

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY,)
)
 Plaintiff,)
)
 vs.) Case No. 4:00CV01915 ERW
)
 BAYER BIOSCIENCE, N.V.,)
)
 Defendant.)

JUDGMENT AND ORDER OF DISMISSAL

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that United States Patent Numbers 5,254,799; 5,545,565; 5,767,372; and 6,107,546 are all unenforceable due to Bayer's inequitable conduct before the Patent and Trademark Office.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of Bayer's remaining counterclaims accusing Monsanto and/or its licensees of patent infringement in the above-styled case are **DISMISSED WITH PREJUDICE**.

Dated this 27th day of December, 2002.

/S/ E. RICHARD WEBBER
E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE