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**Premium Seed,  
Optimum Yields,  
No Exceptions**

December 22, 2009

Legal Policy Section  
Antitrust Division  
U.S. Department of Justice  
450 5th Street  
NW Suite 11700  
Washington, DC 20001

To Whom It May *Concern:*

Bio Gene is a seed company located in Sardinia, Ohio (located in SouthWest Ohio) Bio Gene is owned by Bud and Alan Layman; a father and son partnership, which truly makes Bio Gene an independently owned family seed business. Bio Gene was formed in 1997, as a result of the integration of the father and son partnership into the original seed business started *in* 1981 by Bud Layman. After the partnership created Bio Gene, the company consisted of two employees. As of December 2009, Bio Gene has expanded to twelve employees, with more employee expansion planned for 2010 and 2011.

We have seen many changes within the seed industry over the last 28 years. Throughout the 1980s and early 1990s, a large majority of the seed industry market share was controlled by one seed company, Pioneer. Not only did Pioneer control the retail market share, but they also had a closed door policy on their seed genetics. No other seed company could access their portfolio of seed genetics. The other two major companies, Dekalb and Syngenta, also had closed door policies on their seed genetics. During the 1980s and early 1990s, Bio Gene had limited sources of genetics for corn hybrids and soybean varieties. Additionally, some of the other genetic suppliers had volume requirements that not only Bio Gene, but many other smaller companies could not meet. Thereby, locking small companies out of a group of possible genetic suppliers. The 1980s and early 1990s did not allow smaller companies, such as ours, the opportunity to be competitive with the large seed companies of the day.

That has all changed over the last 12 years. Today, Bio Gene has the opportunity to access seed genetics from Monsanto (Asgrow, Dekalb, Midwest Oil Seeds, the former Holden Foundation Seeds and ASI seed companies), DuPont (Pioneer), Syngenta (Northrup King, Garst, and Golden Harvest) BASK Bayer CropScience, Dow AgroSciences, and the smaller foundation genetics suppliers that we have utilized in the past. As you can now see over the last 12 years the opportunities to become competitive through diversifying our seed genetic selection have increased several times over. Bio Gene now has competitive options that simply were not available to us in the 1980s and **early** 1990s.

To be honest, we would like to take all of the credit for our company's growth and competitiveness over the last 12 years; but part of the credit is due to Monsanto's



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innovation in biotech traits and seed genetics. Not only has Monsanto's remarkable innovations been a success for them, but it has also created a competitive spirit in the world of biotech traits and seed genetics. The major seed suppliers of the industry have finally followed Monsanto's lead by heavily investing in research and development of not only biotech traits, but also seed genetics. Bottom line is that the seed industry has never seen this much investment in research and development of future products.

This large investment will not only benefit the biotech and genetic suppliers, but also the individual seed companies, the American farmers as well as the American and global consumer of U.S. agricultural commodities. We realize that there are elements from within agriculture that claim that Monsanto has created an anti-competitive seed industry. We find this to be a false claim for many reasons, but first and foremost if it was a truly anti-competitive climate then our industry would not be experiencing this much investment toward future technologies and seed products.

As a smaller, independent seed company we have become more competitive with the larger seed companies within our industry. The innovations from Monsanto and the investment in research from all biotech and genetic suppliers have been one of the major reasons for our growth within the seed industry. Some of our counterparts and some farmers claim that the seed industry offers less choices; this is simply untrue. Bio Gene has the ability to offer genetics and traits from twice as many suppliers than we were able to in the 1980s and 1990s. We also offer non-biotech genetics as well as genetics and traits from non-Monsanto sources. Therefore, our customers do have choices on the types of crops that they plant and harvest.

In closing, we would like to state that any government ruling that penalizes one of the innovators of agricultural technology would be extremely detrimental to agriculture and all consumers of U.S. agricultural commodities. It is Bio Gene's belief that we should be encouraging agricultural innovations not stilling them. Only through innovations in agricultural and seed technology will the U.S. farmer be able to supply the world's growing demand for food, fuel and fiber.

Thank you for your consideration,

A handwritten signature in black ink that reads "Bud Layman". The signature is written in a cursive, flowing style.

Bud Layman, President

A handwritten signature in black ink that reads "Alan Layman". The signature is written in a cursive, flowing style.

Alan Layman, Vice-President

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