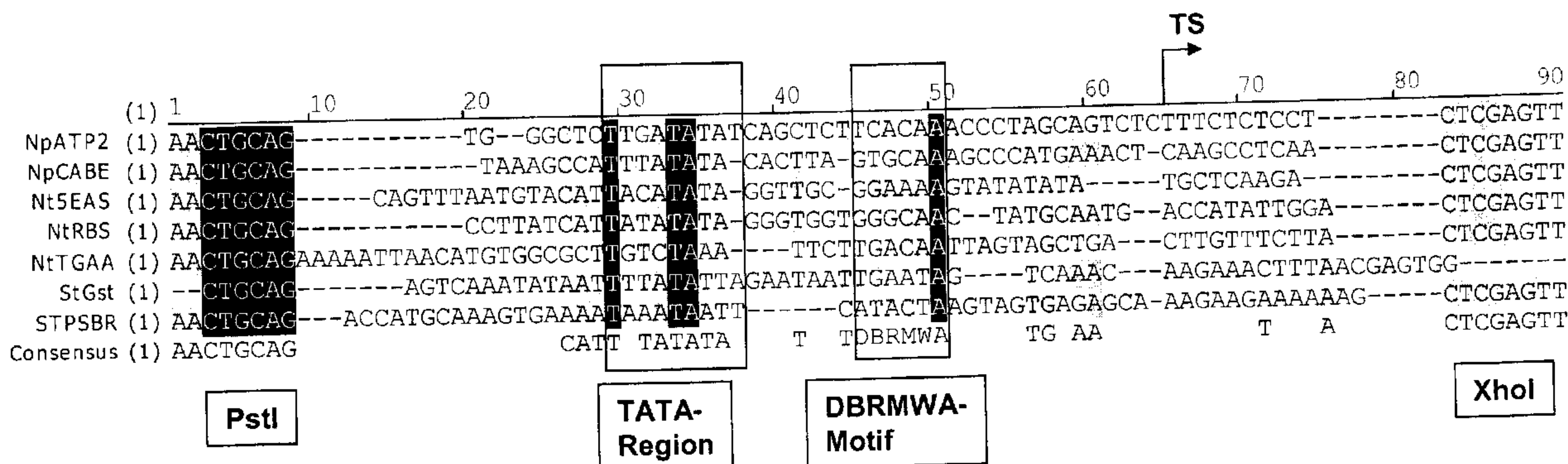




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(57) **Abrégé/Abstract:**

The invention relates to a pathogen-inducible synthetic promoter which is suitable for regulating the transcription of a nucleic acid, and includes a minimal promoter, characterized in that the minimal promoter includes a sequence motif a) dbrmwa or b) twccmt which is disposed downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.

## ABSTRACT

The invention relates to a pathogen-inducible synthetic promoter which is suitable for regulating the transcription of a nucleic acid, and includes a minimal promoter, characterized in that the minimal promoter includes a sequence motif a) dbrmwa or b) twccmt which is disposed downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.

## **PATHOGEN-INDUCIBLE SYNTHETIC PROMOTER FOR PLANT EXPRESSION**

The present invention relates to a pathogen-inducible synthetic promoter which is suitable for regulating the transcription of a nucleic acid and includes a minimal promoter. Further, the present invention relates to a transgenic plant cell as well as transgenic plants. The present invention further concerns a process for producing a pathogen resistant plant.

Various processes are known for creating plants which are resistant against pathogens such as fungi, virus, bacteria and nematodes. One of these processes employs the hypersensitive reaction (HR) of the plant, wherein the development of necrosis occurs at the location of direct contact between pathogen and plant. As a consequence of the HR a broad spectrum of pathogen defense mechanisms are triggered in adjacent cells, which prevent the further propagation of the pathogen in the plant tissue.

The HR can occur after expression of effector genes, such as for example avirulence genes of the pathogen and interaction with the product of a corresponding resistance gene (R-gene). The R-gene can herein already be present in the plant or, as the case may be, may be introduced by gene technology methods into the respective plant genome (Stuiver et al. 1998, Keller et al., 1999, Belbahri et al., 2001). Besides this, an over-expression or autoactivation of R-genes can lead to triggering of a HR (Tao et al., 2000, Tang et al., 1999, Bendahmane et al., 2002, Howles et al., 2005). By the over-expression of a R-gene a threshold is exceeded, which leads to initiation of a signal cascade, which conventionally is only initiated upon the presence of the pathogen or as the case may be the avirulence gene product. By triggering or activating this cascade a broad effective pathogen resistance can be achieved (Oldroyd and Staskawicz, 1998, Tang et al., 1999, Tao et al., 2000, Howles et al., 2005). Those R-genes are characterized as autoactive R-genes which are modified to the extent that for initiation of the signal cascade the presence of the pathogen/avirulence gene product is not necessary and at the same time, a reduced level of expression in comparison to the non-modified form is sufficient in order to achieve initiation of the signal cascade.

Stuiver et al. (1998) were able to show that the transformation of the *avr9*-gene from the phytopathogenic fungi *Cladosporium fulvum* under the control of the pathogen inducible *Gst1*-promoter from the potato in tomato plants, which carry the corresponding *Cf9*-gene, brought about a broad effective fungi resistance. A resistance against the oomycete *Phytophthora parasitica* var *nicotianae* could be achieved in *Nicotiana tabacum* after either the elicitor cryptogen from *P. cryptogea* or the bacterial elicitor *popA* from the phytopathogenic bacterium *Ralstonia solanacearum* was transformed in *N. tabacum*. Both genes were under the control of the pathogen inducible promoter *hsr203J* from *N. tabacum* (Keller et al., 1999, Belbahri et al., 2001).

The system of the HR triggering requires a stringent control of the expression of the effector gene at the location of the infection. In the case of uncontrolled expression, the expression of the effector gene causes negative effects on plant growth and therewith on the harvesting of horticultural plants (Stuiver and Custers, 2001). A controlled expression can however occur by the selection of suitable pathogen inducible promoters. These should, however, no expression or only a small expression under conditions of non-infestation, however, in the case of infection, cause a significantly higher expression at the location of the infection. After transformation from two different autoactive forms of the L6 rust resistance gene from flax (*Linum usitatissimum*) in flax under the control of the natural *Fis1* promoters inducible by rust from flax, two phenotypes could be observed. On the one hand, normal growth plants, which showed no improved resistance against pathogens, and on the other hand, dwarf plants, with a broad pathogen resistance (Howles et al., 2005). These results show that, depending upon the employed form of the autoactive R-gene, the result could be a promoter activity which already lies above the threshold for induction of the signal cascade, while in the phenotypically unremarkable plants the induction of the *Fis1*-promoters is not sufficient in order to achieve this threshold. The specificity of the natural *Fis1*-promoters thus is not sufficient in order to achieve the broad effective pathogen resistance without negative effects on the plant growth.

Natural pathogen inducible promoters frequently show a non-specific activity and are activated

by numerous stimuli, so that their use for the expression of the above-described effector genes is not practical, since a HR-triggering could also occur under non-infection conditions. This "leakiness" of the promoters leads to an impairment of plant growth and thus to a reduction of the harvest yield of horticultural crops. For this reason synthetic promoters were developed, which contain the sequence motives (cis-regulatory elements) from natural, pathogen inducible promoters, which are relevant for pathogen induction. Sequence motives for other stimuli are, in contrast, removed. The cis-regulatory elements are cloned upstream of the minimal promoter, whereby a functional promoter is produced, which exhibits an elevated specificity in comparison to the natural promoters, which were isolated from the respective cis-regulatory elements (Rushton et al., 2002). As minimal promoter for dicotyledonous plants the region -46 through +8 of the 35S-gene of the *Cauliflower Mosaic Virus* was employed. Besides this, the use of a minimal promoter from a natural promoter, out of which the respective cis-regulatory element was cloned, are known (Perl-Treves et al., 2004). For monocotyledonous plants, the use of the minimal promoter from the Act1-gene of rice is described (Lü et al., 2000).

