 event seeds or mixtures of seeds some or all of which are MON87701 will have relatively no DNA available for testing. However, the seeds from which the oils are extracted can be characterized with the method of the present invention to identify the presence of the MON87701 event within the population of seeds used to make said oils. Also, plant waste from the process used to make said oils can be used in the methods of the present invention to identify the presence of MON87701 events within a mixture of seeds processed to make said oils. Likewise, plant debris left after making a commodity product, or left behind following harvest of the soybean seed, can be characterized by the methods of the present invention to identify MON87701 events within the raw materials used to make said commodity products.

[0054] A transgenic "event" is produced by transformation of plant cells with heterologous DNA, *i.e.*, a nucleic acid construct that includes a transgene of interest, regeneration of a population of plants resulting from the insertion of the transgene into the genome of the plant, and selection of a particular plant characterized by insertion into a particular genome location.

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The term "event" refers to the original transformant and progeny of the transformant that include the heterologous DNA. The term "event" also refers to progeny produced by a sexual outcross between the transformant and another variety that include the heterologous DNA. Even after repeated back-crossing to a recurrent parent, the inserted DNA and flanking DNA from the transformed parent is present in the progeny of the cross at the same chromosomal location. The term "event" also refers to DNA from the original transformant comprising the inserted DNA and flanking genomic sequence immediately adjacent to the inserted DNA that would be expected to be transferred to a progeny that receives inserted DNA including the transgene of interest as the result of a sexual cross of one parental line that includes the inserted DNA (e.g., the original transformant and progeny resulting from selfing) and a parental line that does not contain the inserted DNA. The present invention relates to the event MON87701 DNA, plant cells, tissues, seeds and processed products derived from MON87701.

[0055] It is also to be understood that two different transgenic plants can also be mated to produce offspring that contain two independently segregating added, exogenous genes. Selfing of appropriate progeny can produce plants that are homozygous for both added, exogenous genes. Back-crossing to a parental plant and out-crossing with a non-transgenic plant are also contemplated, as is vegetative propagation. Descriptions of other breeding methods that are commonly used for different traits and crops can be found in one of several references, e.g., Fehr, in *Breeding Methods for Cultivar Development*, Wilcox J. ed., American Society of Agronomy, Madison WI (1987).

[0056] As used herein when referring to an "isolated DNA molecule", it is intended that the DNA molecule be one that is present, alone or in combination with other compositions, but not within its natural environment. For example, a coding sequence, intron sequence, untranslated leader sequence, promoter sequence, transcriptional termination sequence, and the like, that are naturally found within the DNA of a soybean genome are not considered to be isolated from the soybean genome so long as they are within the soybean genome. However, each of these components, and subparts of these components, would be "isolated" within the scope of this disclosure so long as the structures and components are not within the soybean genome. Similarly, a nucleotide sequence encoding a *Bacillus thuringiensis* insecticidal protein or any insecticidal variant of that protein would be an isolated nucleotide sequence so long as the



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nucleotide sequence was not within the DNA of the *Bacillus thuringiensis* bacterium from which the structure was first observed. An artificial nucleotide sequence encoding the same amino acid sequence or a substantially identical amino acid sequence that the native *B. thuringiensis* nucleotide sequence encodes would be considered to be isolated for the purposes of this disclosure. For the purposes of this disclosure, any transgenic nucleotide sequence, i.e., the nucleotide sequence of the DNA inserted into the genome of the cells of the soybean plant event MON87701 would be considered to be an isolated nucleotide sequence whether it is present within the plasmid used to transform soybean cells from which the MON87701 event arose, within the genome of the event MON87701, present in detectable amounts in tissues, progeny, biological samples or commodity products derived from the event MON87701. The nucleotide sequence or any fragment derived therefrom would therefore be considered to be isolated or isolatable if the DNA molecule can be extracted from cells, or tissues, or homogenate from a plant or seed or plant organ; or can be produced as an amplicon from extracted DNA or RNA from cells, or tissues, or homogenate from a plant or seed or plant organ, any of which is derived from such materials derived from the event MON87701. For that matter, the junction sequences as set forth at SEQ ID NO:1 and SEQ ID NO:2, and nucleotide sequences derived from event MON87701 that also contain these junction sequences are considered to be isolated or isolatable, whether these sequences are present within the genome of the cells of event MON87701 or present in detectable amounts in tissues, progeny, biological samples or commodity products derived from the event MON87701.

[0057] A "probe" is an isolated nucleic acid to which is attached a conventional detectable label or reporter molecule, e.g., a radioactive isotope, ligand, chemilluminiscent agent, or enzyme. Such a probe is complementary to a strand of a target nucleic acid, in the case of the present invention, to a strand of genomic DNA from soybean event MON87701 whether from a soybean plant or from a sample that includes DNA from the event. Probes according to the present invention include not only deoxyribonucleic or ribonucleic acids but also polyamides and other probe materials that bind specifically to a target DNA sequence and such binding can be used to detect the presence of that target DNA sequence.

[0058] "Primers" are isolated nucleic acids that are annealed to a complementary target DNA strand by nucleic acid hybridization to form a hybrid between the primer and the target DNA

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strand, and then extended along the target DNA strand by a polymerase, *e.g.*, a DNA polymerase. Primer pairs of the present invention refer to their use for amplification of a target nucleic acid sequence, *e.g.*, by the polymerase chain reaction (PCR) or other conventional nucleic acid amplification methods.

[0059] Probes and primers are generally 11 nucleotides or more in length, preferably 18 nucleotides or more, more preferably 24 nucleotides or more, and most preferably 30 nucleotides or more. Such probes and primers hybridize specifically to a target sequence under high stringency hybridization conditions. Preferably, probes and primers according to the present invention have complete sequence similarity with the target sequence, although probes differing from the target sequence and that retain the ability to hybridize to target sequences may be designed by conventional methods.

[0060] Methods for preparing and using probes and primers are described, for example, in *Molecular Cloning: A Laboratory Manual*, 2nd ed., vol. 1-3, ed. Sambrook *et al.*, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 1989 (hereinafter, "Sambrook *et al.*, 1989"); *Current Protocols in Molecular Biology*, ed. Ausubel *et al.*, Greene Publishing and Wiley-Interscience, New York, 1992 (with periodic updates) (hereinafter, "Ausubel *et al.*, 1992"); and Innis *et al.*, *PCR Protocols: A Guide to Methods and Applications*, Academic Press: San Diego, 1990. PCR-primer pairs can be derived from a known sequence, for example, by using computer programs intended for that purpose such as Primer (Version 0.5, © 1991, Whitehead Institute for Biomedical Research, Cambridge, MA).

[0061] Primers and probes based on the flanking DNA and insert sequences disclosed herein can be used to confirm (and, if necessary, to correct) the disclosed sequences by conventional methods, *e.g.*, by re-cloning and sequencing such sequences.

[0062] The nucleic acid probes and primers of the present invention hybridize under stringent conditions to a target DNA sequence. Any conventional nucleic acid hybridization or amplification method can be used to identify the presence of DNA from a transgenic event in a sample. Nucleic acid molecules or fragments thereof are capable of specifically hybridizing to other nucleic acid molecules under certain circumstances. As used herein, two nucleic acid molecules are said to be capable of specifically hybridizing to one another if the two molecules are capable of forming an anti-parallel, double-stranded nucleic acid structure. A nucleic acid

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molecule is said to be the "complement" of another nucleic acid molecule if they exhibit complete complementarity. As used herein, molecules are said to exhibit "complete complementarity" when every nucleotide of one of the molecules is complementary to a nucleotide of the other. Two molecules are said to be "minimally complementary" if they can hybridize to one another with sufficient stability to permit them to remain annealed to one another under at least conventional "low-stringency" conditions. Similarly, the molecules are said to be "complementary" if they can hybridize to one another with sufficient stability to permit them to remain annealed to one another under conventional "high-stringency" conditions. Conventional stringency conditions are described by Sambrook *et al.*, 1989, and by Haymes *et al.*, In: *Nucleic Acid Hybridization, A Practical Approach*, IRL Press, Washington, DC (1985), Departures from complete complementarity are therefore permissible, as long as such departures do not completely preclude the capacity of the molecules to form a double-stranded structure. In order for a nucleic acid molecule to serve as a primer or probe it need only be sufficiently complementary in sequence to be able to form a stable double-stranded structure under the particular solvent and salt concentrations employed.

