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RICHARD L. MARTIN
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

BAYER AG, Plaintiff, vs. NOVARTIS CROP PROTECTION, INC., NOVARTIS CROP PROTECTION AG, and NOVARTIS AG, Defendants.	§ § § § § § § § § §	Civil Action No. 98-996-C-2 (Jury Demanded)

PLAINTIFF BAYER AG'S REPLY TO
DEFENDANT NOVARTIS CROP PROTECTION, INC.'S COUNTERCLAIM

Plaintiff Bayer AG ("Bayer") replies to Defendant Novartis Crop Protection, Inc.'s ("NCPI") counterclaim, as set forth in paragraphs 58 through 62 of NCPI's "Answer and Counterclaim," as follows:

58. Bayer admits the allegations contained in paragraph 58.

59. Bayer admits the allegations contained in paragraph 59.

60. Bayer admits the allegations contained in paragraph 60.

61. Bayer admits that it is the owner of all substantial rights in United States Patent No. 5,719,146.

62. Responding to paragraph 62, Bayer denies each and every allegation contained in paragraphs 53 through 57 of NCPI's "Answer and Counterclaim."

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AFFIRMATIVE DEFENSE
(Unclean Hands)

By virtue of its actions and omissions prior to the filing of the instant action, NCPI has engaged in reprehensible conduct toward Bayer, and is thereby barred from prosecuting the claim it has sued upon herein.

WHEREFORE, Bayer prays for a judgment and decree of this Court:

A. dismissing NCPI's counterclaim with prejudice;

B. declaring that United States Patent No. 5,719, 146 is valid and enforceable;

C. granting to Bayer the relief sought in its "Complaint and Jury Demand"; and

D. granting to Bayer such different and other relief that this Court deems just and proper.

Date: February 26 1998

By: _____

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ATTORNEYS FOR PLAINTIFF
BAYER AG

CERTIFICATE OF SERVICE

I hereby certify that one true copy of the foregoing PLAINTIFF BAYER AG'S REPLY TO DEFENDANT NOVARTIS CROP PROTECTION, INC.'S COUNTERCLAIM was served on counsel for Defendants this 26 day of February, 1999, by facsimile and First Class Mail to:

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