Although the described synthetic promoters are an improvement over the natural promoters, these however show background activity even under non-infection conditions. These background activities vary among individual plant types. Thus, in all plant types examined until now a pathogen inducibility could be determined, however the strength of the induction and the absolute activity of the promoters vary. In the case of a too-strong background activity in non-infected tissue, then, only a small pathogen inducibility could be determined as quotient of the promoter activity in the infected tissue divided by the promoter activity in the non-infected tissue.

Until now, only the employed cis-regulatory elements were considered responsible for the level of the background activity of a synthetic promoter. These have a large influence on the strength of the promoter (Rushton et al., 2002). Little investigated until now was the influence of the minimal promoter. According to the literature the minimal promoter has only a very small influence on the regulation of the promoter activity (Singh, 1998). Bhuliar et al. (2003) could however detect a clear reduction of the promoter activity of the 35S-promoter

when the minimal promoter (-46 through +1) was exchanged with heterologous plant minimal promoters. These differences lead back to the different sequences of the TATA-boxes, while, according to their opinion, the flanking regions of the TATA-box of the minimal promoter are not relevant for the promoter activity.

It is thus the task of the present invention to provide a pathogen inducible synthetic promoter with a small background activity.

In accordance with the invention the solution of the task is accomplished by a pathogen inducible synthetic promoter with a minimal promoter, wherein the minimal promoter includes a sequence motive

a) dbrmwa or

b) twcccm

which is situated downstream of a TATA-region and ahead of a transcription point laying on the minimal promoter at which the transcription of the nucleic acid to be regulated starts. Therein the sequence motive dbrmwa is suited primarily for dicots and the sequence motive twcccm for monocot plants.

According to an embodiment of the present invention, there is provided a pathogen inducible synthetic promoter suitable for regulating transcription of a nucleic acid which is assembled from multiple elements, said promoter comprising a minimal promoter and at least one cis-regulatory element located upstream of the minimal promoter, wherein the minimal promoter comprises the sequence motif dbrmwa which is disposed downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.

According to another embodiment of the present invention, there is provided a minimal promoter for the production of a pathogen inducible synthetic promoter suitable for regulating transcription of a nucleic acid, wherein the minimal promoter comprises the sequence motif dbrmwa which is disposed downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.

According to one aspect of the invention there is provided a pathogen inducible synthetic promoter, which is suitable for regulating transcription of a nucleic acid, and includes a minimal promoter, wherein the minimal promoter includes a sequence motif a) dbrmwa or b) twccmt which is disposed downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.

According to a further aspect of the invention there is provided a recombinant gene with a pathogen inducible synthetic promoter as described herein.

According to another aspect of the invention there is provided a plant cell, in which a pathogen inducible synthetic promoter as described herein has been integrated into the DNA of the plant cell.

According to yet another aspect of the invention there is provided a transgenic plant cell comprising a pathogen inducible synthetic promoter as described herein.

According to still another aspect of the invention there is provided a process for producing a pathogen resistant plant, in which in a plant cell a nucleic acid causing pathogen resistance is introduced, which is under the control of a pathogen inducible synthetic promoter, and subsequently a plant is regenerated from this plant cell, wherein the pathogen inducible synthetic promoter is a pathogen inducible synthetic promoter as described herein.

According to a further aspect of the invention there is provided use of a pathogen inducible synthetic promoter as described herein for regulating transcription of a nucleic acid in a plant.

The symbols of the sequence motive as used herein have the following meaning:

d = nucleotide a or g or t/u

b = nucleotide c or g or t/u

r = nucleotide g or a

m = nucleotide a or c

w = nucleotide a or t/u

a = nucleotide a

t = nucleotide t

c = nucleotide c

In the sense of the invention a "minimal promoter" is a DNA-sequence of the promoter, which is

necessary for promoter function. General transcription factors such as for example TFII-D, TFII-A, TFII-B, TFII-E and TFII-F could bond at this DNA-sequence, and form the platform for the bonding of the RNA-polymerase II/TFII-F complex. Since the transcription of the DNA into the mRNA starts in this region, the transcription start point (TS) lies within the minimal promoter and is identified as position +1. The minimal promoter encompasses the TS and can extend for example from position -50 through position +15. Frequently a so-called TATA-box is found at the position -30, which however does not occur in all promoters. The TATA-box is a region of a sequence of thymine and adenine bases. The TATA-box is the binding location for the TATA-box binding protein (TBP).

Characterized as "synthetic promoters" are those promoters which do not occur in nature, are assembled from multiple elements and contain a minimal promoter as well as, upstream of the minimal promoter, at least one cis-regulatory element, which serves as the bonding location for special transcription factors. Synthetic promoters are designed according to the desired requirements and are induced or repressed by various factors.

"Derivatives" of a promoter are shortened or lengthened or partially identical versions of this promoter or homologs with the same, modified or singular characteristics. The expression "homology" herein means a homology of at least 70% based on DNA, which can be determined by known processes, for example, a computer supported sequence comparison (Altschul, S.F. et al., 1990).

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

Fig. 1 shows a sequence comparison between preferred minimal promoters (SEQ ID NOS: 1 through 7) for dicotyledonous plants with the conserved TATA-regions and the dbrmwa-motives as well as the cleavage site PstI and XhoI employed for cloning in the plasmid pMS23luc+.

Fig. 2 shows a sequence comparison between the minimal promoters (SEQ ID NOS: 8 and 9), preferred for monocotyledonous plants, which are employed for the transient transformation of wheat leaves.

Fig. 3 illustrates a graphical comparison of the activity levels of various minimal promoters in comparison to the 35S-minimal promoter.

Fig. 4 shows an overview of the individual inductions following *in vitro* infection of stable, transgenic potato plants with the synthetic promoter comprised of the 4xGst1 element (SEQ ID NO: 12) and the indicated minimal promoters.

Fig. 5 shows an overview of the average reporter gene activity of non-infected, transgenic potato plants with a synthetic promoter.

Fig. 6 shows induction of synthetic promoters following inoculation of transgenic potatoes with *P. infestans*.

Fig. 7 shows a comparison of the normalized activity of pathogen inducible synthetic promoters comprised of an element 2xS/2xD (SEQ ID NO: 11) and the minimal promoters *ubi1* (comparison promoter), TaPAL (SEQ ID NO: 9) and TaACS (SEQ ID NO: 8) following biolistic transformation in primary leaves of the wheat type "Taifun".

Fig. 9 shows the plasmid *pubiTATARucll*.

## **DETAILED DESCRIPTION OF THE INVENTION**

The inventive pathogen inducible synthetic promoter results after transient biolistic transformation in a reduced base activity in the leaf tissue of the respective plants in comparison to conventionally employed promoters with a minimal promoter such as the 35S-minimal promoter in dicotyledonous, and the corn-*ubi1*-minimal promoter in monocotyledonous, plants. Beyond this it was discovered that in the inventive pathogen inducible synthetic promoters the induction rate is also higher.