[0063] As used herein, a "substantially homologous sequence" is a nucleic acid sequence that will specifically hybridize to the complement of the nucleic acid sequence to which it is being compared under high stringency conditions. Appropriate stringency conditions which promote DNA hybridization, for example, 6.0 x sodium chloride/sodium citrate (SSC) at about 45°C, followed by a wash of 2.0 x SSC at 50°C, are known to those skilled in the art or can be found in *Current Protocols in Molecular Biology*, John Wiley & Sons, N.Y. (1989), 6.3.1-6.3.6. For example, the salt concentration in the wash step can be selected from a low stringency of about 2.0 x SSC at 50°C to a high stringency of about 0.2 x SSC at 50°C. In addition, the temperature in the wash step can be increased from low stringency conditions at room temperature, about 22°C, to high stringency conditions at about 65°C. Both temperature and salt may be varied, or either the temperature or the salt concentration may be held constant while the other variable is changed. In a preferred embodiment, a nucleic acid of the present invention will specifically hybridize to one or more of the nucleic acid molecules set forth in SEQ ID NO:1 and 2 or complements thereof or fragments of either under moderately stringent conditions, for example at about 2.0 x SSC and about 65°C. In a particularly preferred embodiment, a nucleic acid of the

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present invention will specifically hybridize to one or more of the nucleic acid molecules set forth in SEQ ID NO:1 and SEQ ID NO:2 or complements or fragments of either under high stringency conditions. In one aspect of the present invention, a preferred marker nucleic acid molecule of the present invention has the nucleic acid sequence set forth in SEQ ID NO:1 and SEQ ID NO:2 or complements thereof or fragments of either. In another aspect of the present invention, a preferred marker nucleic acid molecule of the present invention shares 80%, 81%, 82%, 83%, 84%, 85%, 86%, 87%, 88%, 89%, 90%, 91%, 92%, 93%, 94%, 95%, 96%, 97%, 98%, 99% and 100% sequence identity with the nucleic acid sequence set forth in SEQ ID NO:1 and SEQ ID NO:2 or complement thereof or fragments of either. In a further aspect of the present invention, a preferred marker nucleic acid molecule of the present invention shares 95% 96%, 97%, 98%, 99% and 100% sequence identity with the sequence set forth in SEQ ID NO:1 and SEQ ID NO:2 or complement thereof or fragments of either. SEQ ID NO:1 and SEQ ID NO:2 may be used as markers in plant breeding methods to identify the progeny of genetic crosses similar to the methods described for simple sequence repeat DNA marker analysis, in "DNA markers: Protocols, applications, and overviews: (1997) 173-185, Cregan, et al., eds., Wiley-Liss NY"; all of which is herein incorporated by reference. The hybridization of the probe to the target DNA molecule can be detected by any number of methods known to those skilled in the art, these can include, but are not limited to, fluorescent tags, radioactive tags, antibody based tags, and chemilluminiscent tags.

[0064] Regarding the amplification of a target nucleic acid sequence (*e.g.*, by PCR) using a particular amplification primer pair, "stringent conditions" are conditions that permit the primer pair to hybridize only to the target nucleic-acid sequence to which a primer having the corresponding wild-type sequence (or its complement) would bind and preferably to produce a unique amplification product, the amplicon, in a DNA thermal amplification reaction.

[0065] The term "specific for (a target sequence)" indicates that a probe or primer hybridizes under stringent hybridization conditions only to the target sequence in a sample comprising the target sequence.

[0066] As used herein, "amplified DNA" or "amplicon" refers to the product of nucleic acid amplification of a target nucleic acid sequence that is part of a nucleic acid template. For example, to determine whether the soybean plant resulting from a sexual cross contains

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transgenic event genomic DNA from the soybean plant of the present invention, DNA extracted from a soybean plant tissue sample may be subjected to nucleic acid amplification method using a primer pair that includes a primer derived from flanking sequence in the genome of the plant adjacent to the insertion site of inserted heterologous DNA, and a second primer derived from the inserted heterologous DNA to produce an amplicon that is diagnostic for the presence of the event DNA. The amplicon is of a length and has a sequence that is also diagnostic for the event. The amplicon may range in length from the combined length of the primer pairs plus one nucleotide base pair, preferably plus about fifty nucleotide base pairs, more preferably plus about two hundred-fifty nucleotide base pairs, and even more preferably plus about four hundred-fifty nucleotide base pairs. Alternatively, a primer pair can be derived from flanking sequence on both sides of the inserted DNA so as to produce an amplicon that includes the entire insert nucleotide sequence. A member of a primer pair derived from the plant genomic sequence may be located a distance from the inserted DNA molecule, this distance can range from one nucleotide base pair up to about twenty thousand nucleotide base pairs. The use of the term "amplicon" specifically excludes primer dimers that may be formed in the DNA thermal amplification reaction.

10067] Nucleic acid amplification can be accomplished by any of the various nucleic acid amplification methods known in the art, including the polymerase chain reaction (PCR). A variety of amplification methods are known in the art and are described, *inter alia*, in U.S. Patent Nos. 4,683,195 and 4,683,202 and in *PCR Protocols: A Guide to Methods and Applications*, ed. Innis *et al.*, Academic Press, San Diego, 1990. PCR amplification methods have been developed to amplify up to 22 kb of genomic DNA and up to 42 kb of bacteriophage DNA (Cheng *et al.*, Proc. Natl. Acad. Sci. USA 91:5695-5699, 1994). These methods as well as other methods known in the art of DNA amplification may be used in the practice of the present invention. The sequence of the heterologous DNA insert or flanking sequence from soybean event MON87701 with seed samples deposited as ATCC PTA-8194 can be verified (and corrected if necessary) by amplifying such sequences from the event using primers derived from the sequences provided herein followed by standard DNA sequencing of the PCR amplicon or of the cloned DNA.

10068] The amplicon produced by these methods may be detected by a plurality of techniques. One such method is Genetic Bit Analysis (Nikiforov, *et al.* Nucleic Acid Res. 22:4167-4175,

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1994) where a DNA oligonucleotide is designed which overlaps both the adjacent flanking genomic DNA sequence and the inserted DNA sequence. The oligonucleotide is immobilized in wells of a microwell plate. Following PCR of the region of interest (using one primer in the inserted sequence and one in the adjacent flanking genomic sequence), a single-stranded PCR product can be hybridized to the immobilized oligonucleotide and serve as a template for a single base extension reaction using a DNA polymerase and labelled ddNTPs specific for the expected next base. Readout may be fluorescent or ELISA-based. A signal indicates presence of the insert/flanking sequence due to successful amplification, hybridization, and single base extension.

[0069] Another method is the Pyrosequencing technique as described by Winge (Innov. Pharma. Tech. 00:18-24, 2000). In this method an oligonucleotide is designed that overlaps the adjacent genomic DNA and insert DNA junction. The oligonucleotide is hybridized to single-stranded PCR product from the region of interest (one primer in the inserted sequence and one in the flanking genomic sequence) and incubated in the presence of a DNA polymerase, ATP, sulfurylase, luciferase, apyrase, adenosine 5' phosphosulfate and luciferin. dNTPs are added individually and the incorporation results in a light signal which is measured. A light signal indicates the presence of the transgene insert/flanking sequence due to successful amplification, hybridization, and single or multi-base extension.

[0070] Fluorescence Polarization as described by Chen, *et al.*, (Genome Res. 9:492-498, 1999) is a method that can be used to detect the amplicon of the present invention. Using this method an oligonucleotide is designed which overlaps the genomic flanking and inserted DNA junction. The oligonucleotide is hybridized to single-stranded PCR product from the region of interest (one primer in the inserted DNA and one in the flanking genomic DNA sequence) and incubated in the presence of a DNA polymerase and a fluorescent-labeled ddNTP. Single base extension results in incorporation of the ddNTP. Incorporation can be measured as a change in polarization using a fluorometer. A change in polarization indicates the presence of the transgene insert/flanking sequence due to successful amplification, hybridization, and single base extension.

[0071] TAQMAN® (PE Applied Biosystems, Foster City, CA) is described as a method of detecting and quantifying the presence of a DNA sequence and is fully understood in the

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instructions provided by the manufacturer. Briefly, a FRET oligonucleotide probe is designed which overlaps the genomic flanking and insert DNA junction. The FRET probe and PCR primers (one primer in the insert DNA sequence and one in the flanking genomic sequence) are cycled in the presence of a thermostable polymerase and dNTPs. Hybridization of the FRET probe results in cleavage and release of the fluorescent moiety away from the quenching moiety on the FRET probe. A fluorescent signal indicates the presence of the flanking/transgene insert sequence due to successful amplification and hybridization.

