



## **Arcadia Biosciences Files Notice of Appeal to the Federal Circuit and a Lawsuit in Federal Court in New York Challenging Arista Patents on High-Fiber Resistant Starch Wheat**

September 5, 2018

### ***-- Arcadia's Diverse Portfolio of GoodWheat™ Branded Ingredients Moves Toward Full-Scale Commercialization --***

DAVIS, Calif.--(BUSINESS WIRE)--Sep. 5, 2018-- [Arcadia Biosciences, Inc.](#) (Nasdaq: RKDA), an agricultural food ingredient company, today announced that it has filed a notice of appeal to the United States Court of Appeal for the Federal Circuit (Federal Circuit) and a lawsuit in the United States District Court for the Southern District of New York (SDNY) against Arista Cereal Ingredients, Pty. Ltd. and two of its affiliates. The actions are related to Arcadia's high-fiber Resistant Starch (RS) wheat.

"We respect the intellectual property of others and vigorously defend our own," said Raj Ketkar, president and CEO of Arcadia. "The global wheat market is enormous – between 20 and 25 percent of people's calories come from wheat. While we seek to assert our rights to the patents in question, there are large geographies unaffected by these patents where we continue to advance our commercialization plans for RS GoodWheat, as well as our other GoodWheat branded portfolio ingredients."

The company's GoodWheat branded ingredient portfolio also includes wheat varieties that deliver high levels of protein, high levels of amino acids, and lower levels of gluten, as well as better-tasting whole wheat. The company is currently harvesting sample and seed-stock crops of these varieties and expects to announce technology results and commercial launch updates following nutrition analysis studies.

"The global wheat flour market is estimated to reach approximately \$200 billion by 2022. It's a market that has seen little innovation over the past 75 years and that we believe holds tremendous opportunity for many players. We developed our GoodWheat portfolio of branded ingredients to give consumers additional wheat product choices that complement a healthy lifestyle," said Ketkar. "We're working to make wheat cool again."

The Federal Circuit notice of appeal challenges the recent decision by the Patent Trial and Appeal Board (PTAB) on Arcadia's RS GoodWheat technology, adopting a claim construction that resulted in dismissal of Arcadia's interference action pertaining to Arista's U.S. Patent No. 9,357,722. Arcadia believes that the PTAB's claim construction was incorrect because it failed to follow applicable standards and adopted a claim construction inconsistent with Arista's own statements on the scope of that patent.

The United States District Court for the Southern District of New York suit against Arista and its affiliates Vilmorin and Limagrain seeks correction of inventorship on key Arista patents and other remedies. The lawsuit asserts claims against those defendants arising out of breaches of a confidentiality agreement with Arcadia and claims that Arcadia scientists should be added as sole or joint inventors on the challenged patents. The lawsuit also asserts claims against Vilmorin, Limagrain and Arista for damages under numerous legal theories including breach of contract, unfair competition, unjust enrichment, and tortious interference.

Arcadia's RS wheat, the result of more than a decade of development leading up to its recent commercial launch, is part of the company's robust GoodWheat™ portfolio of branded ingredients. The company [recently reported](#) the technology achievement of an industry-leading 94 percent amylose level in its High-Fiber RS GoodWheat bread and durum (pasta) varieties without the 15-20 percent yield penalty seen in research varieties of resistant starch wheat in development by other organizations. High levels of amylose are directly correlated to levels of resistant starch and fiber in wheat. Arcadia's RS GoodWheat, currently in test formulation studies with several consumer packaged goods companies, qualifies for the U.S. Food And Drug Administration's labeling designation of "High in Fiber" or "A Good Source of Fiber."

### **About Arcadia Biosciences, Inc.**

Arcadia Biosciences, Inc. (Nasdaq: RKDA) develops and markets high-value food ingredients and nutritional oils that help meet consumer demand for a healthier diet. Arcadia's GoodWheat™ branded ingredients deliver health benefits to consumers and enable consumer packaged goods companies to differentiate their brands in the marketplace. The company's agricultural traits are being developed to enable farmers around the world to be more productive and minimize the impact of agriculture on the environment. For more information, visit [www.arcadiabio.com](http://www.arcadiabio.com).

### **Note Regarding Forward-Looking Statements**

This press release contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. Forward-looking statements are subject to risks and uncertainties that could cause actual results to differ materially, and reported results should not be considered as an indication of future performance. These risks and uncertainties include, but are not limited to: Arcadia's and its partners' and affiliates' ability to develop commercial products incorporating their traits, and complete the regulatory review process for such products; Arcadia's compliance with laws and regulations that impact Arcadia's business, and changes to such laws and regulations; Arcadia's future capital requirements and ability to satisfy its capital needs; Arcadia's ability to develop, enforce and defend its intellectual property rights; and the other risks set forth in Arcadia's filings with the Securities and Exchange Commission from time to time, including the risks set forth in Arcadia's Annual Report on Form 10-K for the year ended

December 31, 2017 and other filings. These forward-looking statements speak only as of the date hereof, and Arcadia Biosciences, Inc. disclaims any obligation to update these forward-looking statements.

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