The inventive pathogen inducible synthetic promoters can thus be employed for production of transgenic plants which have a broad resistance against numerous

pathogens, such as fungi, oomycetes, bacteria, virus, insects and nematodes.

The sequence motives dbrmwa and twccmt lie in sense orientation on the codogenic strand between the TATA-box and the transcription start point and can also occur two or more times. Preferred sequences for minimal promoters are indicated in SEQ ID NOS: 1 through 9.

Cis-regulatory elements for production of pathogen inducible synthetic promoters are primarily those elements which occur in natural pathogen inducible promoters and they are responsible for pathogen induction. Their identification is described in Rushton et al. (2002).

Preferred cis-regulatory elements for production of synthetic promoters with use of the inventive minimal promoters are also described in WO 00/29592. From the cis-regulatory elements mentioned there, the D-box (SEQ ID NO: 10) is particularly suitable, in particular in the combination 2xS/2xD (SEQ ID NO: 11), as well as the Gst1-element, preferably in the combination 4xGst1 (SEQ ID NO: 12).

Preferred cis-element combinations include in general combinations of the D-box (SEQ ID NO: 10) with the S-box or, as the case may be, the Gst1-element. Particularly preferred are, besides the above-mentioned combination 2xS/2xD (SEQ ID NO: 11), the combination 2xS/4xD (SEQ ID NO: 13); 4xS/2xD (SEQ ID NO: 14) and 2xGst1/2xD (SEQ ID NO: 15). The combination of the 2xS/4xD element (SEQ ID NO: 13) with the minimal promoter according to SEQ ID NO: 2 shows in transgenic potatoes following infection with *Phytophthora infestans* an average elevation of the reporter gene activity by a factor of 253,000 in comparison to a non-infected control.

If the element 4xS/2xD (SEQ ID NO: 14) was cloned ahead of the minimal promoter (SEQ ID NO: 2), an average increase in the reporter gene activity by a factor of 2,892 could be detected. With element 2xGst1/2xD (SEQ ID NO: 15) an average increase by a factor of 2,967 in comparison to control was achieved.

With the inventive promoters transgenic plant cells can be produced, which can be

regenerated to complete plants with improved defensive characteristics against pathogens. The inventive promoters are likewise contained in the seeds of such transgenic plants. The invention is not limited to particular types of plants.

The present invention is thus concerned with the process for production of a plant resistant against pathogens, in which a gene suitable for production of a pathogen resistance is introduced into a plant cell, which is under the control of a pathogen inducible synthetic promoter, and subsequently this plant cell is regenerated into a plant, characterized in that the pathogen inducible synthetic promoter is a pathogen inducible synthetic promoter as described above.

### Examples

Fig. 1 shows a sequence comparison between preferred minimal promoters (SEQ ID NOS: 1 through 7) for dicotyledonous plants with the conserved TATA-regions and the dbmwa-motives as well as the cleavage site PstI and XhoI employed for cloning in the plasmid pMS23luc+.

Fig. 2 shows a sequence comparison between the minimal promoters (SEQ ID NOS: 8 and 9), preferred for monocotyledonous plants, which are employed for the transient transformation of wheat leaves. In addition to the TATA-region the sequence motive twccm is shown as conserved region.

As illustrated in Fig. 3, minimal promoters StGst (SEQ ID NO: 6), NtGAA (SEQ ID NO: 5), StPSBR (SEQ ID NO: 7), NpCABE (SEQ ID NO: 2), NtRBS (SEQ ID NO: 3), NpATP2 (SEQ ID NO: 1) and Nt5EAS (SEQ ID NO: 4) exhibited a clearly reduced activity (<70%) in comparison to the 35S-minimal promoter.

Fig. 5 shows an overview of the average reporter gene activity of non-infected, transgenic potato plants with a synthetic promoter comprised of the 4xGst1 element (SEQ ID NO: 12) and the indicated minimal promoters, cloned ahead of the luciferase gene from

*Photinus pyralis* as reporter gene (RLU = relative light unit). Stable, transgenic lines with the minimal promoters, which carry the sequence motive dbmwaw showed under controlled conditions a clearly reduced expression of the reporter gene in comparison to the 35S-minimal promoter. The smallest average activity was achieved with use of the minimal promoter of the NpATP2 gene (SEQ ID NO: 1). In these plants only 9.7% of the average activity of the 35S-minimal promoter could be measured. With use of the minimal promoters StPSBR (SEQ ID NO: 7), NtTGAA (SEQ ID NO: 5) or StGst (SEQ ID NO: 6) 18 % of the activity of the 35S-minimal promoter was measured, with NtRBS-minimal promoter (SEQ ID NO: 3) 26 %, with NpCABE-minimal promoter (SEQ ID NO: 2) 39 % and with Nt5EAS-minimal promoter (SEQ ID NO: 4) 41 %.

For the person of ordinary skill the manufacture of suitable constructs for transformation of plants with the inventive promoters is no problem. Thus for example the binary vectors p4xGst1-luc-kan (Fig. 8) could be produced, which was used for the stable transformation of potato plants of the variety "Baltica". This vector is a derivative of the binary vector pGPTV (Becker et al., 1992). The binary vector p4xGst1 luc-kan carries the luciferase gene from *Photinus pyralis* under the control of the synthetic promoter 4xGst1:35S minimal promoter (Rushton et al., 2002). As the termination sequence the plasmid is given the terminator of the nopalinsynthase gene from *Agrobacterium tumefaciens*. The described expression cassette is localized on the T-DNA together with a functional expression cassette for the neomycinphosphotransferase gene (nptII) as selection marker. The neomycinphosphotransferase imparts to the transgenic plants resistance against kanamycin or paromycin. In order to exchange the 35S-minimal promoter with the above-described minimal promoters, the binary vector p4xGst1 luc-kan was digested with XhoI/SalI, whereby the 35S-minimal promoter was removed, the tetramer of the Gst1-element however remained intact. The SalI cleavage location was filled with the aid of the enzyme Klenow polymerase and dNTP's in order to achieve a blunt end. The minimal promoters, cloned in the plasmid pMS23luc+, were excised using PdiI/XhoI-digestion and ligated in the binary vector and subsequently transformed in *E. coli*. Binary vectors with the new sequence were transformed in the *Agrobacterium* type GV3101::pMP90 (Koncz and Schell, 1986) (An, 1987) and selected using the antibiotic kanamycin (50 mg/l). The transgenic *Agrobacterium* were employed for the transformation of potatoes of the type "Baltica" (Dietze et al., 1995).

Fig. 4 shows an overview of the individual inductions following *in vitro* infection of stable, transgenic potato plants with the synthetic promoter comprised of the 4xGst1 element (SEQ ID NO: 12) and the indicated minimal promoters. The infection occurred in *in vitro* plants with a zoospore suspension of *Phytophthora infestans*.