[0072] Molecular Beacons have been described for use in sequence detection as described in Tyangi, *et al.* (Nature Biotech.14:303-308, 1996). Briefly, a FRET oligonucleotide probe is designed that overlaps the flanking genomic and insert DNA junction. The unique structure of the FRET probe results in it containing secondary structure that keeps the fluorescent and quenching moieties in close proximity. The FRET probe and PCR primers (one primer in the insert DNA sequence and one in the flanking genomic sequence) are cycled in the presence of a thermostable polymerase and dNTPs. Following successful PCR amplification, hybridization of the FRET probe to the target sequence results in the removal of the probe secondary structure and spatial separation of the fluorescent and quenching moieties that in turn results in the production of a fluorescent signal. The fluorescent signal indicates the presence of the flanking/transgene insert sequence due to successful amplification and hybridization.

[0073] Other described methods, such as, microfluidics (US Patent pub. 2006068398, US Patent No.6,544,734) provide methods and devices to separate and amplify DNA samples. Optical dyes used to detect and quantitate specific DNA molecules (WO/05017181). Nanotube devices (WO/06024023) that comprise an electronic sensor for the detection of DNA molecules or nanobeads that bind specific DNA molecules and can then be detected.

[0074] DNA detection kits can be developed using the compositions disclosed herein and the methods well known in the art of DNA detection. The kits are useful for the identification of soybean event MON87701 DNA in a sample and can be applied to methods for breeding soybean plants containing the appropriate event DNA. The kits may contain DNA primers or probes that are homologous or complementary to SEQ ID NO:1 through SEQ ID NO:6 or DNA primers or probes homologous or complementary to DNA sequence of the genetic elements contained in the transgene insert. These DNA sequences can be used as primers in DNA

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amplification reactions or as probes in a DNA hybridization method. The sequences of the genomic DNA and transgene genetic elements contained in MON87701 soybean genome as illustrated in Figure 2, consists of a portion of the right border region (RB) from *Agrobacterium tumefaciens*, a promoter sequence derived from the Arabidopsis ribulose 1,5-bisphosphate carboxylase small subunit gene (herein referred to as P-RbcS4 located at positions 155 to 1850 on SEQ ID NO:5) is operably linked to an untranslated leader sequence derived from the Arabidopsis ribulose 1,5-bisphosphate carboxylase small subunit gene (herein referred to as L-RbcS4 located at positions 1851 to 1877 on SEQ ID NO:5) operably connected to the insect toxin coding sequence, TIC107, which is comprised of a chloroplast transit peptide derived from transit peptide sequence of the Arabidopsis ribulose 1,5-bisphosphate carboxylase small subunit gene and an insect toxin derived from Cry1Ac (herein referred to as TIC107 located at positions 1889 to 2141 for the transit peptide and positions 2142 to 5678 for the toxin coding sequence, respectively on SEQ ID NO:5) and is operably connected to a 3' termination region derived from the *Glycine max* 7S alpha' beta conglycinin storage protein gene (herein referred to as T-Sphas located at positions 5688 to 6126 on SEQ ID NO:5) and a portion of the left border (LB) region from *Agrobacterium tumefaciens*. DNA molecules useful as primers in DNA amplification methods can be derived from the sequences of the genetic elements of the transgene insert contained in the MON87701 event. These primer molecules can be used as part of a primer set that also includes a DNA primer molecule derived from the genome flanking the transgene insert of event MON87701 as presented in SEQ ID NO:3 from bases 1 through 5747 and SEQ ID NO:4 from bases 389 through 2611.

[0075] The soybean plant MON87701 was produced by an *Agrobacterium* mediated transformation process of an inbred soybean line with the plasmid construct pMON53570 (as shown in Figure 1). The transformation method used is similar to that described in US Patent 5,914,451. The plasmid construct pMON53570 contains the linked plant expression cassettes with the regulatory genetic elements necessary for expression of the TIC107 protein in soybean plant cells. Soybean cells were regenerated into intact soybean plants and individual plants were selected from the population of plants that showed integrity of the plant expression cassettes and resistance to Lepidopteran insect larvae feeding damage as well as a loss of the unlinked



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glyphosate resistance selection cassette. A soybean plant that contains in its genome the linked plant expression cassettes of pMON53570 is an aspect of the present invention.

[0076] The plasmid DNA inserted into the genome of soybean plant MON87701 was characterized by detailed molecular analyses. These analyses included: the insert number (number of integration sites within the soybean genome), the copy number (the number of copies of the T-DNA within one locus), and the integrity of the inserted gene cassettes. DNA molecular probes were used that included the intact TIC107 coding region and its respective regulatory elements, the promoters, introns, and polyadenylation sequences of the plant expression cassettes, and the plasmid pMON53570 backbone DNA region. The data show that MON87701 contains a single T-DNA insertion with one copy of the TIC107 expression cassette. No additional elements from the transformation vector pMON53570, linked or unlinked to intact gene cassettes, were detected in the genome of MON87701. Finally, Inverse PCR and DNA sequence analyses were performed to determine the 5' and 3' insert-to-plant genome junctions, confirm the organization of the elements within the insert (Figure 2), and determine the complete DNA sequence of the insert in soybean plant MON87701 (SEQ ID NO:5).

[0077] The present invention is directed to a DNA molecule comprising a nucleotide sequence of SEQ ID NO:1, SEQ ID NO:2, or complement thereof. The DNA molecule preferably comprises a nucleotide sequence of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6 or complement thereof. Still preferably, the DNA molecule consists essentially of the nucleotide sequence of SEQ ID NO:3 from positions 1 to 5757, the nucleotide sequence of SEQ ID NO:5 from positions 1 to 6426, and the nucleotide sequence of SEQ ID NO:4 from positions 379 to 2611, or complement thereof, or essentially of the nucleotide sequence of SEQ ID NO:6 or complement thereof.

[0078] The present invention is also directed to a soybean plant, or parts thereof, or seed that comprises the DNA molecule.

[0079] A composition derived from the soybean plant, or parts thereof, of the present invention is also provided. Such composition comprises a detectable amount of the DNA molecule and is a commodity product selected from soybean meal, soy flour, soy protein concentrate, soy protein isolates, texturized soy protein concentrate, hydrolyzed soy protein, soybean oil and whipped topping.

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[0080] The present invention is further directed to a method of producing an insect resistant soybean plant. This method comprises: (a) crossing the soybean plant of MON87701 with another soybean plant; (b) obtaining at least one progeny plant derived from the cross of (a); and (c) selecting progeny that comprises nucleotide sequences of SEQ ID NO:1 and SEQ ID NO:2. Said selection includes subjecting the at least one progeny plant obtained from (b) to a nucleic acid amplification reaction, wherein progeny that produces an amplicon comprising at least one nucleotide sequence of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 or SEQ ID NO:6 is selected, or subjecting the at least one progeny plant obtained from (b) to a nucleic acid hybridization reaction, wherein progeny hybridizing to a probe that hybridizes under stringent conditions with one or more DNA sequence selected from SEQ ID NO:1 and SEQ ID NO:2 is selected. The progeny so-selected is an insect resistant soybean plant.

[0081] The present invention is still further directed to a method for protecting a soybean plant from insect infestation. This method comprises providing in the diet of a Lepidopteran pest of soybean an insecticidally effective amount of cell(s) or tissue(s) of the soybean plant MON87701. The Lepidopteran pest is selected from the group consisting of *Anticarsia*, *Pseudoplusia*, *Epinotia*, *Spilosoma*, *Helicoverpa*, *Spodoptera* and *Rachiplusia*.

[0082] Still further provided in the present invention is a pair of DNA molecules comprising a first DNA molecule and a second DNA molecule, wherein the DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:3 or SEQ ID NO:5 or its complement; or SEQ ID NO:4 or SEQ ID NO:5 or its complement; or SEQ ID NO:6 or its complement; to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof.

[0083] For example, the first DNA molecule of the pair comprises 11 or more contiguous nucleotides of any portion of the transgene region of SEQ ID NO:3 or SEQ ID NO:5, or complement thereof, and the second DNA molecule of the pair comprises a similar length of a 5' flanking soybean genomic DNA region of SEQ ID NO:3, or complement thereof. A specific example is that the first DNA molecule comprises SEQ ID NO:9 and the second DNA molecule comprises SEQ ID NO:10.

[0084] Another example is that the first DNA molecule of the pair comprises 11 or more contiguous nucleotides of any portion of the transgene region of SEQ ID NO:4 or SEQ ID NO:5,

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or complement thereof, and the second DNA molecule of the pair comprises a similar length of a 3' flanking soybean genomic DNA region of SEQ ID NO:4, or complement thereof. A specific example is that the first DNA molecule comprises SEQ ID NO:12 and the second DNA molecule comprises SEQ ID NO:13.

