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Subject: Monsanto Patents Asserted Against American Farmers Rejected By Patent Office

What happened with this?

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MONSANTO PATENTS ASSERTED AGAINST AMERICAN FARMERS REJECTED BY PATENT

OFFICE IN PUBPAT INITIATED REVIEW: PTO Finds All Claims of All Four Patents Invalid

NEW YORK - July 24, 2007 - The Public Patent Foundation (PUBPAT)

announced today that the United States Patent and Trademark Office has rejected four key Monsanto patents related to genetically modified crops that PUBPAT challenged last year because the agricultural giant is using them to harass, intimidate, sue - and in some cases literally bankrupt

- American farmers. In its Office Actions rejecting each of the patents, the USPTO held that evidence submitted by PUBPAT, in addition to other prior art located by the Patent Office's Examiners, showed that Monsanto was not entitled to any of the patents.

Monsanto has filed dozens of patent infringement lawsuits asserting the four challenged patents against American farmers, many of whom are unable to hire adequate representation to defend themselves in court. The crime these farmers are accused of is nothing more than saving seed from one year's crop to replant the following year, something farmers have done since the beginning of time.

One study of the matter (<http://www.centerforfoodsafety.org/Monsantovsusfarmersreport.cfm>) found that, "Monsanto has used heavy-handed investigations and ruthless prosecutions that have fundamentally changed the way many American farmers farm. The result has been nothing less than an assault on the foundations of farming practices and traditions that have endured for

centuries in this country and millennia around the world, including one of the oldest, the right to save and replant crop seed." The lawsuits filed by Monsanto against American farmers include *Monsanto Company v. Mitchell Scruggs, et al*, 459 F.3d 1328 (Fed. Cir. 2006), *Monsanto Company v. Kem Ralph individually, et al*, 382 F.3d 1374 (Fed. Cir. 2004) and *Monsanto Company v. Homan McFarling*, 363 F.3d 1336 (Fed. Cir. 2004).

Although Monsanto has the opportunity to respond to the Patent Office's rejections of the patents (U.S. Patents Nos. 5,164,316, 5,196,525, 5,322,938 and 5,352,605), third party requests for re-examination, like the ones filed by PUBPAT against the four Monsanto patents, are successful in having the reviewed patents either changed or completely revoked more than two-thirds of the time.

"We are extremely pleased that the Patent Office has agreed with us that Monsanto does not deserve these patents that it has used to unfairly bully American farmers," said Dan Ravicher, PUBPAT's Executive Director.

"Hopefully, this is the beginning of the end of the harm being caused to the public by Monsanto's aggressive assertion of these patents, which threatens family farms and a diverse American food supply."

More information, including copies of the Office Actions issued by the U.S. Patent & Trademark Office rejecting the four Monsanto patents, can be found at <http://www.pubpat.org/monsantovfarmers.htm>.

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Lid being raised on Monsanto scandals (9/8/2007)
<http://www.lobbywatch.org/archive2.asp?arcid=8189>