At various times following inoculation leaf samples of *in vitro* plants were removed, the sample weight was determined and 10 volumes 1x CCLR buffer (Promega, Mannheim) was added. The material was homogenized with the aid of a RIA/90 Hrnflga.ni<sup>7</sup>·c'r OKA Labortechnik, Staufen) in buffer on ice. By centrifugation at >10,000 x g for 10 minutes the homogenate was clarified and 10 µl of the supernatant was suspended with 50 µl of the substrate LAR (Promega, Mannheim) in a luminometer tube and the light emission was determined as value for the activity of the luciferase in the luminometer (Sirius, Berthold Detection System GmbH, Pforzheim). For control or comparison *in vitro* plants were employed, which were raised under the same conditions and, in place of zoospores, were subject to a sham treatment with water. The average value of the quotients, in 5 independent lines, of the luciferase activity of the infected to the sham treated variants, indicates the induction of the synthetic promoter by the infection. As can be seen in Fig. 7, with use of the 35S-minimal promoter, a maximal induction of the luciferase activity by a factor of only 10 could be achieved 72 hours after infection. All new minimal promoters in contrast showed a clearly improved induction. The strongest induction after infection with a factor 395 was achieved 72 hours post-infection with the StPSBR minimal promoter (SEQ ID NO: 7). In general, the induction by use of the new minimal promoters could be improved at time 72 hours post-induction by a factor of 3.5 with StGst minimal promoter (SEQ ID NO: 6) to a factor of 39.5 with StPSBR minimal promoter (SEQ ID NO: 7) in comparison to 35S-minimal promoter. Interestingly, clear differences in the kinetics of the induction following pathogen induction exist between the minimal promoters. While the most discernible induction is measurable with use of the 35S-minimal promoter 72 hours post induction, this also applies with use of the StPSBR, NtTGAA, StGst, NtRBS as well as NpATP2 minimal promoter. For NpCABE and Nt5EAS promoters in comparison a strong activation is already detectable at time interval 9 and the induction remains at approximately the achieved level over the remaining test

period.

The preferability of the new minimal promoters was shown following fusion with the cis-element combination 2xS/2xD. For this, potato plants were stably transformed with the binary vectors p2xS/2xDluc-kan, p2xS/2xDNpCABEluc-kan and p2xS/2xDNtTGAAIuc-kan. The binary vectors were produced in that the 4xGst1-element from the above-described binary vector with the new minimal promoter and the 4xGst1-element were eliminated via BcuI/Eco1471-digestion and the element 2xS/2xD (SEQ ID NO: 11) was introduced as BcuI/Eco32I-fragment. Binary vectors with the new sequence were transformed in the *Agrobacterium* type GV3101::pMP90 (Koncz and Schell, 1986) (An, 1987) and selected using the antibiotic kanamycin (50 mg/l). The transgenic *Agrobacterium* were employed for the transformation of potato of the type "Baltica" (Dietze et al., 1995). Transgenic sprouts were multiplied and inoculated under *in vitro* conditions with the zoospore suspension (50,000 spores/ml) of *Phytophthora infestans*. It could be shown, that also with use of the cis-regulatory element 2xS/2xD (SEQ ID NO: 11) a reduced background activity could be achieved with the inventive minimal promoters in comparison to 35S-minimal promoters (Fig. 5). At the same time a stronger induction of the synthetic promoters following inoculation of the transgenic potatoes with *P. infestans* could be observed (Fig. 6). The amplification of the induction was not so pronounced at the later time (3 days post infection = 3 dpi) as could be observed following use of the 4xGst1-element. Two days following infection however by the use of the new minimal promoter a clearly stronger induction following pathogen attack could be observed. Herewith the use of these minimal promoters has as a consequence an improvement of the kinetics of the synthetic promoter, so that the reaction to pathogen attack occurs earlier, in comparison to the synthetic promoter using the 35S-minimal promoter.

Fig. 7 shows a comparison of the normalized activity of pathogen inducible synthetic promoters comprised of an element 2xS/2xD (SEQ ID NO: 11) and the minimal promoters ubi1 (comparison promoter), TaPAL (SEQ ID NO: 9) and TaACS (SEQ ID NO:

8) following biolistic transformation in primary leaves of the wheat type "Taifun". As can be seen, the new minimal promoters TaPAL and TaACS in wheat have a reduced base activity in comparison to ubi1- minimal promoter. While a normalized activity of 0.17 was measured with the ubi1-minimal promoter, with use of the TaPAL-minimal promoter this could be reduced to 0.072, and with use of the TaACS-minimal promoter it could be reduced to 0.13.

Fig. 9 shows the plasmid pubiTATARucll, which contains the cDNA with the luciferase gene from *Renilla reniformis*, as it exists in the commercially available plasmid pRL-Null. The cDNA is under the control of the ubi1-minimal promoter. The ubi1-minimal promoter includes the sequence range from -45 through +76 relative to the transcription start point. For elevating the expression strength the first intron of the ubi1-gene is maintained in its natural context in the plasmid ahead of the reporter gene. The plasmid serves for cloning the cis-regulatory element 2xS/2xD (SEQ ID NO: 11), in order thereby to produce a pathogen inducible synthetic promoter. The ubi1-minimal promoter was exchanged for the new minimal promoter for improving the characteristics of the synthetic promoter.

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The embodiments of the invention in which an exclusive property or privilege is claimed are defined as follows:

1. A pathogen inducible synthetic promoter suitable for regulating transcription of a nucleic acid which is assembled from multiple elements, said promoter comprising a minimal promoter and at least one cis-regulatory element located upstream of the minimal promoter, wherein the minimal promoter comprises the sequence motif dbrmwa which is disposed downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.
2. A pathogen inducible synthetic promoter according to claim 1, wherein the pathogen inducible synthetic promoter comprising the sequence motif dbrmwa mediates an average reporter gene activity in a non-infected, transgenic potato plant that is reduced in comparison to a pathogen inducible synthetic promoter including a 35S-minimal promoter.
3. A pathogen inducible synthetic promoter according to claim 1 or 2, wherein the sequence motive occurs two or more times in the minimal promoter.
4. A pathogen inducible synthetic promoter according to any one of claims 1 to 3, wherein the minimal promoter comprises a nucleotide sequence as defined in any one of SEQ ID NOS: 1-7.
5. A pathogen inducible synthetic promoter according to any one of claims 1 to 4, which includes, in addition to the minimal promoter, at least one cis-regulating element with a nucleotide sequence according to one of SEQ ID NOS: 10-15.
6. A minimal promoter for the production of a pathogen inducible synthetic promoter suitable for regulating transcription of a nucleic acid, wherein the minimal promoter comprises the sequence motif dbrmwa which is disposed

downstream from a TATA region and in front of a transcription starting point which is located on the minimal promoter and at which transcription of the nucleic acid to be regulated starts.

7. A minimal promoter according to claim 6, wherein the sequence motif occurs two or more times in the minimal promoter.
8. A minimal promoter according to claim 6 or 7, in which the minimal promoter includes a nucleotide sequence as defined in any one of SEQ ID NOS: 1-7.
9. A recombinant gene with a pathogen inducible synthetic promoter as defined in any one of claims 1 to 5 or a minimal promoter as defined in any one of claims 6 to 8, or both.
10. A plant cell comprising a pathogen inducible synthetic promoter as defined in any one of claims 1 to 5 or a minimal promoter as defined in any one of claims 6 to 8, or both, which is integrated into the DNA of the plant cell.
11. A transgenic plant cell comprising a pathogen inducible synthetic promoter as defined in any one of claims 1 to 5 or a minimal promoter as defined in any one of claims 6 to 8, or both.
12. A process for producing a pathogen resistant plant, comprising introducing into a plant cell, a nucleic acid causing pathogen resistance, which is under the control of a pathogen inducible synthetic promoter, and subsequently regenerating a plant from the plant cell, wherein the pathogen inducible synthetic promoter is a pathogen inducible synthetic promoter as defined in any one of claims 1 to 5.
13. Use of a pathogen inducible synthetic promoter as defined in any one of claims 1 to 4 for regulating transcription of a nucleic acid in a plant.