[0085] The present invention is further directed to a method of detecting the presence of a DNA molecule selected from the group consisting of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 and SEQ ID NO:6 in a biological sample. This method comprises: (a) contacting the biological sample with a DNA primer pair comprising DNA primer molecules of sufficient length of contiguous nucleotides of SEQ ID NO:3 or its complement, SEQ ID NO:4 or its complement, SEQ ID NO:5 or its complement, or SEQ ID NO:6 or its complement, to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof; (b) providing a nucleic acid amplification reaction condition; (c) performing the nucleic acid amplification reaction, thereby producing a DNA amplicon molecule; and (d) detecting the DNA amplicon molecule so produced. Detection of an amplicon comprising at least one of SEQ ID NO:1, SEQ ID NO:2 and complement thereof is indicative of the presence of the DNA molecule in the biological sample.

[0086] The biological sample can comprise any organic material derived from soybean cells or tissue, including stems, roots, leaves, flowers or flower parts, seed or seed pods, and the like, that contains a detectable amount of a nucleotide sequence corresponding to such organic material. A biological sample derived from soybean event MON87701 comprises the transgene/genome insertion regions of the present invention, and particularly those as set forth in the Sequence Listing as shown in SEQ ID NO:1 through SEQ ID NO:6, and the complements thereof. For example, the biological sample suitable for the present invention can be soybean meal, soy flour, soy protein concentrate, soy protein isolates, texturized soy protein concentrate, hydrolyzed soy protein and whipped topping. The sample being tested can be a DNA sample extracted from a soybean plant.

[0087] The present invention is still further directed to a method of detecting the presence of a DNA molecule selected from the group consisting of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 and SEQ ID NO:6 in a biological sample. Such method comprises: (a) contacting the biological sample with a DNA probe that hybridizes under stringent conditions with said DNA

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molecule, and does not hybridize under the stringent conditions with a biological sample not containing the DNA molecule; (b) subjecting the biological sample and DNA probe to stringent hybridization conditions; and (c) detecting hybridization of the DNA probe to the biological sample. Detection of hybridization is indicative of the presence of the DNA molecule in the biological sample. For example, the biological sample being tested can be a DNA sample extracted from a soybean plant.

[0088] The probes used in the above detection method can comprise SEQ ID NO:1 or SEQ ID NO:2 or complement thereof, or comprise SEQ ID NO:11 or SEQ ID NO:15. Specific examples of such probe include SEQ ID NO:11 or SEQ ID NO:15. Such probe can further be labeled with at least one fluorophore.

[0089] The present invention is still further directed to a DNA detection kit comprising: at least one DNA molecule of sufficient length of contiguous nucleotides homologous or complementary to SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, or SEQ ID NO:6 to function as a DNA primer or probe specific for soybean event MON87701 and/or its progeny. The at least one DNA molecule can comprise SEQ ID NO:1, SEQ ID NO:2, or complement thereof. A specific example of such DNA molecule is SEQ ID NO:1, SEQ ID NO:2, or complement thereof.

[0090] The present invention is still further directed to a method of determining zygosity of DNA of a soybean plant genome comprising soybean event MON87701 in a soybean sample. This method comprises: (a) contacting the sample with a first primer pair of SEQ ID NO:12 and SEQ ID NO:13, that when used together in a nucleic acid amplification reaction with soybean event MON87701 DNA, produces an amplicon that is diagnostic for soybean event MON87701; (b) performing a nucleic acid amplification reaction; (c) detecting a first amplicon so produced; (d) contacting the sample with a second primer pair of SEQ ID NO:13 and SEQ ID NO:14, that when used together in a nucleic acid amplification reaction with soybean genomic DNA other than soybean event MON87701 DNA, produces an amplicon that is diagnostic for soybean genomic DNA other than soybean event MON87701 DNA; (e) performing a nucleic acid amplification reaction; and (f) detecting a second amplicon so produced. Detection of both the amplicon that is diagnostic for soybean event MON87701 and the amplicon that is diagnostic for soybean genomic DNA other than soybean event MON87701 DNA indicates that the sample is heterozygous for soybean event MON87701 DNA. Preferably, the first primer pair is further

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used together with probe of SEQ ID NO:15, and/or the second primer pair is further used with probe of SEQ ID NO:16.

[0091] The following examples are included to demonstrate examples of certain preferred embodiments of the invention. It should be appreciated by those of skill in the art that the techniques disclosed in the examples that follow represent approaches the inventors have found function well in the practice of the invention, and thus can be considered to constitute examples of preferred modes for its practice. However, those of skill in the art should, in light of the present disclosure, appreciate that many changes can be made in the specific embodiments that are disclosed and still obtain a like or similar result without departing from the spirit and scope of the invention.

### EXAMPLES

Example 1: Transformation of Soybean A5547 with pMON53570 and event selection

[0092] The transgenic soybean plant MON87701 was generated by an Agrobacterium-mediated transformation of soybean cells with a DNA fragment derived from pMON53570 (Figure 1). The binary plant transformation vector, pMON53570, contains two plant transformation cassettes or T-DNAs. Each cassette is flanked by right border and left border sequences at the 5' and 3' ends of the transformation cassette, respectively. An expression cassette, presented as SEQ ID NO:7, is used for the expression of an insect toxin. The expression cassette is comprised of a promoter and leader sequence derived from the Arabidopsis ribulose 1,5-bisphosphate carboxylase small subunit gene (P-RbcS4, Krebbers et al., (1988) Plant Mol. Biol. 11: 745-759) which is cloned directly upstream of the insect toxin coding sequence, TIC107, which in turn is cloned directly upstream of a terminator sequence derived from the Glycine max 7S alpha' beta conglycinin storage protein gene (T-Sphas, see for example, Schuler et al., (1982) Nucleic Acids Res. 10: 8225-8244). The insect toxin coding sequence, TIC107 is presented as SEQ ID NO:8. The nucleic acid sequence set forth as SEQ ID NO:8 is a synthetic or artificial sequence encoding an insecticidal toxin derived from Cry1Ac (US Patent 5,880,275) with a chloroplast transit peptide coding sequence derived from the Arabidopsis ribulose 1,5-bisphosphate carboxylase small subunit gene cloned directly upstream of the insect toxin coding sequence.

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[0093] The plant transformation vector, pMON53570 was mobilized into disarmed *Agrobacterium tumefaciens* strain ABI by electroporation and selected on spectinomycin and chloramphenicol. Explants from Asgrow soybean variety A5547 were transformed with pMON53570 using a method similar to that described in US Patent 5,914,451. Soybean explants and induced *A. tumefaciens* containing pMON53570 were mixed within 14 hours from the time of initiation of seed germination and wounding by sonication. Following wounding, explants were placed in culture for two to five days after which, they were transferred to selection media containing glyphosate for transformed plant cell selection and antibiotics.

[0094] Selection and formation of transgenic shoots was allowed to proceed for six to eight weeks. Developing shoots were sampled and assayed by PCR for the presence of the TIC107 cassette using primers based upon the TIC107 expression cassette sequence. Approximately 100-R0 transformation events were produced and tested for the presence of a single-copy of the transgene cassette. Southern analysis used as a first pass screen employed a restriction endonuclease that cleaved the expression cassette once. A single EcoRV site was inserted just inside the right border of the expression cassette. This enzyme cleaves with sufficient frequency in the soybean genome as to usually disassociate closely linked copies of the transgene in multiple copy events. TAQMAN® analysis was also performed to confirm copy number in the R0 generation as described below. Forty two of the R0 events demonstrated a single-copy insertion of the transgene cassette and were allowed to self pollinate to generate F1 progeny. Seventy five F1 plants were grown from seed from each of the selected forty two R0 events. A non-lethal spray of glyphosate was applied to all of the F1 progeny. Those F1 progeny in which the glyphosate resistance cassette was unlinked, turned yellow demonstrating the absence of the glyphosate selection cassette. One hundred and fifteen plants were identified as unlinked events. The one hundred and fifteen F1 plants were allowed to recover from the glyphosate application and then tested for insect resistance to feeding against *Anitcarsia gemmatalis* and *Pseudoplusia includens* at R1 and R7 growth stages. All events passed the bioassay criteria of less than 10% feeding against *Anitcarsia* and *Pseudoplusia*.

[0095] Southern analysis was performed on the one hundred and fifteen selected F1 plants to confirm the presence of the expression cassette and absence of undesired nucleotide sequences from the transformation vector. Twelve events were selected from the pool of one hundred and

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fifteen as the most suitable events for further F1 evaluation of copy number by Southern analysis. TAQMAN® and zygosity assays were also performed on the selected F1 events as described below. Out of the twelve F1 selected events, nine demonstrated by preliminary Southern analysis a single copy of the toxin expression cassette. Several lines from the nine events were carried forward to the F2 and F3 generation for further insect trials and genetic characterization. Only a single F1 plant from each line was selected to generate seed for successive generations.

[0096] At F3 generation, a more detailed Southern analysis was performed on four selected lines to build a more detailed restriction enzyme map of the inserted expression cassette. Out of the nine events, one event was completely free of backbone, the glyphosate resistance cassette and the plasmid origin of replication. This event was later discovered to have two unlinked insect toxin expression cassettes and gave rise to several lines of progeny. One progeny line also designated event MON87701 was selected at F3 generation based upon its performance characteristics and molecular characterization. Flanking sequence was generated for each of the selected F3 generation lines using inverse PCR as described below. R0 event selection and F1 zygosity analysis were performed as described below using sequences deduced through inverse PCR of the transformed and wild type lines.

#### Example 2: Isolation of flanking sequences using inverse PCR

[0097] Sequences flanking the T-DNA insertion in MON87701 were determined using inverse PCR as described in Ochman et al., 1990 (PCR Protocols: A guide to Methods and Applications, Academic Press, Inc.). Plant genomic DNA was isolated from both Asgrow A5547 and the transgenic lines from tissue grown under green house conditions for Southern and TAQMAN® analysis. Approximately 1 gram of young trifoliolate leaf tissue was combined with liquid nitrogen and ground to a fine powder using a mortar and pestle. DNA was extracted using a Nucleon Plant DNA extraction kit (RPN8511, Amersham, Piscataway, NJ) according to the manufacturer's protocol. After the final precipitation step, DNAs were resuspended in 0.5 ml of TE (10 mM Tris-HCl pH 8.0, 1 mM EDTA). This method can be modified by one skilled in the art to extract DNA from any tissue of soybean, including, but not limited to seed.

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[0098] An aliquot of DNA was digested with restriction endonucleases selected based upon restriction analysis of the T-DNA. After self-ligation of restriction fragments, PCR was performed using primers designed from the T-DNA sequence that would amplify sequences extending away from the 5' and 3' ends of the T-DNA. PCR products were separated by agarose gel electrophoresis and purified using a QIAGEN gel purification kit (Qiagen, Valencia, CA). The subsequent products were sequenced directly using standard sequencing protocols. The 5' flanking sequence which extends into the right border sequence of the TIC107 expression cassette T-DNA is presented as SEQ ID NO:3 ([C], see Figure 2). The 3' flanking sequence which extends into the left border sequence of the TIC107 expression cassette T-DNA is presented as SEQ ID NO:4 ([D], see Figure 2). The portion of the TIC107 expression cassette DNA (SEQ ID NO:7) that was fully integrated into the A5547 genomic DNA is presented as SEQ ID NO:5 ([E], see Figure 2).

[0099] Isolated sequences were compared to the T-DNA sequence to identify the flanking sequence and the co-isolated T-DNA fragment. Confirmation of the presence of the expression cassette was achieved by PCR with primers designed based upon the deduced flanking sequence data and the known T-DNA sequence. The A5547 wild type sequence corresponding to the same region in which the T-DNA was integrated in the transformed line was isolated using primers designed from the flanking sequences in MON87701. The PCR reactions were performed using the Elongase amplification system (Invitrogen, Carlsbad, CA). The flanking sequences in MON87701 and the A5547 wild type sequence were analyzed against multiple nucleotide and protein databases. This information was used to examine the relationship of the transgene to the plant genome and to look for the insertion site integrity. The flanking sequence and wild type sequences were used to design primers for TAQMAN® endpoint assays used to identify the events and determine zygosity as described in example 3.

Example 3: Event specific endpoint TAQMAN® and Zygosity assays.

[00100] The methods used to identify event MON87701 in a sample are described in an event specific endpoint TAQMAN® PCR for which examples of conditions are described in Table 1 and Table 2. The DNA primers used in the endpoint assay are primers SQ1135 (SEQ ID NO:9), SQ1136 (SEQ ID NO:10) and 6FAM<sup>TM</sup> labeled primer PB63 (SEQ ID NO:11). 6FAM<sup>TM</sup> is a



fluorescent dye product of Applied Biosystems (Foster City, CA) attached to the DNA primer. For TAQMAN® MGB probes, the 5' exonuclease activity of Taq DNA polymerase cleaves the probe from the 5'-end, between the fluorophore and quencher. When hybridized to the target DNA strand, quencher and fluorophore are separated enough to produce a fluorescent signal, thus releasing fluorescence.

[00101] SQ1135 (SEQ ID NO:9) and SQ1136 (SEQ ID NO:10) when used in these reaction methods with PB63 (SEQ ID NO:11) produce a DNA amplicon that is diagnostic for event MON87701 DNA. The controls for this analysis should include a positive control from soybean containing event MON87701 DNA, a negative control from non-transgenic soybean and a negative control that contains no template DNA.

[00102] These assays are optimized for use with an Applied Biosystems GeneAmp PCR System 9700 or Stratagene Robocycler, MJ Engine, Perkin-Elmer 9700, or Eppendorf Mastercycler Gradient thermocycler. Other methods and apparatus known to those skilled in the art that produce amplicons that identify the event MON87701 DNA is within the skill of the art.

[00103] Proceed with the DNA amplification in a Stratagene Robocycler, or MJ Engine, or Perkin-Elmer 9700, or Eppendorf Mastercycler Gradient thermocycler or Applied Biosystems GeneAmp PCR System 9700 or MJ Research DNA Engine PTC-225 thermal cycler using the following cycling parameters. When running the PCR in the Eppendorf Mastercycler Gradient or MJ Engine, the thermocycler should be run in the calculated mode. When running the PCR in the Perkin-Elmer 9700, run the thermocycler with the ramp speed set at maximum.

Table 1. Soybean MON87701 Event Specific Endpoint TAQMAN® PCR

Step	Reagent	Volume	Comments
1	18 megohm water	adjust for final volume of 10 $\mu$ l	
2	2X Universal Master Mix (Contains dNTPs, enzyme and buffer)	5.0 $\mu$ l	1X final concentration of dNTPs, enzyme and buffer
3	Primer-1 and Primer-2 Mix (resuspended in 18 megohm water to a concentration of 20 $\mu$ M for each primer) <b>Example:</b> In a microcentrifuge tube, the	0.5 $\mu$ l	1.0 $\mu$ M final concentration

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Step	Reagent	Volume	Comments
	<p>following should be added to achieve 500 ul at a final concentration of 20uM: 100 ul of Primer SQ1135 (SEQ ID NO:9) at a concentration of 100 uM 100 ul of Primer SQ1136 (SEQ ID NO:10) at a concentration of 100 uM</p> <p>300 ul of 18 megohm water</p>		
4	<p>Event 6-FAM<sup>TM</sup> MGB Probe PB63 (SEQ ID NO:11) (resuspended in 18 megohm water to a concentration of 10 uM)</p>	0.2 µl	0.2 µM final concentration
5	<p>Extracted DNA (template):</p> <ol style="list-style-type: none"> <li>1. Leaf Samples to be analyzed</li> <li>2. Negative control (non-transgenic DNA)</li> <li>3. Negative water control (no template control)</li> <li>4. Positive control GM_A19459A DNA</li> </ol>	3.0 µl	

Table 2. Endpoint TAQMAN® thermocycler conditions

Cycle No.	Settings
1	50°C 2 minutes
1	95°C 10 minutes
10	95°C 15 seconds 64°C 1 minute -1°C/cycle
30	95°C 15 seconds 54°C 1 minute
1	10°C Forever

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[00104] R0 plants demonstrating the presence of the TIC107 expression cassette were allowed to develop into fully mature plants. The R0 plants were evaluated for the occurrence of linkage between the TIC107 expression cassette and the glyphosate resistance expression cassette using Southern analysis with a DNA restriction enzyme known to not cut into both cassettes and the region between each cassette in the plasmid, *PacI*. Probes designed based upon the sequences of the glyphosate resistance cassette, the TIC107 cassette and the origin of replication (OR-Ec.oriV-RK2) which resides in between the two expression cassettes in pMON53570 were used to probe Southern blots to determine linkage. The R0 plants were also evaluated for copy number of the TIC107 expression cassette using a combination of Southern analysis and endpoint TAQMAN®. R0 plants demonstrating an unlinked relationship between the Glyphosate resistance cassette and the TIC107 expression cassette were allowed to self pollinate and produce F1 progeny.

[00105] F1 plants were assayed for the absence of the glyphosate resistance cassette due to segregation occurring in the F1 population from unlinked self-pollinated R0 transformed events. A non-lethal application of glyphosate was applied to the F1 individuals. Those plants in which the resistance cassette was lost due to segregation demonstrated damage from the application of glyphosate. These plants were allowed to recover and develop normally. Zygoty assays for the TIC107 expression cassette were performed upon F1 plants using a TAQMAN® endpoint assay as described below.