14. Use of a minimal promoter as defined in any one of claims 6 to 8 for the production of a pathogen inducible synthetic promoter.



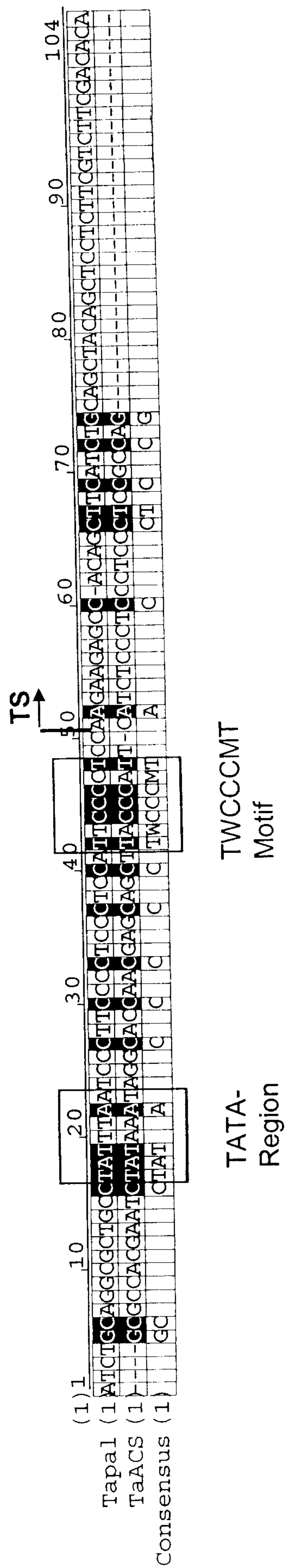


Fig. 2

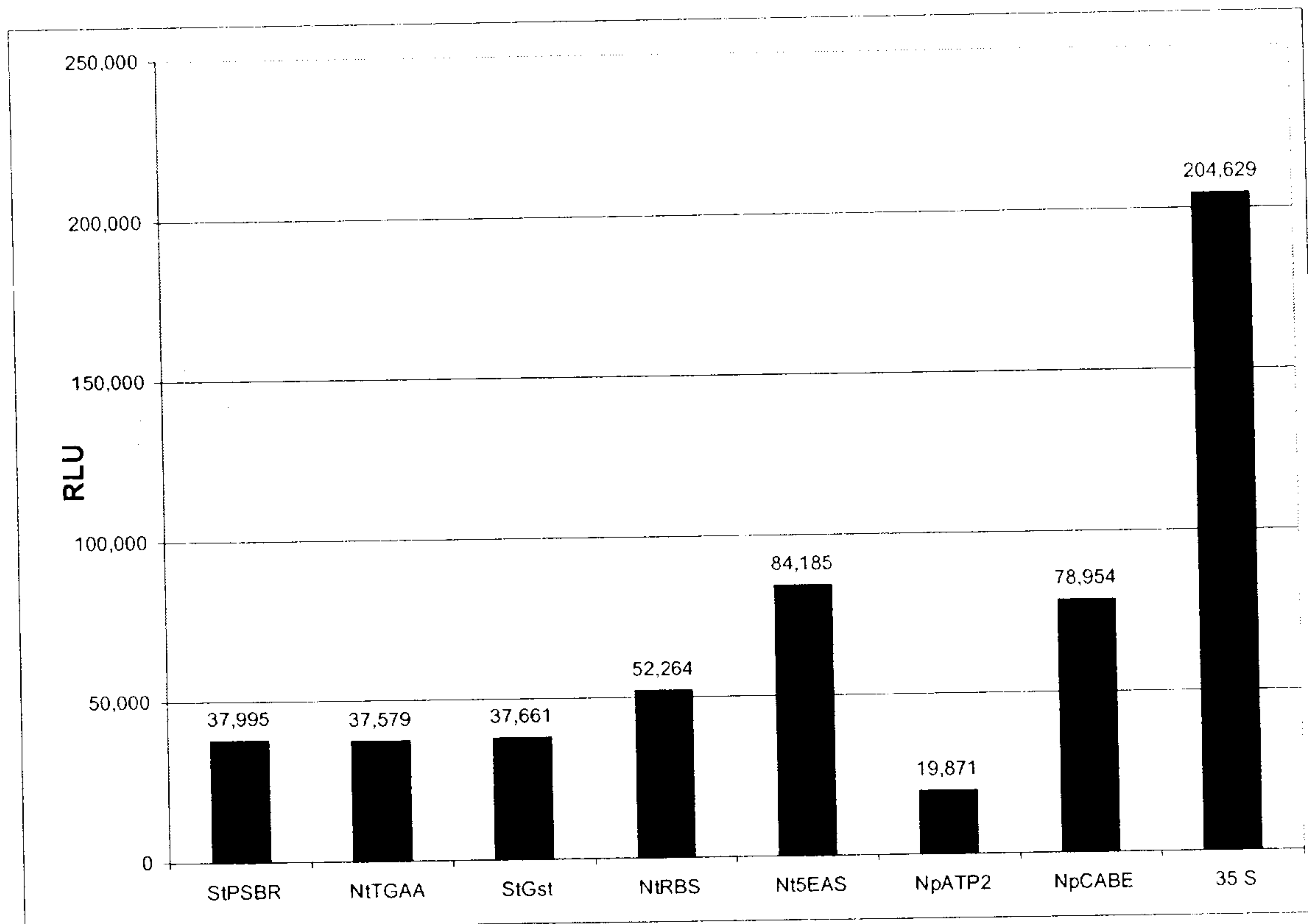


Fig. 3

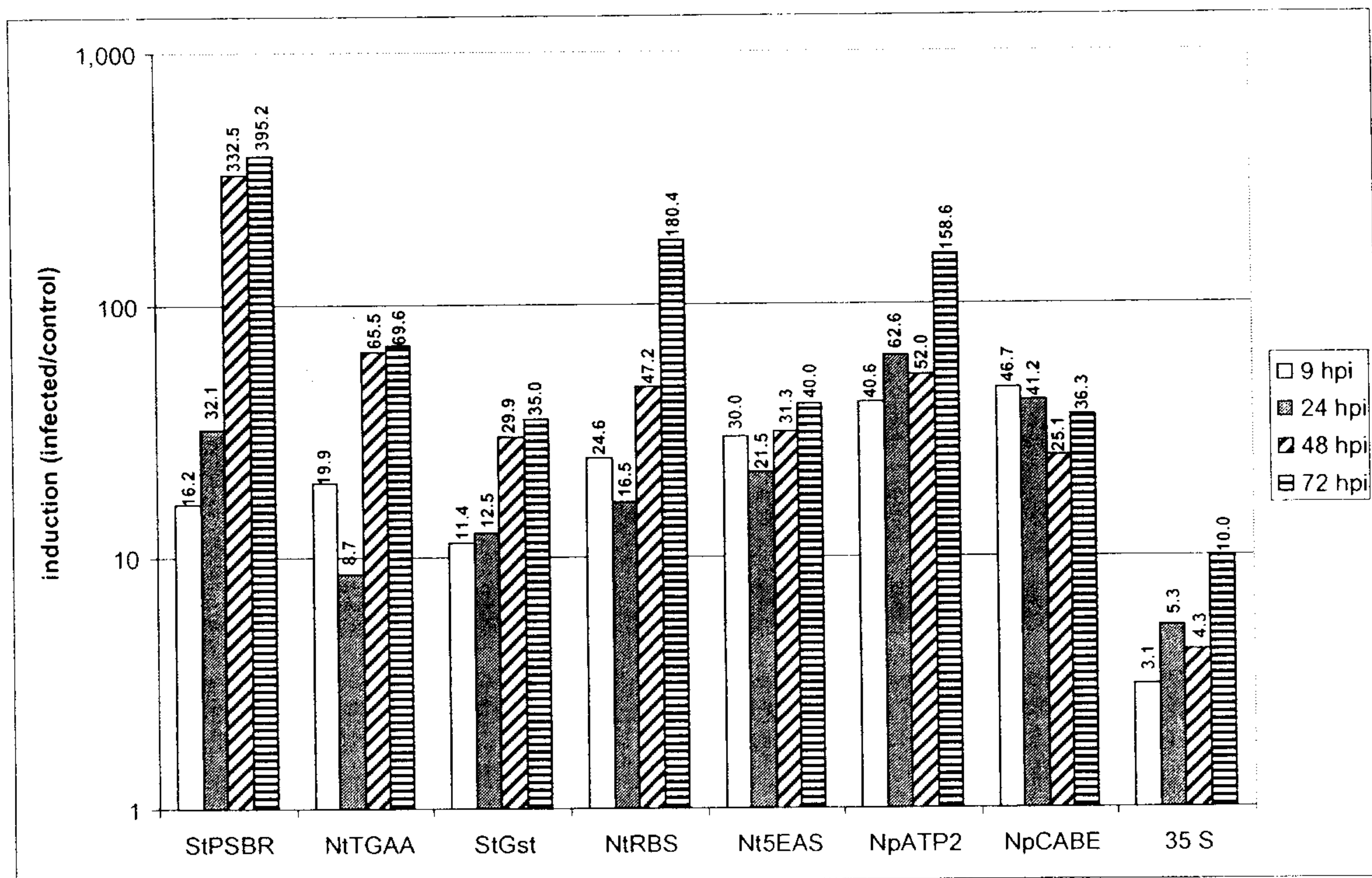


Fig. 4

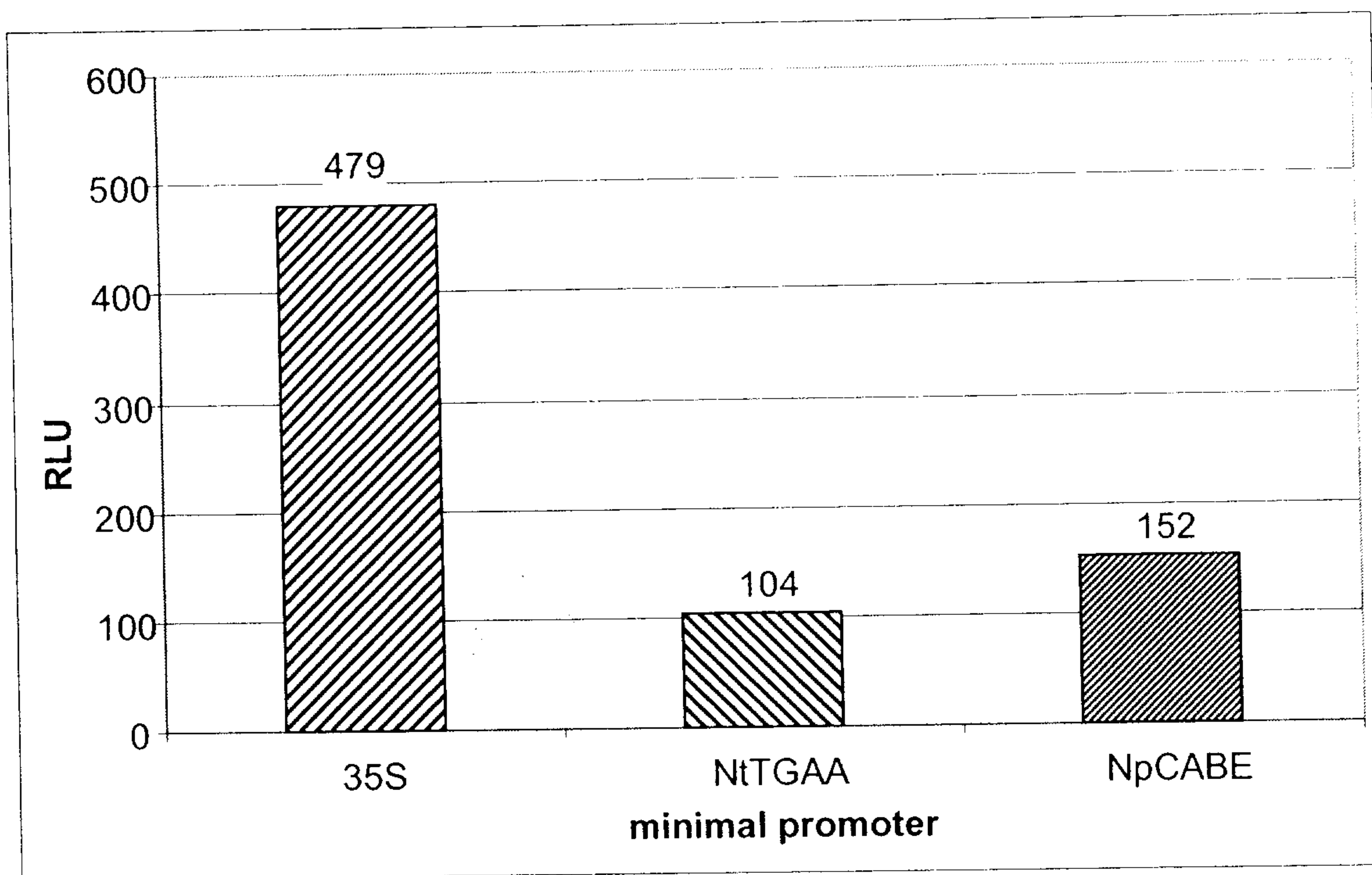


Fig. 5