[00106] The methods used to determine zygoty for event MON87701 in a sample are described in an event specific zygoty endpoint TAQMAN PCR for which examples of conditions are described in Table 3 and Table 4. The DNA primers used in the zygoty assay are primers SQ3443 (SEQ ID NO:12), SQ3445 (SEQ ID NO:13), SQ3446 (SEQ ID NO:14), 6FAM<sup>TM</sup>-labeled primer PB1111 (SEQ ID NO:15) and VIC<sup>TM</sup>-labeled primer PB1112 (SEQ ID NO:16). 6FAM<sup>TM</sup> and VIC<sup>TM</sup> are fluorescent dye products of Applied Biosystems (Foster City, CA) attached to the DNA primers. For TAQMAN MGB probes, the 5' exonuclease activity of Taq DNA polymerase cleaves the probe from the 5'-end, between the fluorophore and quencher. When hybridized to the target DNA strand, quencher and fluorophore are separated enough to produce a fluorescent signal, thus releasing fluorescence.

[00107] SQ3443 (SEQ ID NO:12) and SQ3445 (SEQ ID NO:13) when used in these reaction methods with PB1111 (SEQ ID NO:15) produce a DNA amplicon that is diagnostic for event

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MON87701 DNA. The controls for this analysis should include a positive control from soybean containing event MON87701 DNA, a negative control from non-transgenic soybean and a negative control that contains no template DNA.

[00108] SQ3445 (SEQ ID NO:13) and SQ3446 (SEQ ID NO:14) when used in these reaction methods with PB1112 (SEQ ID NO:16) produce a DNA amplicon that is diagnostic for the wild type allele.

[00109] Heterozygosity is determined by the presence of both amplicons demonstrated by the liberation of fluorescent signal from both probes PB1111 and PB1112.

[00110] These assays are optimized for use with an Applied Biosystems GeneAmp PCR System 9700 or Stratagene Robocycler, MJ Engine, Perkin-Elmer 9700, or Eppendorf Mastercycler Gradient thermocycler. Other methods and apparatus known to those skilled in the art that produce amplicons that identify the event MON87701 DNA is within the skill of the art.

[00111] Proceed with the DNA amplification in a Stratagene Robocycler, MJ Engine, Perkin-Elmer 9700, or Eppendorf Mastercycler Gradient thermocycler or Applied Biosystems GeneAmp PCR System 9700 or MJ Research DNA Engine PTC-225 thermal cycler using the following cycling parameters. When running the PCR in the Eppendorf Mastercycler Gradient or MJ Engine, the thermocycler should be run in the calculated mode. When running the PCR in the Perkin-Elmer 9700, run the thermocycler with the ramp speed set at maximum.

Table 3. Soybean MON87701 Event Specific Zygoty Endpoint TAQMAN® PCR

Step	Reagent	Volume	Comments
1	18 megohm water	adjust for final volume of 10 $\mu$ l	
2	2X Universal Master Mix (Contains dNTPs, enzyme and buffer)	5.0 $\mu$ l	1X final concentration of dNTPs, enzyme and buffer
3	Zygoty Primer-1, Primer-2, & Primer-3 Mix (resuspended in 18 megohm water to a concentration of 20 $\mu$ M for each primer) <b>Example:</b> In a microcentrifuge tube, the following should be added to	0.5 $\mu$ l	1.0 $\mu$ M final concentration

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Step	Reagent	Volume	Comments
	achieve 500 ul at a final concentration of 20uM: 100 ul of Primer SQ3443 (SEQ ID NO:12) at a concentration of 100 uM 100 ul of Primer SQ3445 (SEQ ID NO:13) at a concentration of 100 uM 100 ul of Primer SQ3446 (SEQ ID NO:14) at a concentration of 100 uM 200 ul of 18 megohm water		
4	Event 6-FAM <sup>TM</sup> MGB Probe PB1111 (SEQ ID NO:15) (resuspended in 18 megohm water to a concentration of 10 uM)	0.2 µl	0.2 µM final concentration
5	WT VIC <sup>TM</sup> MGB Probe PB1112 (SEQ ID NO:16) (resuspended in 18 megohm water to a concentration of 10 uM)	0.2 µl	0.2 µM final concentration
6	Extracted DNA (template): 1. Leaf Samples to be analyzed 2. Negative control (non-transgenic DNA) 3. Negative water control (no template control) 4. Positive control Homozygous GM_A19459A DNA 5. Positive control Hemizygous GM_A19459A DNA	3.0 µl	

Table 4. Zygosity Endpoint TAQMAN® thermocycler conditions

Cycle No.	Settings
1	50°C 2 minutes
1	95°C 10 minutes
10	95°C 15 seconds 64°C 1 minute -1°C/cycle
30	95°C 15 seconds 54°C 1 minute
1	10°C Forever

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[00112] The event MON87701 F1 plants were also tested for resistance to *Anticarsia* and *Pseudoplusia*. Resistance was defined as less than 10% feeding in the R1 and R7 growth stages. Copy number analysis was further performed on selected F1 individuals using Southern analysis and a restriction endonuclease known to cut in one single location within the TIC107 expression cassette, *EcoRV*. Expression of the TIC107 protein in the F1 population was confirmed using protein test strips (EnviroLogix, QuickStix™ Kit for Cry1Ac Cotton Leaf & Seed, Cat. # AS 003, Portland, Maine 04103) following the manufacturer's protocol. Southern analysis was performed on selected events in the F3 population to confirm the presence of a single intact T-DNA insert. Ultimate line selection was based upon performance characteristics in field testing, protein expression and molecular characterization.

#### Example 4: Identification of event MON87701 in any MON87701 breeding event

[00113] The following example describes how one may identify the MON87701 event within progeny of any breeding event using MON87701 soybean.

[00114] DNA event primer pairs are used to produce an amplicon diagnostic for soybean event MON87701. An amplicon diagnostic for MON87701 comprises at least one junction sequence, SEQ ID NO:1 or SEQ ID NO:2 ([A] and [B], respectively as illustrated in Figure 2). SEQ ID NO:1 ([A] of Figure 2) is a nucleotide sequence corresponding to the junction of the 5' flanking sequence (positions 5748 through 5757 of SEQ ID NO:3 [C], see Figure 2) and the integrated right border of the TIC107 expression cassette (positions 1 through 10 of SEQ ID NO:5 [E], see figure 2). SEQ ID NO:1 also corresponds to positions 5748 to 5767 of the 5' flanking sequence, SEQ ID NO:3 ([C], see Figure 2). SEQ ID NO:2 ([B], see Figure 2) is a nucleotide sequence corresponding to the junction of the integrated left border of the TIC107 expression cassette (positions 6417 through 6426 of SEQ ID NO:5 [E], see Figure 2) and the 3' flanking sequence (positions 379 through 388 of SEQ ID NO:4 [D], see Figure 2). SEQ ID NO:2 ([C], see Figure 2) also corresponds to positions 369 to 388 of the 3' flanking sequence, SEQ ID NO:4 ([D], see Figure 2).

[00115] Event primer pairs that will produce a diagnostic amplicon for MON87701 include primer pairs based upon the flanking sequences and the inserted TIC107 expression cassette. To acquire a diagnostic amplicon in which at least 11 nucleotides of SEQ ID NO:1 is found, one

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would design a forward primer based upon SEQ ID NO:3 from bases 1 through 5747 and a reverse primer based upon the TIC107 inserted expression cassette, SEQ ID NO:5 from positions 10 through 6416. To acquire a diagnostic amplicon in which at least 11 nucleotides of SEQ ID NO:2 is found, one would design a forward primer based upon the TIC107 inserted expression cassette, SEQ ID NO:5 from positions 10 through 6416 and a reverse primer based upon the 3' flanking sequence, SEQ ID NO:4 from bases 389 through 2611. For practical purposes, one should design primers which produce amplicons of a limited size range, preferably between 200 to 1000 bases. Smaller sized amplicons in general are more reliably produced in PCR reactions, allow for shorter cycle times, and can be easily separated and visualized on agarose gels or adapted for use in endpoint TAQMAN®-like assays. In addition, amplicons produced using said primer pairs can be cloned into vectors, propagated, isolated and sequenced or can be sequenced directly with methods well established in the art. Any primer pair derived from the combination of SEQ ID NO:3 and SEQ ID NO:5 or the combination of SEQ ID NO:4 and SEQ ID NO:5 that are useful in a DNA amplification method to produce an amplicon diagnostic for MON87701 or progeny thereof is an aspect of the present invention. Any single isolated DNA polynucleotide primer molecule comprising at least 11 contiguous nucleotides of SEQ ID NO:3, or its complement that is useful in a DNA amplification method to produce an amplicon diagnostic for MON87701 or progeny thereof is an aspect of the present invention. Any single isolated DNA polynucleotide primer molecule comprising at least 11 contiguous nucleotides of SEQ ID NO:4, or its complement that is useful in a DNA amplification method to produce an amplicon diagnostic for MON87701 or progeny thereof is an aspect of the present invention. Any single isolated DNA polynucleotide primer molecule comprising at least 11 contiguous nucleotides of SEQ ID NO:5, or its complement that is useful in a DNA amplification method to produce an amplicon diagnostic for MON87701 or progeny thereof is an aspect of the present invention.