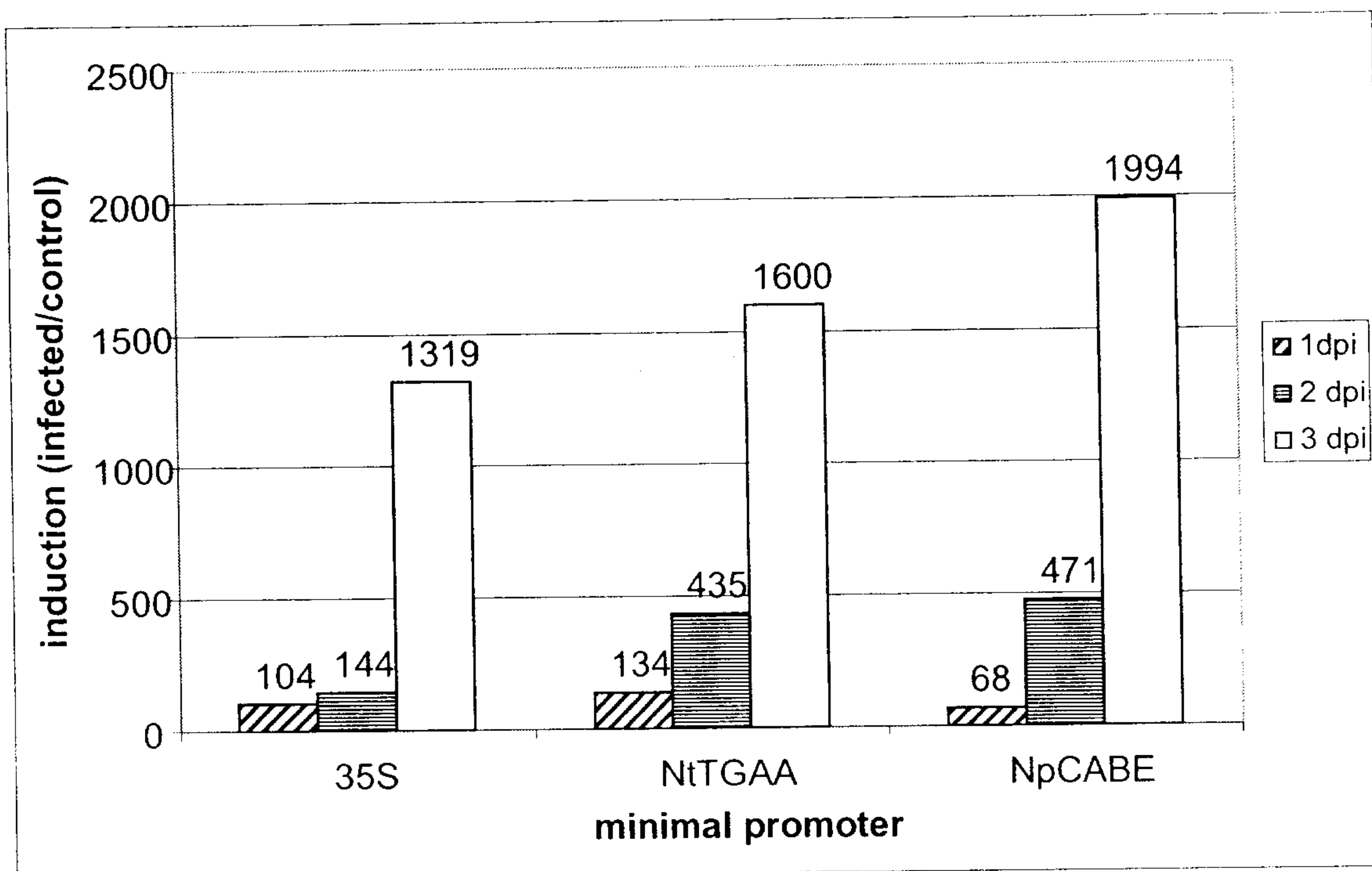


Fig. 6

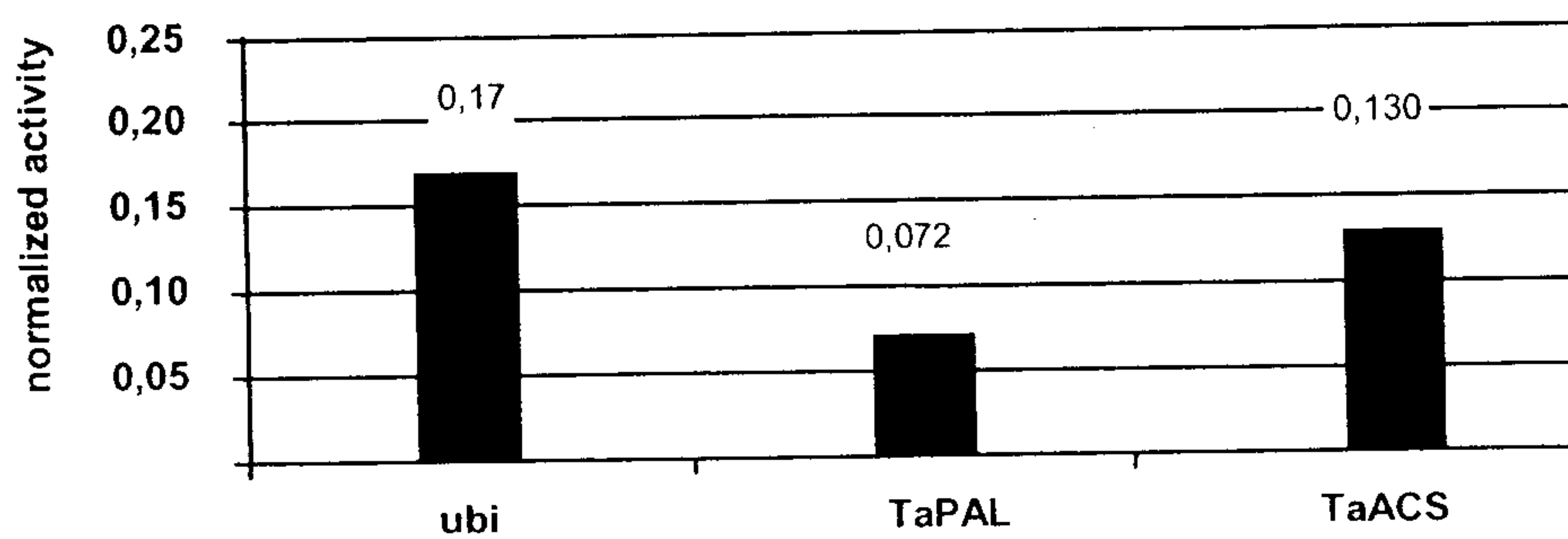


Fig. 7

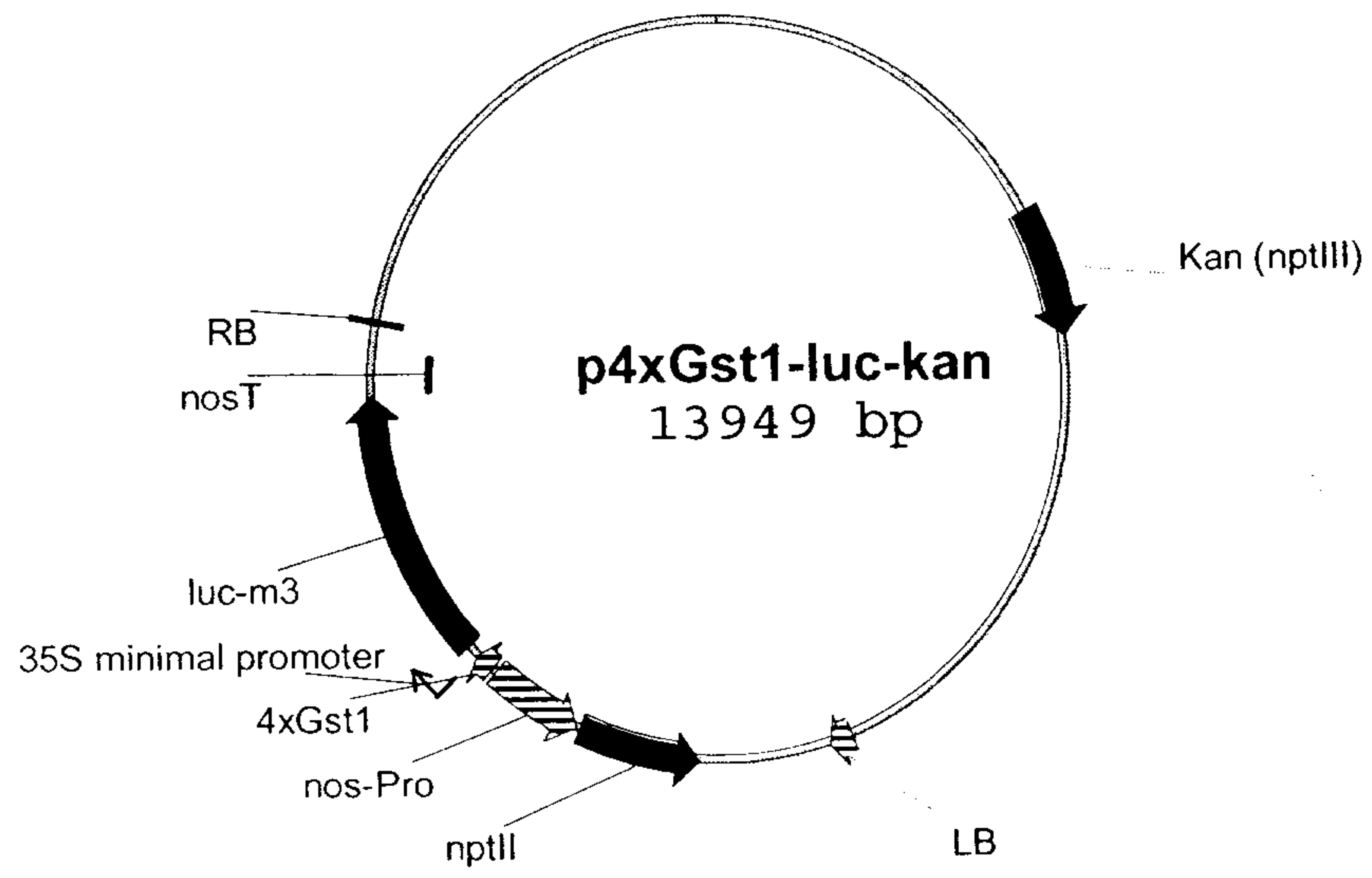


Fig. 8

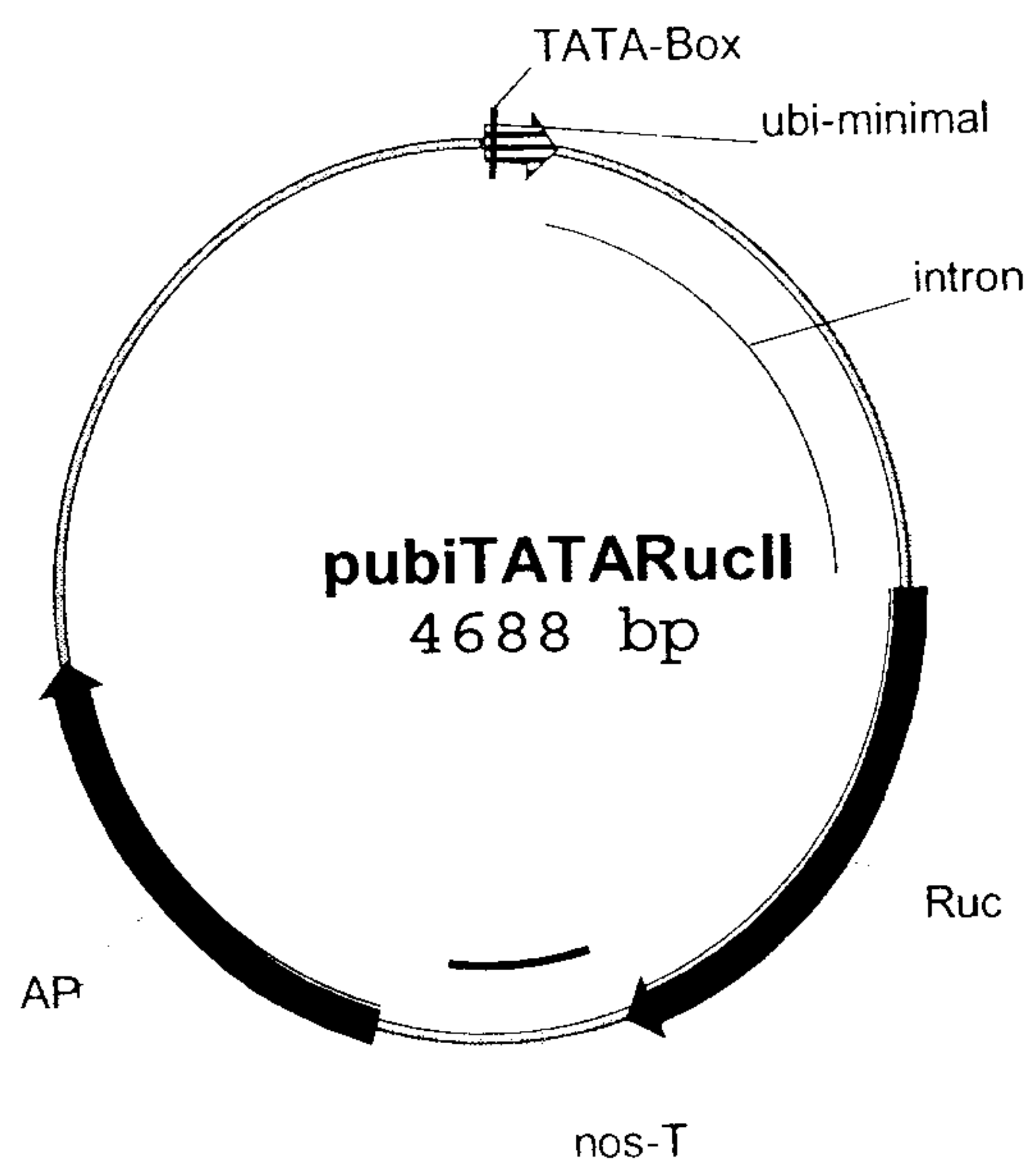


Fig. 9

TS

	1	10	20	30	40	50	60	70	80	90
(1)	1	10	20	30	40	50	60	70	80	90
NpATP2	(1) AACTGCAG	-----TG--GGCTOTTGATATAT	CAGCTCTTCACAAACCCTAGCAGTCTCTTTCTCTCCT	-----CTCGAGTT						