[00116] An example of the amplification conditions for this analysis is illustrated in Table 5 and Table 6. However, any modification of these methods or the use of DNA primers homologous or complementary to SEQ ID NO:3 or SEQ ID NO:4 or DNA sequences of the genetic elements contained in the transgene insert (SEQ ID NO:5) of MON87701 that produce an amplicon diagnostic for MON87701, is within the art. A diagnostic amplicon comprises a DNA molecule

homologous or complementary to at least one transgene/genomic junction DNA (SEQ ID NO:1 or SEQ ID NO:2), or a substantial portion thereof.

[00117] An analysis for event MON87701 plant tissue sample should include a positive tissue control from event MON87701, a negative control from a soybean plant that is not event MON87701, for example, but not limited to A5547, and a negative control that contains no soybean genomic DNA. A primer pair that will amplify an endogenous soybean DNA molecule will serve as an internal control for the DNA amplification conditions. Additional primer sequences can be selected from SEQ ID NO:3, SEQ ID NO:4, or SEQ ID NO:5 by those skilled in the art of DNA amplification methods, and conditions selected for the production of an amplicon by the methods shown in Table 5 and Table 6 may differ, but result in an amplicon diagnostic for event MON87701 DNA. The use of these DNA primer sequences with modifications to the methods of Table 5 and Table 6 are within the scope of the invention. The amplicon produced by at least one DNA primer sequence derived from SEQ ID NO:3, SEQ ID NO:4, or SEQ ID NO:5 that is diagnostic for MON87701 is an aspect of the invention.

[00118] DNA detection kits that contain at least one DNA primer derived from SEQ ID NO:3, SEQ ID NO:4, or SEQ ID NO:5, that when used in a DNA amplification method, produces a diagnostic amplicon for MON87701 or its progeny is an aspect of the invention. A soybean plant or seed, wherein its genome will produce an amplicon diagnostic for MON87701 when tested in a DNA amplification method is an aspect of the invention. The assay for the MON87701 amplicon can be performed by using an Applied Biosystems GeneAmp PCR System 9700 or Stratagene Robocycler, or MJ Engine, or Perkin-Elmer 9700, or Eppendorf Mastercycler Gradient thermocycler or any other amplification system that can be used to produce an amplicon diagnostic of MON87701 as shown in Table 6.

Table 5. Soybean MON87701 Event Specific PCR Assay

Step	Reagent	Volume	Comments
1	18 megohm water	adjust for final volume of 10 $\mu$ l	
2	2X Universal Master Mix (Contains dNTPs, enzyme and buffer)	5.0 $\mu$ l	1X final concentration of dNTPs, enzyme and buffer



Step	Reagent	Volume	Comments
3	Primer-1 and Primer-2 Mix (resuspended in 18 megohm water to a concentration of 20 uM for each primer) <b>Example:</b> In a microcentrifuge tube, the following should be added to achieve 500 ul at a final concentration of 20uM: 100 ul of Primer 1 at a concentration of 100 uM 100 ul of Primer 2 at a concentration of 100 uM  300 ul of 18 megohm water	0.5 µl	1.0 µM final concentration
5	Extracted DNA (template) 50 ng of genomic DNA: Leaf Samples to be analyzed Negative control (non-transgenic DNA) Negative water control (no template control) Positive control MON88701 DNA	3.0 µl	

Table 6 Soybean MON87701 Event Thermocycler Conditions

Cycle No.	Settings
1	50°C 2 minutes
1	95°C 10 minutes
10	95°C 15 seconds 64°C 1 minute -1°C/cycle
30	95°C 15 seconds 54°C 1 minute
1	10°C Forever

[00119] A deposit of the soybean event MON87701 seed disclosed above and recited in the claims, has been made under the Budapest Treaty with the American Type Culture Collection

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(ATCC), 10801 University Boulevard, Manassas, VA. 20110. The ATCC accession number is PTA-8194. The deposit will be maintained in the depository for a period of 30 years, or 5 years after the last request, or for the effective life of the patent, whichever is longer, and will be replaced as necessary during that period.

[00120] Having illustrated and described the principles of the present invention, it should be apparent to persons skilled in the art that the invention can be modified in arrangement and detail without departing from such principles. We claim all modifications that are within the spirit and scope of the appended claims.

## Claims:

1. A DNA molecule comprising a nucleotide sequence of SEQ ID NO:1, SEQ ID NO:2, or complement thereof.
2. The DNA molecule of claim 1, comprising a nucleotide sequence of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:6 or complement thereof.
3. The DNA molecule of claim 2, consisting essentially of the nucleotide sequence of SEQ ID NO:3 from positions 1 to 5757, the nucleotide sequence of SEQ ID NO:5 from positions 1 to 6426, and the nucleotide sequence of SEQ ID NO:4 from positions 379 to 2611, or complement thereof.
4. The DNA molecule of claim 2, consisting essentially of the nucleotide sequence of SEQ ID NO:6 or complement thereof.
5. A soybean plant, or parts thereof, comprising the DNA molecule of any one of claims 1 to 4.
6. Seed of the soybean plant of claim 5, wherein said seed comprises said DNA molecule.
7. A composition derived from the soybean plant, or parts thereof, as set forth in claim 5, wherein said composition comprises a detectable amount of said DNA molecule, and wherein said composition is a commodity product selected from the group consisting of soybean meal, soy flour, soy protein concentrate, soy protein isolates, texturized soy protein concentrate, hydrolyzed soy protein, soybean oil and whipped topping.
8. A method of producing an insect resistant soybean plant comprising:
  - (a) crossing the soybean plant of claim 5 with another soybean plant;
  - (b) obtaining at least one progeny plant derived from the cross of (a); and
  - (c) selecting progeny that comprises nucleotide sequences of SEQ ID NO:1 and SEQ ID NO:2, wherein said selected progeny is an insect resistant soybean plant.
9. The method of claim 8, wherein said selecting step (c) includes subjecting said at least one progeny plant obtained from (b) to a nucleic acid amplification reaction, wherein progeny that produces an amplicon comprising at least one nucleotide sequence of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 or SEQ ID NO:6 is selected, or subjecting said at least one progeny plant obtained from (b) to a nucleic acid hybridization reaction,

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- wherein progeny hybridizing to a probe that hybridizes under stringent conditions with one or more DNA sequence selected from SEQ ID NO:1 and SEQ ID NO:2 is selected.
10. A method for protecting a soybean plant from insect infestation, comprising providing in the diet of a Lepidopteran pest of soybean an insecticidally effective amount of cell(s) or tissue(s) of the soybean plant, or parts thereof, of claim 5.
  11. The method of claim 10, wherein said Lepidopteran pest is selected from the group consisting of *Anticarsia*, *Pseudoplusia*, *Epinotia*, *Spilosoma*, *Helicoverpa*, *Spodoptera* and *Rachiplusia*.
  12. A pair of DNA molecules comprising: a first DNA molecule and a second DNA molecule, wherein the DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:3 or SEQ ID NO:5 or its complement to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof.
  13. A pair of DNA molecules comprising: a first DNA molecule and a second DNA molecule, wherein the DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:4 or SEQ ID NO:5 or its complement to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof.
  14. A pair of DNA molecules comprising: a first DNA molecule and a second DNA molecule, wherein the DNA molecules are of sufficient length of contiguous nucleotides of SEQ ID NO:6 or its complement to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof.
  15. The pair of DNA molecules of any one of claims 12 to 14, wherein said first DNA molecule comprises 11 or more contiguous nucleotides of any portion of the transgene region of SEQ ID NO:3 or SEQ ID NO:5, or complement thereof, and said second DNA molecule comprises a similar length of a 5' flanking soybean genomic DNA region of SEQ ID NO:3, or complement thereof.
  16. The pair of DNA molecules of claim 15, wherein said first DNA molecule comprises SEQ ID NO:9 and said second DNA molecule comprises SEQ ID NO:10.
  17. The pair of DNA molecules of any one of claims 12 to 14, wherein said first DNA molecule comprises 11 or more contiguous nucleotides of any portion of the transgene region of SEQ ID NO:4 or SEQ ID NO:5, or complement thereof, and said second DNA