NpCABE	(1) AACTGCAG	-----TAAAGCCATTATATA	CACTTA-GTGCAAAGCCCATGAAACT-CAAGCCTCAA	-----CTCGAGTT						
Nt5EAS	(1) AACTGCAG	-----CAGTTTAATGTACATACATATA	GGTTGC-GGAAAAGTATATATA	-----TGCTCAAGA						
NtRBS	(1) AACTGCAG	-----CCTTATCATTATATATA	GGGTGGTGGGCAAC--TATGCAATG--ACCATATTGGA	-----CTCGAGTT						
NtTGAA	(1) AACTGCAG	AAAAATTAACATGTGGCGCTTGTCIAAA	-----TTCTTGACAATTAGTAGCTGA	-----CTTGTTTCTTA						
StGst	(1) --CTGCAG	-----AGTCAAATATAATTTTATATTAG	AATAATTGAATAG	-----TCAAAC						
STPSBR	(1) AACTGCAG	-----ACCATGCAAAGTGAAAATAAATAATT	-----CATACTAAGTAGTGAGAGCA	AAGAAGAAAAAAG						
Consensus	(1) AACTGCAG		CATT TATATA	T	TDBRMWA	TG AA		T A		CTCGAGTT

**PstI**

**TATA-Region**

**DBRMWA-Motif**

**XhoI**