- molecule comprises a similar length of a 3' flanking soybean genomic DNA region of SEQ ID NO:4, or complement thereof.
18. The pair of DNA molecules of claim 17, wherein said first DNA molecule comprises SEQ ID NO:12 and said second DNA molecule comprises SEQ ID NO:13.
  19. A method of detecting the presence of a DNA molecule selected from the group consisting of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 and SEQ ID NO:6 in a biological sample, the method comprising:
    - (a) contacting said biological sample with a DNA primer pair comprising DNA primer molecules of sufficient length of contiguous nucleotides of SEQ ID NO:3 or its complement, SEQ ID NO:4 or its complement, SEQ ID NO:5 or its complement, or SEQ ID NO:6 or its complement, to function as DNA primers or probes diagnostic for DNA extracted from soybean plant MON87701 or progeny thereof;
    - (b) providing a nucleic acid amplification reaction condition;
    - (c) performing said nucleic acid amplification reaction, thereby producing a DNA amplicon molecule; and
    - (d) detecting said DNA amplicon molecule, wherein detection of an amplicon comprising at least one of SEQ ID NO:1, SEQ ID NO:2 and complement thereof is indicative of the presence of said DNA molecule in said biological sample.
  20. The method of claim 19, wherein said biological sample is a DNA sample extracted from a soybean plant.
  21. A method of detecting the presence of a DNA molecule selected from the group consisting of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5 and SEQ ID NO:6 in a biological sample, the method comprising:
    - (a) contacting said biological sample with a DNA probe that hybridizes under stringent conditions with said DNA molecule, and does not hybridize under the stringent conditions with a biological sample not containing said DNA molecule;
    - (b) subjecting said biological sample and DNA probe to stringent hybridization conditions; and

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- (c) detecting hybridization of said DNA probe to said biological sample, wherein detection of hybridization is indicative of the presence of said DNA molecule in said biological sample.
22. The method of claim 21, wherein said biological sample is a DNA sample extracted from a soybean plant.
  23. The method of claim 21 or 22, wherein said DNA probe comprises SEQ ID NO:1 or SEQ ID NO:2 or complement thereof.
  24. The method of claim 21 or 22, wherein said DNA probe comprises SEQ ID NO:11 or SEQ ID NO:15.
  25. The method of claims 21 to 24, wherein said DNA probe is labeled with at least one fluorophore.
  26. The method of claim 19 or 21, wherein said biological sample is selected from the group consisting of soybean meal, soy flour, soy protein concentrate, soy protein isolates, texturized soy protein concentrate, hydrolyzed soy protein and whipped topping.
  27. A DNA detection kit comprising: at least one DNA molecule of sufficient length of contiguous nucleotides homologous or complementary to SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, or SEQ ID NO:6 to function as a DNA primer or probe specific for soybean event MON87701 and/or its progeny.
  28. The DNA detection kit of claim 27, wherein said at least one DNA molecule comprises SEQ ID NO:1, SEQ ID NO:2, or complement thereof.
  29. The DNA detection kit of claim 28, wherein said at least one DNA molecule is SEQ ID NO:1, SEQ ID NO:2, or complement thereof.
  30. A method of determining zygosity of DNA of a soybean plant genome comprising soybean event MON87701 in a soybean sample comprising:
    - (a) contacting said sample with a first primer pair of SEQ ID NO:12 and SEQ ID NO:13, that when used together in a nucleic acid amplification reaction with soybean event MON87701 DNA, produces an amplicon that is diagnostic for soybean event MON87701;
    - (b) performing a nucleic acid amplification reaction;
    - (c) detecting a first amplicon produced;

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- (d) contacting said sample with a second primer pair of SEQ ID NO:13 and SEQ ID NO:14, that when used together in a nucleic acid amplification reaction with soybean genomic DNA other than soybean event MON87701 DNA, produces an amplicon that is diagnostic for soybean genomic DNA other than soybean event MON87701 DNA;
  - (e) performing a nucleic acid amplification reaction; and
  - (f) detecting a second amplicon produced; wherein detection of both the amplicon that is diagnostic for soybean event MON87701 and the amplicon that is diagnostic for soybean genomic DNA other than soybean event MON87701 DNA indicates that said sample is heterozygous for soybean event MON87701 DNA.
31. The method of claim 30, wherein said first primer pair is further used together with probe of SEQ ID NO:15, and/or wherein said second primer pair is further used with probe of SEQ ID NO:16.

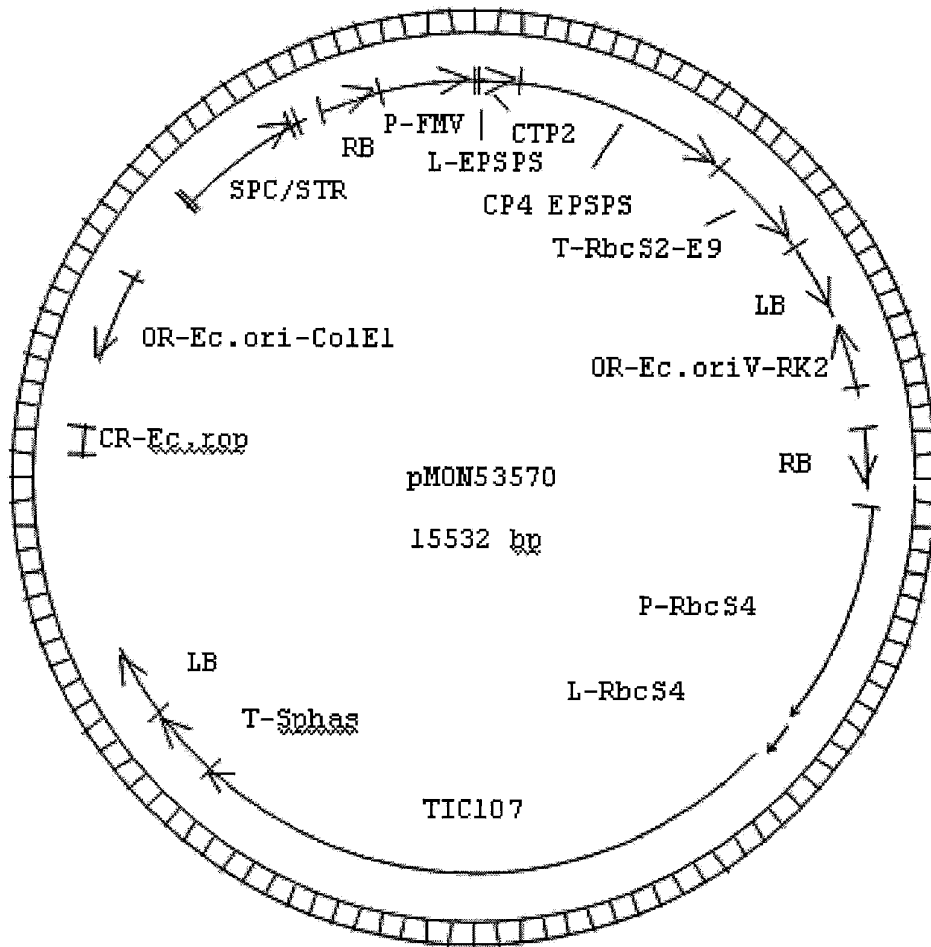


FIG. 1



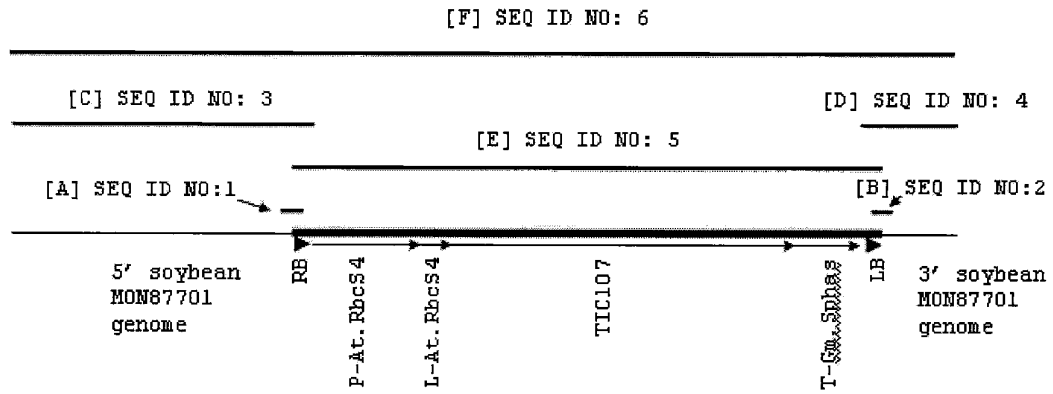


FIG. 2